STATUTORY INSTRUMENTS

1978 No. 1260

ROAD TRAFFIC

The Road Vehicles (Rear Fog Lamps) Regulations 1978

Made - - - -	22*nd August* 1978
Laid before Parliament	1*st September* 1978
Coming into Operation	23*rd September* 1978

The Secretary of State for Transport, in exercise of his powers under sections 40(1), (2A), and (3), and 41(3) of the Road Traffic Act 1972**(a)** as amended by section 9(1) and (2) of the Road Traffic Act 1974**(b)** and of all other enabling powers, and after consultation with representative organisations in accordance with the provisions of section 199(2) of the said Act of 1972, hereby makes the following Regulations:—

Commencement and citation

1. These Regulations shall come into operation on 23rd September 1978, and may be cited as the Road Vehicles (Rear Fog Lamps) Regulations 1978.

Interpretation

2.—(1) In these Regulations:—

"agricultural vehicle" means a vehicle designed and used primarily for work on the land in connection with agriculture, grass cutting, forestry, land levelling, dredging or similar operations, and includes an agricultural or forestry tractor as defined in Regulation 3(1) of the Agricultural or Forestry Tractors (Type Approval) Regulations 1975**(c)** and any other agricultural or forestry tractor;

"approval mark" means a marking designated as an approval mark by Regulation 5 of the Motor Vehicles (Designation of Approval Marks) Regulations 1976**(d)** as amended**(e)** and shown in column (2) at Item 20 of Schedule 4 to those Regulations;

"engineering plant" has the same meaning as in the Construction and Use Regulations;

"extreme outer edge", in relation to a side of a vehicle, means the plane parallel with the median longitudinal plane of the vehicle, and coinciding with its lateral outer edge, disregarding the projection of—

(*a*) so much of the distortion of any tyre as is caused by the weight of the vehicle,

(*b*) any connections for tyre pressure gauges,

(*c*) any anti-skid devices which may be mounted on the wheels,

(*d*) rear-view mirrors,

(a) 1972 c. 20. **(b)** 1974 c. 50. **(c)** S.I. 1975/1475.
(d) S.I. 1976/2226. **(e)** The amending instruments are S.I. 1977/1400 and 1978/1111.

(*e*) lamps, and

(*f*) customs seals affixed to the vehicle, and devices for securing and protecting such seals;

"front fog lamp" means a lamp fitted to a vehicle and used to improve the illumination of the road in front of the vehicle in conditions of fog and falling snow;

"headlamp" means a lamp on a vehicle which is designed, when lit, to illuminate the road in front of the vehicle, and which is not a front fog lamp;

"illuminating surface", in relation to a lamp, means the part of the surface of the lamp through which light is emitted when the lamp is lit;

"industrial tractor" has the same meaning as in the Construction and Use Regulations;

"kerbside weight" means—

(*a*) in relation to a motor vehicle, the weight of the vehicle when it carries—

(i) no person;

(ii) a full supply of fuel in its tank, an adequate supply of other liquids incidental to its propulsion and no load other than the loose tools and equipment with which the vehicle is normally equipped; and

(*b*) in relation to a trailer, the weight of the trailer when it carries no person and it is otherwise unladen;

"obligatory front lamp" means a lamp, not being a headlamp, showing to the front a white light which is required to be carried under section 68(1)(*a*) of the Road Traffic Act 1972;

"overall width" has the same meaning as in the Construction and Use Regulations;

"pedestrian controlled vehicle" has the same meaning as in the Construction and Use Regulations;

"rear fog lamp" means a lamp designed to be fitted to a vehicle to render the vehicle, when the lamp is lit, more readily visible from the rear primarily in conditions of fog or falling snow;

"rear lamp" means a lamp showing to the rear a red light visible from a reasonable distance;

"stop lamp" means a lamp fitted to a motor vehicle, or to a trailer drawn by a motor vehicle, for the purpose of warning other road users, when the lamp is lit, that the brakes of the motor vehicle or, in the case of a trailer, the brakes of the drawing vehicle or of the combination of vehicles, are being applied;

"the Construction and Use Regulations" means the Motor Vehicles (Construction and Use) Regulations 1978**(a)** as amended**(b)**;

"works trailer" has the same meaning as in the Construction and Use Regulations; and

"works truck" has the same meaning as in the Construction and Use Regulations.

