
 STATUTORY INSTRUMENTS

1981 No. 1189

ROAD TRAFFIC

**The Motor Vehicles (Construction and Use)
(Amendment) (No. 4) Regulations 1981**

<i>Made</i>	- - - -	10th August 1981
<i>Laid before Parliament</i>	-	20th August 1981
<i>Coming into Operation—</i>		
<i>Regulations 1 to 14 and</i>		
<i>16 to 23</i>	- -	10th September 1981
<i>Regulation 15</i>	- -	1st October 1982

The Secretary of State for Transport, in exercise of the powers conferred by section 40(1), (2) 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.—(1) These Regulations may be cited as the Motor Vehicles (Construction and Use) (Amendment) (No. 4) Regulations 1981.

(2) With the exception of Regulation 15, these Regulations shall come into operation on 10th September 1981, and Regulation 15 shall come into operation on 1st October 1982.

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. In Regulation 3, in paragraph (1) —

(a) after the definition of “goods vehicle” insert the following new definition:—

“ “gritting trailer” means a trailer which is in use on a road for the purpose of spreading grit or other matter so as to avoid or reduce the effect of ice or snow on the road;” and

(b) after the definition of “public service vehicle” insert the following new definition:—

“ “public works vehicle” means any mechanically propelled vehicle which is constructed for use on a road by any statutory undertaker (as defined in section 262(13) of the Local Government Act 1972(d)), highway authority or local authority, or the Post Office or

(a) 1972 c. 20.

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

(c) S.I. 1978/1017; the relevant amending instruments are S.I. 1980/880 and 1166 and 1981/261.

(d) 1972 c. 70.

the police for the purpose of works which such undertaking authority or other body has a duty or a power to carry out;”.

4. In Regulation 5 (Application and exemptions—Type approval) in the Table, after item 7B, insert the following new item:—

“7C	and as amended by 79/489 EEC	18th April 1979	O.J. L128 26.5.79 p. 12	The braking devices of certain categories of motor vehicles and their trailers	18th April 1979	13, 14, 14A, 51, 55, 59, 64, 71 and 75.
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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), after item 7 add the following new items:—

“8	Item No. 13A	Brakes	1st October 1978	13, 14, 14A and 64
9	Item No. 13B	Brakes	1st October 1979	13, 14, 14A and 64.”.

6. In Regulation 5B (which specifies exemptions from certain requirements), in the Table, after item No. 8 add the following new items:—

9	14A	13, 13A
10	101	13, 13A

7. In Regulation 13, (Parking brake), in paragraph (2), for the words “first used on or after 1st January 1968” substitute the words “first used on or after 1st January 1968, not being a vehicle to which Regulation 14A applies,”.

8. In Regulation 14 (Vacuum or pressure braking systems), for the words “Every motor vehicle first used on or after 1st October 1937” substitute the words “Every motor vehicle first used on or after 1st October 1937 and not being a vehicle to which Regulation 14A applies”.

9. After Regulation 14 insert the following new Regulation:—

“*Brakes*

14A.—(1) Except as provided in paragraphs (2) and (3) below, the braking system of every motor vehicle of a category specified in an item in column 2 of the Table in Schedule 4A and the braking system of every trailer of a category specified in an item in column 3 of the said Table, and which is manufactured on or after 1st October 1982 and first used on or after 1st April 1983 shall comply with the construction, fitting and performance requirements specified in the same item in column 4 of the said Table:

Provided that it shall not be unlawful for any motor vehicle of a category specified in an item in column 2 or any trailer specified in an item in column 3 of the said Table and which is manufactured before 1st October 1982 or first used before 1st April 1983 to comply with the said requirements instead of

with any other requirements relating to the construction of the braking system of such vehicles as are specified in these Regulations.

(2) The requirements specified in paragraph (1) above shall not apply to:—

- (a) an agricultural trailer;
- (b) a locomotive;
- (c) a motor tractor;
- (d) a vehicle which is incapable by reason of its construction of exceeding a speed of 25 kilometres per hour on the level under its own power;
- (e) a works trailer;
- (f) a works truck; or
- (g) a public works vehicle;
- (h) a trailer designed and constructed, or adapted, to be drawn exclusively by a vehicle to which sub-paragraph (b), (c), (d), (f) or (g) of this paragraph applies.

