
 STATUTORY INSTRUMENTS

1980 No. 880

ROAD TRAFFIC

**The Motor Vehicles (Construction and Use) (Amendment)
(No. 5) Regulations 1980**

<i>Made</i>	- - -	<i>24th June 1980</i>
<i>Laid before Parliament</i>		<i>7th July 1980</i>
<i>Coming into Operation</i>		<i>28th July 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 28th July 1980, and may be cited as the Motor Vehicles (Construction and Use) (Amendment) (No. 5) 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. In Regulation 4 (Application and Exemptions—General), for paragraph (8) substitute the following paragraph:—

“(8) Part II of these Regulations, except Regulations 9, 47, 48, 49, 53, 57, 62 and 70, shall not apply to any motor vehicle manufactured in Great Britain which—

- (a) complies with the requirements referred to in paragraph (7) above and contained in the Conventions of 1949 or, as the case may be, 1926 referred to in that paragraph as if the vehicle had been brought temporarily into Great Britain, and either
- (b) is exempt from car tax by virtue of paragraph 7 or 8 of Schedule 7 to the Finance Act 1972(d), or
- (c) has been zero rated under Regulation 49 or 50 of the Value Added Tax (General) Regulations 1977(e).”.

(a) 1972 c.20.

(b) S.I. 1979/571.

(c) S.I. 1978/1017; the relevant amending Instruments are S.I. 1978/1233, and 1979/138.

(d) 1972 c.41.

(e) S.I. 1977/1759 as amended by the Value Added Tax (General) (Amendment) (No. 2) Regulations 1978/972.

4. In Regulation 5 (Application and Exemptions—Type approval), in the Table, after item 13, add the following item:—

"14.	78/549/EEC	12th June 1978	O.J. L168, 26.6.78, p.45.	wheel guards of motor vehicles	12th January 1979	66
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5. In Regulation 5A (which provides for certain exemptions as regards vehicles in respect of which a certificate of conformity or a Minister's approval certificate has been issued):—

(a) in paragraph 2(a) for the words "Type Approval (Great Britain) Regulations" substitute the words "Motor Vehicles (Type Approval) (Great Britain) Regulations 1979(a)"; and

(b) in the Table—

(i) after item No. 2 insert the following new item:—

"2A.	Item No. 2A. Radio interference suppression	1st October 1979		32.
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(ii) in item No. 4, in column 4, insert "1st April 1981";

(iii) after item No. 4 insert the following new items:—

"4A.	Item No. 4A. Exhaust emissions (spark ignition engines)	1st August 1978	1st April 1982	36
4B.	Item No. 4B. Exhaust emissions (spark ignition engines)	10th January 1979		36 "; and

(iv) after item No. 5, add the following new items:—

"6.	Item No. 13C. Brakes	1st October 1979		13, 14 and 64
7.	Item No. 13D. Brakes	1st June 1980		13, 14 and 64."

6. After Regulation 5A insert the following new Regulation:—

"5B.—(1) The provisions of the 1978 Regulations which are specified in column (2) of the Table below shall not apply in respect of a vehicle which is legibly and indelibly marked in a conspicuous and readily accessible position with a marking designated as an approval mark by Regulation 4 of the 1979 Regulations and shown at the item of Schedule 2 to the 1979 Regulations specified in column (3) of that Table or, in a case where two items of Schedule 2 to the 1979 Regulations are specified in the said column (3), with one of those markings.

TABLE

(1)	(2)	(3)
Item No.	1978 Regulations	Items in Schedule 2 to the 1979 Regulations
1.	13	13, 13A
2.	14	13, 13A
3.	51	13
4.	55	13
5.	59	13, 13A
6.	64	13, 13A
7.	67	13
8.	75	13

(2) In this Regulation "the 1978 Regulations" means these Regulations and "the 1979 Regulations" means the Motor Vehicles (Designation of Approval Marks) Regulations 1979(a)."

7. In Regulation 19 (Construction of petrol tank) for paragraph (2) substitute the following paragraph:—

"(2) This Regulation does not apply to a motor vehicle which is legibly and indelibly 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 and shown at item 34 or 34A in Schedule 2 to those Regulations (such marking indicating that the vehicle has been approved in respect of fire risks)."

8. In Regulation 32 (Radio interference suppression), for paragraph (2) substitute the following paragraph:—

"(2) Every motor vehicle to which this Regulation applies shall be legibly and indelibly 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 and shown at item 10 or 10A in Schedule 2 to those Regulations (such marking indicating that the vehicle has been approved in respect of its radio interference suppression)."

9. In Regulation 75 (which deals with brakes on trailers), for paragraph (3) substitute the following new paragraph:—

"(3) where—

- (i) a motor vehicle to which Regulation 5 applies by virtue of its conforming to the requirements of Council Directive 71/320/EEC of 26th July 1971 or, where appropriate, to the requirements of that Directive as amended by the amending Directives specified in Regulation 5 is drawing a trailer to which that Regulation does not apply, or
- (ii) a motor vehicle to which Regulation 5A applies, being a vehicle in respect of which a certificate of conformity or Minister's approval certificate has been issued under section 47 of the 1972 Act indicating that the requirements (other than requirements of marking) specified in ECE Regulation

(a) S.I. 1979/1088 as amended by S.I. 1980/582.

13 (as defined in Regulation 101(7)) have been satisfied, is drawing a trailer, or

- (iii) a motor vehicle to which Regulation 5B applies is drawing a trailer to which that Regulation does not apply,

paragraph (2)(b) of this Regulation shall apply to the trailer as if the words "or of any part (other than as aforesaid) of the braking system with which the trailer is equipped" were omitted.

