EXPLANATORY NOTE

(This Note is not part of the Order, but is intended to indicate its general purport.)

This Order further amends the Motor Vehicles (Authorisation of Special Types) General Order, 1955, by providing that—

(*a*) where vehicles used for the carriage of abnormal indivisible loads under the authority of that Order are so used on a special road, the overall width of the vehicle or of the vehicle and its load shall not exceed 14 feet, and

(*b*) where vehicles used for or in connection with the carriage of abnormal indivisible loads under the authority of that Order are so used on a special road, the speed limits imposed on such vehicles when so used on other roads shall not apply.

1959 No. 1936

The Motor Vehicles (Construction and Use) (Amendment) Regulations, 1959

Made - - - -	*16th November*, 1959
Laid before Parliament	*23rd November*, 1959
Coming into Operation	*7th December*, 1959

The Minister of Transport in exercise of his powers under sections 3, 30 and 111 of the Road Traffic Act, 1930(**a**), and of all other powers him enabling in that behalf, and after consultation with representative organisations in accordance with the provisions of subsection (2) of section 111 of the said Act of 1930, hereby makes the following Regulations :—

1.—(1) These Regulations shall come into operation on the seventh day of December, 1959, and may be cited as the Motor Vehicles (Construction and Use) (Amendment) Regulations, 1959.

(2) The Interpretation Act, 1889(**b**), shall apply to the interpretation of these Regulations as it applies to the interpretation of an Act of Parliament.

2. The Motor Vehicles (Construction and Use) Regulations, 1955(**c**), as amended(**d**), shall have effect as though—

(1) in Regulation 3, in paragraph (1)—

(*a*) after the definition of " half-decked vehicle ", there were inserted the following definition:—

" ' hours of darkness ' means the time between half-an-hour after sunset and half-an-hour before sunrise ; " ;

(*b*) after the definition of " land implement " there were inserted the following definition :—

" ' land implement conveyor ' means a trailer, having an unladen weight not exceeding ten hundredweight, which is specially designed and constructed for the conveyance of not more than one

(**a**) 20 & 21 Geo. 5. c. 43. (**b**) 52 & 53 Vict. c. 63. (**c**) S.I. 1955/482 (1955 II, p. 2242).
(**d**) S.I. 1956/540, 1957/359, 971 (1956 II, p. 2004; 1957 II, pp. 1976, 1985).

land implement and which is marked with its unladen weight, fitted with pneumatic tyres and drawn by a land locomotive or a land tractor; ";

(*c*) at the end of the definition of "land locomotive" there were inserted the words " or land implement conveyors ";

(*d*) for the definition of "land tractor" there were substituted the following definition:—

"'land tractor' means a tractor, having an unladen weight not exceeding seven tons and a quarter designed and used primarily for work on the land in connection with agriculture, grass cutting, forestry, land levelling, dredging or similar operations, which is—

(*a*) the property of a person engaged in agriculture or forestry or of a contractor engaged in the business of carrying out on farms or forestry estates any such operations as aforesaid;

(*b*) not constructed or adapted for the conveyance of a load other than—

(i) water, fuel, accumulators and other equipment used for the purpose of propulsion, loose tools and loose equipment;

(ii) a load (consisting of goods or burden of a description referred to in subsection (2) of section 13 of the Finance Act, 1959(**a**)) in or on any appliance which satisfies the conditions whereby the vehicle to which the said appliance is fitted does not, by virtue of the said section 13 and of any regulations made from time to time thereunder, become chargeable with duty as a goods vehicle; and

(iii) an implement fitted to the tractor and used for work on the land on farms or forestry estates in connection with any such operations as aforesaid; ";

(2) in Regulation 3, in paragraph (4), after the word "Regulations" there were inserted the words "other than sub-paragraph (*c*) of paragraph (3) of Regulation 4A";

(3) at the end of Regulation 4, there were added the following paragraph:—

"(8) Part II of these Regulations and Regulations 59 to 81 inclusive and Regulation 103 of these Regulations shall not apply to a motor vehicle which has been submitted for an examination under section 1 of the Road Traffic Act, 1956(**b**), while it is being used on a road in connection with the carrying out of that examination and is being so used by a person who is empowered under the said section 1 to carry out that examination, or by a person acting under the direction of a person so empowered.";

(4) after Regulation 4, there were added the following Regulation:—

"4A.—(1) In relation to a land tractor which complies with the conditions specified in paragraph (3) of this Regulation—

(*a*) Regulations 9, 12, 19 and 37 to 46 inclusive of these Regulations shall not apply;

(*b*) Regulation 16 shall apply as it applies in relation to a works truck;

(**a**) 7 & 8 Eliz. 2. c. 58. (**b**) 4 & 5 Eliz. 2. c. 67.