(3) The requirements specified in column 4 of the Table in Schedule 4A shall apply—

- (a) in item 1, 2, 3, 4, 5 and 6 so that the requirement specified in paragraph 1.2.1 of Annex IV to the Council Directive shall apply—
 - (i) before 1st October 1983 without regard to the amendment to that paragraph contained in Commission Directive 79/489/EEC of 18th April 1979(a), and
 - (ii) on and after 1st October 1983 with regard to the said amendment;
- (b) in items 2 and 3 with the proviso that the testing requirements specified in paragraphs 1.5.1 and 1.5.2 of Annex II to the Council Directive shall apply in relation to every vehicle in category M3, other than a double-decked vehicle first used before 1st October 1983;
- (c) in items 2 and 3 with the proviso that the requirements specified in paragraph 1.1.4.2 of Annex II to the Council Directive shall not apply in relation to a vehicle which is in category M2 or category M3;
- (d) in items 1, 2, 3, 4, 5 and 6, in the case of vehicles constructed or adapted for use by physically handicapped drivers, the requirement in paragraph 2.1.2.1 of Annex 1 to the Council Directive that the driver must be able to achieve the braking action mentioned in that paragraph from his driving seat without removing his hands from the steering control shall not apply provided that the driver is able to achieve that action while one of his hands remains on the steering control;
- (e) in items 1, 2, 3, 4, 5, 6, 7, 8, 9 and 10 with the proviso that the requirements specified in paragraph 1.1.4.2 of Annex II to the Council Directive shall not apply in relation to a vehicle of a type of which compliance at the date of its manufacture with the requirements specified in Annex 13 to Regulation 13 (incorporating 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 for Motor Vehicle Equipment and Parts and reciprocal

(a) O.J. L128, 26.5.79, p. 2.

recognition thereof concluded at Geneva on 20th March 1958(a) as amended (b) to which the United Kingdom is a party (c) is evidenced by a document issued by the Secretary of State pursuant to a test in respect of which the fee numbered 87/1, 87/2 or 87/3 prescribed in Schedule 1 to the Motor Vehicles (Type Approval and Approval Marks) (Fees) Regulations 1980(d) has been paid; and

(f) to a vehicle manufactured by British Leyland Limited and known as the Atlantean Bus if such vehicle is manufactured on or after 1st October 1983 and first used on or after 1st October 1984.

(4) In this Regulation—

(a) “the Council Directive” means Council Directive 71/320/EEC of 26th July 1971 (which relates to the braking devices of certain categories of motor vehicles and their trailers) (e) as amended by Commission Directive 75/524/EEC of 25th July 1975 (f) and Commission Directive 79/489/EEC of 18th April 1979 (g) (the amendments to Council Directive 71/320/EEC introduced by Commission Directive 74/132/EEC of 11th February 1974 (h) not being relevant); and

(b) a reference to a vehicle in category M2 or category M3 is a reference to a vehicle categorised by that number and letter in Article 1 of the Council Directive.”.

10. In Regulation 31A, in paragraph (4), omit the definition of “public works vehicle”.

11. After Regulation 46 insert the following new Regulation:—

“Marking of weights on unbraked trailers

46A—(1) On and after 1st October 1982 every unbraked trailer shall have its maximum gross weight (stated in kilograms) marked in a conspicuous and readily accessible position on the outside of the vehicle on its left or near side.

(2) In this Regulation—

“maximum gross weight”, in relation to a trailer, means the weight which it is designed or adapted not to exceed when in use and travelling on a road laden; and

“unbraked trailer” means any trailer other than one which, whether or not Regulation 75 applies to it, is equipped with a braking system in accordance with that Regulation.”.

12. In Regulation 59 (which deals with brakes of heavy motor cars) for paragraph (2) substitute the following paragraph:—

“(2) Nothing in—

(a) any part of this Regulation shall apply to a heavy motor car to which Regulation 14A applies;

(b) paragraph (1) or (3) of this Regulation shall apply to a heavy motor

(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.

(d) S.I. 1980/223.

