

STATUTORY INSTRUMENTS

1980 No. 1789

ROAD TRAFFIC

**The Motor Vehicles (Construction and Use)
(Amendment) (No. 7) Regulations 1980**

<i>Made - - - -</i>	<i>24th November 1980</i>
<i>Laid before Parliament</i>	<i>3rd December 1980</i>
<i>Coming into Operation</i>	<i>24th December 1980</i>

The Minister of Transport, in exercise of the powers conferred by section 40(1) and (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 24th December 1980, and may be cited as the Motor Vehicles (Construction and Use) (Amendment) (No. 7) Regulations 1980.

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

3. For Regulation 18 (Speedometer) there shall be substituted the following Regulation:

“18.—(1) Save as provided in paragraphs (2) and (3) below, to every motor vehicle first used on or after 1st October 1937 there shall be fitted an instrument so constructed and in such a position as at all times readily to indicate to the driver of the vehicle the speed thereof within a margin of accuracy of plus or minus 10 per cent. if and when he is driving at a speed exceeding 10 miles per hour.

(2) The provisions of paragraph (1) above shall not apply to—

- (a) an invalid carriage;
- (b) a motor cycle the cylinder capacity of the engine of which does not exceed 100 cubic centimetres;
- (c) a motor cycle neither constructed or adapted for use nor used for the carriage of a driver or passenger;
- (d) a vehicle which it is at all times unlawful to drive at a speed exceeding 12 miles per hour;

(a) 1972 c.20.

(b) S.I.1979/571.

(c) S.I.1978/1017, to which there are amendments not relevant to these Regulations.

- (e) a vehicle which is incapable by reason of its construction of exceeding a speed of 12 miles per hour on the level under its own power;
 - (f) a works truck; or
 - (g) a vehicle marked in a conspicuous and readily accessible position with the marking designated as an approval mark by Regulation 4 of the Motor Vehicles (Designation of Approval Marks) Regulations 1979(a) and shown at item 39 in Schedule 2 to those Regulations.
- (3) The provisions of paragraph (1) above shall not apply to a vehicle which is equipped with recording equipment which is marked with the marking designated as an approval mark by Regulation 5 of the Motor Vehicles (Designation of Approval Marks) Regulations 1979 and shown at item 3 in Schedule 4 to those Regulations and which, as regards visual indications given by such equipment of the speed of the vehicle, complies with the requirements relating and installation specified in Council Regulation (EEC) 1463/70 of 20th July 1970(b) (as amended by Council Regulation (EEC) 1787/73 of 25th June 1973(c) and Council Regulation (EEC) 2828/77 of 12th December 1977(d)).”.

4. For Regulation 98 (Maintenance of speedometer) there shall be substituted the following Regulation:—

“98.—(1) Every instrument for indicating speed fitted to

- (a) a motor vehicle in compliance with the requirements of Regulation 18(1), or
- (b) a motor vehicle to which, by virtue of Regulation 5, Regulation 18(1) does not apply, or
- (c) a motor vehicle marked with the marking specified in Regulation 18(2)(g),

shall be kept free from any obstruction which might prevent its being easily read and shall at all material times be maintained in good working order.

- (2) In this Regulation “all material times” means all times when the motor vehicle is in use on a road except—

- (a) when the vehicle is being used on a journey during which, as a result of a defect, the instrument ceased to be in good working order, or
- (b) when, as a result of a defect, the instrument has ceased to be in good working order and steps have been taken to have the vehicle equipped with all reasonable expedition, by means of repairs or replacement, with an instrument which is in good working order.”.

24th November 1980.

Norman Fowler,
Minister of Transport.

(a) S.I.1979/1088, to which there are amendments not relevant to these Regulations.

(b) O.J.L164, 27.7.70, p.1.

(c) O.J.L181, 4.7.73, p.1.

(d) O.J.L334, 24.12.77, p.5.

EXPLANATORY NOTE

(This Note is not part of the Regulations.)

These Regulations further amend the Motor Vehicles (Construction and Use) Regulations 1978 by—

- (1) amending (by substituting a new Regulation) Regulation 18, by which certain motor vehicles are required to be fitted with a speedometer, so that that requirement does not extend to—
 - (a) a vehicle marked with a designated approval mark indicating that the vehicle has been approved in respect of its speedometer under Regulation No. 39 (which deals with uniform provisions concerning the approval of vehicles with regard to the speedometer equipment including its installation) annexed to the Agreement concerning the adoption of uniform conditions of approval for Motor Vehicle Equipment and Parts and reciprocal recognition thereof concluded at Geneva on 20th March 1958, as amended, to which the United Kingdom is a party; or
 - (b) a vehicle which is equipped with recording equipment bearing a designated approval mark signifying compliance with constructional requirements in Council Regulation (EEC) 1463/70 of 20th July 1970, as amended and which complies with certain requirements of installation specified in that Regulation; and
- (2) amending (also by substituting a new Regulation) Regulation 98, by which certain requirements as to the maintenance of speedometers fitted to certain motor vehicles are imposed, so that those requirements apply not only in relation to speedometers fitted in compliance with the requirements of Regulation 18(1) but also in relation to—
 - (a) speedometers fitted to motor vehicles which are marked with the designated approval mark mentioned in sub-paragraph (1) above, and
 - (b) speedometers fitted to motor vehicles to which, by virtue of Regulation 5 (which deals with exemptions resulting from type approval), the provisions of Regulation 18 do not apply.

The provisions of the substituted Regulation 98 do not relate to equipment of a kind specified in paragraph (3) of the substituted Regulation 18. The reason for this omission is that operational requirements relating to such equipment are provided for in section 97 of the Transport Act 1968 (c.73) as substituted by the Passenger and Goods Vehicles (Recording Equipment) Regulations (S.I. 1979/1746).

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