(a) S.I. 1978/1017. **(b)** The amending instruments are S.I. 1978/1233, 1234, 1235.

(2) In these Regulations:—

(*a*) a reference to one lamp includes any combination of two or more lamps, whether identical or not, having the same function and emitting light of the same colour, if it comprises devices the projection of the aggregate illuminating surfaces of which in a vertical plane perpendicular to the median longitudinal plane of the vehicle occupies 60 per cent or more of the area of the smallest rectangle circumscribing the projections of those illuminating surfaces;

(*b*) a reference to two lamps includes—

(i) a single illuminating surface which—

(*A*) is placed symmetrically in relation to the median longitudinal plane of the vehicle,

(*B*) extends on both sides to within not less than 400 millimetres of the extreme outer edge of the vehicle,

(*C*) is not less than 800 millimetres long, and

(*D*) is illuminated by not less than two sources of light; and

(ii) any number of illuminating surfaces which—

(*A*) are juxtaposed,

(*B*) if on the same transverse plane occupy not less than 60 per cent of the area of the smallest rectangle circumscribing the projections of the said surfaces,

(*C*) are placed symmetrically in relation to the median longitudinal plane of the vehicle,

(*D*) extend on both sides to within not less than 400 millimetres of the extreme outer edge of the vehicle,

(*E*) do not have a total length of less than 800 millimetres, and

(*F*) are illuminated by not less than two sources of light;

(*c*) a reference to a vehicle having any number of wheels is a reference to a vehicle having that number of wheels the tyres or rims of which are in contact with the ground when the vehicle is in motion on a road, and any two such wheels shall be treated as one wheel if the distance between the centres of the areas of contact between them and the road surface is less than 460 millimetres; and

(*d*) a reference to an enactment shall be construed as a reference to that enactment as amended by any subsequent enactment.

(3) For the purposes of these Regulations:—

(*a*) in determining when a motor vehicle is first used, the date of such first use shall be taken to be the date which is prescribed as the date of first use by Regulation 3(2) of the Construction and Use Regulations;

(*b*) a vehicle so constructed that it can be divided in two parts both of which are vehicles and one of which is a motor vehicle shall, when not so divided, be treated as that motor vehicle with the other part attached as a trailer; and

(*c*) any measurement expressed in relation to the height from the ground of a lamp fitted to a vehicle shall be taken to be a measurement from the ground when the vehicle is at its kerbside weight and when each tyre with which the vehicle is fitted is inflated to the pressure recommended by the manufacturer of the vehicle.

(4) Any requirement in these Regulations that lamps shall be fitted so as to form a pair shall be construed as a requirement that the lamps shall be—

(*a*) fitted at the same height from the ground, and

(*b*) symmetrically placed with reference to a vertical plane passing through the longitudinal axis of the vehicle,

save that in the case of an asymmetric vehicle these requirements shall be complied with so far as is reasonably possible having regard to the shape of the vehicle.

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

Application and exemptions

3. Regulations 5, 6 and 7 of these Regulations shall not apply to any vehicle proceeding to a port for export or to any vehicle brought temporarily into Great Britain by a person resident abroad.

4. The Secretary of State is satisfied—

(*a*) that it is requisite that the provisions of Regulation 7 of these Regulations (which vary the requirements as regards the construction of the vehicles referred to in that Regulation) shall apply to such of the vehicles specified in these provisions as are registered under the Vehicles (Excise) Act 1971**(b)** before the expiration of one year from the making of these Regulations; and

(*b*) that, notwithstanding that the said provisions will then apply to those vehicles, no undue hardship or inconvenience will be caused thereby.

Requirements for vehicles to be equipped with rear fog lamps, etc.

5.—(1) Save as provided in paragraph (3) of this Regulation, every motor vehicle and trailer manufactured on or after 1st October 1979 and first used on or after 1st April 1980 shall be equipped with either—

(*a*) one rear fog lamp marked with an approval mark, or

(*b*) two rear fog lamps, each marked with an approval mark, fitted so as to form a pair.