(e) O.J. L202, 6.9.71, p. 37.

(f) O.J. L236, 8.9.75, p. 3.

(g) O.J. L128, 26.5.79, p. 12.

(h) O.J. L74, 19.3.74, p. 7.

car equipped with one efficient braking system with one means of operation and which is a split braking system.”.

13. In Regulation 64 (which deals with brakes of motor cars) for paragraph (2) substitute the following paragraph:—

“(2) Nothing in—

- (a) any part of this Regulation shall apply to a motor car to which Regulation 14A applies;
- (b) paragraph (1) or (3) of this Regulation shall apply to a motor car equipped with one efficient braking system with one means of operation and which is a split braking system.”.

14. In Regulation 75 (which deals with brakes on trailers) —

- (a) in paragraph (1), for the words “Save as provided in paragraph (3)” substitute the words “Save as provided in paragraphs (3) and (4)”;
- (b) in paragraph (3), after sub-paragraph (iii) add the word “or” and the following new sub-paragraph:—
 - “(iv) a motor vehicle to which Regulation 14A applies is drawing a trailer to which that Regulation does not apply,”;
- and
- (c) in paragraph (4) —
 - (i) after sub-paragraph (b) insert the following new sub-paragraph—
 - “(bb) before 1st October 1986 any gritting trailer, or on or after 1st October 1986 a gritting trailer the maximum gross weight of which does not exceed 2000 kilograms,”;
 - (ii) omit the word “or” at the end of sub-paragraph (d);
 - (iii) in sub-paragraph (e) for the words “or a public service vehicle.” substitute the words “or a large passenger-carrying vehicle; or”;
 - and
 - (iv) after sub-paragraph (e) add the following sub-paragraph—
 - “(f) any trailer to which Regulation 14A applies.”.

15. In Regulation 75 (as amended by Regulation 14 of these present Regulations) —

- (a) In paragraph (1)—
 - (i) for the words “Save as provided in paragraphs (3) and (4) of this Regulation, every trailer manufactured before 1st January 1968 and every agricultural trailer whenever manufactured which in either case exceeds 102 kilograms in weight unladen” substitute the words “Save as provided in paragraphs (3) and (4) of this Regulation, every trailer, other than an agricultural trailer, manufactured before 1st January 1968 and every agricultural trailer whenever manufactured which, in either case, has a maximum gross weight exceeding 750 kilograms”;
 - (ii) for the words “In this paragraph the expression “permanently attached” means that the trailer can only be detached from the drawing vehicle by an operation involving the use of facilities which are normally found only in a workshop.” substitute the words:—
 - “In this paragraph—
 - “maximum gross weight”, has the meaning given by Regulation 46A(2); and

“permanently attached” means that the trailer can only be detached from the drawing vehicle by an operation involving the use of facilities which are normally found only in a workshop.”; and

- (b) in paragraph (2) for the words “and which exceeds 102 kilograms in weight unladen” substitute the words “and which has a maximum gross weight exceeding 750 kilograms”.

16. In Regulation 76 (which deals with the braking system of drawing vehicles), in paragraph (1), after sub-paragraph (ii) add the word “or” and the following new sub-paragraph:—

- “(iii) a trailer to which Regulation 14A applies is drawn by a motor vehicle to which that Regulation does not apply,”.

17. In Regulation 101 (Maintenance of brakes) —

(a) in paragraph (1) —

- (i) for the words “Every part of every braking system and of the means of operation thereof fitted to a motor vehicle or a trailer shall at all times while the vehicle or trailer is used on a road—” substitute the words “Every part of every braking system and of the means of operation thereof fitted to a motor vehicle or a trailer, not being—

(i) a motor vehicle or a trailer to which Regulation 5 applies by virtue of the vehicle’s conforming to the requirements of Council Directive 71/320/EEC of 26th July 1971 (which relates to the braking devices of certain categories of motor vehicles and their trailers) or, where appropriate, to the requirements of that Directive as amended by the amending Directives specified in Regulation 5, or

(ii) a motor vehicle to which Regulation 5A applies; or

(iii) a motor vehicle or a trailer to which Regulation 14A applies shall at all times while the motor vehicle or trailer is used on a road—”;

