STATUTORY INSTRUMENTS

# 1978 No. 1317

# ROAD TRAFFIC

## The Motor Vehicles (Construction and Use) (Amendment) (No. 5) Regulations 1978

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| *Made* - - - - | *6th September* 1978 |
| *Laid before Parliament* | *8th September* 1978 |
| *Coming into Operation* | *1st October* 1978 |

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 1st October 1978. and may be cited as the Motor Vehicles (Construction and Use) (Amendment) (No. 5) Regulations 1978.

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

**3.** After Regulation 80 there shall be added the following new Regulation:—

"*Indications of overall travelling height*

**80A.**—(1) This Regulation applies to—

(*a*) every motor vehicle which is constructed or adapted so as to be capable of hoisting and carrying a skip;

(*b*) every motor vehicle which is—

(i) carrying a container, or

(ii) drawing a trailer or semi-trailer carrying a container; and

(*c*) every motor vehicle which is—

(i) engineering plant, or

(ii) carrying engineering equipment, or

(iii) drawing a trailer or semi-trailer carrying engineering equipment.

(2) On and after 6th March 1979, no person shall use or cause or permit to be used on a road a vehicle to which this Regulation applies if the overall travelling height exceeds 12 feet unless there is carried in the vehicle in the manner specified in paragraph (3) of this Regulation a notice clearly indicating, in feet and inches and in figures not less than 40 millimetres tall, the overall travelling height.

(**a**) 1972 c. 20. (**b**) S.I. 1978/1017. (**c**) There is no relevant amending Instrument.

(3) The notice referred to in paragraph (2) of this Regulation shall be attached to the vehicle in such manner that it can be read by the driver when in the driving position.

(4) In this Regulation:—

"container" means an article of equipment, not being a motor vehicle or trailer, having a volume of at least 8 cubic metres, constructed wholly or mostly of metal and intended for repeated use for the carriage of goods or burden;

"engineering equipment" means engineering plant and any other plant or equipment designed and constructed for the purposes of engineering operations;

"overall travelling height" means not less than and not above one inch more than—

(i) in the case of a motor vehicle which is not drawing a trailer or a semi-trailer, the distance between the ground and the point on the motor vehicle, or any load which is being carried by or any equipment which is fitted to the said vehicle, which is farthest from the ground, and

(ii) in the case of a motor vehicle which is drawing a trailer or a semi-trailer, the distance between the ground and the point on the motor vehicle or any trailer or semi-trailer which it is drawing, or any load which is being carried on or any equipment which is fitted to any part of the said combination of vehicles, which is farthest from the ground,

and for the purpose of determining the overall travelling height—

(*a*) the condition of the tyres of the motor vehicle and of any trailer or semi-trailer which it is drawing shall be such as to comply with the requirements specified in paragraph (1)(*b*) of Regulation 107,

(*b*) the surface under the motor vehicle and any trailer or semi-trailer which it is drawing and any load which is being carried on and any equipment which is fitted to any part of the said combination of vehicles and which projects beyond any part of the said combination of vehicles shall be reasonably flat, and

(*c*) any equipment which is fitted to the motor vehicle or any trailer or semi-trailer which it is drawing shall be stowed in the position in which it is to proceed on the road;

"skip" means an article of equipment designed and constructed to be carried on a road vehicle and to be placed on a road or other land for the storage of materials, or for the removal and disposal of rubble, waste, household or other rubbish or earth.".

*John Horam,*

Parliamentary Under-Secretary of State,
on behalf of the Secretary of State for Transport.

6th September 1978.

## EXPLANATORY NOTE

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

1. These Regulations further amend the Motor Vehicles (Construction and Use) Regulations 1978 by introducing a requirement that on and after 6th March 1979 in all motor vehicles in a certain class there shall be carried a notice indicating any overall travelling height which exceeds 12 feet. This height is to be indicated in imperial units because such units are generally used in traffic signs.

2. This amendment has necessitated the introduction of definitions of "container", "engineering equipment", "overall travelling height", and "skip".

3. Vehicles brought temporarily into Great Britain will not be exempt from the requirement.

4. The requirement is introduced with the intention of reducing the risk of certain vehicles, or their loads or equipment, hitting bridges over roads.

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