STATUTORY INSTRUMENTS

1977 No. 809

ROAD TRAFFIC

The Motor Vehicles (Construction and Use) (Amendment) (No. 5) Regulations 1977

Made - - -	9*th May* 1977
Laid before Parliament	18*th May* 1977
Coming into Operation	8*th June* 1977

The Secretary of State for Transport, in exercise of his powers under section 40(1) and (3) of the Road Traffic Act 1972 (**a**) 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 June 1977, and may be cited as the Motor Vehicles (Construction and Use) (Amendment) (No. 5) Regulations 1977.

2. The Motor Vehicles (Construction and Use) Regulations 1973 (**b**), as amended (**c**), shall be further amended so as to have effect in accordance with the following provisions of these Regulations.

3. In Regulation 3 (Interpretation), in paragraph (1), after the definition of "safety glass" there shall be inserted the following new definition—

" "semi-trailer" means a trailer which is constructed or adapted to form part of an articulated vehicle;".

4. For Regulation 39 (which provides for certain vehicles to be equipped with plates), there shall be substituted the following Regulation—

"**39.**—(1) Paragraph (2) of this Regulation applies to:—

(*a*) every heavy motor car and motor car first used on or after 1st January 1968 not being—

(i) a passenger vehicle;

(ii) a dual purpose vehicle;

(iii) a land tractor;

(iv) a works truck; or

(v) a pedestrian controlled vehicle; and

(*b*) every locomotive and motor tractor first used on or after 1st April 1973 not being—

(i) a land locomotive;

(**a**) 1972 c.20. (**b**) S.I. 1973/24 (1973 I, p.93).
(**c**) There are no relevant amending instruments.

(ii) a land tractor;
(iii) an industrial tractor;
(iv) a works truck;
(v) engineering plant;
(vi) a pedestrian controlled vehicle; or
(vii) a vehicle manufactured before 1st October 1972; and

(*c*) every trailer manufactured on or after 1st January 1968 which exceeds 1020 kilograms in weight unladen and is other than—

(i) a trailer not constructed or adapted to carry any load, other than plant or special appliance or apparatus which is a permanent or essentially permanent fixture, and not exceeding 2290 kilograms in total weight;
(ii) a living van not exceeding 2040 kilograms in weight unladen and fitted with pneumatic tyres;
(iii) a works trailer;
(iv) a trailer mentioned in Regulation 70(3); or
(v) a trailer which was manufactured and used outside Great Britain before it was first used in Great Britain.

(2) Every motor vehicle and trailer to which this paragraph applies shall be equipped with either—

(*a*) a plate which is securely affixed to the vehicle in a conspicuous and readily accessible position, and which contains in the case of a heavy motor car, motor car, locomotive or motor tractor the particulars required by Part I of Schedule 2 and in the case of a trailer the particulars required by Part II of that Schedule, the said particulars being completed in accordance with Part III of that Schedule and the plate otherwise complying with the provisions contained in that Part, or

(*b*) a plate which is securely affixed to the vehicle in a conspicuous and readily accessible position, and which complies with the requirements specified in the Annex to Council Directive 76/114/EEC of 18th December 1975(**a**) (which relates to statutory plates and inscriptions for motor vehicles and their trailers), as read with the following paragraphs of this Regulation and which contains—

(i) in lieu of the requirements specified in paragraphs 2.1.4 and 2.1.6 of the said Annex the particulars specified in paragraph (3) of this Regulation,
(ii) in lieu of the requirements specified in paragraph 2.1.5 of the said Annex the particulars specified in paragraph (4) of this Regulation, and
(iii) in accordance with the provisions of the second part of paragraph 2.1.8 of the said Annex the particulars specified in paragraph (5 of this Regulation.

(3) The particulars referred to in paragraph (2)(*b*)(i) of this Regulation are a follows:—

(*a*) in the case of a motor vehicle—

(i) the maximum gross weight in Great Britain referred to in item 1 in Part I of Schedule 2, and
(ii) the maximum weight in Great Britain for each axle referred to i item 9 in Part I of Schedule 2;

(**a**) O.J. L24, 30.1.76, p.1.

(*b*) in the case of a trailer—

(i) the maximum gross weight in Great Britain referred to in item 8 in Part II of Schedule 2, and

(ii) the maximum weight in Great Britain for each axle referred to in item 7 in Part II of Schedule 2.

(4) The particulars referred to in paragraph (2) (*b*) (ii) of this Regulation are as follows:—

(*a*) in the case of a motor vehicle which is constructed to form part of an articulated vehicle—

(i) the maximum train weight referred to in item 8 in Part I of Schedule 2 if that weight is less than the maximum laden weight of the articulated vehicle, of which the motor vehicle is constructed to form part, referred to in Regulation 82 or Regulation 85, or the said maximum laden weight if that weight is less than the said maximum train weight, and

(ii) a statement that the said maximum train weight or the said maximum laden weight, as the case may be, may be reduced depending on the type of semi-trailer drawn;

(*b*) in the case of a motor vehicle which is not constructed to form part of an articulated vehicle—

(i) the maximum train weight referred to in item 8 in Part I of Schedule 2 if that weight is less than the maximum laden weight of the motor vehicle and trailer referred to in Regulation 81, or the said maximum laden weight if that weight is less than the said maximum train weight, and

(ii) a statement that the said maximum train weight or the said maximum laden weight, as the case may be, may be reduced depending on the type of trailer drawn.

