STATUTORY INSTRUMENTS

1981 No. 1580

ROAD TRAFFIC

The Motor Vehicles (Construction and Use) (Amendment) (No. 5) Regulations 1981

Made - - - -	*3rd November* 1981
Laid before Parliament	*16th November* 1981
Coming into Operation	*7th December* 1981

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 7th December 1981 and may be cited as the Motor Vehicles (Construction and Use) (Amendment) (No. 5) Regulations 1981.

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 3 (Interpretation), in paragraph (1), for the definition of "public service vehicle" insert the following definition—

" "public service vehicle" has the meaning assigned to that expression in section 1(1)(*a*) of the Public Passenger Vehicles Act 1981(**d**).".

4. In Regulation 5 (Application and Exemptions—Type Approval), in the Table, in item 5, in column (6), omit "(2)".

5. For Regulation 29 (Audible warning instrument) substitute the following Regulation:—

"**29.**—(1) Every motor vehicle, other than a works truck and a pedestrian controlled vehicle, shall be fitted with a horn, and in the case of a motor vehicle first used on or after 1st August 1973 the sound emitted by any horn shall be continuous and uniform and not strident.

(2) Except as provided in paragraphs (3), (4) and (5) below, no motor vehicle shall be fitted with a bell, gong, siren or two-tone horn.

(**a**) 1972 c. 20. (**b**) S.I. 1979/571 and 1981/238.
(**c**) S.I. 1978/1017; the relevant amending instruments are S.I. 1978/1235, 1979/138, 1980/880 and 1981/261.
(**d**) 1981 c. 14.

(3) The provisions of paragraph (2) above shall not apply so as to make it unlawful for the following vehicles to be fitted with a bell, gong, siren or two-tone horn:—

(*a*) motor vehicles used for fire brigade, ambulance or police purposes:

(*b*) motor vehicles owned by a body formed primarily for the purposes of fire salvage and used for those or similar purposes;

(*c*) motor vehicles owned by the Forestry Commission or by local authorities and used from time to time for the purposes of fighting fires;

(*d*) motor vehicles owned by the Secretary of State for Defence and used for the purposes of the disposal of bombs or explosives;

(*e*) motor vehicles used for the purposes of the Blood Transfusion Service provided under the National Health Service Act 1977**(a)** or under the National Health Service (Scotland) Act 1947**(b)**;

(*f*) motor vehicles used by Her Majesty's Coastguard or the Coastguard Auxiliary Service to aid persons in danger or vessels in distress on or near the coast;

(*g*) motor vehicles owned by the National Coal Board and used for the purposes of rescue operations at mines;

(*h*) motor vehicles owned by the Secretary of State for Defence and used by the Royal Air Force Mountain Rescue Service for the purposes of rescue operations in connection with crashed aircraft or any other emergencies; and

(*i*) motor vehicles owned by the Royal National Lifeboat Institution and used for the purposes of launching lifeboats.

(4) The provisions of paragraphs (1) and (2) above shall not apply so as to make it unlawful for a motor vehicle to be fitted with an instrument or apparatus (not being a two-tone horn) designed to emit a sound for the purpose of informing members of the public that goods are on the vehicle for sale.

(5) Subject to paragraph (6) below, the provisions of paragraph (2) above shall not apply so as to make it unlawful for a vehicle to be fitted with a bell, gong or siren—

(*a*) if the purpose thereof is to prevent theft or attempted theft of the vehicle or its contents; or

(*b*) in the case of a large passenger-carrying vehicle, if the purpose thereof is to summon help for the driver, the conductor or an inspector while the vehicle is being used as a public service vehicle.

(6) Every bell, gong or siren fitted to a vehicle, other than a large passenger-carrying vehicle being used as a public service vehicle, by virtue of paragraph (5) above shall be fitted with a device designed to stop the bell, gong or siren emitting a noise for a continuous period of more than 5 minutes, and every device fitted to a motor vehicle, other than a large passenger-carrying vehicle being used as a public service vehicle, first used on or after 1st October 1982 so as to cause a horn mentioned in paragraph (1) above to sound for the purpose of preventing theft or attempted theft of the vehicle or its contents shall be fitted with a device designed to stop the horn emitting a noise for a continuous period of more than 5 minutes.

