STATUTORY INSTRUMENTS

1982 No. 1223

ROAD TRAFFIC

The Motor Vehicles (Construction and Use) (Amendment) (No. 3) Regulations 1982

Made - - - -	*24th August* 1982
Laid before Parliament	*8th September* 1982
Coming into Operation	*30th September* 1982

The Secretary of State for Transport, in exercise of the powers conferred by section 40(1) and (3) of the Road Traffic Act 1972 (**a**) and now vested in him(**b**), and of all other enabling powers, and after consultation with representative organisations in accordance with the provisions of section 199(2) of that Act, hereby makes the following Regulations:—

1. These Regulations shall come into operation on 30th September 1982, and may be cited as the Motor Vehicles (Construction and Use) (Amendment) (No. 3) Regulations 1982.

2. The Motor Vehicles (Construction and Use) Regulations 1978(**c**) shall be further amended so as to have effect in accordance with the following provisions of these Regulations.

3. In Regulation 5 (Application and Exemptions — Type approval), in the Table, after item 6, insert the following new item:—

"6A	as amended by 79/795/ EEC	20th July 1979	O.J. L239 22.9.79 p.1.	The rear-view mirrors of motor vehicles	1st February 1980			23(3) and 24(3), (5)(c) and (7) and 24A".

4. In Regulation 5A (which gives certain exemptions relating to vehicles in respect of which a certificate of conformity or Minister's approval certificate has been issued), in the Table—

(a) in item No. 1, in column 2, for the words "Item No. 1" substitute the words "Items No. 1 or No. 1A."; and

(b) after item 5 insert the following new item:—

"5A	Item No. 5A	Exhaust emissions (compression ignition engines)	14th December 1981			37 ,,

(**a**) 1972 c.20.
(**b**) S.I. 1979/571, 1981/238.
(**c**) S.I. 1978/1017; the relevant amending instruments are S.I. 1978/1233, 1979/843, 1062, 1980/139, 880, 1981/697, 1189, 1580.

5. In Regulation 15 (Strength of side door hatches and hinges), for paragraph (3) substitute the following new paragraph:—

"(3) Every vehicle to which this Regulation applies shall be legibly and indelibly marked in a conspicuous and readily accessible position with the marking designated as an approval mark by Regulation 4 of the Motor Vehicles (Designation of Approval Marks) Regulations 1979 (**a**) and shown at either item 11, 11A or 11B in Schedule 2 to those Regulations.".

6. In Regulation 23 (Mirrors), in paragraph (2)—

(a) omit the word "or" after sub-paragraph *(e)*;

(b) in sub-paragraph *(f)* for the words "of that Regulation." substitute the words "of that Regulation; or"; and

(c) after sub-paragraph *(f)* add the following new paragraph:—

"*(g)* a vehicle to which Regulation 24A applies.".

7. In Regulation 24 (which deals with rear-view mirrors)—

(a) In paragraph (1), for the words "This Regulation applies to" substitute the words "This Regulation applies to such of the following vehicles as are not vehicles to which Regulation 24A applies".

(b) for paragraphs (3) and (4) substitute the following paragraphs—

"(3) Every vehicle to which this Regulation applies and which is not an excepted vehicle or a vehicle referred to in paragraph (2)*(a)*, *(b)*, *(c)* or *(d)* above shall be equipped—

(a) with at least one exterior rear-view mirror fitted on the off-side of the vehicle;

(b) save as provided in paragraph (4) below, with an interior rear-view mirror; and

(c) in a case where an interior rear-view mirror does not provide an adequate view of the road to the rear of the vehicle, with at least one exterior rear-view mirror fitted on the near-side of the vehicle.

(4) The requirement specified in paragraph (3)*(b)* above for an interior rear-view mirror shall not apply in any case where a vehicle is fitted with an exterior rear-view mirror on the off-side of the vehicle and on the near-side of the vehicle and an interior rear-view mirror would give the driver no view of the road to the rear of the vehicle".

(c) in paragraph (5), for sub-paragraph *(a)* substitute the following sub-paragraph:—

"*(a)* each rear-view mirror shall be legibly and indelibly marked in a conspicuous and readily accessible position with

(i) in the case of a rear-view mirror attached to a two-wheeled motor cycle with or without a side car attached, the marking designated as an approval mark by Regulation 5 of the Motor Vehicles (Designation of Approval Marks) Regulation 1979 (**b**) and shown at item 2, 2A or 29 in Schedule 4 to those Regulations; and

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(a) S.I. 1979/1088; the relevant amending instrument is S.I. 1981/1732.
(b) S.I. 1979/1088; the relevant amending instruments are S.I. 1980/582, 1981/1732.

