STATUTORY INSTRUMENTS

1977 No. 154

ROAD TRAFFIC

The Motor Vehicles (Construction and Use) (Amendment) Regulations 1977

Made - - -	*28th January* 1977
Laid before Parliament	*9th February* 1977
Coming into Operation	*2nd March* 1977

The Secretary of State for Transport, in exercise of his powers under section 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 2nd March 1977, and may be cited as the Motor Vehicles (Construction and Use) (Amendment) Regulations 1977.

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 33A (which deals with the marking of certain vehicles propelled by a spark ignition engine)—

(*a*) in paragraph (2)—

(i) in sub-paragraph (*f*) for the words "3,500 kilograms" there shall be substituted the words "3,500 kilograms; or", and

(ii) after sub-paragraph (*f*) there shall be added the following sub-paragraph:—

"(*g*) a vehicle manufactured by the Ford Motor Company Limited and identified by either model number A.0407 or model number A.0410 and first used before 1st January 1977."; and

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(a) 1972 c. 20.

(b) S.I. 1973/24 (1973 I, p. 93).

(c) The only relevant amending instruments are: S.I. 1973/1706; 1974/64, 973; 1975/641 (1973 III, p. 5193; 1974 I, p. 208; II, p. 3644; 1975 I, p. 2316).

(*b*) for paragraphs (3) and (4) there shall be substituted the following paragraphs:—

"(3) Every vehicle to which this Regulation applies and which is manufactured before 1st October 1976 or first used before 1st April 1977 shall be legibly and indelibly marked in a conspicuous and readily accessible position with either

(i) the marking designated as an approval mark by Regulation 4 of the Motor Vehicles (Designation of Approval Marks) Regulations 1976(**a**) and shown at item 40 in Schedule 2 to those Regulations, or

(ii) the marking designated as an approval mark by Regulation 4 of the Motor Vehicles (Designation of Approval Marks) Regulations 1976 and shown at item 41 in Schedule 2 to those Regulations.

(4) Every vehicle to which this Regulation applies and which is manufactured on or after 1st October 1976 and first used on or after 1st April 1977 shall be legibly and indelibly marked in a conspicuous and readily accessible position with the marking designated as an approval mark by Regulation 4 of the Motor Vehicles (Designation of Approval Marks) Regulations 1976 and shown at item 41 in Schedule 2 to those Regulations.".

4. In Regulation 34 (which deals with requirements as to the emission of smoke by vehicles propelled by a compression ignition engine)—

(*a*) in paragraph (1), for the words "Subject to the provisions of paragraph (3) of this Regulation," there shall be substituted the words "Subject to the provisions of paragraphs (3) and (4) of this Regulation,"; and

(*b*) after paragraph (3) there shall be inserted the following paragraph:—

"(4) The requirements of paragraph (1) of this Regulation shall not apply to a motor vehicle to which there is affixed the approval mark designated as an approval mark by Regulation 4 of the Motor Vehicles (Designation of Approval Marks) Regulations 1976 and shown at item 57 in Schedule 2 to those Regulations, the said approval mark indicating that that motor vehicle has been approved in respect of the emission of pollutants by a compression ignition engine.".

5. In Regulation 102 (which deals with the maintenance of vehicles so as not to emit smoke etc.) for the words "to which Regulation 34 applies" there shall be substituted the words "to which paragraphs (1) or (4) of Regulation 34 apply".

William Rodgers,
Secretary of State for Transport.

28th January 1977.

(**a**) S.I. 1976/2226 (1976 III, p. 6232).

EXPLANATORY NOTE

(This Note is not part of the Regulations.)

These Regulations further amend the Motor Vehicles (Construction and Use) Regulations 1973—

(1) so as to add certain vehicles to the class of vehicles which are propelled by a spark ignition engine and which are not required to be marked with a designated approval mark (Regulation 3(*a*)), and to bring up to date reference to designated approval marks applicable to motor vehicles equipped with a spark ignition engine approved in respect of the emission of gaseous pollutants by the engine (Regulation 3(*b*));

(2) so as to provide that the requirements for a type test certificate for the compression ignition engine of certain motor vehicles indicating that that type of engine does not, as respects the emission of smoke, exceed certain acceptable upper limits, shall not apply in respect of a motor vehicle to which there is affixed a designated approval mark indicating that that vehicle has been approved in respect of the emission of pollutants by the compression ignition engine by which it is propelled (Regulation 4); and

(3) so as to apply to vehicles to which there is affixed the designated approval mark referred to in paragraph (2) above the requirement that the vehicle shall not be used on a road if certain parts of the vehicle have in any way been altered or adjusted so as to increase the emission of smoke (Regulation 5).

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