(2) Every motor vehicle to which paragraph (1) of this Regulation applies shall be equipped with a device so fitted as to be readily visible to the driver at all times when he is in the driving position, and so designed as to indicate when any rear fog lamp fitted to the motor vehicle or to any trailer which it is drawing is illuminated, or when the electrical circuit which connects with such lamp is closed.

(3) The requirements specified in paragraph (1) of this Regulation shall not apply to—

(*a*) vehicles having less than four wheels and having an overall width which does not exceed 1.3 metres;

(*b*) agricultural vehicles;

(*c*) industrial tractors;

(*d*) pedestrian controlled vehicles;

(*e*) works trailers;

(*f*) works trucks; and

(*g*) any other vehicles which are neither motor vehicles nor trailers.

(a) 1889 c. 63. **(b)** 1971 c.10

Provisions as to the fitting of rear fog lamps on certain vehicles

6.—(1) The provisions of paragraph (2) of this Regulation shall apply to every motor vehicle and trailer manufactured on or after 1st October 1979 and first used on or after 1st April 1980.

(2) The provisions referred to in paragraph (1) of this Regulation are as follows:—

(*a*) not more than two rear fog lamps shall be fitted to the vehicle;

(*b*) every rear fog lamp fitted to the vehicle shall be positioned at or near the rear of the vehicle;

(*c*) if only one rear fog lamp is fitted to the vehicle it shall be positioned on or to the right or off-side of the vertical plane passing through the longitudinal axis of the vehicle (disregarding, for the purpose of ascertaining such axis, any sidecar attached to a two-wheeled motor cycle);

(*d*) if two rear fog lamps are fitted to the vehicle they shall be fitted so as to form a pair and shall, when lit, emit light of substantially the same colour and intensity;

(*e*) no rear fog lamp fitted to the vehicle shall be positioned so that any part of the illuminating surface thereof is less than 250 millimetres from the ground or more than 1 metre from the ground, except that in the case of an agricultural vehicle, engineering plant and a motor tractor a rear fog lamp may be positioned so that no part of the illuminating surface thereof is more than 1.9 metres from the ground or, if the shape of the vehicle makes this impossible, more than 2.1 metres from the ground;

(*f*) every rear fog lamp fitted to the vehicle shall, when illuminated, show a steady red light visible to the rear of the vehicle at any point between at least 5 degrees above and 5 degrees below the horizontal throughout an angle of at least 25 degrees in the horizontal plane on each side of a line parallel to the longitudinal axis of the vehicle and passing through the centre of the illuminating surface of the lamp;

(*g*) the electrical connections to every rear fog lamp with which the vehicle is fitted shall be such that, save in the case of a vehicle being used for ambulance, fire brigade or police purposes, the rear fog lamp can be illuminated only when any headlamp, front fog lamp or obligatory front lamp with which the vehicle is fitted is illuminated; and

(*h*) a rear fog lamp fitted to the vehicle may share a common lamp body with other lamps provided it has a separate light source and a separate lens, except that where it shares a common lamp body with a rear lamp (other than a rear fog lamp) it may share, totally or partly, a common lens with such lamp and may either share with such lamp a single light source operated under different conditions or be fitted with a light source separate from the light source of such lamp.

Provisions as to the fitting of rear fog lamps on all vehicles

7.—(1) On and after 1st October 1979 the provisions specified in paragraph (2) of this Regulation shall apply to every motor vehicle and trailer being used on a road.

(2) The provisions referred to in paragraph (1) of this Regulation are as follows:—

(*a*) no rear fog lamp shall be fitted to the vehicle so that the distance between any part of the illuminating surface of that lamp and any

part of the illuminating surface of any stop lamp on the vehicle is less than 100 millimetres; and

(*b*) no rear fog lamp shall be fitted to the vehicle so that it can be illuminated by the application of any braking system on the vehicle.

