STATUTORY INSTRUMENTS

1976 No. 317

ROAD TRAFFIC

The Motor Vehicles (Construction and Use) (Amendment) Regulations 1976

Made - - - -	*27th February* 1976
Laid before Parliament	*10th March* 1976
Coming into Operation	*31st March* 1976

The Secretary of State for the Environment, in exercise of his powers under sections 40(1) and (3) of the Road Traffic Act 1972**(a)** 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 31st March 1976, and may be cited as the Motor Vehicles (Construction and Use) (Amendment) Regulations 1976.

2. The Motor Vehicles (Construction and Use) Regulations 1973**(b)**, as amended **(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), in the meaning given to the expression "close-coupled", for the words "840 millimetres" there shall be substituted the words "1 metre".

4. In Regulation 4A, in the table, after the entry relating to Council Directive 71/320/EEC of 26th July 1971 there shall be inserted the following items:—

"Council Directive 71/320/EEC of 26th July 1971**(d)** (relating to the braking devices of certain categories of motor vehicles and their trailers) as amended by Commission Directive 74/132/EEC of 11th February 1974**(e)**	1st October 1974	13, 14, 47, 50, 54, 59, 66 and 70.

(a) 1972 c. 20. **(b)** S.I. 1973/24 (1973 I, p. 93).
(c) The only relevant amending Instruments are S.I. 1973/1347, 1974/64, 765, 1975/641 (1973 II, p. 4133; 1974 I, pp. 208, 2932; 1975 I, p. 2316).
(d) O.J. L202, 6.9.1971, p. 37 (S.E. 1971 (III), p. 746).
(e) O.J. L74, 19.3.1974, p. 7.

Council Directive 71/320/EEC of 26th July 1971 (relating to the braking devices of certain categories of motor vehicles and their trailers) as amended by Commission Directive 74/132/EEC of 11th February 1974 and by Commission Directive 75/524/EEC of 25th July 1975(a)	1st January 1976	13, 14, 47, 50, 54, 59, 66 and 70.

"

5. In Regulation 27 (Audible warning instrument), at the end of paragraph (5), there shall be inserted the following sub-paragraph:—

"(*h*) motor vehicles owned by the Secretary of State for Defence and used by the Royal Air Force Mountain Rescue Service for the purposes of rescue operations in connection with crashed aircraft or any other emergencies.".

6. In Regulation 70 (Brakes),—

(*a*) in paragraph (2), for the words "paragraph (3)" there shall be substituted the words "paragraphs (2A) and (3)";

(*b*) after paragraph (2) there shall be inserted the following paragraph:—

"(2A) Where a motor vehicle to which Regulation 4A applies by virtue of its conforming to the requirements of Council Directive 71/320/EEC of 26th July 1971 (which relates to the braking devices of certain categories of motor vehicles and their trailers) or, where appropriate, to the requirements of that Directive as amended by the amending Directives specified in Regulation 4A, is drawing a trailer to which that Regulation does not apply, paragraph (2)(*b*) of this Regulation shall apply to the trailer as if the words "or of any part (other than as aforesaid) of the braking system with which the trailer is equipped" were omitted."; and

(*c*) in paragraph (3), for the words "Paragraphs (1) and (2)" there shall be substituted the words "Paragraphs (1), (2) and (2A)".

7. After Regulation 70 there shall be inserted the following Regulation:—

"70A.—(1) Where a trailer to which Regulation 4A applies by virtue of its conforming to the requirements of Council Directive 71/320/EEC of 26th July 1971 (which relates to the braking devices of certain categories of motor vehicles and their trailers) or, where appropriate, to the requirements of that Directive as amended by the amending Directives specified in Regulation 4A, is drawn by a motor vehicle to which that Regulation does not apply, then the braking system of the drawing vehicle shall be so constructed that in the event of a failure of any part (other than a fixed member or a brake shoe anchor pin) of the service braking system with which the drawing vehicle is equipped (excluding the means of operation of a split braking system) brakes shall still be capable of being applied to at least two wheels of the trailer or, in the case of a two-wheeled trailer, to one wheel by the driver using the secondary braking system of the drawing vehicle.

