

## 1976 No. 528

## ROAD TRAFFIC

**The Motor Vehicles (Construction and Use) (Amendment) (No. 2)  
Regulations 1976**

*Made* - - - - - 31st March 1976

*Laid before Parliament* 9th April 1976

*Coming into Operation* 30th April 1976

The Secretary of State for the Environment, in exercise of his powers under sections 40(1) and (3) of the Road Traffic Act 1972(a) 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 30th April 1976, and may be cited as the Motor Vehicles (Construction and Use) (Amendment) (No. 2) Regulations 1976.

2. The Motor Vehicles (Construction and Use) Regulations 1973(b), as amended(c), shall be further amended so as to have effect in accordance with the following provisions of these Regulations.

3. The Interpretation Act 1889(d) shall apply for the interpretation of these Regulations as it applies for the interpretation of an Act of Parliament and as if for the purposes of section 38 of that Act these Regulations were an Act of Parliament and the revocations effected by Regulation 4 were the repeal thereby of an Act of Parliament.

4. The Regulations specified in the Schedule hereto are hereby revoked to the extent specified in the third column of that Schedule.

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(a) 1972 c. 20.

(b) S.I. 1973/24 (1973, I, p. 93).

(c) The only relevant amending Instruments are S.I. 1973/1347, 1974/64, 765, 1975/641 1976/317 (1973 II, p. 4133; (1974 I, pp. 208 2932; 1975 I, p. 2316; 1976 I, p. 856).

(d) 1889 c. 63.

5. For Regulation 4A there shall be substituted the following Regulation:—

“4A.—(1) This Regulation applies to a motor vehicle or trailer in respect of which—

- (a) a type approval certificate has been issued by the Secretary of State under Regulation 5 of the Motor Vehicles (Type Approval) Regulations 1973<sup>(a)</sup> (which provides for the issue of such a certificate in respect of a vehicle which is approved as a type vehicle where it conforms to certain requirements as to design, construction, equipment and marking) or by the competent authority of any member State other than the United Kingdom under a provision of the law of that State which corresponds to the said Regulation 5; or
- (b) a certificate of conformity has been issued by the manufacturer of the vehicle under Regulation 6 of those Regulations (which provides for the issue of such a certificate in respect of a vehicle where it is manufactured so as to conform with a type vehicle in respect of such of the said requirements as apply in relation to that vehicle) or under a provision of the law of any member State other than the United Kingdom which corresponds to the said Regulation 6.

(2) Where in the case of any motor vehicle or trailer to which this Regulation applies the type approval certificate or, as the case may be, the certificate of conformity in question has been issued by reason of the vehicle's conforming to the requirements of a Community Directive specified in column 2 of the Table set out below (the Directives there specified being the Community Directives which are referred to in Part I of Schedule 2 to the said Regulations of 1973, as amended<sup>(b)</sup>, and which contain requirements with respect to the design, construction, equipment and marking of vehicles or their components) and the vehicle is first used on or after the date specified opposite to that Directive in column 3 of the said table, and, in a case where a date is specified opposite to that Directive in column 4 of the said table, before the date so specified, then that one or more (as the case may be) of these Regulations which are specified opposite to that Directive in column 5 of the said table shall not apply to that vehicle.

(3) In paragraph (1) above ‘member State’ has the same meaning as in Regulation 3(1) of the said Regulations of 1973.

TABLE

1 Item No.	2 The Community Directives to whose requirements the vehicle must conform	3 Date on or after which the vehicle is first used	4 Date before which the vehicle is first used	5 Regulations from which the vehicle is exempted
1	Council Directive 71/320/EEC of 26th July 1971 <sup>(c)</sup> (relating to the braking devices of certain categories of motor vehicles and their trailers)	1st July 1973		13, 14, 47, 50, 54, 59, 66 and 70
1A	Council Directive 71/320/EEC of 26th July 1971 (relating to the braking devices of certain categories of motor vehicles and their trailers) as amended by Commission Directive 74/132/EEC of 11th February 1974 <sup>(d)</sup>	1st October 1974		13, 14, 47, 50, 54, 59, 66 and 70

<sup>(a)</sup> S.I. 1973/1199 (1973 II. p. 3610).

<sup>(b)</sup> The only relevant amending instrument is S.I. 1976/316 (1976 I, p. 852).

Official Journal Reference:

<sup>(c)</sup> O.J. L202, 6.9.1971, p. 37 (S.E. 1971 (III), p. 746).

<sup>(d)</sup> O.J. L74, 19.3.1974, p. 7.