(ii) in the case of a rear-view mirror attached to any motor vehicle other than a two-wheeled motor cycle with or without a side car attached, the marking so designated and shown at the said item 2 or 2A; "; and

(d) for paragraph (6) substitute the following paragraph:—

"(6) Paragraph (5)*(a)* above does not apply to a rear-view mirror fitted to a large passenger carrying vehicle if that mirror complies with the relevant requirements with respect to construction and testing set out in either Annex I to Council Directive 71/127/EEC(a) other than the requirements specified in paragraphs 2.3.4 and 2.6 of that Annex, or Annex I to Commission Directive 79/795/EEC(b) other than the requirements specified in paragraphs 2.3.3 and 2.6 of that Annex.".

8. After Regulation 24 insert the following new Regulation—

"**24A.**—(1) This Regulation applies to every vehicle which is—

(a) a motor vehicle referred to in Article 8 of the Council Directive being either—

(i) a large passenger carrying vehicle, or

(ii) a goods vehicle with a maximum gross weight exceeding 3500 kilograms; and

(b) manufactured on or after 1st October 1982 and first used on or after 1st April 1983.

(2) Save as provided in paragraph (3) below, every vehicle to which this Regulation applies shall be fitted with rear-view mirrors in accordance with the provisions specified in either—

(a) Regulation 24 as regards vehicles to which that Regulation applies, or

(b) paragraphs 3.1 to 3.4.6 of Annex I to the Council Directive.

(3) Every goods vehicle to which this Regulation applies and which is manufactured on or after 1st October 1984 and first used on or after 1st April 1985 shall be fitted with rear-view mirrors in accordance with the provisions of paragraphs 3.1 to 3.4.6 of Annex I to the Council Directive.

(4) In this Regulation—

"the Council Directive" means Council Directive 71/127/EEC of 1st March 1971 as amended by Commission Directive 79/795/EEC of 20th July 1979;

"maximum gross weight" means—

(a) in the case of a vehicle equipped with a Ministry plate in accordance with Regulation 148 or 149, the design gross weight shown in column (3) of that plate or, if no such weight is shown, the gross weight shown in column (2) of that plate;

(b) in the case of a vehicle not equipped with such a Ministry plate, but equipped with a plate in accordance with paragraph (2)*(a)*, *(b)* or *(c)* or paragraph (2A) of Regulation 42, the maximum gross weight ascertained by reference to the particulars mentioned in the said paragraph (2)*(a)*, *(b)* or *(c)* or (2A) as the case may be; and

(a) O.J. L68, 22.3.71, p.1. (S.E. 1971(I), p.136).
(b) O.J. L239, 22.9.79.

"rear-view mirror" means a mirror defined as a "rear-view mirror" in paragraph 1.1 of Annex I to the Council Directive and which is marked with a marking designated as an approval mark by Regulation 5 of the Motor Vehicles (Designation of Approval Marks) Regulations 1979 and shown at item 2 or 2A in Schedule 4 to those Regulations.".

9. In Regulation 26 (which relates to safety glass)—

(a) in paragraph (2) for the words "(3) to (7) and (9)" substitute the words "(3), (3A) to (7) and (9)"; and

(b) after paragraph (3) insert the following new paragraph:—

"(3A) The provisions of paragraph (2) apply to a vehicle (other than a security vehicle) being used for police purposes subject to the provision that the windscreens and all other windows may be constructed of safety glazing or safety glass.".

10. In Regulation 37 (Vehicles propelled by a compression ignition engine to meet certain requirements as to emission of smoke), for paragraph (4) substitute the following new paragraph:—

"(4) The requirements of paragraph (1) of this Regulation shall not apply to a motor vehicle to which there is affixed the marking designated as an approval mark by Regulation 4 of the Motor Vehicles (Designation of Approval Marks) Regulations 1979 (a) and shown at item 24 or 24A in Schedule 2 to those Regulations, such approval mark indicating that the vehicle has been approved in respect of the emission of pollutants by a compression ignition engine.".

Signed by authority of
the Secretary of State
24th August 1982.

Lynda Chalker,
Parliamentary Under
Secretary of State for Transport.

(a) S.I. 1979/1088; the relevant amending instrument is S.I. 1981/1619.

EXPLANATORY NOTE

(This Note is not part of the Regulations.)