(a) 1977 c. 49. **(b)** 1947 c. 27.

(7) In this Regulation—

(*a*) "horn" means an instrument, not being a bell, gong or siren, capable of giving audible and sufficient warning of the approach or position of the vehicle to which it is fitted; and

(*b*) references to a bell, gong or siren include references to any instrument or apparatus capable of emitting a sound similar to that emitted by a bell, gong or siren.".

6. In Regulation 39 (Closets, urinals, lavatory basins and sinks), in paragraph (*a*), for the words "such tank being efficiently ventilated by means of a pipe the outlet of which is outside the vehicle." substitute the words "and if such tank is ventilated by means of a pipe the outlet of that pipe shall be outside the vehicle.".

7. In Regulation 42 (certain vehicles to be equipped with plates, etc)—

(*a*) in paragraph (2), for the words "1st October 1981" substitute the words "1st October 1982"; and

(*b*) in paragraph (2A), for the words "1st October 1981" substitute the words "1st October 1982".

8. In Regulation 55 (which relates to brakes of motor tractors)—

(*a*) in paragraph (1), for the words "paragraph (1A) of this Regulation applies" substitute the words "paragraph (1A) of this Regulation applies, or an industrial tractor";

(*b*) in paragraph (1A), for the words "on or after 9th February 1980" substitute the words "on or after 9th February 1980, or an industrial tractor";

(*c*) in paragraph (5) for the words "Except in the case of a land tractor," substitute the words "Except in the case of a land tractor or an industrial tractor,"; and

(*d*) in paragraph (6) for the words "other than a land tractor" substitute the words "other than a land tractor or an industrial tractor".

9. In Regulation 59 (which relates to brakes of heavy motor cars), in paragraph (14), for the words "One at least of the means of operation" substitute the words "Except in the case of a works truck with an unladen weight not exceeding 7,370 kilograms, one at least of the means of operation".

10. In Regulation 64 (which relates to brakes of motor cars), in paragraph (14), for the words "One at least of the means of operation" substitute the words "Except in the case of a works truck one at least of the means of operation".

11. In Regulation 101 (Maintenance of brakes), in paragraph (1) omit sub-paragraph (*g*).

12. In Regulation 118 (Use of audible warning instruments), for paragraphs (3) to (6) substitute the following paragraphs:—

"(3) Nothing in paragraph (1) or (2) above shall prevent—

(*a*) the sounding of an instrument or apparatus fitted to, or otherwise carried on a vehicle at a time when the vehicle is being used for one of the relevant purposes specified in Regulation 29(3) and it is necessary

or desirable to do so either to indicate to other road users the urgency of the purposes for which the vehicle is being used, or to warn other road users of the presence of the vehicle on the road;

(*b*) the sounding of a horn (not being a two-tone horn), bell, gong or siren—

(i) to raise alarm as to the theft or attempted theft of the vehicle or its contents; or

(ii) in the case of a large passenger vehicle, to summon help for the driver, the conductor or an inspector while the vehicle is being used as a public service vehicle.

(4) Subject to the provisions of section 62 of the Control of Pollution Act 1974(**a**) and notwithstanding the provisions of paragraphs (1) and (2) above, a person may sound or cause or permit to be sounded an instrument or apparatus other than a two-tone horn fitted to or otherwise carried on a vehicle, being an instrument or apparatus designed to emit a sound for the purpose of informing members of the public that the vehicle is conveying goods for sale, if—

(*a*) when the apparatus or instrument is sounded, it is sounded only for that purpose; and

(*b*) the apparatus or instrument is sounded otherwise than between 1900 hours and 1200 hours on the following day.

(5) Every device mentioned in Regulation 29(6) shall at all times be maintained in good and efficient working order.