(*c*) Regulation 59 shall not apply if its unladen weight does not exceed three tons.

(2) Regulations 33 to 36 inclusive shall apply in relation to a land tractor which is a heavy motor car or motor car as they apply in relation to a land tractor which is a motor tractor.

(3) The conditions referred to in paragraph (1) of this Regulation are, that while a land tractor is used on a road—

(*a*) it does not haul any object except—

(i) a land implement which is being hauled to or from the site of agricultural, grass cutting, forestry, land levelling, dredging or similar operations or from one part of a farm or forestry estate to another part of that farm or forestry estate;

(ii) a land implement conveyor which is being hauled as aforesaid; or

(iii) an agricultural trailer;

(*b*) it does not carry any load except any such load as it is constructed or adapted to carry;

(*c*) if it is a three-wheeled vehicle fitted with a removable appliance, it does not carry any load;

(*d*) if it is a land tractor fitted with a removable appliance in or on which any such load as aforesaid could be carried, it does not carry any load in or on such appliance unless there is a distance of at least four feet between the centre of the area of contact with the road surface of—

(i) a rear wheel, in a case where only one appliance is being used for the carriage of a load, and is fitted to the back of the vehicle;

(ii) any wheel on one side of the vehicle, in any other case,

and that of the nearest wheel on the other side;

(*e*) if it is a land tractor carrying a load in or on a removable appliance in conformity with the foregoing conditions, it does not draw a trailer and not more than one such appliance is fitted to it at any one time or, in a case where one such appliance is a specified appliance for the purposes of paragraph (*a*) of subsection (4) of section 13 of the Finance Act, 1959, not more than two of such appliances, fitted at opposite ends of the land tractor;

(*f*) it is not driven at a speed exceeding twenty miles per hour.";

(5) in Regulation 9, the words "land tractor" were omitted and after the words "land implement" there were inserted the words "land implement conveyor";

(6) at the end of Regulation 11, there were added the following proviso:—

"Provided that in the case of a vehicle, the unladen weight of which does not exceed three tons, which is propelled by an internal combustion engine and fitted with a braking system embodying a vacuum reservoir or reservoirs, the vacuum therein being derived directly from the induction system of the engine, it shall not be necessary to provide such a warning device if, in the event of a

failure or deficiency in the vacuum system, the brakes of that braking system are sufficient under the most adverse conditions to bring the vehicle to rest within a reasonable distance." ;

(7) in Regulation 12, sub-paragraph (*a*) of paragraph (1) were omitted ;

(8) in Regulation 16, sub-paragraph (*c*) of paragraph (2) were omitted ;

(9) in Regulation 19, for the words " a locomotive, or a land tractor " there were substituted the words " or a locomotive " ;

(10) after Regulation 24, there were inserted the following Regulation :—

" *Lighting equipment and reflectors*

24A.—(1) Every motor vehicle shall be equipped with such lighting equipment and reflectors as to render the vehicle capable of being driven on a road during the hours of darkness without contravention of any of the statutory provisions relating to obligatory lamps or reflectors which are applicable to that vehicle:

Provided that this paragraph shall not apply to a motor vehicle which is not provided with any front lamp or rear lamp.

(2) Where a motor vehicle is provided with a head lamp that lamp shall be so constructed and fitted to the vehicle that if that lamp were to be used to show a light to the front while the vehicle was driven on a road during the hours of darkness such use would not be in contravention of the provisions of Regulation 9 of the Road Vehicles Lighting Regulations, 1959(a).

