STATUTORY INSTRUMENTS

1982 No. 1057

ROAD TRAFFIC

The Motor Vehicles (Construction and Use) (Amendment) Regulations 1982

Made - - -	*28th July* 1982
Laid before Parliament	*11th August* 1982
Coming into Operation	*2nd September* 1982

The Secretary of State for Transport, in exercise of the powers conferred by section 40(1) and (3) of the Road Traffic Act 1972(**a**) and now vested in him(**b**), 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 September 1982 and may be cited as the Motor Vehicles (Construction and Use) (Amendment) Regulations 1982.

2. The Motor Vehicles (Construction and Use) Regulations 1978(**c**) shall be further amended so as to have effect in accordance with the following provisions of these Regulations.

3. In Regulation 3 (Interpretation), after the definition of "public service vehicle" insert the following definition:—

> ""the Recording Equipment Regulation" has the same meaning as in section 82 of the 1972 Act(**d**);".

4. In Regulation 9B (provisions as to sections of articulated buses and direction-holding of articulated buses), in paragraph (2), for "9A(3)" substitute "9A(2)".

5. In Regulation 18 (Speedometer) —

(*a*) after paragraph (1) add the following paragraph:—

"(1A) The indication mentioned in paragraph (1) above shall—

(*a*) in the case of a vehicle manufactured before 1st October 1983 or first used before 1st April 1984, be either in miles per hour or kilometres per hour;

(**a**) 1972 c.20. (**b**) S.I. 1979/571, 1981/238.
(**c**) S.I. 1978/1017; the relevant amending instruments are S.I. 1980/1789, 1981/261, 1580.
(**d**) 1972 c.20, as amended by the Passenger and Goods Vehicles (Recording Equipment) Regulations 1981 (S.I. 1981/1692).

(*b*) in the case of any other vehicle, be in both miles per hour and kilometres per hour so, however, that either of these indications may be temporarily replaced by the other by the operation of a switch.";

(*b*) for paragraph (2) substitute the following new paragraph:—

"(2) The provisions of paragraph (1) above do not apply to:—

(*a*) an invalid carriage first used before 1st April 1984;

(*b*) a motor cycle the cylinder capacity of the engine of which does not exceed 100 cubic centimetres first used before 1st April 1984;

(*c*) a works truck first used before 1st April 1984;

(*d*) a vehicle which it is at all times unlawful to drive at a speed exceeding 25 miles per hour;

(*e*) a vehicle which is incapable by reason of its construction of exceeding a speed of 25 miles per hour on the level under its own power;

(*f*) a vehicle 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 1979(**a**) and shown at item 39 in Schedule 2 to those Regulations.";

(*c*) for paragraph (3) substitute the following paragraph:—

"(3) The provisions of paragraph (1) above do not apply to a vehicle which is equipped with recording equipment which is marked with a marking designated as an approval mark by Regulation 5 of the Motor Vehicles (Designation of Approval Marks) Regulations 1979 and shown at item 3 in Schedule 4 to those Regulations (whether or not the vehicle is required to be equipped with that equipment) and which, as regards the visual indications given by that equipment of the speed of the vehicle, complies with the requirements relating to the said indications and installation specified in the Recording Equipment Regulation.".

6. In Regulation 84 (Laden weight of heavy motor car or motor car, being a public service vehicle), in paragraph (3), for the words "each passenger for whom a seat is provided and for the driver and conductor (if carried)" substitute the words "each person, whether passenger or crew, for whom a seat is provided and any conductor intended to be carried on a vehicle otherwise than in a crew seat.".

7. In Regulation 89A (Laden weight of large passenger carrying vehicles), in paragraph (4)(*b*) —

(*a*) in sub-paragraph (i), for the words "the driver and any conductor" substitute the word "crew"; and

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(a) S.I. 1979/1088, to which there are amendments not relevant to these Regulations.

(*b*) for sub-paragraph (ii) substitute the following sub-paragraph:—

"being a person (including crew) who may by or under any enactment be carried standing, reasonably distributed in the space in which any such person may be so carried, save that in the case of a public service vehicle (not being an articulated bus) only the number of such persons exceeding 8 (excluding crew) shall be taken into account.".

8. In Regulation 98 (Maintenance of speedometer), in paragraph (1), after sub-paragraph (*c*) add the following new sub-paragraph:—

"(*d*) a motor vehicle to which Regulation 18(3) relates and which is not, under the Recording Equipment Regulation, required to be equipped with the recording equipment mentioned in that paragraph,".

David Howell,
28th July 1982. Secretary of State for Transport.

EXPLANATORY NOTE

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

1. These Regulations further amend the Motor Vehicles (Construction and Use) Regulations 1978 by—

(*a*) requiring speedometers fitted to certain vehicles other than those manufactured before 1st October 1983 or first used before 1st April 1984 to indicate the speed of the vehicle in both miles per hour and kilometres per hour;

(*b*) revising the specified exemptions from the requirement for a speedometer fitted to a vehicle;

(*c*) amending some wording in Regulation 18(3) which has been found less than clear;

(*d*) including a definition of the Recording Equipment Regulation; and

(*e*) extending the maintenance requirements to vehicles fitted with equipment in compliance with the Recording Equipment Regulation although not, under the terms of that Regulation, required to be so equipped.

2. The amendments mentioned in paragraph 1(*a*), (*b*) and (*c*) above are contained in Regulation 5. The amendment mentioned in paragraph 1(*d*) above is contained in Regulation 3. The amendment mentioned in paragraph 1(*e*) above is contained in Regulation 8.

3. These Regulations further amend the Motor Vehicles (Construction and Use) Regulations 1978 so that in Regulation 84 all crew are included for the purpose of determining the weight transmitted to the road by a heavy motor car or motor car being a public service vehicle (see Regulation 6), and in Regulation 89A every person for whom a seat is provided and any number of persons more than eight who may be carried standing on a vehicle are included in determining the weight transmitted to the road by the large passenger carrying vehicles to which that Regulation applies (see Regulation 7). Also, a minor error is corrected (see Regulation 4).

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