Provisions as to the use of rear fog lamps

8. No rear fog lamp with which a motor vehicle or trailer is equipped shall be used on a road except—

(*a*) during such conditions adversely affecting visibility (whether consisting of, or including, fog, smoke, heavy rain or spray, snow, dense cloud, or any similar condition) as seriously reduce the ability of the driver (after the appropriate use by him of any windscreen wiper and washer) to see other vehicles or persons on the road, or the ability of other users of the road to see the vehicle: and

(*b*) (i) when the vehicle is in motion, or

(ii) during an enforced stoppage of the vehicle, or

(iii) when the vehicle, being constructed or adapted to carry more than seven passengers exclusive of the driver, is stopped to enable passengers to board or alight from the vehicle, or

(iv) when the vehicle is being used for ambulance, fire brigade or police purposes.

9.—(1) This Regulation applies to—

(*a*) every motor vehicle to which Regulation 5 of these Regulations applies which is not drawing a trailer, and

(*b*) every trailer to which the said Regulation 5 applies which is the rearmost of a combination of two or more vehicles both or each one of which is a motor vehicle or a trailer to which the said Regulation 5 applies.

(2) Every rear fog lamp which is fitted to a vehicle to which this Regulation applies (other than a vehicle which is a broken down vehicle) shall be capable of being illuminated by the driver of the vehicle, or in the case of a combination of two or more vehicles, by the driver of the drawing vehicle when in the driving position.

Peter R. Baldwin,
Permanent Secretary for
Secretary of State for Transport.

22nd August 1978.

EXPLANATORY NOTE

(This Note is not part of the Regulations.)

1. These Regulations provide that with certain exceptions—
   (*a*) all motor vehicles and trailers manufactured on or after 1st October 1979 and first used on or after 1st April 1980 shall be equipped with either—
      (i) one rear fog lamp marked with an approval mark, or
      (ii) two rear fog lamps, each marked with an approval mark, fitted so as to form a pair (Regulation 5(1) and (3)), and
   (*b*) all such motor vehicles shall be equipped with a tell-tale which indicates when any rear fog lamp on the motor vehicle or on any trailer which it is drawing is illuminated (Regulation 5(2)).

2. These Regulations also provide as to the fitting of rear fog lamps that—
   (*a*) in respect of motor vehicles and trailers manufactured on or after 1st October 1979 and first used on or after 1st April 1980—
      (i) not more than two rear fog lamps shall be fitted to the vehicle,
      (ii) every rear fog lamp fitted to the vehicle shall be positioned at or near the rear of the vehicle,
      (iii) if only one rear fog lamp is fitted to the vehicle it shall be positioned on or to the right or off-side of the vertical plane passing through the longitudinal axis of the vehicle,
      (iv) if two rear fog lamps are fitted to the vehicle they shall be fitted so as to form a pair,
      (v) no rear fog lamp fitted to the vehicle shall be positioned so that any part of the illuminating surface is less than a certain distance from or more than a certain distance from the ground,
      (vi) every rear fog lamp fitted to the vehicle shall, when illuminated, show a steady red light to the rear visible from certain points,
      (vii) the electrical connections to any rear fog lamp fitted to the vehicle shall be such that, with certain exceptions, the rear fog lamp can be illuminated only when any headlamp, front fog lamp or obligatory front lamp is illuminated, and
      (viii) a rear fog lamp fitted to the vehicle may in certain circumstances share a common lamp body with other lamps (Regulation 6(1) and (2));
   (*b*) in respect of all motor vehicles and trailers being used on a road on or after 1st October 1979—
      (i) no rear fog lamp shall be fitted to the vehicle so that the distance between any part of its illuminating surface and any part of the illuminating surface of any stop lamp is less than 100 millimetres, and
      (ii) no rear fog lamp shall be fitted to the vehicle so that it can be illuminated by the application of any braking system (Regulation 7).

3. These Regulations also provide that no rear fog lamp shall be used except under certain conditions (Regulation 8), and that rear fog lamps fitted to certain vehicles shall be capable of being illuminated (Regulation 9).

4. As the requirements specified in Regulation 7 apply to vehicles registered before one year from the making of these Regulations the Secretary of State has exercised the powers conferred by section 41(3) of the Road Traffic Act 1972 (Regulation 4).

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