(6) Expressions which are used in this Regulation and in Regulation 29 have the same meaning in this Regulation as they have in Regulation 29 and the expression "restricted road" in paragraph (1) above means a road which is a restricted road for the purpose of section 71 of the Road Traffic Regulation Act 1967(**b**).".

13. In Regulation 136 (which contains restrictions as regards the drawing of trailers), for paragraph (1) substitute the following new paragraphs:—

"(1) Where a motor vehicle is drawing only one trailer the overall length shall not exceed 18 metres:

Provided that—

(*a*) this paragraph shall not apply where the trailer being drawn is either—

(i) a trailer constructed and normally used for the conveyance of indivisible loads of exceptional length, or

(ii) a broken down vehicle being drawn by a motor vehicle in consequence of the breakdown; and

(*b*) this paragraph has effect in relation to a combination of vehicles consisting of a motor vehicle which is a showman's vehicle and a trailer which is a living van as if for the reference to 18 metres there were substituted a reference to 22 metres.

(1A) In paragraph (1) above—

"living van" has the meaning given by paragraph 26 of Schedule 5 to the Road Traffic Regulation Act 1967(**c**); and

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(**a**) 1974 c. 40. (**b**) 1967 c. 76.

(**c**) 1967 c. 76, Schedule 5 of which Act has been amended by the Motor Vehicles (Variation of Speed Limits) Regulations 1973 (S.I. 1973/747) and the Motor Vehicles (Variation of Speed Limits) (No. 2) Regulations 1980 (S.I. 1981/202).

"showman's vehicle" has the meaning given by paragraph 7 of Schedule 3 to the Vehicles (Excise) Act 1971(**a**);".

3rd November 1981.

David Howell,
Secretary of State for Transport.

(**a**) 1971 c. 10.

EXPLANATORY NOTE

(This Note is not part of the Regulations.)

These Regulations further amend the Motor Vehicles (Construction and Use) Regulations 1978 as mentioned below:—

(1) The restrictions as to motor vehicles being fitted with a gong, bell or siren are relaxed so as not to make it unlawful for a vehicle to be fitted with such a device if its purpose is to prevent theft or, in the case of a large passenger-carrying vehicle being used as a public service vehicle, is to summon help; and provisions are included to restrict the use of such devices and devices fitted to motor vehicles, other than a large passenger-carrying vehicle being used as a public service vehicle, first used on or after 1st October 1982 to cause the vehicle's horn being used for such a purpose (Regulations 5 and 12).

(2) The requirements as to closets, urinals, lavatory basins and sinks are amended, to take account of modern chemical toilets which do not need ventilator pipes, so as to replace the requirement that every tank into which waste is emptied shall be ventilated by means of a pipe the outlet of which is outside the vehicle with a requirement that in cases where such a tank is fitted with a ventilator pipe it shall have an outlet which is outside the vehicle (Regulation 6).

(3) The requirements for certain vehicles to be equipped with plates, etc are amended so that the option of a plate which complies with the requirements specified in Regulation 42(2)(*b*) is available to vehicles first used before 1st October 1982 instead of vehicles first used before 1st October 1981 (Regulation 7).

(4) The amendments relating to brakes are amended so that:—

(*a*) as regards the braking systems of motor tractors, the relaxation contained in Regulation 55(1A) to the provisions of Regulation 55(1) is available to an industrial tractor as well as to a land tractor first used on or after 9th February 1980 and an industrial tractor is exempted from the requirements of Regulation 55(5) and (6); and

(*b*) a works truck which is a heavy motor car with an unladen weight not exceeding 7,370 kilograms, or which is a motor car, is exempted from the requirement that one at least of the means of operation of the braking system shall be capable of causing brakes to be applied directly, and not through the transmission gear, to not less than half the number of the wheels of the vehicle (Regulations 8, 9 and 10).

(5) The length which shall not be exceeded by a motor vehicle drawing only one trailer is increased from 18 metres to 22 metres in a case where the motor vehicle is a showman's vehicle and the trailer is a living van (and definitions of the expressions "showman's vehicle" and "living van" are added to the Regulations (Regulation 13).

(6) Certain drafting and consequential amendments are made.

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