STATUTORY INSTRUMENTS

1965 No. 871

ROAD TRAFFIC

The Motor Vehicles (Construction and Use) (Amendment) Regulations 1965

Made - - - -	*7th April* 1965
Laid before Parliament	*14th April* 1965
Coming into Operation	*1st June* 1965

The Minister of Transport, in exercise of his powers under section 64(1) of the Road Traffic Act 1960(a), as amended by section 51 of and Schedule 4 to the Road Traffic Act 1962(b), and of all other powers him enabling in that behalf, and after consultation with representative organisations in accordance with the provisions of section 260(2) of the said Act of 1960, hereby makes the following Regulations:—

1.—(1) These Regulations shall come into operation on 1st June 1965, and may be cited as the Motor Vehicles (Construction and Use) (Amendment) Regulations 1965.

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

2. The Motor Vehicles (Construction and Use) Regulations 1963(d) shall be amended in accordance with the following provisions of these Regulations.

3. Regulation 3 (Interpretation) shall have effect as though after the definition of the expression "track laying" there were inserted the following definition:—

"'two-tone horn' means an instrument or apparatus which, when operated, automatically produces a sound which alternates at regular intervals between two fixed notes;".

4. For Regulation 20 (which relates to the fitting of audible warning instruments) there shall be substituted the following Regulation:—

"*Audible warning instrument*

20.—(1) Subject to the provisions of this Regulation, every motor vehicle shall be fitted with an instrument capable of giving audible and sufficient warning of its approach or position.

(2) Paragraph (1) of this Regulation shall not apply to a works truck or a pedestrian controlled vehicle.

(3) Except as provided in paragraphs (4) and (5) of this Regulation, no motor vehicle shall be fitted with a gong, bell, siren or two-tone horn. This paragraph shall not have effect in relation to two-tone horns until 14th June 1965.

(a) 8 & 9 Eliz. 2. c. 16.
(b) 10 & 11 Eliz. 2. c. 59.
(c) 52 & 53 Vict. c. 63.
(d) S.I. 1963/1646 (1963 III, p. 3095).

(4) The following vehicles may be fitted with a gong, bell, 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 under Part II of the National Health Service Act 1946(**a**) or under Part II of the National Health Service (Scotland) Act 1947(**b**),

(*f*) motor vehicles used by Her Majesty's Coastguard or the Coast Life Saving Corps to aid persons in danger or vessels in distress on or near the coast, and

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

(5) A motor vehicle used for the conveyance of goods for sale from the vehicle may, if it is also fitted with an instrument or apparatus for the purpose of complying with paragraph (1) of this Regulation, be fitted with an instrument or apparatus other than 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.

(6) References in paragraphs (3) and (4) of this Regulation to a gong, bell or siren include references to any instrument or apparatus capable of emitting a sound similar to that emitted by a gong, bell or siren.".

5. For Regulation 86 (which restricts the use of audible warning instruments) there shall be substituted the following Regulation:—

"*Use of audible warning instruments*

86.—(1) Subject to the provisions of this Regulation, no person shall—

(*a*) in the case of a vehicle which is stationary on a road, at any time; or

(*b*) in the case of a vehicle which is in motion on a restricted road, between the hours of 11.30 in the evening and 7 in the following morning,

sound or cause or permit to be sounded any instrument or apparatus fitted to or otherwise carried on the vehicle, being an instrument or apparatus capable of giving audible and sufficient warning of its approach or position.

(2) Subject to the provisions of this Regulation and without prejudice to the provisions of the foregoing paragraph, no person shall sound or cause or permit to be sounded a gong, bell, siren, any instrument or apparatus capable of making a sound similar to that emitted by a gong, bell or siren, or a two-tone horn, fitted to or otherwise carried on a vehicle (whether it is stationary or not).

(**a**) 9 & 10 Geo. 6. c. 81. (**b**) 10 & 11 Geo. 6. c. 27.

(3) Nothing in paragraph (1) or (2) of this Regulation shall have effect to prevent 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 20(4) of these Regulations 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.

(4) Nothing in paragraph (1) of this Regulation shall have effect to prevent the driver of a vehicle or some other authorised person sounding or causing or permitting to be sounded an instrument or apparatus fitted to or otherwise carried on the vehicle if it is sounded for the purpose of raising an alarm as to the theft or attempted theft of the vehicle or its contents.

(5) Subject to the provisions of section 2(1) and (3) of the Noise Abatement Act 1960(a) and notwithstanding the provisions of paragraph (2) of this Regulation, 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 instrument is sounded, it is sounded only for that purpose; and

(*b*) in a case where a vehicle is on a restricted road, the instrument is sounded otherwise than between the hours of 11.30 in the evening and 7 in the following morning.

(6) In this Regulation:—

" restricted road " means a length of road—

(*a*) on which there is provided a system of street lighting furnished by means of lamps placed not more than 200 yards apart, or

(*b*) as respects which there is in force a direction under section 20(3) of the 1960 Act that the said length shall become a restricted road for the purposes of section 19 of that Act or a direction under section 1(4) of the Road Traffic Act 1934(b) which, by virtue of paragraphs 1 and 12 of Schedule 19 to the 1960 Act, has effect under that Act as such a direction as aforesaid.".

Given under the Official Seal of the Minister of Transport the 7th April 1965.

(L.S.)

Tom Fraser,
The Minister of Transport.

EXPLANATORY NOTE

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

These Regulations further amend the Motor Vehicles (Construction and Use) Regulations 1963, making the following changes:—

(1) the exemption from the requirement to be fitted with an audible

(a) 8 & 9 Eliz. 2. c. 68. (b) 24 & 25 Geo. 5. c. 50.

warning instrument given to locomotives restricted to a speed of 12 m.p.h. or less conferred by Regulation 20(2) of the 1963 Regulations has been removed (Regulation 4);

(2) after 14th June 1965 no vehicle shall be permitted to be fitted with a two-tone horn, except for those vehicles specified in Regulation 20(4) of the 1963 Regulations as amended (Regulation 4);

(3) the description of vehicles which are permitted to be fitted with gongs, bells or sirens have been extended (Regulation 4);

(4) the use of a two-tone horn on a vehicle is forbidden except where such use is necessary and the vehicle is being used for one of the purposes specified in Regulation 20(4) of the 1963 Regulations as amended (Regulation 5);

(5) the circumstances in which a gong, bell or siren carried on a vehicle may be used have been redefined (Regulation 5).