1957 No. 525

The Road and Rail Traffic Act (Exemption) Regulations, 1957

Made - - - -	*26th March*, 1957
Laid before Parliament	*2nd April*, 1957
Coming into Operation	*16th April*, 1957

The Minister of Transport and Civil Aviation in exercise of his powers under subsection (7) of section 1 and section 25 of the Road and Rail Traffic Act, 1933(a), (hereinafter referred to as "the Act") and of all other powers him enabling in that behalf hereby makes the following Regulations:—

1.—(1) These Regulations shall come into operation on the sixteenth day of April, 1957, and may be cited as "The Road and Rail Traffic Act (Exemption) Regulations, 1957."

(2) The Road and Rail Traffic Act (Exemption) Regulations, 1951(b), are hereby revoked.

(3) In these Regulations the following expressions have the meanings hereby respectively assigned to them:—

"dual-purpose vehicle" means a vehicle constructed or adapted for the carriage both of passengers and of goods or burden of any description, being a vehicle of which the unladen weight does not exceed two tons, and which either—

(*a*) satisfies the conditions as to construction specified in the Schedule to these Regulations, or

(*b*) is so constructed or adapted that the driving power of the engine is, or by appropriate use of the controls of the vehicle can be, transmitted to all the wheels of the vehicle;

"visiting force" means any such body, contingent or detachment of the forces of any country as is a visiting force for the purposes of the provisions of the Visiting Forces Act, 1952(c)—

(*a*) which apply to that country by virtue of paragraph (*a*) of subsection (1) of Section 1 of that Act, or

(*b*) which from time to time apply to that country by virtue of paragraph (*b*) of subsection (1) of the said section 1 and of any Order in Council made or hereafter to be made under the said section 1 designating that country for the purposes of all the provisions of that Act following subsection (2) of the said section 1;

and "service authorities" has the same meaning as it has in the Visiting Forces Act, 1952.

(4) The Interpretation Act, 1889(d), shall apply to the interpretation of these Regulations as it applies to the interpretation of an Act of Parliament.

2. Section 1 of the Act shall not apply:—

(*a*) to the use of any vehicle while hired, whether directly or through a contractor, by any of the following authorities, namely, the Admiralty, the Secretary of State for War, the Secretary of State for Air, any Territorial Army Association, Auxiliary Air Force Association or Joint

(a) 23 & 24 Geo. 5. c. 53.
(b) S.I. 1951/1641 (1951 II, p. 491).
(c) 15 & 16 Geo. 6 & 1 Eliz. 2. c. 67.
(d) 52 & 53 Vict. c. 63.

Association or the service authorities of a visiting force, for naval, military or air force purposes or for the purposes of a visiting force in connection with the manning of any war stations in anticipation of enemy attack, or the mobilisation of the fighting Services or of a visiting force, or in connection with manoeuvres, exercises or training; and for the purposes of this Regulation, where a vehicle is so hired, the period of hire shall be deemed to include its journeys to and from the war station or the area where the mobilisation, manoeuvres, exercises or training take place;

(*b*) to the use of any vehicle by a local authority as defined in section 9 of the Civil Defence Act, 1948(a), in the discharge of any function conferred on or exercisable by that authority under Regulations made under the said Act;

(*c*) to the use of any vehicle upon which no permanent body has been constructed, used only for carrying burden which either is carried solely for the purpose of test or trial, or consists of articles and equipment which will form part of the completed vehicle when the body is constructed;

(*d*) to the use of any vehicle used on a road only in passing from one part of any private premises to another or to other private premises in the immediate neighbourhood belonging (except in the case of a vehicle so used only in connection with excavation or demolition) to the same person, provided that the distance travelled on a road by any such vehicle does not exceed six miles in any one week;

(*e*) to the use of any trailer not constructed primarily for the carriage of goods but which is used incidentally for that purpose in connection with the construction, maintenance or repair of roads;

(*f*) to the use of a road roller when hauling either

(i) a trailer used in connection with the construction, maintenance or repair of roads being a trailer which, notwithstanding that it may incidentally be used for the carriage of goods in such connection, is not primarily constructed for the carriage of goods; or

(ii) a water cart used in such connection;

(*g*) to the use of any tower wagon or trailer drawn by a tower wagon, provided that in each case the only goods carried on the vehicle are such as are required for use in connection with the work on which the tower wagon is ordinarily used as such;

(*h*) to the use of any vehicle under the direction of H.M. Coastguard or of the Royal National Lifeboat Institution for the carriage of life-boats, life-saving appliances or crew;

(*i*) to the use of any vehicle by a highway authority for the purposes of section 27 of the Road Traffic Act, 1930(b);

(*j*) to the use of a vehicle under a limited trade licence within the meaning of section 10 of the Vehicles (Excise) Act, 1949(c);

(*k*) to the use for the purpose of soliciting orders by a commercial traveller, but not for the purpose of advertisement or of the sale or delivery of goods, of a motor vehicle constructed solely for the carriage of not more than seven passengers (exclusive of the driver) and their effects, and not adapted for the carriage of goods other than samples, or of a dual-purpose vehicle, or a motor-cycle (including a motor-cycle to which a sidecar is attached) constructed or adapted for the carriage of goods, whilst being used for the carriage of samples;

(a) 12, 13 & 14 Geo. 6. c. 5. (b) 20 & 21 Geo. 5. c. 43.
(c) 12, 13 & 14 Geo. 6. c. 89.

