

## 1984 No. 195

## ROAD TRAFFIC

**The Motor Vehicles (Construction and Use) (Amendment) Regulations 1984**

<i>Made - - - - -</i>	<i>21st February 1984</i>
<i>Laid before Parliament</i>	<i>6th March 1984</i>
<i>Coming into Operation</i>	<i>1st April 1984</i>

The Secretary of State for Transport, in exercise of the powers conferred by section 40(1) and (3) and 41(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 1st April 1984 and may be cited as the Motor Vehicles (Construction and Use) (Amendment) Regulations 1984.

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

3. The Secretary of State is satisfied that—

- (a) it is requisite that the provisions of Regulation 6 of these Regulations (which vary the requirements as regards the construction of the vehicles referred to in paragraph (1) of the Regulation 47 of the Regulations of 1978 mentioned in Regulation 2 above as amended by Regulation 6 of these present Regulations) shall apply as from 1st May 1984 to such of the vehicles which are specified in those provisions and which are subject to those amendments as are registered under the Vehicles (Excise) Act 1971 (d) before the expiration of one year from the making of these Regulations; and
- (b) notwithstanding that the said provisions will then apply to those vehicles, no undue hardship or inconvenience will be caused thereby.

4. In Regulation 46B (Rear under-run protection) —

- (a) In paragraph (2) for sub-paragraph (j) substitute the following sub-paragraph:—
- “(j) a vehicle to which no bodywork has been fitted and which is being driven or towed —
- (i) for the purpose of a quality or safety check by its manufacturer or a dealer in, or distributor of, such vehicles;

(a) 1972 c.20.

(b) S.I. 1979/571 and 1981/238.

(c) S.I. 1978/1017; the relevant amending Instruments are S.I. 1981/1663, 1982/1576 and 1983/471.

(d) 1971 c.10.

- (ii) to a place where, by previous arrangement, bodywork is to be fitted or work preparatory to the fitting of bodywork is to be carried out; or
  - (iii) by previous arrangement to premises of a dealer in, or distributor of, such vehicles;”;
  - (b) in paragraph (2) delete “or” at the end of sub-paragraph (o), for the full stop at the end of sub-paragraph (p) substitute a semi-colon and after sub-paragraph (p) add the following sub-paragraphs:—
    - “(q) a vehicle designed and used solely for the delivery of coal by means of a special conveyor which is carried on the vehicle and when in use is fitted to the rear of the vehicle so as to render its being equipped with a rear under-run protective device impracticable; or
    - (r) a land implement.”;
  - (c) in paragraph (4), in sub-paragraph (c), for the words “save as provided” to the end substitute the following words:—
    - “save —
    - (i) as provided in sub-paragraphs (a) and (b) above,
    - (ii) that for the reference in paragraph II.5.4.1 in that Annex to 30 centimetres there is substituted a reference to 35 centimetres, and
    - (iii) the distance of 40 centimetres specified in paragraph II.5.4.5 in that Annex may be measured exclusive of the said tail-lift, bodywork or other part.”.
5. Regulation 46D (Sideguards) —
- (a) In paragraph (2) —
    - (i) for sub-paragraph (h) substitute the following sub-paragraph:—
      - “(h) a vehicle to which no bodywork has been fitted and which is being driven or towed—
      - (i) for the purpose of a quality or safety check by its manufacturer or a dealer in, or distributor of, such vehicles;
      - (ii) to a place where, by previous arrangement, bodywork is to be fitted or work preparatory to the fitting of bodywork is to be carried out; or
      - (iii) by previous arrangement to premises of a dealer in, or distributor of, such vehicles;”;
    - (ii) in sub-paragraph (m), for the word “trailer” substitute the word “vehicle”; and
    - (iii) omit the word “and” at the end of sub-paragraph (n), for the full stop at the end of sub-paragraph (o) substitute “; and” and after sub-paragraph (o) add the following sub-paragraph —
      - “(p) a land implement.”;
  - (b) in paragraph (4) for the words “paragraph (6)” substitute the words “paragraphs (6) and (7)”;
  - (c) in paragraph (5) for sub-paragraph (a) substitute the following sub-paragraph:—

- “(a) the outermost surface of every sideguard shall be smooth, essentially rigid and either flat or horizontally corrugated, save that:—
- (i) any part of the surface may overlap another provided that the overlapping edge faces rearwards or downwards,
  - (ii) a gap not exceeding 25 millimetres measured longitudinally may exist between any two adjacent parts of the surface provided that the foremost edge of the rearward part does not protrude outboard of the rearmost edge of the forward part, and
  - (iii) domed heads of bolts or rivets may protrude beyond the surface to a distance not exceeding 10 millimetres;”;
- (d) in paragraph (5) for sub-paragraph (c) substitute the following sub-paragraph:—
- “(c) in a case specified in an item in column 2 of the Table below the highest edge of a sideguard shall be as specified in that item in column 3 of that Table.