(2) In this Regulation "service braking system" means the braking system which was designed and constructed to have the highest braking efficiency of any braking system with which the drawing vehicle is equipped and "secondary braking system" means a braking system applied by a second independent means of operation or by one of the independent sections comprised in a split braking system.".

(a) O.J. L236, 8.9.1975, p. 3.

8. In Regulation 80 (Laden weight of trailer), for paragraph (4) there shall be substituted the following paragraph:—

"(4) The total laden weight of a trailer—

(*a*) manufactured before 27th February 1977 and having no other brakes than a parking brake and brakes which automatically come into operation on the overrun of the trailer shall not exceed 3560 kilograms,

(*b*) manufactured on or after 27th February 1977 and fitted with brakes which automatically come into operation on the overrun of the trailer, whether or not it is fitted with any other brake, shall not exceed 3500 kilograms.".

9. In Regulation 86 (Total weights for certain closely spaced axles, etc.), in paragraph (3), for the words "that Schedule" there shall be substituted the words "the said Part IV".

10. In Regulation 88 (Distribution of weight), in sub-paragraph (*c*), for the words "18290 kilograms" there shall be substituted the words "18300 kilograms".

11. In Regulation 89 (Additional weight restrictions),—

(*a*) In paragraph (4), for sub-paragraphs (*a*), (*b*), and (*c*) there shall be substituted the following sub-paragraphs:—

"(*a*) neither the maximum gross weight shown in its plate nor the maximum gross weight in Great Britain shown in its plate shall be exceeded;

(*b*) neither the maximum axle weight for each axle shown in its plate nor the maximum axle weight in Great Britain for each axle shown in its plate shall be exceeded:

Provided that this sub-paragraph shall not apply in the case of any axle being one of two or more axles to which the following sub-paragraph applies;

(*c*) where any two or more axles are fitted with a compensating arrangement in accordance with Regulation 11, neither the sum of the maximum axle weights for those axles so fitted shown in its plate nor the sum of the maximum weights in Great Britain for those axles so fitted shown in its plate shall be exceeded;";

(*b*) In paragraph (6), for sub-paragraphs (*a*), (*b*), and (*c*) there shall be substituted the following sub-paragraphs:—

"(*a*) neither the maximum gross weight shown in its plate nor the maximum gross weight in Great Britain shown in its plate shall be exceeded;

(*b*) neither the maximum axle weight for each axle shown in its plate nor the maximum axle weight in Great Britain for each axle shown in its plate shall be exceeded:

Provided that this sub-paragraph shall not apply in the case of any axle being one of two or more axles to which the following sub-paragraph applies;

(*c*) where any two or more axles are fitted with a compensating arrangement in accordance with Regulation 11, neither the sum of the maximum axle weights for those axles so fitted shown in its plate nor the sum of the maximum axle weights in Great Britain for those axles so fitted shown in its plate shall be exceeded.".

12. In Regulation 90 (Maintenance and use of vehicles so as not to be a danger),—

(*a*) in the headnote the word "etc." shall be inserted after the word "danger";

(*b*) for paragraph (2) there shall be substituted the following paragraph:—

"(2) The load carried by a motor vehicle or trailer shall at all times be so secured, if necessary by physical restraint other than its own weight, and be in such a position, that neither danger nor nuisance is likely to be caused to any person or property by reason of the load or any part thereof falling or being blown from the vehicle or by reason of any other movement of the load or any part thereof in relation to the vehicle."; and

(*c*) in paragraph (3), after the words "cause danger" there shall be inserted the words "or nuisance".

13. In Regulation 100,—

(*a*) in paragraph (2), the words "the unladen weight of which does not exceed 1525 kilograms" shall be omitted;

(*b*) in paragraph (4), the words "the unladen weight of which does not exceed 1525 kilograms" shall be omitted; and

(*c*) in paragraph (5), after the words "For the purposes of this Regulation" there shall be added the words " "axle" includes all the axles of whatever type and number which are fitted to a vehicle".

14. In Regulation 131, in paragraph (4), in sub-paragraph (*a*), for the words "in the case at (ii) above the overall length of the vehicle" there shall be substituted the words "in the case at (ii) above the overall length of the vehicles".

