STATUTORY INSTRUMENTS

1982 No. 1480

ROAD TRAFFIC

The Motor Vehicles (Construction and Use) (Amendment) (No. 6) Regulations 1982

Made - - - -	*18th October* 1982
Laid before Parliament	*28th October* 1982
Coming into Operation	*19th November* 1982

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 19th November 1982 and may be cited as the Motor Vehicles (Construction and Use) (Amendment) (No. 6) Regulations 1982.

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 works vehicle" substitute the following definition:—

> ""public works vehicle" means a mechanically propelled vehicle which is specially designed for use on a road by or on behalf of any statutory undertaking (as defined in section 262(13) of the Local Government Act 1972(**d**)), highway authority, local authority, the Post Office, British Telecommunications or any police force for the purpose of works which such undertaking, authority or other body has a duty or a power to carry out, but excluding the carriage of persons other than crew or of goods other than goods needed for the works in respect of which the vehicle is being used;".

4. In Regulation 5B (which provides exemptions from certain requirements in respect of vehicles which are marked with certain markings designated as

(**a**) 1972 c.20.
(**b**) S.I. 1979/571 and 1981/238.
(**c**) S.I. 1978/1017; the relevant amending instruments are S.I. 1978/1263, 1235, 1980/139, 880, 1981/261, 1189 and 1580.
(**d**) 1972 c.70.

approval marks), in paragraph (1), for the Table substitute the following new Table:—

TABLE

(1)	(2)	(3)
Item No.	1978 Regulations	Items in Schedule 2 to the 1979 Regulations(a)
1	13	13, 13A, 13B, 13C.
2	14	13, 13A, 13B, 13C.
3	14A	13, 13A, 13B, 13C.
4	51	13, 13B.
5	55	13, 13B.
6	59	13, 13A, 13B, 13C.
7	64	13, 13A, 13B, 13C.
8	67	13, 13B.
9	75	13, 13B.
10	101	13, 13A, 13B, 13C.

5. In Regulation 14A (Brakes), in paragraph (3), for sub-paragraph *(e)* substitute the following sub-paragraph:—

"*(e)* in items 1, 2, 3, 4, 5, 6, 7, 8, 9 and 10 with the proviso that requirements specified in paragraph 1.1.4.2 of Annex II to the Council Directive shall not apply in relation to a vehicle of a type of which either:—

(i) compliance at the date of its manufacture with the requirements specified in Annex 13 to Regulation 13 (incorporating the 03 series of amendments which entered into force on 4th January 1979 and the 04 series of amendments which entered into force on 11th August 1981) annexed to the Agreement concerning the adoption of uniform conditions of approval for Motor Vehicle Equipment and Parts and reciprocal recognition thereof concluded at Geneva on 20th March 1958(**b**) as amended (**c**) to which the United Kingdom is a party (**d**) is evidenced by a document issued by the Secretary of State pursuant to a test in respect of which the fee numbered 1360C, 1361Z or 1362W prescribed in Schedule 1 to the Motor Vehicles (Type Approval and Approval Marks) (Fees) Regulations 1980(**e**) has been paid, or

(ii) compliance at a later date with those requirements if any fitment has been approved as a result of a notifiable alteration, within the meaning in Regulation 41 of the Plating and Testing Regulations, having been made: and".

6. In Regulation 36 (which relates to exhaust emissions from vehicles propelled by a spark ignition engine), in paragraph (6), add the following item to the Table:—

(**a**) The relevant amending instrument to these Regulations is S.I. 1982/1479.
(**b**) Cmnd 2535.
(**c**) Cmnd 3562.
(**d**) By instrument of accession dated 14th January 1963 deposited with the Secretary General of the United Nations on 15th January 1963.
(**e**) S.I. 1980/223, as amended by S.I. 1981/1329 and 1535.

"5.	vehicles manufactured on or after 1st April 1982 and first used on or after 1st October 1982.	15C or 15D. ".

7. In Regulation 42 (certain vehicles to be equipped with plates etc), for paragraph (4) substitute the following paragraph:—

"(4) The particulars referred to in paragraph (2)*(b)*(ii) and (2)*(c)*(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 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 88 or Regulation 91, or the said maximum laden weight if that weight is less than the said maximum train weight;

(b) in the case of a motor vehicle which is not constructed to form part of an articulated vehicle 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 87, or the said maximum laden weight if that weight is less than the said maximum train weight.".