TABLE

1 Item No.	2 Case	3 Requirement about highest edge of sideguard
1.	<p>Where the floor of the vehicle to which the sideguard is fitted —</p> <ul style="list-style-type: none"> <li>(i) extends laterally outside the tangential plane,</li> <li>(ii) is not more than 1.85 metres from the ground,</li> <li>(iii) extends laterally over the whole of the length as specified in sub-paragraphs (d) to (g) below of the sideguard with which the vehicle is required by this Regulation to be fitted, and</li> <li>(iv) is wholly covered at its edge by a side-rave the lower edge of which is not more than 150 millimetres below the under-side of the floor.</li> </ul>	Not more than 350 millimetres below the lower edge of the side-rave.
2.	<p>Where the floor of the vehicle to which the sideguard is fitted —</p> <ul style="list-style-type: none"> <li>(i) extends laterally as specified in sub-paragraph (i) in item 1 above, and</li> <li>(ii) does not comply with one or more of the provisions specified in sub-paragraphs (ii), (iii) and (iv) in item 1 above,</li> </ul> <p>and any part of the structure of the vehicle is cut within 1.85 metres of the ground by the tangential plane.</p>	Not more than 350 millimetres below the structure of the vehicle where it is cut by the tangential plane.
3.	<p>Where —</p> <ul style="list-style-type: none"> <li>(i) no part of the structure of the vehicle is cut within 1.85 metres of the ground by the tangential plane, and</li> <li>(ii) the upper surface of the load carrying structure of the vehicle is less than 1.5 metres from the ground.</li> </ul>	Not less than the height of the upper surface of the load-carrying structure of the vehicle.
4.	A vehicle specially designed, and not merely adapted, for the carriage and mixing of liquid concrete.	Not less than 1 metre from the ground.
5.	Any other case.	Not less than 1.5 metres from the ground.

(e) at the end of paragraph (5) add the following words:—

“In this paragraph “tangential plane”, in relation to a sideguard, means the vertical plane tangential to the external face of the outermost part of the tyre (excluding any distortion caused by the weight of the vehicle) fitted to the outermost wheel at the rear and on the same side of the vehicle.”; and

(f) after paragraph (6) add the following paragraph:—

“(7) In the case of a motor vehicle to which this Regulation applies and which is of a type which was required to be approved under the Motor Vehicles (Type Approval for Goods Vehicles) (Great Britain) Regulations 1982 (a) before 1st October 1983 —

- (a) if the bodywork of the vehicle covers the whole of the area specified as regards a sideguard in paragraph (5)(b), (c), (d) and (g) above the other provisions of that paragraph do not apply to that vehicle; and
- (b) if the bodywork of the vehicle covers only part of that area the part of that area which is not so covered shall be fitted with a sideguard which complies with the provisions of paragraph (5) above save that there shall not be a gap between —
  - (i) the rearmost edge of the sideguard or the rearmost part of the bodywork (whichever is furthest to the rear) and the vertical plane mentioned in (d) of more than 300 millimetres;
  - (ii) the foremost edge of the sideguard or the foremost part of the bodywork (whichever is furthest to the front) and the vertical plane mentioned in (g) of more than 300 millimetres;
  - (iii) any vertical or sloping edge of any part of the bodywork in question and the edge of the sideguard immediately forwards or rearwards thereof of more than 25 millimetres measured horizontally.

6. In Regulation 47 (gas propulsion systems and gas-fired appliances), in paragraph (2), for the words “In the case of every motor vehicle first propelled by gaseous fuel on or after 19th November 1982 and every trailer manufactured on or after 19th November 1982” there are substituted the words —

“In the case of —

- (i) every motor vehicle first propelled by gaseous fuel on or after 19th November 1982;
- (ii) every motor vehicle first used on or after 1st May 1984; and
- (iii) every trailer manufactured on or after 19th November 1982.”.

*Nicholas Ridley,*  
Secretary of State for  
Transport.

21st February 1984.

(a) S.I. 1982/1271.

## EXPLANATORY NOTE

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

1. These Regulations further amend the Motor Vehicles (Construction and Use) Regulations 1978 in so far as they relate to rear under-run protection and sideguards.
2. By virtue of Regulation 4 —
  - (a) a vehicle designed and used solely for the delivery of coal by means of a device which, when in use, is fitted to the back of the vehicle and a land implement are added to the classes of vehicle exempt from the requirement to fit a rear under-run protective device;
  - (b) the requirements in relation to a vehicle fitted with a tail lift, bodywork or other part which renders it being equipped with a rear under-run protective device are amended, and
  - (c) a minor amendment is made to the exemption relating to vehicles to which no bodywork has been fitted.
3. By virtue of Regulation 5 —
  - (a) the technical requirements relating to the outermost surface and the highest edge of a sideguard are amended,
  - (b) those technical requirements are disapplied as regards a motor vehicle the bodywork of which covers the whole of the area to which those requirements apply, and they are modified as regards a motor vehicle the bodywork of which covers part of that area,
  - (c) a minor amendment is made to the exemption relating to vehicles to which no bodywork has been fitted, and
  - (d) a land implement is exempted from the requirement for sideguards.
4. These Regulations further amend the Motor Vehicles (Construction and Use) Regulations 1978 so as to apply in respect of all motor vehicles (whatever their means of propulsion) manufactured on or after 1st May 1984, as well as to motor vehicles first propelled by gaseous fuel on or after 19th November 1982 certain requirements as to gas-fired appliances and their fuel supply (Regulation 6 refers). The Secretary of State is satisfied that it is appropriate to exercise the power given by section 41(3) of the Road Traffic Act 1972 so that the new provisions apply to certain vehicles first registered before the expiration of one year from the making of the Regulations (Regulation 3 refers).

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