
STATUTORY INSTRUMENTS

1998 No. 2249

ROAD TRAFFIC

The Motor Vehicles (Authorisation of Special Types) (Amendment) Order 1998

Made - - - - - *13th September 1998*

Coming into force - - - - - *18th September 1998*

The Secretary of State for the Environment, Transport and the Regions, in exercise of the powers conferred by section 44 of the Road Traffic Act 1988(1) and of all other powers enabling him in that behalf, hereby makes the following Order:—

Citation and commencement

1. This Order may be cited as the Motor Vehicles (Authorisation of Special Types) (Amendment) Order 1998 and shall come into force on 18th September 1998.

Preliminary

2. The Motor Vehicles (Authorisation of Special Types) General Order 1979(2) shall be further amended in accordance with the provisions of this Order.

Amendment of article 16 of the Motor Vehicles (Authorisation of Special Types) General Order 1979

3.—(1) Article 16 shall be amended as follows.

(2) After paragraph (1), there shall be inserted the following paragraph—

“(1A) In this Article—

“the 1986 Regulations” means the Road Vehicles (Construction and Use) Regulations 1986(3); and

“the 1989 Regulations” means the Road Vehicles Lighting Regulations 1989(4).”

(1) 1988 c. 52; section 40A was inserted by section 8 of the Road Traffic Act 1991 (c. 40) and section 44 was amended by p. 51 of Schedule 4 to that Act.

(2) S.I. 1979/1198; relevant amending instruments are S.I. 1981/1664, 1986/313, 1987/1327.

(3) S.I. 1986/1078; relevant amending instruments are S.I. 1987/676, 1988/270; 1989/1865 and 2360; 1990/317, 1131, 1163 and 1981; 1991/1526, 2003, 2125 and 2170; 1992/352, 2137, 2909 and 3285; 1993/2199; 1994/14 and 2192; 1995/551, 1201 and 2210.

(4) S.I. 1989/1796; relevant amending instrument is S.I. 1994/2280.

- (3) In paragraph (2)–
- (a) in sub-paragraphs (A) and (B), for the words “the Construction and Use Regulations” in each place where those words occur there shall be substituted the words “the 1986 Regulations and the 1989 Regulations”;
 - (b) in condition (a), there shall be inserted at the beginning the words “subject to paragraph (3)”;
 - (c) for condition (b), there shall be substituted the following sub-paragraph–
 - “(b) the relevant requirements, to the extent that they are applicable to the vehicle, shall be complied with or (as the case may be) shall not be contravened;”;
 - (d) in condition (c), there shall be inserted at the beginning the words “subject to paragraph (7)”;
 - (e) in condition (d), there shall be inserted at the beginning the words “subject to paragraph (8),” and for the words “Regulations 9 or 73 of the Construction and Use Regulations” there shall be substituted the words “Regulation 7 of the 1986 Regulations”;
 - (f) in condition (e), there shall be inserted at the beginning the words “subject to paragraph (8),”;
 - (g) in condition (f), for the words “the Construction and Use Regulations” there shall be substituted the words “the 1986 Regulations”.
- (4) After paragraph (2), there shall be inserted the following paragraphs–
- “(3) Paragraph (2)(a) shall not apply if the vehicle is being used in the following circumstances–
- (a) a person (“the approved person”) has been approved by the Secretary of State for the purposes of this article in respect of the vehicle;
 - (b) the vehicle is registered under the Vehicle Excise and Registration Act 1994(5) in the name of the approved person and no one else; and
 - (c) the requirements of paragraph (4) or (5) are met.
- (4) The requirements of this paragraph are that the vehicle is being used by the approved person and he is using it for the sole purpose of making an evaluation of the vehicle.
- (5) The requirements of this paragraph are that–
- (a) the approved person has lent the vehicle to a person (“the borrower”) for the borrower’s own use on terms which include a requirement that the borrower must–
 - (i) supply to the approved person information or opinions derived from such use; and
 - (ii) return the vehicle to the approved person on demand;
 - (b) the vehicle is being used by the borrower in accordance with such terms; and
 - (c) the approved person requires the information or opinions for the purposes of evaluating the vehicle.
- (6) For the purposes of paragraph (2)(b), the relevant requirements are the requirements of–
- (a) the provisions of the 1986 Regulations (so far as they would otherwise apply to the vehicle) set out in the left hand column of Table I below as modified for the purposes of this article in accordance with the entries in the right hand column of that Table; and

(b) the provisions of the 1989 Regulations (so far as they would otherwise apply to the vehicle) set out in the left hand column of Table II below as modified for the purposes of this Article in accordance with the entries made in the right hand column of that Table.

(7) Paragraph (2)(c) shall not apply to the vehicle when it is being used in circumstances where all the provisions of the 1986 Regulations as to the weights of vehicles whether laden or unladen, or the weights transmitted to the road surface by all or any of the wheels are complied with.

(8) If a vehicle forms part of a combination of vehicles, paragraph (2)(d) and (e) shall have effect in relation to that vehicle as if—

- (a) each reference to its overall length included a reference to the overall length of the combination of vehicles; and
- (b) the reference to particulars of the vehicle were a reference to particulars of each vehicle in the combination.

(9) A reference in this Article to any enactment comprised in the 1986 Regulations or the 1989 Regulations is a reference to that enactment as from time to time amended or as from time to time re-enacted with or without modification.

(10) Nothing in this Article shall be construed as authorising a vehicle to be used when—

- (a) the condition of the vehicle or its accessories or equipment;
- (b) the purpose for which it is used;
- (c) the number of passengers carried by it, or the manner in which they are carried; or
- (d) the weight, position or distribution of its load, or the manner in which it is secured,

is such that the use of the vehicle involves a danger of injury to any person.