1. Regulation 24 of the Motor Vehicles (Construction and Use) Regulations 1978 provides that certain vehicles shall be equipped with certain rear-view mirrors, and that rear-view mirrors with which certain vehicles are equipped shall comply with requirements which include marking with a mark of a type specified in Council Directive 71/127/EEC of 1st March 1971 and designated as an approval mark by Regulation 5 of the Motor Vehicles (Designation of Approval Marks) Regulations 1979. These Regulations (see Regulation 7(c)) amend that marking requirement so as to include as alternatives—

(a) in the case of a two-wheeled motor cycle (with or without a side car attached) to which the Regulation applies a mark of a type specified in Commission Directive 79/795/EEC of 20th July 1979 and designated as an approval mark by Regulation 5 of the said Regulations of 1979 and item 2A in Schedule 4 to those Regulations, which item was added by the Motor Vehicles (Designation of Approval Marks) (Amendment) Regulations 1980, or a mark of a type specified in Council Directive 80/780/EEC of 30th August 1980 and designated as an approval mark by the said Regulation 5 and item 29 in the said Schedule 4, which item was added by the Motor Vehicles (Designation of Approval Marks) (Amendment) (No. 2) Regulations 1981; and

(b) in the case of any other motor vehicle to which the Regulation applies, a mark designated as an approval mark by the said Regulation 5 and item 2A.

2. These Regulations (see Regulation 7*(b)*) also amend the said Regulation 24 so as to be consistent with the requirements as to rear-view mirrors specified in Commission Directive 79/795/EEC. Consequently the vehicles to which paragraph (3) of that Regulation applies shall be equipped with—

(a) at least one off-side rear-view mirror, and subject to exemptions provided for in paragraph (4) of that Regulation,

(b) an interior rear-view mirror and, in certain circumstances,

(c) at least one near-side rear-view mirror.

3. A new Regulation numbered 24A is inserted by virtue of which the vehicles described in paragraph (1) of that new Regulation shall be fitted with rear-view mirrors—

(a) if the vehicle is a goods vehicle to which the Regulation applies which is manufactured on or after 1st October 1984 and first used on or after 1st April 1985, with the provisions mentioned in paragraph (3) of that Regulation;

(b) in any other case with one or other of the requirements mentioned in paragraph (2) of that Regulation.

4. These Regulations (see Regulations 4*(a)* and 5) also take account, in relation to requirements for door latches and hinges, of an amendment dated 7th May 1981 to Regulation 11 annexed to the Agreement concerning the uniform conditions of approval and reciprocal recognition of approval for motor vehicle equipment and parts done at Geneva on 20th March 1958, as amended, to which the United Kingdom is a party.

5. Copies of the Council and Commission Directives and of the amendment to the Regulation 11 mentioned above can be obtained from Her Majesty's Stationery Office.

6. These Regulations further amend the Regulations of 1978 so that the exemptions from the requirements specified in paragraph (1) of Regulation 37 (Vehicles propelled by a compression ignition engine to meet certain requirements as to the emission of smoke) are extended to include vehicles marked with a marking designated as an approval mark under the Motor Vehicles (Designation of Approval Marks) Regulations 1979, as amended by the Motor Vehicles (Designation of Approval Marks) (Amendment) (No. 2) Regulations 1981, indicating compliance with the requirements of Regulation 24, as amended by the .02 series of amendments, attached to the Agreement concerning the adoption of uniform conditions of approval for Motor Vehicle Equipment and Parts and reciprocal recognition thereof concluded at Geneva on 20th March 1958, as amended, to which the United Kingdom is a party (Regulation 10). In consequence of the said amendment to the Motor Vehicles (Designation of Approval Marks) Regulations 1979 a new item numbered 5A has by virtue of the Motor Vehicles (Type Approval) (Great Britain) (Amendment) (No. 2) Regulations 1981 (S.I. 1981/1619) been added to the list of type approval requirements specified in Schedule 1 to the Motor Vehicles (Type Approval) (Great Britain) Regulations 1979 (S.I. 1979/1092). Therefore Regulation 5A of the said Regulations of 1978 is amended by these present Regulations to take account of that new item (Regulation 4(*b*)).

7. These Regulations further amend the Regulations of 1978 so as to relax the requirements for the fitting of specified safety glass or specified safety glass (1980) so that the windscreens and other windows of vehicles (other than security vehicles) being used for police purposes may be fitted instead with safety glazing or safety glass (Regulation 9).

8. And these Regulations also make minor consequential amendments (see Regulations 3 and 6).

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