STATUTORY INSTRUMENTS

1985 No. 1363

ROAD TRAFFIC

The Motor Vehicles (Construction and Use) (Amendment) (No. 3) Regulations 1985

Made - - - - -	30*th August* 1985
Laid before Parliament	16*th September* 1985
Coming into Operation	8*th October* 1985

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 8th October 1985 and may be cited as the Motor Vehicles (Construction and Use) (Amendment) (No. 3) Regulations 1985.

2. The Motor Vehicles (Construction and Use) Regulations 1978**(c)** are hereby further amended in accordance with the following provisions of these Regulations.

3. In Regulation 3 (Interpretation), in paragraph (1)—

(*a*) in the definition of "overall length" delete the words "In ascertaining the extreme projecting points" to the end;

(*b*) in the definition of "overall width" delete the words "In ascertaining the extreme projecting points" to the end; and

(*c*) after paragraph (2A) insert the following paragraph:—

"(**2B**) For the purposes of the definitions of "overall length" and "overall width" in paragraph (1) above, in ascertaining the extreme projecting points of a vehicle account shall be taken of any part of the vehicle or of any receptacle which is of a permanent character and accordingly strong enough for repeated use, and any fitting, on, or attached to, the vehicle except:—

(*a*) sheeting or other readily flexible means of covering or securing a load;

(a) 1972 c. 20. **(b)** S.I. 1979/571 and 1981/238.

(c) S.I. 1978/1017; the relevant amending Instruments are S.I. 1982/1576, 1983/471 and 1984/195.

(*b*) an empty receptacle which itself forms a load;

(*c*) a receptacle which contains an indivisible load of exceptional length or width;

(*d*) a receptacle with—

(i) an external length, measured parallel to the longitudinal axis of the vehicle, or

(ii) an external width measured at right angles to the longitudinal axis of the vehicle

which does not exceed 2.5 metres;

(*e*) a fitting attached to a part of, or to a receptacle on, a vehicle which does not increase the carrying capacity of the part or receptacle but which enables it to be

—transferred from the road vehicle to a railway vehicle or from a railway vehicle to a road vehicle,

—secured to a railway vehicle by a locking device, and

—carried on a railway vehicle by the use of stanchions;

(*f*) a sideboard or a tailboard which is let down while the vehicle is stationary in order to facilitate its loading or unloading;

(*g*) a tailboard which is let down in order to facilitate the carriage of, but which is not essential for the support of, loads which are in themselves so long as to extend at least as far as the tailboard when in the upright position;

(*h*) a plate, whether rigid or movable, fitted to a trailer constructed for the purpose of carrying other vehicles and designed to bridge the gap between that trailer and a motor vehicle constructed for that purpose and to which the trailer is attached so that, while the trailer is attached to the motor vehicle, vehicles which are to be carried by the motor vehicle may be moved from the trailer to the motor vehicle before a journey begins, and vehicles which have been carried on the motor vehicle may be moved from it to the trailer after a journey ends;

(*i*) a receptacle manufactured before 30th October 1985, not being a maritime container (namely a container designed primarily for carriage on sea transport without an accompanying road vehicle); or

(*j*) any special appliance or apparatus as described in Regulation 139(*c*) (other than one of a kind mentioned in sub-paragraph (*e*) above) which does not itself increase the carrying capacity of the vehicle;

so, however, that the exclusion of anything mentioned in sub-paragraphs (*a*) to (*j*) above from the calculation of the overall length of or overall width of the vehicle shall not be taken to imply that it is not part of the vehicle or its load for the purposes of Regulations 139 and 140.".

Nicholas Ridley,
Secretary of State for Transport.

30th August 1985.

EXPLANATORY NOTE

(*This Note is not part of the Regulations.*)

These Regulations amend Regulation 3(1) of the Motor Vehicles (Construction and Use) Regulations 1978 by the deletion from the definitions of 'overall length' and 'overall width' of the provisions relating to the ascertainment of extreme projecting points.

Those provisions are reformulated in a new Regulation 3(2B) with the effect that in ascertaining the extreme projecting points of a vehicle account shall be taken of any part of the vehicle or of any fitting or receptacle on, or attached to, the vehicle whether or not in such a manner as to become part of the vehicle. The exceptions are amended to include a fitting attached to a part or receptacle for the purpose of permitting the part or receptacle to be carried on a railway vehicle, sheeting or other readily flexible means of covering or securing a load, and receptacles as specified in that paragraph.

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