(3) For the purposes of the foregoing provisions of this Regulation, a vehicle shall not be treated as provided with any such lamp as is mentioned in those provisions by reason of its carrying such a lamp if—

(*a*) that lamp is so painted over or fitted with a mask that it is not capable of being immediately used, or readily put to use, to show, in the case of a front lamp, a light to the front, or, in the case of a rear lamp, a light to the rear ; or

(*b*) where the lamp is a lamp constructed to show a light derived from an electric bulb or bulbs, the vehicle is not provided with any system of wiring by means of which that lamp is, or can readily be, connected with a source of electricity.

(4) In this Regulation—

(*a*) the expressions " front lamp " and " rear lamp ", in relation to a vehicle, mean respectively—

(i) a lamp carried by that vehicle which faces, or is capable of being readily moved so as to face, to the front, and

(ii) a lamp carried by that vehicle which faces, or is capable of being readily moved so as to face, to the rear,

whether (in either case) that lamp does or does not contain a burner or an electric bulb by means of which it can be used to show a light :

Provided that neither of the said expressions shall include any lamp carried by a vehicle for any one or more of the following purposes only, that is to say,—

(i) for use as, or to illuminate, a direction indicator ;

(a) S.I. 1959/1869 (Pt. II, p. 2381, of this vol.).

(ii) for intimating the intention of the driver of the vehicle to stop or slow down ;

(iii) for showing a light to the rear when reversing the vehicle ;

(iv) for the internal illumination of the vehicle ;

or any lamp carried by a vehicle which is a land locomotive, a land tractor, a mobile crane, a straddle carrier, a works truck or a vehicle which is movable plant or equipment specially designed or constructed for the purposes of engineering operations, if the lamp is carried by the vehicle for the purpose of providing illumination so as to enable the vehicle to be used at night otherwise than on a road for the particular operations for which it is designed or constructed ;

(*b*) the expression " statutory provisions relating to obligatory lamps or reflectors " means the provisions contained in the Road Transport Lighting Act, 1957(a), or in any regulations made thereunder with respect to the lamps or reflectors which are thereby required to be carried on vehicles while they are on a road during the hours of darkness, not being provisions which apply to such vehicles only when they are carrying a load overhanging laterally or projecting to the rear or are drawing or being drawn by another vehicle ;

(*c*) the expression " head lamp ", in relation to a vehicle, means a front lamp fitted to that vehicle and constructed for the purpose of showing a light derived from an acetylene burner or from an electric bulb the power of which, or from electric bulbs the total power of which, exceeds seven watts, whether the lamp does or does not contain any such burner or any such bulb or bulbs." ;

(11) In Regulation 32, in paragraph (8), for sub-paragraph (i) there were substituted the following sub-paragraph :—

" (i) not more than one front wheel shall be included in half the number of the wheels of the vehicle for the purposes aforesaid except that this provision shall not apply to a locomotive with more than three wheels, whether or not any brake shoe is capable of being applied by more than one means of operation, if as respects the fitting of its wheels with brakes and the operation of those brakes the provisions of paragraph (6) of this Regulation relating to such matters are complied with, and " ;

(12) in Regulation 35, in paragraph (7), for sub-paragraph (*a*) there were substituted the following sub-paragraph :—

" (*a*) in the case of a motor tractor registered on or after 1st October, 1938,—

(i) not more than one front wheel shall be included in half the number of the wheels of the vehicle for the purposes aforesaid except that this provision shall not apply to a motor tractor with more than three wheels, whether or not any brake shoe is capable of being applied by more than one means of

(a) 5 & 6 Eliz. 2. c. 51.

operation, if as respects the fitting of its wheels with brakes and the operation of those brakes the provisions of paragraph (5) of this Regulation relating to such matters are complied with; and

(ii) every moving shaft to which any part of a braking system or any means of operation thereof is connected or by which it is supported shall be deemed to be part of that system;";

(13) in Regulation 39, in paragraph (7), for sub-paragraph (*a*) there were substituted the following sub-paragraph:—

"(*a*) (i) not more than one front wheel shall be included in half the number of the wheels of the vehicle for the purposes aforesaid except that this provision shall not apply either to a heavy motor car with more than three wheels, whether or not any brake shoe is capable of being applied by more than one means of operation, if as respects the fitting of its wheels with brakes and the operation of those brakes the provisions of paragraph (5) of this Regulation relating to such matters are complied with, or to a works truck, and