(*l*) to the use of a motor vehicle controlled by a pedestrian and not constructed or adapted for use or used for the carriage of a driver or passenger;

(*m*) to the use of a motor-cycle (including a motor-cycle to which a side-car is attached) constructed or adapted for the carriage of goods, for the carriage of tools, apparatus, materials or any other requisite things required for use by the driver of the vehicle or any passenger carried therein in carrying on his trade, business or profession, provided that no other goods are carried in the vehicle or, subject as aforesaid, of a dual-purpose vehicle or of a motor vehicle constructed solely for the carriage of not more than seven passengers exclusive of the driver and their effects, and not adapted for the carriage of goods other than such tools, apparatus, materials or other requisite things as aforesaid, whilst being used for the purposes aforesaid;

(*n*) to the use of a motor vehicle by a medical practitioner, state registered nurse, state certified midwife, dentist or veterinary surgeon for the carriage of medicines or of any instruments or apparatus necessary for his or her use in carrying on his or her profession as medical practitioner, nurse, midwife, dentist or veterinary surgeon as the case may be, provided that no other goods are carried in the vehicle;

(*o*) to the use of a motor vehicle constructed solely for the carriage of not more than seven passengers exclusive of the driver and their effects when adapted to draw or drawing a trailer provided that any trailer so drawn and the goods carried therein (if any) are not drawn and carried for hire or reward;

(*p*) to the use of any such vehicle (including a trailer drawn thereby) as is mentioned in paragraph (*a*) of subsection (2) of section 4 of the Vehicles (Excise) Act, 1949, as amended by section 13 of and the Third Schedule to the Finance Act, 1950(a), whilst being used solely for the haulage of such objects as are referred to in sub-paragraphs (i), (ii), (iii), (iv) and (v) of that paragraph;

(*q*) to the use of a dual-purpose vehicle (including a trailer drawn thereby) for any purpose (other than for the carriage of goods for hire or reward or a purpose specified in paragraph (*c*) of subsection (5) of section 1 of the Act) provided that but for that user the vehicle is one to the user of which section 1 of the Act would not apply by virtue of paragraph (*a*) of subsection (7) of that section;

(*r*) to the use of a vehicle fitted with a machine, appliance, apparatus or other contrivance which is a permanent or essentially permanent fixture, provided that the only goods carried on the vehicle are such as are required for use in connection with the machine, appliance, apparatus or contrivance or the running of the vehicle; or

(*s*) to the use by a local authority or a person acting in pursuance of a contract with a local authority of a vehicle for the distribution of grit, salt or other materials on frosted, icebound or snow covered roads or for going to or from the place where it is to be used for the said purposes or for any other purpose directly connected with those purposes.

Given under the Official Seal of the Minister of Transport and Civil Aviation this twenty-sixth day of March, 1957.

(L.S.) *Harold Watkinson,*
The Minister of Transport and Civil Aviation.

(a) 14 Geo. 6. c. 15.

SCHEDULE

The conditions as to the construction of dual-purpose vehicles referred to in paragraph (3) of Regulation 1 of these Regulations are the following:—

1. The vehicle must be permanently fitted with a rigid roof, with or without a sliding panel.

2. The area of the vehicle to the rear of the driver's seat must—

(*a*) be permanently fitted with at least one row of transverse seats (fixed or folding) for two or more passengers, and those seats must be properly sprung or cushioned and provided with upholstered backrests, attached either to the seats or to a side or the floor of the vehicle; and

(*b*) be lit on each side and at the rear by a window or windows of glass or other transparent material having an area or aggregate area of not less than two square feet on each side and not less than one hundred and twenty square inches at the rear.

3. The distance between the rearmost part of the steering wheel and the backrests of the row of transverse seats satisfying the requirements specified in subparagraph (*a*) of the last foregoing paragraph (or, if there is more than one such row of seats, the distance between the rearmost part of the steering wheel and the backrests of the rearmost such row) must, when the seats are ready for use, be not less than one-third of the distance between the rearmost part of the steering wheel and the rearmost part of the floor of the vehicle.

EXPLANATORY NOTE

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

These Regulations re-enact with amendments the Road and Rail Traffic Act (Exemption) Regulations, 1951, which grant exemption in certain cases from the need for the carriers' licences provided for in the Road and Rail Traffic Act, 1933. The principal changes grant exemptions in the following additional cases:—

(1) The exemption given in certain circumstances to vehicles hired to the fighting Services is extended to vehicles used in similar circumstances by Visiting Forces. (Regulation 2 (*a*).)

(2) The exemption granted to commercial travellers when using private cars adapted to carry samples is extended to include dual-purpose vehicles when used to carry samples. (Regulation 2 (*k*).)

(3) The exemption covering the use of motor-cycles for the carriage of tools and materials required by the driver in carrying on his trade or business is extended to include dual-purpose vehicles when used in this way. (Regulation 2 (*m*).)

(4) The exemption granted to farmers under section 1 (7) (*a*) of the Road and Rail Traffic Act, 1933, in respect of the goods vehicles they operate under farmers' "F" excise licences, is extended to include dual-purpose vehicles. (Regulation 2 (*q*).)

(5) The use of a vehicle fitted with an item of plant and carrying only articles required for the operation of the plant and the vehicle. (Regulation 2 (*r*).)

(6) The use of a vehicle to distribute grit, salt, etc., on roads during wintry conditions. (Regulation 2 (*s*).)