8. In Regulation 101 (which relates to the maintenance of brakes), delete paragraph (7).

9. In Regulation 101A (which also relates to the maintenance of brakes), in paragraph (2)—

(a) after the words "be maintained" insert the words "in good and efficient working order and be properly adjusted and"; and

(b) in sub-paragraph *(d)*, for the words "item 13 or 13A" substitute the words "item 13, 13A, 13B, or 13C".

10. In Regulation 153 (Additional provisions as to braking requirements), for paragraph (2) substitute the following paragraph:—

"(2) In relation to a vehicle to which this Regulation applies and which is of a type specified in an item in column 2 of the Table below, the requirements as to braking efficiencies imposed by the Regulation specified in that item in column 3 of that Table shall, as from the date on which a plating certificate is issued have effect as though there were attached to them a condition that they shall not be complied with unless the braking efficiencies in point are capable of being produced when the sum of the weights transmitted to the road by all the wheels of the vehicle is as specified in that item—

(a) in column 4(a) of that Table if the weight there specified is shown in the plating certificate for the vehicle,

(b) in column 4(b) of that Table if the weight mentioned in column 4(a) of the Table is not shown in that certificate.

TABLE

1.	2.	3.	4.	
			Sum of weights transmitted to the road by all the wheels of the vehicle	
Item No.	Type of Vehicle	Regulation imposing requirements as to braking efficiencies	(a) Where design weights are specified in plating certificate	(b) Where design weights are not specified in plating certificate
1.	Motor vehicle whether or not equipped to draw a trailer.	101A(3)*(a)* 101A(4) 101A(5)	The design gross weight of the vehicle as specified in column (3) of the plating certificate.	The gross weight not to be exceeded in Great Britain as specified in column (2) of the plating certificate.
2.	Motor vehicle equipped to draw a trailer.	101(3)*(b)* 101A(6)	The design gross and train weights of the motor vehicle as specified in column (3) of the plating certificate.	The gross and train weights not to be exceeded in Great Britain as specified in column (2) of the plating certificate.
3.	Trailer	101A(5)	The design gross weight of the vehicle as specified in column (3) of the plating certificate.	The gross weight not to be exceeded in Great Britain as specified in column (2) of the plating certificate.

11. In Schedule 2 (which relates to plates for certain vehicles), in Part III, for paragraph 1 substitute the following paragraph:—

"1. The power of an engine, which is only to be shown in the case of a compression ignition engine on the plate in respect of item 3 in Part I of this Schedule, shall be the amount in kilowatts equivalent to the installed power output shown in a type test certificate issued—

(a) by a person authorised by the Secretary of State for the type of engine to which the engine conforms; and

(b) either—

(i) in accordance with the provisions relating to the installed brake power output specified in the British Standard Specification for the Performance of Diesel Engines for Road Vehicles published on 19 May 1971 under the number BS AU 141a: 1971, or

(ii) in accordance with the provisions relating to the net power specified in Council Directive 80/1269/EEC of 16 December 1980 on the approximation of the laws of Member States relating to the engine power of motor vehicles(**a**) but after allowance has been made for the power absorbed by such equipment, at its minimum power setting, driven by the engine of the vehicle as is fitted for the operation of the vehicle (other than its propulsion) such power being measured at the speed corresponding to the engine speed at which maximum engine power is developed.".

12. In Schedule 4A (Requirements with respect to the construction, fitting and performance of the brakes of certain motor vehicles and trailers), in the Table—

(a) in item No. 1, in column 2, after the words "adapted to carry" insert the words "more than 2 passengers but";

(b) in item No. 4, in column 2, for the words "A goods vehicle" substitute the words "A dual purpose vehicle which is not of a class to which item 1, 2 or 3 above applies or a goods vehicle"; and

(c) in item No. 5, in column 2, for the words "of 3,500 kilograms" substitute the words "exceeding 3,500 kilograms".

13. The Motor Vehicles (Construction and Use) (Amendment) (No. 4) Regulations 1978(**b**) and Regulation 6 of the Motor Vehicles (Construction and Use) (Amendment) (No. 4) Regulations 1981(**c**) are hereby revoked.

