STATUTORY INSTRUMENTS

1983 No. 932

ROAD TRAFFIC

The Motor Vehicles (Construction and Use) (Amendment) (No. 3) Regulations 1983

Made - - - -	30*th June* 1983
Laid before Parliament	11*th July* 1983
Coming into Operation	1*st November* 1983

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 1st November 1983, and may be cited as the Motor Vehicles (Construction and Use) (Amendment) (No. 3) Regulations 1983.

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 107(Condition and maintenance of tyres)—

(*a*) in paragraph (1)—

(i) in sub-paragraph (*c*) omit the words "has a break in its fabric, or" and for the words "body cords" substitute the words "ply or cord";

(ii) in sub-paragraph (*d*) for the words "lump or bulge" substitute the words "lump, bulge or tear";

(iii) in sub-paragraph (*e*) delete the word "structure"; and

(iv) for sub-paragraph (*f*) substitute the following sub-paragraphs:—

"(*f*) the base of any groove which showed in the original tread pattern of the tyre is not clearly visible;

(**a**) 1972 c. 20. (**b**) S.I. 1979/571 and 1981/238.
(**c**) S.I. 1978/1017; there is no relevant amending Instrument.

(*g*) either (i) the grooves of the tread pattern of the tyre do not have a depth of at least 1 millimetre throughout a continuous band measuring at least three-quarters of the breadth of the tread and round the entire outer circumference of the tyre;

or (ii) in a case where the original tread pattern of the tyre did not extend beyond three-quarters of the breadth of the tread the base of any groove which showed in the original tread pattern does not have a depth of at least 1 millimetre.".

(*b*) for paragraph (3) substitute the following paragraph:—

"(3)(*a*) Nothing in paragraph (1) above applies to—

(i) a land locomotive,

(ii) a land tractor,

(iii) a land implement,

(iv) a land implement conveyor,

(v) an agricultural trailer being drawn by a land tractor, or

(vi) a broken down vehicle or a vehicle proceeding to a place where it is to be broken up, being drawn, in either case, by a motor vehicle at a speed not exceeding 20 miles per hour;

(*b*) Nothing in paragraph (1)(*f*) and (*g*) above applies to—

(i) a motor cycle having three wheels the unladen weight of which does not exceed 102 kilogrammes and which is incapable of exceeding 12 miles per hour on the level under its own power, or

(ii) a pedestrian controlled works truck;

(*c*) Nothing in paragraph (1)(*g*) above applies to a motorcyle with an engine capacity which does not exceed 50 cubic centimetres.";

(*c*) for paragraph (4) substitute the following paragraph:—

"(4) No person shall use or cause or permit to be used on a road any motor vehicle or trailer a wheel of which is fitted with a recut pneumatic tyre if—

(*a*) its ply or cord has been cut or exposed by the recutting process, or

(*b*) it has been wholly or partially recut, in a pattern other than the manufacturer's recut tread pattern.".

(*d*) in paragraph (6)—

(i) before the words "For the purposes of this Regulation" insert "(*a*)";

(ii) before the definition of "tie bar" insert the following definitions:—

" "breadth of tread" means the breadth of that part of the tyre which can contact the road under normal conditions of use measured at 90 degrees to the peripheral line of the tread;" and

" "original tread pattern" means —

— in the case of a re-treaded tyre, the tread pattern of the tyre immediately after the tyre was re-treaded,

— in the case of a wholly recut tyre, the manufacturer's recut tread pattern,

— in the case of a partially recut tyre, on that part of the tyre which has been recut, the manufacturer's recut tread pattern, and on the other part, the tread pattern of the tyre when new, and

— in the case of any other tyre, the tread pattern of the tyre when the tyre was new."; and

(iii) after the definition of "tie bar" delete "and" and insert the following definition:—

" "tread pattern" means the combination of plain surfaces and grooves extending across the breadth of the tread and round the entire outer circumference of the tyre but excludes:—

(*a*) any tie bars or tread wear indicators,

(*b*) any features which are designed to wear out substantially before the rest of the pattern under normal conditions of use; and

(*c*) any other minor features; and"; and

(iv) after the definition of "tread wear indicator" substitute a semi-colon for the full stop and add the following sub-paragraph:—

"(*b*) The references in paragraph (1)(*g*)(i) above to grooves are references

— in so far as a tyre has been recut, to the grooves of the manufacturer's recut tread pattern; and

— in so far as a tyre has not been recut, to the grooves which showed when the tyre was new.".

4. In Regulation 108 (which relates to the condition and maintenance of tyres), in paragraph (3), after "engineering plant" add "or to a vehicle which is incapable by reason of its construction of exceeding a speed of 30 miles per hour on the level under its own power".

Tom King,
Secretary of State for Transport.

30th June 1983.

EXPLANATORY NOTE

(This Note is not part of the Regulations.)

1. These Regulations further amend the Motor Vehicles (Construction and Use) Regulations 1978 in relation to the condition and maintenance of tyres.

2. For the provision that the tread pattern of a tyre must have a depth of at least 1 millimetre throughout at least ¾ of the breadth of the tread and round the entire outer circumference of the tyre (or, in the case of a motorcycle with an engine capacity not exceeding 50 cc, a clearly visible tread pattern to that extent) there is substituted provisions that the base of any groove which showed in the original tread pattern of the tyre must be clearly visible; and

(i) the grooves of the tread pattern of the tyre must have a depth of at least 1 millimetre throughout a continuous band measuring at least ¾ of the breadth of the tread and round the entire outer circumference of the tyre; or

(ii) the base of any groove which showed in the original tread pattern of the tyre must have a depth of at least 1 millimetre.

Exceptions (as at present) are made (they are specified in the new Regulation 107(3)). The terms "breadth of tread", "original tread pattern" and "tread pattern" are defined and references to "grooves" are explained.

3. The requirement that a recut tyre shall not be used if its ply or cord has been cut or exposed by the re-cutting process is amplified by a requirement that a recut tyre shall not be used unless it has been recut with the tyre manufacturer's recut tread pattern.

4. The provision that no person shall use or cause or permit to be used on a road a motor vehicle having only two axles each of which is equipped with one or two single wheels if certain different types of tyre are fitted on the rear and front axles is excluded from a vehicle which is incapable by reason of its construction of exceeding a speed of 30 mph on the level under its own power.

5. Minor drafting amendments are made for the sake of clearness.

6. All the amendments mentioned in paragraphs 2, 3 and 5 above are provided for in Regulation 3. The amendment mentioned in paragraph 4 above is provided for in Regulation 4.

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