(5) The particulars referred to in paragraph (2) (*b*) (iii) of this Regulation are as follows:—

(*a*) in the case of a motor vehicle of which the maximum gross weight referred to in item 7 in Part I of Schedule 2 is more than the maximum gross weight in Great Britain referred to in item 10 in Part I of Schedule 2, the said maximum gross weight in a column to the right of the said maximum gross weight in Great Britain;

(*b*) in the case of a trailer of which the maximum gross weight referred to in item 6 in Part II of Schedule 2 is more than the maximum gross weight in Great Britain referred to in item 8 in Part II of Schedule 2, the said maximum gross weight in a column to the right of the said maximum gross weight in Great Britain;

(*c*) in the case of a semi-trailer the maximum gross weight referred to in item 6 in Part II of Schedule 2, in the right-hand column of the plate;

(*d*) in the case of a motor vehicle which is constructed to form part of an articulated vehicle, where the maximum laden weight of the articulated vehicle referred to in Regulation 82 or Regulation 85 is less than the maximum train weight referred to in item 8 in Part I of Schedule 2, the said maximum train weight in a column to the right of the said maximum laden weight;

(*e*) in the case of a motor vehicle which is not constructed to form part of an articulated vehicle, where the maximum laden weight of the motor vehicle and trailer referred to in Regulation 81 is less than the maximum train weight referred to in item 8 in Part I of Schedule 2, the said maximum train weight in a column to the right of the said maximum laden weight;

(*f*) in the case of a motor vehicle of which the maximum axle weight for each axle referred to in item 6 in Part I of Schedule 2 is more than the maximum weight in Great Britain for each axle referred to in item 9 in Part I of Schedule 2, the said maximum axle weight for each axle in a column to the right of the said maximum weight in Great Britain for each axle;

(*g*) in the case of a trailer of which the maximum weight for each axle referred to in item 4 in Part II of Schedule 2 is more than the maximum weight in Great Britain for each axle referred to in item 7 in Part II of Schedule 2, the said maximum weight for each axle in a column to the right of the said maximum weight in Great Britain for each axle;

(*h*) in the case of a semi-trailer the maximum load imposed on the drawing vehicle referred to in item 5 in Part II of Schedule 2, in the right-hand column of the plate.

(6) Part III of Schedule 2 shall apply for determining the relevant weights to be shown on a plate in accordance with paragraphs (3), (4) and (5) of this Regulation.".

5. For Regulation 40 (certain vehicles to satisfy a minimum power to weight ratio) there shall be substituted the following Regulation:—

"**40.**—(1) Subject to the provisions of paragraph (2) of this Regulation—

(*a*) every heavy motor car and motor car first used on or after 1st April 1973 and not manufactured before 1st October 1972 and otherwise falling within Regulation 39(1)(*a*), and

(*b*) every locomotive and motor tractor falling within Regulation 39(1)(*b*),

which is propelled by a compression ignition engine and is equipped with a plate in accordance with the provisions of Regulation 39(2)(*a*) shall be so constructed that the number indicating the power of the engine at item 3 on that plate is such that it indicates that the engine produces at least 4.4 kilowatts for every 1,000 kilograms of the relevant weight.

(2) Nothing in paragraph (1) of this Regulation shall apply in the case of a vehicle propelled by a compression ignition engine known as the Perkins 6.354 engine, being a vehicle manufactured before 1st April 1973.

(3) Every motor vehicle—

(*a*) which is equipped with a plate in accordance with the provisions of Regulation 39(2)(*b*), and

(*b*) which is propelled by a compression ignition engine,

shall be so constructed that the power of the engine, in accordance with Part III of Schedule 2, produces at least 4.4 kilowatts for every 1,000 kilograms of the relevant weight.

(4) In this Regulation "relevant weight" means—

(*a*) in relation to a vehicle to which the requirements of paragraph (1) of this Regulation apply, the maximum train weight of the vehicle shown at item 8 on the plate referred to in that paragraph or, if no such weight is shown, the maximum gross weight of the vehicle shown at item 7 on the said plate, and

(*b*) in relation to a vehicle to which the requirements of paragraph (3) of this Regulation apply—

(i) in the case of a motor vehicle which is constructed to form part of an articulated vehicle, the maximum train weight specified

in Regulation 39(5)(*d*) or, if no such maximum train weight is required to be shown on the plate, the maximum laden weight specified in Regulation 39(4)(*a*)(i);

(ii) in the case of a motor vehicle which is constructed to draw a trailer but which is not constructed to form part of an articulated vehicle, the maximum train weight specified in Regulation 39(5)(*e*) or, if no such maximum train weight is required to be shown on the plate, the maximum laden weight specified in Regulation 39(4)(*b*)(i);

(iii) in the case of a motor vehicle which is not constructed to draw a trailer, the maximum gross weight specified in Regulation 39(5)(*a*) or, if no such maximum gross weight is required to be shown on the plate, the maximum gross weight in Great Britain specified in Regulation 39(3)(*a*)(i).".