18th October 1982.

David Howell,
Secretary of State for Transport

(**a**) O.J. L375, page 46.
(**b**) S.I. 1978/1263.
(**c**) S.I. 1981/1189.

EXPLANATORY NOTE

(This Note is not part of the Regulations.)

1. These Regulations amend the Motor Vehicles (Construction and Use) Regulations 1978 by—

(a) introducing a more apt definition of the expression "public works vehicle" (see Regulation 3);

(b) amending, in consequence of the .04 series of amendments to ECE Regulation 13 and the markings designated as approval marks in consequence of those amendments—

(i) exemptions from certain braking requirements, and

(ii) maintenance requirements relating to certain braking systems,

and clarifying the existing provisions as to the maintenance of brakes (see Regulations 4 and 9);

(c) amending certain provisions as to braking requirements so that—

(i) in the case of certain motor vehicles whether or not equipped to draw a trailer, in applying the requirements as to the maintenance of the service braking system, the secondary braking system and the parking braking system there is taken into account the design gross weight, if specified in the plating certificate or, if that weight is not so specified, the gross weight not to be exceeded in Great Britain specified in the plating certificate, and

(ii) in the case of certain motor vehicles equipped to draw a trailer, in applying the requirements as to the service braking system and the parking braking system there is taken into account the design train weight, if specified in the plating certificate or, if that weight is not so specified, the train weight not to be exceeded in Great Britain specified in the plating certificate;

(see Regulation 10);

(d) amending the requirements relating to certain braking systems so that certain dual purpose vehicles constructed or adapted to carry not more than 8 passengers are subject to the requirements specified in item No. 1 in Schedule 4A only if they are constructed or adapted to carry more than 2 passengers and certain other dual purpose vehicles are subject to the requirements specified in item No. 4 in Schedule 4A (see Regulation 10*(a)* and *(b)*) and correcting a minor mistake (see Regulation 12*(c)*).

(*e*) amending Regulation 42 by removing from the particulars specified in paragraph (4) a statement, as regards a motor vehicle which is constructed to form part of an articulated vehicle and as regards a motor vehicle which is not constructed to form part of an articulated vehicle, that certain weights shown on the manufacturer's plate may be reduced depending on the type of semi-trailer or trailer which is drawn (see Regulation 7); and

(f) amending the requirements with respect to the construction, fitting and performance of the brakes of the motor vehicles and trailers mentioned in items 1 to 10 in Schedule 4A so as to impose certain requirements as to the fitting of certain anti-lock devices (see Regulation 5).

2. These Regulations also amend the Motor Vehicles (Construction and Use) Regulations 1978 as follows:—

(1) vehicles to which Regulation 36 applies and which are manufactured on or after 1st April 1982 and first used on or after 1st October 1982 may be marked with the marking designated as an approval mark by Regulation 4 of the Motor Vehicles (Designation of Approval Marks) Regulations 1979 and shown at item 15D in Schedule 2 to those Regulations or at item 15C in that Schedule (this indicates compliance with ECE Regulation 15 dated 11 March 1970 as amended by the 04 series of amendments as well as amended by the 03 series of amendments). That ECE Regulation relates to motor vehicles equipped with a spark-ignition engine approved in respect of the emission of gaseous pollutants by the engine, and the marking at the said item 15D is designated as an approval mark by the Motor Vehicles (Designation of Approval Marks) (Amendment) Regulations 1982 (S.I. No. 1982/1479) (see Regulation 6); and

(2) the method available as a basis of issuing a type test certificate relating to the power to weight ratio of a compression ignition engine is extended to include, with certain modifications, that specified in Council Directive 80/1269/EEC (see Regulation 11).

3. These Regulations also revoke spent provisions (see Regulations 8 and 13).

4. Copies of the ECE Regulations 13 and 15 mentioned above (that is, the Regulations of those numbers annexed to he Agreement concerning the adoption of uniform conditions of approval and reciprocal recognitions thereof for Motor Vehicle Equipment and Parts concluded at Geneva on 20 March 1958 (see Cmnd 2535) as amended (see Cmnd 3562) to which the United Kingdom is a party) and of the Council Directive mentioned above may be obtained from Her Majesty's Stationary Offiice.

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