15. In Schedule 2 (Particulars to be shown on plate for motor vehicles), in the heading, for the figure "88" there shall be substituted the figure "89".

16. In Schedule 7 (Permissible maximum weights),—

(*a*) in Part II, under the heading "column 1", in sub-paragraph (i) to paragraph (*b*), for the words "8385 kilograms" there shall be substituted the words "8390 kilograms";

(*b*) in Part IV, in the table of maximum weights for two closely spaced axles, in column 2, for the figures "15250", "16260", "18290" and "19310", there shall be substituted the figures "15260", "16270", "18300" and "19320" respectively; and in column 3 for the figures "18290", "19310" and "20330" there shall be substituted the figures "18300", "19320" and "20340" respectively; and

(*c*) in Part VI, in sub-paragraph (i) of the second paragraph, for the words "8385 kilograms" there shall be substituted the words "8390 kilograms".

17. In Schedule 8 (Vehicles carrying wide or long loads),—

(*a*) in paragraph 1 of Part I, for the words "The conditions referred to in Regulation 128 and in paragraphs (2), (4), (6), (7) and (9) of Regulation 131" there shall be substituted the words "The conditions referred to in paragraph (2) of Regulation 128, and in paragraphs (2), (4), (5), (6), (7) and (9) of Regulation 131"; and

(*b*) in paragraph 2 of Part I, for the words "The conditions referred to in Regulation 128 and in paragraphs (2), (4), (5), (6) and (9) of Regulation 131" there shall be substituted the words "The conditions referred to in paragraph (2) of Regulation 128 and in paragraphs (2), (4), (5), (6) and (9) of Regulation 131".

John Gilbert,
Minister for Transport,
Department of the Environment.

Signed by authority of
the Secretary of State.

27th February 1976.

EXPLANATORY NOTE

(*This Note is not part of the Regulations.*)

These Regulations amend the Motor Vehicles (Construction and Use) Regulations 1973 so as:—

(1) to amend the definition of "close-coupled" in relation to the wheels of a trailer so that the distance between the centres of their areas of contact with the road surface does not exceed 1 metre (approximately 39 inches) (Regulation 3);

(2) to exempt from the requirements of Regulations 13, 14, 47, 50, 54, 59, 66 and 70 (which relate to the braking devices of certain categories of motor vehicles and their trailers) certain vehicles in respect of which a type approval certificate or a certificate of conformity has been issued under the Motor Vehicles (Type Approval) Regulations 1973 by virtue of the vehicle conforming to the requirements of certain Council Directives (Regulation 4);

(3) to add motor vehicles used by the Royal Air Force Mountain Rescue Service to the list of vehicles which may be fitted with a gong, bell, siren or two-tone horn (Regulation 5);

(4) to provide for the braking of trailers where

(*a*) a motor vehicle to which Regulation 4A applies is drawing a trailer to which that Regulation does not apply (Regulation 6), and

(*b*) a motor vehicle to which Regulation 4A does not apply is drawing a trailer to which that Regulation does apply (Regulation 7);

(5) to restrict the laden weight of any trailer manufactured on or after 27th February 1977 fitted with brakes which come into operation on the overrun of the trailer to 3500 kilograms (approximately 3 tons 9 cwts), irrespective of any other brakes with which it may be fitted (Regulation 8);

(6) to remove inconsistencies resulting from rounding up in the course of metrication in cases where the Regulations specify the weight limits for combinations of closely spaced axles (Regulations 10 and 16(*b*));

(7) to facilitate the enforcement of certain weight restrictions (Regulation (11);

(8) to prevent loads being insecurely carried (Regulation 12);

(9) to make clear the meaning of the word "axle" for the purpose of Regulation 100 (Regulation 13(*c*));

(10) to extend the requirements as to tyres of different types to goods vehicles the unladen weight of which exceeds 1525 kilograms (approximately 30 cwts) (Regulation 13(*a*) and (*b*));

(11) to correct minor errors (Regulations 9, 14, 15 and 17); and

(12) to round up to the nearest 10 kilograms (approximately 22 lbs) certain maximum weights in accordance with the general policy in metricating these Regulations (Regulation 16(*a*) and (*c*)).

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