6. In Regulation 79 (which deals with the laden weight of certain vehicles), in paragraph (3), in the definition of "a prior 1968 vehicle", for sub-paragraph (*b*) there shall be substituted the following sub-paragraph—

"(*b*) equipped with a plate complying with the requirements of Regulation 39, whether that Regulation applies to that vehicle or not; and".

7. In Regulation 80 (which deals with the laden weight of a trailer)—

(*a*) in paragraph (3), for sub-paragraph (*a*) there shall be substituted the following sub-paragraph—

"(*a*) a trailer equipped with a plate complying with the requirements of Regulation 39, whether that Regulation applies to that trailer or not; or"; and

(*b*) in paragraph (5)—

(i) in the definition of "a prior 1968 vehicle", for sub-paragraph (*b*) there shall be substituted the following sub-paragraph—

"(*b*) equipped with a plate complying with the requirements of Regulation 39, whether that Regulation applies to the vehicle or not; and", and

(ii) in the definition of "a post 1968 vehicle", for sub-paragraph (*a*) there shall be substituted the following sub-paragraph—

"(*a*) first used on or after 1st January 1968, or a motor tractor first used on or after 1st January 1968 which complies with the requirements of Regulation 39 and of paragraph (5) of Regulation 54, notwithstanding that Regulation 39 and paragraph (5) of Regulation 54 do not apply to the said motor tractor; and".

8. In Regulation 82 (which deals with the laden weight of an articulated vehicle), in paragraph (2), for sub-paragraph (*a*) there shall be substituted the following sub-paragraph—

"(*a*) a trailer equipped with a plate complying with the requirements of Regulation 39, whether that Regulation applies to the trailer or not, or a temporarily imported trailer; and".

9. In Regulation 83 (which deals with the laden weight of certain vehicles not being part of articulated vehicles), in paragraph (1), in part (i) of sub-paragraph (*a*) and in part (i) of sub-paragraph (c), for the words "Regulation 39(2)" there shall be substituted the words "Regulation 39".

10. In Regulation 85 (which deals with the laden weight of certain articulated vehicles), in paragraph (1), in part (i) of sub-paragraph (*b*), for the words "Regulation 39(2)" there shall be substituted the words "Regulation 39".

11. In Regulation 86 (which deals with total weights for certain closely spaced axles etc), in paragraph (6), in the definition of "plated weight", for the words "Regulation 39(2)" there shall be substituted the words "Regulation 39".

12. In Regulation 89 (which deals with additional weight restrictions),—

(*a*) in paragraph (2), for the words "Regulation 39(1)" there shall be substituted the words "Regulation 39";

(*b*) in paragraph (3), for the words "Regulation 39(1)(b)" there shall be substituted the words "Regulation 39"; and

(*c*) in paragraph (5), for the words "Regulation 39(1)" there shall be substituted the words "Regulation 39".

13. In Schedule 7 (which deals with permissible maximum weights etc)—

(*a*) in Part I, in the definition of "maximum axle weight", for the words "Regulation 39(2)" there shall be substituted the words "Regulation 39";

(*b*) in Part II, in the definition of "intermediate axle weight", for the words "Regulation 39(2)" there shall be substituted the words "Regulation 39"; and

(*c*) in Part VI, in the definition of "intermediate axle weight", for the words "Regulation 39(2)" there shall be substituted the words "Regulation 39".

14. In Schedule 9 (which deals with maximum sound levels), in item 4 in column 1, the words "paragraph (2) of" shall be omitted.

William Rodgers,
Secretary of State
for Transport.

9th May 1977.

EXPLANATORY NOTE

(This Note is not part of the Regulations.)

These Regulations further amend the Motor Vehicles (Construction and Use) Regulations 1973 so as:—

(1) to define the meaning of "semi-trailer" (Regulation 3);

(2) to provide that motor vehicles and trailers which are required to be equipped with a manufacturer's plate may be equipped with either a plate of the type now required by Regulation 39 or with a plate of the type specified in the Council Directive of the European Economic Community 76/114/EEC of 18th December 1975 on the approximation of the laws of member States relating to statutory plates and inscriptions for motor vehicles and their trailers, with modifications for which that Directive provides and with additional requirements which that Directive permits (Regulation 4); and

(3) to amend Regulations 40, 79, 80, 82, 83, 85, 86 and 89 of the 1973 Regulations and Schedules 7 and 9 to those Regulations so that those Regulations and Schedules relate to a manufacturer's plate complying with any of the requirements of the amended Regulation 39 (Regulations 5, 6, 7, 8, 9, 10, 11, 12, 13 and 14).

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