(ii) every moving shaft to which any part of a braking system or any means of operation thereof is connected or by which it is supported shall be deemed to be part of that system;";

(14) in Regulation 44, in paragraph (1), the following proviso were added after proviso (*b*):—

"(*c*) this paragraph shall not apply in the case of a motor car first registered under the Motor Car Act, 1903(a), before the 1st January, 1915, if it is equipped with an efficient braking system so designed and constructed that there shall be available for application by the driver, in the case of a vehicle with not less than four wheels, to two wheels of the vehicle, and in the case of a vehicle with less than four wheels, to one wheel of the vehicle, brakes sufficient under the most adverse conditions to bring the vehicle to rest within a reasonable distance.";

(15) in Regulation 44, in paragraph (7), for sub-paragraph (*a*) there were substituted the following sub-paragraph:—

"(*a*) in the case of a motor car registered on or after the 1st October, 1938,—

(i) not more than one front wheel shall be included in half the number of the wheels of the vehicle for the purposes aforesaid:

Provided that this provision shall not apply to—

(1) a motor car the unladen weight of which does not exceed one ton,

(2) a motor car which is a passenger vehicle constructed or adapted to carry not more than seven passengers exclusive of the driver,

(3) a works truck, or

(4) a motor car with more than three wheels, whether or not any brake shoe is capable of being applied by more than one means of operation, if as respects the fitting of its

(a) 3 Edw. 7. c. 36.

wheels with brakes and the operation of those brakes the provisions of paragraph (5) of this Regulation relating to such matters are complied with, and

(ii) every moving shaft to which any part of a braking system or any means of operation thereof is connected or by which it is supported shall be deemed to be part of that system; ";

(16) in Regulation 47, in paragraph (1), for the proviso to that paragraph there were substituted the following proviso :—

" Provided that this paragraph shall not apply—

(*a*) in the case of a works truck if it is equipped with one braking system with one means of operation; or

(*b*) in the case of a motor cycle first registered under the Motor Car Act, 1903, or the Roads Act, 1920(a), before the 1st January, 1927, if it is equipped with an efficient braking system so designed and constructed that there shall be available for application by the driver to at least one wheel of the vehicle brakes sufficient under the most adverse conditions to bring the vehicle to rest within a reasonable distance." ;

(17) in Regulation 55—

(*a*) in sub-paragraph (*a*) of paragraph (2), after the words " land implement " there were inserted the words " or land implement conveyor "; and

(*b*) in sub-paragraph (*d*) of paragraph (2), after the words " motor tractor " there were inserted the words " or a land tractor which is not a motor tractor ";

(18) in Regulation 57, after proviso (*d*), there were inserted the following sub-paragraph :—

" (*e*) being a land implement or an agricultural trailer drawn by a land tractor." ;

(19) in Regulation 58, after the words " land implements," there were inserted the words " land implement conveyors," ;

(20) in Regulation 64, in sub-paragraph (*e*) of paragraph (4), after the words " (except a living van) " there were inserted the words " any land implement conveyor " ;

(21) after Regulation 76, there were inserted the following Regulation :—

" *Maintenance of lighting equipment and reflectors*

76A.—(1) Subject to the following provisions of this Regulation, every lamp and reflector and all other equipment with which a motor vehicle is required by paragraph (1) of Regulation 24A of these Regulations to be equipped, shall at all times while the vehicle is used on a road be maintained in such a condition as to render the vehicle capable of being driven on a road during the hours of darkness without contravention of any of the statutory provisions relating to obligatory lamps or reflectors which are applicable to that vehicle.

(2) Subject to the following provisions of this Regulation, every head lamp carried by a vehicle which by virtue of paragraph (2) of

(a) 10 & 11 Geo. 5. c. 72.

the said Regulation 24A is required to be constructed and fitted to that vehicle in accordance with the provisions of the said paragraph (2) shall at all times while the vehicle is used on a road be maintained in such a condition that if that lamp were to be used to show a light to the front while the vehicle was driven on a road during the hours of darkness such use would not be in contravention of the provisions of Regulation 9 of the Road Vehicles Lighting Regulations, 1959.