10. In Regulation 76 (which deals with the braking system of drawing vehicles), for paragraph (1) substitute the following new paragraph:—

"(1) Where—

- (i) a trailer to which Regulation 5 applies by virtue of its conforming to the requirements of Council Directive 71/320/EEC of 26th July 1971 or, where appropriate, to the requirements of that Directive as amended by the amending Directives specified in Regulation 5, is drawn by a motor vehicle to which that Regulation does not apply, or
- (ii) a trailer to which Regulation 5B applies is drawn by a motor vehicle to which that Regulation does not apply

then the braking system of the drawing vehicle shall be so constructed that in the event of a failure of any part (other than a fixed member or a brake shoe anchor pin) of the service braking system with which the drawing vehicle is equipped (excluding the means of operation of a split braking system) brakes shall still be capable of being applied to at least two wheels of the trailer or, in the case of a two-wheeled trailer, to one wheel by the driver using the secondary braking system of the drawing vehicle."

11. In Regulation 101 (Maintenance of brakes):—

(a) in paragraph (1)—

- (i) at the end of sub-paragraph (e) delete the word "and";
- (ii) at the end of sub-paragraph (f) for the words "said Directive" substitute the words "said Directive; and"; and
- (iii) after sub-paragraph (f) add the following sub-paragraph:—

"(g) in the case of:—

- (i) a motor vehicle to which Regulation 5A applies, being a vehicle in respect of which a certificate of conformity or Minister's approval certificate has been issued under section 47 of the 1972 Act indicating that the requirements (other than requirements of marking) specified in ECE Regulation 13 have been satisfied, or
- (ii) a motor vehicle to which Regulation 5B applies, being a vehicle which is marked with a marking indicating that the requirements specified in ECE Regulation 13 have been satisfied

be so maintained that the braking devices forming part of the system comply with the requirements as to the performance and characteristics of those devices which are applicable thereto by virtue of the requirements of ECE Regulation 13.";

(b) after paragraph (6) add the following paragraph—

"(7) In this Regulation "ECE Regulation 13" means Regulation 13, incorporating the amendments described therein as the

03 series of amendments which entered into force on 4th January 1979, annexed to the Agreement concerning the adoption of uniform conditions of approval and reciprocal recognition of approval for Motor Vehicle Equipment and Parts concluded at Geneva on 20th March 1958(a) as amended (b) to which the United Kingdom is a party(c).”.

12. In Regulation 126 (Application of brakes of trailers), in paragraph (2), after sub-paragraph (a) insert the following sub-paragraph:—

“(aa) in the case of a trailer to which Regulation 5B applies, the brakes fitted in accordance with ECE Regulation 13 (as defined in Regulation 101(7)); and ”.

24th July 1980.

Norman Fowler
Minister of Transport.

EXPLANATORY NOTE

(This Note is not part of the Regulations)

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

- (1) providing that certain of those Regulations shall not apply to a motor vehicle manufactured in Great Britain which has been zero rated for purposes of value added tax if, and only if, the vehicle complies with specified requirements of certain international Conventions (Regulation 3); and
- (2) providing that certain requirements relating to the construction of petrol tanks and radio interference suppression shall not apply in relation to a vehicle which is marked with certain recently designated approval marks (Regulations 7 and 8).

2. These Regulations also amend the Motor Vehicles (Construction and Use) Regulations 1978 so as to avoid inconsistencies between requirements relating to brakes in those Regulations and requirements relating to brakes in Regulation 13 (“ECE Regulation 13”) 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. (Copies of ECE Regulation 13 may be obtained from Her Majesty’s Stationery Office). These inconsistencies are avoided by:—

- (1) exempting from the requirements of Regulations 13, 14 and 64 motor vehicles in respect of which a certificate of conformity or a Minister’s approval certificate has been issued under section 47 of the Road Traffic Act 1972 by virtue of its brakes complying with the prescribed type approval requirements specified in items 13C

(a) Cmnd. 2535.

(b) Cmnd. 3562.

(c) By Instrument of accession dated 14th January 1963 deposited with the Secretary-General of the United Nations on 15th January 1963.

and 13D in Schedule 1 to the Motor Vehicles (Type Approval) (Great Britain) Regulations 1979 as amended (which requirements relate to ECE Regulation 13); this exemption being achieved by adding two new items to the Table in Regulation 5A (Regulation 5);

- (2) providing that the relevant requirements in the 1978 Regulations shall not apply in relation to certain vehicles to which are affixed markings designated as approval marks by the Motor Vehicles (Designation of Approval Marks) Regulations 1979 (such markings indicating that the vehicles have been approved in respect of their brakes by virtue of satisfying the requirements of ECE Regulation 13) (Regulation 6); and
- (3) making consequential amendments (Regulations 9 and 10).

3. In view of the amendments mentioned in paragraph 2(1) and (2) above, the provisions of the 1978 Regulations contained in Regulation 101 (maintenance of brakes) and Regulation 126 (Application of brakes of trailers) are extended (Regulations 11 and 12).

4. Following amendments to the requirements of Regulations 32 (Radio interference suppression) and 36 (which deals with exhaust emissions of spark ignition engines) of the 1978 Regulations as regards markings designated as approval marks by the said 1979 Regulations, the exemptions given by Regulation 5A of the 1978 Regulations are extended (Regulation 5).

5. And these Regulations amend the requirements relating to wings on motor cars so as to avoid any possible inconsistency between those requirements and the requirements of Council Directive 78/549/EEC of 12th June 1978 (which relates to wheel guards of motor vehicles) as regards vehicles which are motor cars and motor vehicles to which that Directive applies (Regulation 4).