1960 No. 1065

The Motor Vehicles (Construction and Use) (Amendment) Regulations, 1960

Made - - - -	22*nd June*, 1960
Laid before Parliament	18*th July*, 1960
Coming into Operation	1*st September*, 1960

The Minister of Transport in exercise of his powers under sections 64 and 239 of the Road Traffic Act, 1960(**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 260 of the said Act of 1960, hereby makes the following Regulations:—

1.—(1) These Regulations shall come into operation on the first day of September, 1960, and may be cited as The Motor Vehicles (Construction and Use) (Amendment) Regulations, 1960.

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

2.—(1) Regulation 39 of the Motor Vehicles (Construction and Use) Regulations, 1955(**c**), as amended(**d**), shall have effect as if for the provisions of that Regulation from the beginning thereof to the end of paragraph (1) there were substituted the following new provisions:—

"(1) Every heavy motor car shall be equipped either with an efficient braking system having two means of operation or with two efficient braking systems each having a separate means of operation.

(1A) The braking system or braking systems of every heavy motor car registered after 15th August, 1928, shall be so designed and constructed that, notwithstanding the failure of any part (other than a fixed member or a brake shoe anchor pin) through or by means of which the force necessary to apply the brakes is transmitted, there shall still be available for application by the driver to not less than half the number of the wheels of the vehicle brakes sufficient under the most adverse conditions to bring the vehicle to rest within a reasonable distance.

(1B) The braking system or braking systems of every heavy motor car to which the Sixth Schedule to these Regulations applies shall comply with the requirements of that Schedule relating to the efficiency of the brakes of such heavy motor cars.

(1C) The braking system or braking systems of every heavy motor car registered on or before 15th August, 1928, not being a heavy motor car to which the said Sixth Schedule applies, shall be sufficient under the most adverse conditions to bring the vehicle to rest within a reasonable distance.

(**a**) 8 & 9 Eliz. 2. c. 16. (**b**) 52 & 53 Vict. c. 63. (**c**) S.I. 1955/482 (1955 II, p. 2242).
(**d**) S.I. 1956/540, 1957/359, 971, 1959/1936, 2231 (1956 II, p. 2004; 1957 II, pp. 1976, 1985; 1959 II, pp. 2352, 2361).

(1D) Paragraphs (1) and (1A) hereof shall not apply in the case of a works truck if it is equipped with one braking system having one means of operation."

(2) After paragraph (6) of the said Regulation 39 there shall be inserted the following new paragraph:—

"(6A) Paragraphs (2) to (6) of this Regulation shall not apply to a heavy motor car registered on or before 15th August, 1928."

3. Regulation 44 of the said Regulations, as amended, shall have effect as if for paragraph (1) thereof there were substituted the following new paragraphs:—

"(1) Every motor car shall be equipped either with an efficient braking system having two means of operation or with two efficient braking systems each having a separate means of operation.

(1A) The braking system or braking systems of every motor car shall be so designed and constructed that notwithstanding the failure of any part (other than a fixed member or a brake shoe anchor pin) through or by means of which the force necessary to apply the brakes is transmitted there shall still be available for application by the driver to not less than half the number of the wheels of the vehicle brakes sufficient under the most adverse conditions to bring the vehicle to rest within a reasonable distance:

Provided that in the event of such failure as aforesaid it shall not be necessary for brakes to be available for application by the driver—

(i) in the case of a motor car registered before the 1st October, 1938, to more than two wheels;

(ii) in the case of a vehicle having less than four wheels, to more than one wheel.

(1B) The braking system or braking systems of every motor car to which the Sixth Schedule to these Regulations applies shall comply with the requirements of that Schedule relating to the efficiency of the brakes of such motor cars.

(1C) Paragraphs (1) and (1A) hereof shall not apply in the case of a motor car first registered under the Motor Car Act, 1903(a), before 1st January, 1915, but—

(*a*) such a motor car shall be equipped with an efficient braking system, and

(*b*) that system shall be so designed and constructed that brakes 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, and

(*c*) if such a motor car is not one to which the said Sixth Schedule applies, the brakes required by the last foregoing sub-paragraph to be available for application shall be brakes sufficient under the most adverse conditions to bring the vehicle to rest within a reasonable distance.

(1D) The foregoing paragraphs hereof shall not apply in the case of a works truck if it is equipped with one braking system with one means of operation."

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

4. For Regulation 47 of the said Regulations, as amended, there shall be substituted the following new Regulation:—

"47.—(1) Every motor cycle shall be equipped either with an efficient braking system having two means of operation or with two efficient braking systems each having a separate means of operation.

(2) The braking system or braking systems with which a motor cycle is required to be equipped shall be so designed and constructed that notwithstanding the failure of any part (other than a fixed member or a brake shoe anchor pin) through or by means of which the force necessary to apply the brakes is transmitted there shall still 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.

(3) The braking system or braking systems of every motor cycle to which the Sixth Schedule to these Regulations applies shall comply with the requirements of that Schedule relating to the efficiency of the brakes of such motor cycles.

(4) Paragraphs (1) and (2) hereof shall not apply in the case of a motor cycle first registered under the Motor Car Act, 1903, or the Roads Act, 1920(a), before 1st January, 1927, but—

(*a*) such a motor cycle shall be equipped with an efficient braking system, and

(*b*) that system shall be so designed and constructed that brakes shall be available for application by the driver to at least one wheel of the vehicle.

(5) The foregoing paragraphs hereof shall not apply in the case of a works truck if it is equipped with one braking system having one means of operation.

(6) In the case of a motor cycle required to have two means of operating brakes, the application of one means of operation shall not affect or operate the pedal or hand lever of the other means of operation."