TABLE I

(see paragraph (6)(a))

<i>Provision of the 1986 Regulations</i>	<i>Subject matter</i>	<i>Modifications made to the 1986 Regulations for the purposes of this Article</i>
Regulation 10	Indication of overall travelling height	
Regulation 16	Braking systems	In regulation 16(1) for the words “to which regulation 15 does not apply” there shall be substituted the words “and has effect subject to the proviso in paragraph of regulation 15”.
Regulation 18(1)	Maintenance and efficiency of brakes	
Regulation 20	General requirement as to wheels and tracks	
Regulation 26	Mixing of tyres	
Regulation 27	Conditions and maintenance of tyres	
Regulation 29	Maintenance of steering gear	

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

<i>Provision of the 1986 Regulations</i>	<i>Subject matter</i>	<i>Modifications made to the 1986 Regulations for the purposes of this Article</i>
Regulation 30	View to the front	
Regulation 34	Windscreen wipers and washers	
Regulation 37	Audible warning instruments	
Regulation 53	Mascots	
Regulation 54	Silencers—general	
Regulation 61	Emissions	
Regulation 62	Closets etc.	
Regulations 81 and 82	Restrictions on the use of vehicles carrying wide or long loads or having fixed appliances or apparatus	In regulation 82(8)(c)(ii)(B) the reference to paragraph 1 of Schedule 12 to the 1986 Regulations shall be omitted.
Regulation 83	Number of trailers	
Regulation 84	Trailers drawn by motor cycles	
Regulation 86	Distance between motor vehicles and trailers	
Regulation 89	Leaving trailers at rest	
Regulation 90	Passengers in trailers	
Regulation 92	Attachment of side cars	
Regulation 97	Avoidance of excessive noise	
Regulation 98	Stopping of engine when stationary	
Regulation 99	Use of audible warning instruments	
Regulation 100	Maintenance and use of vehicles so as not to be a danger	
Regulation 101	Parking in darkness	
Regulation 102	Passengers on motor cycles	
Regulation 103	Obstruction	
Regulation 104	Driver's control	
Regulation 105	Opening of doors	
Regulation 106	Reversing	
Regulation 107	Leaving motor vehicle unattended	
Regulation 108	Securing of suspended implements	
Regulation 109	Television sets	

TABLE II

(see paragraph (6)(b))

<i>Provision of the 1989 Regulations</i>	<i>Subject matter</i>	<i>Modifications made to the 1989 Regulations for the purpose of this Article</i>
Regulation 11	Colour of lights shown by lamps and reflectors	
Regulation 13	Lamps to show steady light	
Regulation 16	Restrictions on fitting blue warning beacons, special warning lamps and similar devices	
Regulation 17	Obligatory warning beacons	
Regulation 18	Obligatory lamps, reflectors, rear markings and devices	In regulation 18(1)(b) there shall be added at the end: “as if— <ul style="list-style-type: none"> (i) the requirements relating to the markings of lamps, retro-reflectors and rear markings were omitted; (ii) the requirements relating to angles of visibility were omitted; (iii) the requirements relating to the positioning of any lamp, retro-reflector or rear marking permitted any specified maximum measurement to be increased by 5 per cent and any specified minimum measurement to be decreased by 5 per cent; and (iv) the requirements relating to the fitting of a dim-dip device or running lamp in Table 1 of Schedule 1 were omitted.”;
Regulation 19	Restrictions on the obstruction of certain lamps and reflectors	
Regulation 21	Projecting trailers and vehicles carrying overhanging or projecting loads or equipment	
Regulation 22	Additional side marker lamps	In paragraph (1), after the words paragraph (2) there shall

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<i>Provision of the 1989 Regulations</i>	<i>Subject matter</i>	<i>Modifications made to the 1989 Regulations for the purpose of this Article</i>
		<p>be inserted “and subject to paragraph (3)”.</p> <p>In paragraph (3), there shall be added at the end:</p> <p>“as if–</p> <ul style="list-style-type: none"> (i) the requirements relating to the markings of lamps, retro-reflectors and rear markings were omitted; (ii) the requirements relating to angles of visibility were omitted; and (iii) the requirements relating to the positioning of any lamp, retro-reflector or rear marking permitted any specified maximum measurement to be increased by 5 per cent and any specified minimum measurement to be decreased by 5 per cent.””

4. The Motor Vehicles (Authorisation of Special Types) (No. 2) Order 1951(6) is hereby revoked.

Signed by authority of the Secretary of State for the Environment, Transport and the Regions

13th September 1998

Larry Whitty
Parliamentary Under Secretary for State,
Department of the Environment, Transport and
the Regions

EXPLANATORY NOTE

(This note is not part of the Order)

This Order amends the Motor Vehicles (Authorisation of Special Types) General Order 1979 to permit the use on roads of prototype vehicles which do not comply with all the requirements of the Road Vehicles (Construction and Use) Regulations 1986 and of the Road Vehicles Lighting Regulations 1989. Such use is only permitted for the purpose of making an evaluation of the vehicle. The vehicle is required to comply with the requirements of the Regulations specified in Tables I and II in Article 16(6), subject to any modifications specified in the right hand column of each Table.

This Order has been notified to the European Commission pursuant to Directive [83/1989/EEC](#) of 28 March 1983 laying down a procedure for the provision of information in the field of technical standards and regulations (OJ 1983 L109, p. 9) as amended by Council Directive [88/182/EEC](#) of 22 March 1988 (OJ 1988 L81, p. 75) and European Parliament and Council Directive [94/10/EEC](#) of 23 March 1994 (OJ 1994 L100, p. 30).