1 Item No.	2 The Community Directives to whose requirements the vehicle must conform	3 Date on or after which the vehicle is first used	4 Date before which the vehicle is first used	5 Regulations from which the vehicle is exempted
1B	Council Directive 71/320/EEC of 26th July 1971 (relating to the braking devices of certain categories of motor vehicles and their trailers) as amended by Commission Directive 74/132/EEC of 11th February 1974 and by Commission Directive 75/524/EEC of 25th July 1975(a)	1st January 1976		13, 14, 47, 50, 54, 59, 66 and 70
2	Council Directive 70/387/EEC of 27th July 1970(b) (relating to the doors of motor vehicles and their trailers)	1st July 1973		15
3	Council Directive 74/297/EEC of 4th June 1974(c) relating to the interior fittings of motor vehicles (the behaviour of the steering mechanism in the event of an impact)	4th December 1975		16
4	Council Directive 70/221/EEC of 20th March 1970(d) (relating to the liquid fuel tanks and rear protective devices for motor vehicles and their trailers)	1st July 1973		19
5	Council Directive 71/127/EEC of 1st March 1971(e) (relating to the rear-view mirrors of motor vehicles)	1st July 1973		23(3)
6	Council Directive 70/388/EEC of 27th July 1970(f) (relating to the audible warning devices for motor vehicles)	1st July 1973		27(2)
7	Council Directive 70/157/EEC of 6th February 1970(g) (relating to the permissible sound level and exhaust system of motor vehicles)	1st July 1973		29
7A	Council Directive 70/157/EEC of 6th February 1970 (relating to the permissible sound level and exhaust system of motor vehicles) as amended by Commission Directive 73/350/EEC of 7th November 1973(h)	1st March 1974		29

(a) O.J. L236, 8.9.1975, p. 3.

(b) O.J. L176, 10.8.1970, p. 5 (S.E. 1970 (II), p. 564).

(c) O.J. L165, 20.6.1974, p. 16.

(d) O.J. L76, 6.4.1970, p. 23 (S.E. 1970 (I), p. 192).

(e) O.J. L68, 22.3.1971, p. 1 (S.E. 1971 (I), p. 136).

(f) O.J. L176, 10.8.1970, p. 12 (S.E. 1970 (II), p. 571).

(g) O.J. L42, 23.2.1970, p. 16 (S.E. 1970 (I), p. 111).

(h) O.J. L321, 22.11.1973, p. 33.

1 Item No.	2 The Community Directives to whose requirements the vehicle must conform	3 Date on or after which the vehicle is first used	4 Date before which the vehicle is first used	5 Regulations from which the vehicle is exempted
8	Council Directive 72/245/EEC of 20th June 1972(a) (relating to the suppression of radio interference produced by spark-ignition engines fitted to motor vehicles)	1st April 1974		30
9	Council Directive 70/220/EEC of 20th March 1970(b) (relating to the measures to be taken against air pollution by gases from spark-ignition engines of motor vehicles)	10th November 1973	1st April 1977	33A
9A	Council Directive 70/220/EEC of 20th March 1970 (relating to the measures to be taken against air pollution by gases from spark-ignition engines of motor vehicles) as amended by Council Directive 74/290/EEC of 28th May 1974(c)	1st January 1975		33A
10	Council Directive 72/306/EEC of 2nd August 1972(d) (relating to the measures to be taken against the emission of pollutants from diesel engines for use in vehicles)	2nd February 1974		34 "

Signed by authority of the  
Secretary of State  
31st March 1976.

*John Gilbert,*  
Minister for Transport,  
Department of the Environment.

(a) O.J. L152, 6.7.1972, p. 15 (S.E. 1972 (II), p. 637).

(b) O.J. L76, 6.4.1970, p. 1 (S.E. 1970 (I), p. 171).

(c) O.J. L159, 15.6.1974, p. 61.

(d) O.J. L190, 20.8.1972, p. 1 (S.E. 1972 (III), p. 889).

(See Regulation 4)

**SCHEDULE**  
**REVOCATIONS**

Title	Year and Number	Extent of Revocation
The Motor Vehicles (Construction and Use) (Amendment) (No. 2) Regulations 1973	S.I. 1973/1347 (1973 II, p. 4133)	In Regulation 3, the insertion of Regulation 4A into the Motor Vehicles (Construction and Use) Regulations 1973
The Motor Vehicles (Construction and Use) (Amendment) Regulations 1974	S.I. 1974/64 (1974 I, p. 208)	Regulation 3
The Motor Vehicles (Construction and Use) (Amendment) (No. 2) Regulations 1974	S.I. 1974/765 (1974 I, p. 2932)	Regulation 3
The Motor Vehicles (Construction and Use) (Amendment) (No. 3) Regulations 1975	S.I. 1975/641 (1975 I, p. 2316)	Regulation 4
The Motor Vehicles (Construction and Use) (Amendment) Regulations 1976	S.I. 1976/317 (1976 I, p. 856)	Regulation 4

**EXPLANATORY NOTE**

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

1. Regulation 4A of the Motor Vehicles (Construction and Use) Regulations 1973 exempts from compliance with the requirements of certain of the Regulations motor vehicles and trailers in respect of which a type approval certificate has been issued by the Secretary of State, or by the competent authority in another member State of the European Economic Community, or a certificate of conformity has been issued by the manufacturer of the vehicle.

2. These Regulations—

- (1) consolidate the Regulations which added Regulation 4A to the Motor Vehicles (Construction and Use) Regulations 1973 and the Regulations which have amended that Regulation; and
- (2) provide for certain type approval certificates and certificates of conformity which have been issued under type approval requirements relating to the measures to be taken against air pollution by gases from spark-ignition engines of motor vehicles to have effect, in view of amendments to those type approval requirements, only as to vehicles first used on or after 10th November 1973 but before 1st April 1977.

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