STATUTORY INSTRUMENTS

1984 No. 1543

ROAD TRAFFIC

The Motor Vehicles (Construction and Use) (Amendment) (No. 6) Regulations 1984

Made - - - -	*25th September* 1984
Laid before Parliament	*10th October* 1984
Coming into Operation	*1st November* 1984

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 1st November 1984 and may be cited as the Motor Vehicles (Construction and Use) (Amendment) (No. 6) Regulations 1984.

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

3. After Regulation 46D insert the following new Regulation:—

"*Containment and suppression of spray*

46E.— (1) The requirements specified in paragraph (2) below apply in respect of every goods vehicle, except a vehicle of a class specified in paragraph (5) below, which is—

(a) a motor vehicle, manufactured on or after 1st October 1985, and first used on or after 1st April 1986 having a maximum gross weight (determined as provided in Part I of Schedule 2 to these Regulations) exceeding 12 tonnes,

(b) a trailer, manufactured on or after 1st May 1985, having a maximum gross weight (determined as provided in Part II of Schedule 2 to these Regulations) exceeding 3·5 tonnes, or

(**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.

(c) a trailer, whenever manufactured, having a maximum gross weight (determined as provided in Part II of Schedule 2 to these Regulations) exceeding 16 tonnes and with 2 or more axles.

(2) The requirements referred to in paragraph (1) above are that—

(a) in the case of a trailer manufactured before 1st January 1975, on and after 1st October 1987,

(b) in the case of a trailer manufactured on or after 1st January 1975 but before 1st May 1985, on and after 1st October 1986,

(c) in the case of a trailer manufactured on or after 1st May 1985, on or after that date, and

(d) in the case of every other vehicle to which this Regulation applies, on and after 1st April 1986,

the vehicle shall be fitted, in relation to the wheels on each of its axles, with such containment devices as satisfy the technical requirements and other provisions about containment devices specified in the British Standards Specification:

Provided that—

in the case of a containment device fitted before 1st January 1985, the said requirements shall be deemed to be complied with if that containment device substantially conforms to those requirements.

(3) In this Regulation "the British Standards Specification" means the British Standard Specification for Spray Reducing Devices for Heavy Goods Vehicles published under the reference BS AU 200: Part 1: 1984 and BS AU 200: Part 2: 1984 and references to a "containment device", a "suppression device" and an "air/water separator" are references to the devices respectively so described in the British Standards Specification.

(4) Nothing in this Regulation derogates from any requirement specified in Regulation 61, 66 or 79.

(5) The classes of vehicle exempted from the requirements specified in paragraph (2) above are—

(a) a motor vehicle so constructed that the driving power of its engine is, or can by use of its controls be, transmitted to all the wheels on at least one front axle and on at least one rear axle;

(b) a motor vehicle where the shortest distance between the ground and the lowest part of that portion of the vehicle which lies within the area formed by the overall length of the vehicle and the middle 80 per cent of the shortest distance between the inner edges of any two wheels on opposite sides of the vehicle (excluding any bulging of the tyres near the ground) ascertained when the vehicle is—

(i) fitted with suitable tyres inflated to a pressure recommended by the manufacturer, and

(ii) standing on reasonably flat ground,

is not less than 400 millimetres;

(c) a works truck;

(d) a works trailer;

(e) a broken-down vehicle;

(f) a motor vehicle which is incapable by reason of its construction of exceeding a speed of 30 miles per hour on the level under its own power;

(g) a vehicle of a kind specified in sub-paragraph *(b), (c), (d), (f), (g), (h), (j), (k), (o)* or *(p)* of Regulation 46D(2);

(h) a vehicle specially designed, and not merely adapted, for the carriage and mixing of liquid concrete;

(i) a vehicle which is being driven or towed to a place where by previous arrangement a device is to be fitted so that it complies with the requirements specified in paragraphs (1), (2) and (3) above;

(j) a land locomotive, a land implement conveyor and a land tractor.".

4. After Regulation 105B insert the following new Regulation:—

"*Maintenance of devices for containment and suppression of spray*

105C. Every part of every containment device with which a vehicle is required to be fitted by the provisions of Regulation 46E shall at all times when the vehicle is on a road be maintained free from any obvious defect which would be likely to affect adversely the effectiveness of the device.".

Nicholas Ridley,
Secretary of State
for Transport.

25th September 1984.

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 new Regulations as follows:—

(1) Regulation 46E, which requires every goods vehicle, other than one of a kind specified in paragraph (5) of that Regulation, being—

(i) a motor vehicle, manufactured on or after 1st October 1985 and first used on or after 1st April 1986 having a maximum gross weight exceeding 12 tonnes,

(ii) a trailer, manufactured on or after 1st May 1985, having a maximum gross weight exceeding 3·5 tonnes, or

(iii) a trailer, whenever manufactured, having a maximum gross weight exceeding 16 tonnes with 2 or more axles

to be equipped on and after the dates specified in paragraph (2) of that Regulation, in relation to the wheels on each of its axles, with such devices as are required to satisfy provisions of the British Standards Specification mentioned in paragraph (3) of that Regulation

Provided that in the case of devices fitted before 1st January 1985 the requirements shall be deemed to be complied with if the devices substantially conform to those requirements.

(see Regulation 3), and

(2) Regulation 105C which requires those devices to be maintained (see Regulation 4).

2. Copies of the specification referred to in Regulation 46E may be obtained from any of the sales outlets operated by the British Standards Institution, or by post from the British Standards Institution at Linford Wood, Milton Keynes, MK14 6LE (Telephone Number: Milton Keynes (STD 0908) 320066).

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