5. For Regulation 76 of the said Regulations there shall be substituted the following new Regulation:—

"*Maintenance of brakes, steering gear and windscreen wiper*

76.—(1) Every part of every braking system and of the means of operation thereof fitted to a motor vehicle or trailer shall at all times while the vehicle or trailer is used on a road—

(*a*) be maintained in good and efficient working order and be properly adjusted, and

(*b*) in the case of motor vehicles to which the Sixth Schedule to these Regulations applies, be so maintained that the brakes forming part of the system comply with the requirements as to the efficiency of brakes which are applicable to such a vehicle by virtue of the provisions contained in paragraph (1B) of Regulation 39, paragraph (1B) of Regulation 44 and paragraph (3) of Regulation 47 of these Regulations.

(2) All steering gear fitted to a motor vehicle shall at all times while the vehicle is used on a road be maintained in good and efficient working order and be properly adjusted.

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

(3) Every windscreen wiper required by these Regulations to be fitted to a motor vehicle shall at all times while the vehicle is used on a road be maintained in good and efficient working order and be properly adjusted."

6. The following new Schedule shall be added at the end of the said Regulations—

SIXTH SCHEDULE

REQUIREMENTS WITH RESPECT TO THE EFFICIENCY OF THE BRAKES OF CERTAIN MOTOR VEHICLES

1. This Schedule applies to a motor vehicle which is a heavy motor car, a motor car or a motor cycle and is not—

(*a*) a goods vehicle the unladen weight of which exceeds thirty hundredweight;

(*b*) a public service vehicle adapted to carry eight or more passengers;

(*c*) an articulated vehicle or a vehicle constructed or adapted for the purpose of forming part of an articulated vehicle;

(*d*) a works truck; or

(*e*) a pedestrian controlled vehicle;

and references to a motor vehicle in the following provisions of this Schedule shall be construed accordingly.

2. In this Schedule the expression "braking efficiency", in relation to the application of brakes to a motor vehicle at any time, means the maximum braking force capable of being developed by the application of those brakes, expressed as a percentage of the weight of the vehicle including any driver, passengers or load carried in the vehicle at that time.

3. For the purposes of this Schedule a two-wheeled motor cycle shall not, by reason that a sidecar is attached thereto, be treated as three-wheeled.

4. In the case of a motor vehicle having at least four wheels and required to have two means of operating brakes,—

(*a*) if each means of operation applies brakes to at least four wheels, the brakes as applied by one of the means shall have a total braking efficiency of not less than 50 per cent, and the brakes as applied by the other means shall have a total braking efficiency of not less than 25 per cent;

(*b*) if only one of the means of operation applies brakes to at least four wheels, the brakes as applied by that means shall have a total braking efficiency of not less than 50 per cent and the brakes as applied by the other means shall have a total braking efficiency of not less than 25 per cent;

(*c*) if neither means of operation applies brakes to at least four wheels, the brakes as applied by one of the means shall have a total braking efficiency of not less than 30 per cent, and the brakes as applied by the other means shall have a total braking efficiency of not less than 25 per cent.

5. In the case of a three-wheeled motor vehicle required to have two means of operating brakes—

(*a*) if each means of operation applies brakes to all three wheels, the brakes as applied by one of the means shall have a total braking efficiency of not less than 40 per cent, and the brakes as applied by the other means shall have a total braking efficiency of not less than 25 per cent;

(*b*) if only one of the means of operation applies brakes to all three wheels, the brakes as applied by that means shall have a total braking efficiency of not less than 40 per cent and the brakes as applied by the other means shall have a total braking efficiency of not less than 25 per cent;

(*c*) if neither means of operation applies brakes to all three wheels, the brakes as applied by one of the means shall have a total braking efficiency of not less than 30 per cent, and the brakes as applied by the other means shall have a total braking efficiency of not less than 25 per cent.

6. In the case of a motor vehicle, being a two-wheeled motor cycle, required to have more than one means of operating brakes, the brakes as applied by one of the means shall have a total braking efficiency of not less than 30 per cent, and the brakes as applied by the other means shall have a total braking efficiency of not less than 25 per cent.

7. In the case of a motor vehicle not required to have two means of operating brakes,—

(*a*) if the vehicle has at least four wheels and one or more means of operation applying brakes to at least four wheels, the brakes as applied by that means or one of those means shall have a total braking efficiency of not less than 50 per cent;

(*b*) if the vehicle has at least four wheels and no means of operation applying brakes to at least four wheels, the brakes as applied by the means or one of the means of operation shall have a total braking efficiency of not less than 30 per cent;

(*c*) if the vehicle is three-wheeled and has one or more means of operation applying brakes to all three wheels, the brakes as applied by that means or one of those means shall have a total braking efficiency of not less than 40 per cent;

(*d*) if the vehicle is three-wheeled and has no means of operation applying brakes to all three wheels, the brakes as applied by the means or one of the means of operation shall have a total braking efficiency of not less than 30 per cent;

(*e*) if the vehicle is two-wheeled, the brakes as applied by the means or one of the means of operation shall have a total braking efficiency of not less than 30 per cent.

Given under the Official Seal of the Minister of Transport this twenty-second day of June, 1960.

(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, which are to come into operation on the 1st September, 1960, further amend the provisions relating to the braking systems of heavy motor cars, motor cars and motor cycles which are contained in the Motor Vehicles (Construction and Use) Regulations, 1955, by imposing in the case of certain of these vehicles new requirements relating to the efficiency of their brakes. The vehicles to which these requirements are applied are all heavy motor cars, motor cars and motor cycles to which the 1955 Regulations apply with the exceptions specified in paragraph 1 of the new Schedule which is added to the 1955 Regulations by Regulation 6, and the new requirements imposed are that the brakes with which such vehicles are required to be equipped shall have a braking efficiency not less than that specified in that Schedule.