(3) Where a person is charged with a contravention of any provision of this Regulation in respect of the use of a vehicle on a road otherwise than during the hours of darkness, it shall be a defence for that person to prove—

(*a*) that the contravention arose from a defect in the lighting equipment of, or in a reflector carried by, the vehicle which occurred in the course of the journey during which the contravention occurred, or

(*b*) that the contravention arose from a defect in the lighting equipment of, or in a reflector carried by, the vehicle, and that before the contravention occurred steps had been taken to have the defect remedied with all reasonable expedition.

(4) In this Regulation, the expressions "statutory provisions relating to obligatory lamps or reflectors" and "head lamp" have the same meanings as in Regulation 24A of these Regulations.";

(22) in Regulation 90, paragraph (3) were omitted; and

(23) in Regulation 105, in sub-paragraph (*b*), after the words "land implement" there were inserted the words "or land implement conveyor".

Given under the Official Seal of the Minister of Transport this sixteenth day of November, 1959.

(L.S.) *Ernest Marples,*
The Minister of Transport.

EXPLANATORY NOTE

(This Note is not part of the Regulations, but is intended to indicate their general purport.)

These Regulations amend the Motor Vehicles (Construction and Use) Regulations, 1955, as amended.

The principal changes are:—

1. The definition of the expression "land locomotive" is extended to include vehicles used for hauling a certain kind of trailer (defined as a "land implement conveyor") which complies with certain conditions and which is designed for carrying land implements (Regulation 2 (1) (*b*) and (*c*)).

2. The expression "land tractor" is re-defined to include tractors used primarily for work on land and which are constructed or adapted to carry certain kinds of load by means of a fitted appliance which satisfies certain specified conditions (Regulation 2 (1) (*d*)).

3. Certain provisions of the 1955 Regulations applicable to motor tractors are made to apply, and other provisions are made not to apply, to land tractors if, while used on a road, they comply with certain conditions (Regulation 2 (4)).

4. The exemptions from certain of the provisions of the 1955 Regulations applicable to trailers are extended to include land implement conveyors and provision is made for exempting land implement conveyors from certain provisions of the Regulations when drawn by land tractors (Regulation 2 (4), (5), (17), (19) and (20)).

5. Motor vehicles submitted for an examination under section 1 of the Road Traffic Act, 1956, while being used on roads in connection with the examination by or under the direction of a person empowered to carry out the examination, are exempted from certain of the provisions of the 1955 Regulations (Regulation 2 (3)).

6. Regulation 11 (which requires the provision of a warning device on motor vehicles fitted with a braking system which embodies a vacuum or pressure reservoir) no longer applies to vehicles the unladen weight of which does not exceed three tons, if certain conditions are fulfilled (Regulation 2 (6)).

7. Every motor vehicle is required to be equipped with such lighting equipment and reflectors, and the equipment and reflectors are required to be maintained at all times while the vehicle is used on a road in such a condition, as to render the vehicle capable of being driven on a road at night without contravention of the provisions of the Road Transport Lighting Act, 1957, or any regulations in force under it, as to obligatory lamps or reflectors. Every head lamp of a motor vehicle is required to be so constructed and fitted, and at all times while the vehicle is used on a road to be maintained in such a condition, that if the lamp were used to show a light to the front while the vehicle was driven on a road at night the provisions of Regulation 9 of the Road Vehicles Lighting Regulations, 1959, which relate to the prevention of dazzle by lamps, would not be contravened. Certain exemptions in relation to these requirements are provided (Regulation 2 (10) and (21)).

8. The regulations relating to the brakes of locomotives, motor tractors, heavy motor cars and motor cars are modified so that in additional cases the braking of more than one of the front wheels may be reckoned for the purposes of the requirements as to the minimum number of wheels which must be braked by either of the means of operation of a braking system (Regulation 2 (11), (12), (13) and (15)).

9. The requirements as to the brakes to be fitted to motor cars registered before the 1st January, 1915, and to motor cycles registered before the 1st January, 1927, are modified (Regulation 2 (14) and (16)).