- (ii) in sub-paragraph (c) for the words “in the case of motor vehicles to which paragraph (5) of either Regulation 59 or Regulation 64 applies” substitute the words “in the case of motor vehicles to which paragraph (5) of either Regulation 59 or Regulation 64 or paragraph (3) of Regulation 67 applies” and for the words “either of such paragraphs” substitute the words “any of such paragraphs”;

- (iii) for sub-paragraphs (e) and (f) substitute the following sub-paragraphs:—

“(e) in the case of a motor vehicle to which Regulation 13(2) applies, be so maintained that the system complies with the requirements as to its braking force specified in Regulation 13(2)(b)(ii); and

(f) in the case of a trailer to which Regulation 75(2) applies, be so maintained that the system complies with the requirements as to its braking force specified in Regulation 75(2)(c)(iii), and for the purposes of this sub-paragraph a reference to a trailer to which Regulation 75(2) applies shall, in the case of a composite trailer, be deemed to be a

reference to the semi-trailer which forms part of the composite trailer.”;

- (b) in paragraph (2) for the words “Where a motor vehicle to which paragraph (5) of either Regulation 59 or Regulation 64 applies” substitute the words “Where a motor vehicle to which Regulation 59(5), 64(5) or 67(3) applies”, and for the words “(being a system to which the said paragraph (5) applies)” substitute the words “(being a system to which Regulation 59(5), 64(5) or 67(3) applies)”;
- (c) in paragraph (3)—
 - (i) for the words “Where a motor vehicle to which paragraph (5) of either Regulation 59 or Regulation 64 applies” substitute the words “Where a motor vehicle to which Regulation 59(5), 64(5) or 67(3) applies”;
 - (ii) for the words “(being a system to which the said paragraph (5) applies)” substitute the words “(being a system to which Regulation 59(5), 64(5) or 67(3) applies)”;
 - (iii) for the words “and as having to comply with paragraph (7) of either Regulation 59 or Regulation 64” substitute the words “and in the case of a vehicle to which Regulation 59(5) or 64(5) applies, as having to comply with Regulation 59(7) or, as the case may be, Regulation 64(7)”.

18. After Regulation 101 insert the following new Regulation:—

“101A.—(1) This Regulation applies to every motor vehicle or trailer mentioned in sub-paragraph (i), (ii) or (iii) of Regulation 101(1) and to every motor vehicle or trailer to which, by virtue of item 10 in the Table in Regulation 5B, Regulation 101 does not apply.

(2) The braking system of every motor vehicle or trailer to which this Regulation applies shall at all times when the vehicle is in use on a road be maintained so that—

- (a) if it is a vehicle to which Regulation 14A applies, the requirements as to construction and fitting and, save as provided in paragraphs (3) to (6) below, the requirements as to performance, referred to in Regulation 14A(1) are complied with;
- (b) if it is a vehicle to which, by virtue of Regulation 5, Regulation 14A does not apply, the requirements as to construction and fitting and, save as provided in paragraphs (3) to (6) below, the requirements as to performance, specified in the Directives mentioned in item 7, 7A, 7B or 7C in the Table in Regulation 5 are complied with;
- (c) if it is a vehicle to which, by virtue of Regulation 5A, Regulation 14A does not apply, the requirements as to design and construction and equipment specified in items 13A, 13B, 13C or 13D in Schedule 1 to the Motor Vehicles (Type Approval) (Great Britain) Regulations 1979(a) and, save as provided in paragraphs (3) to (6) below, the requirements as to performance specified in the instrument or other document mentioned, respectively, in relation to those items in column 3 of the said Schedule, are complied with;
- (d) if it is a vehicle to which, by virtue of Regulation 5B, Regulation 14A does not apply, the requirements as to design and construction with which the vehicle must comply in order to qualify for the marking designated as an approval mark in item 13 or 13A in Schedule 2 to the

(a) S.I. 1979/1092; the relevant amending instrument is S.I. 1980/879.

Motor Vehicles (Designation of Approval Marks) Regulations 1979 and, save as provided in paragraphs (3) to (6) below, the requirements as to performance specified in the Regulations mentioned respectively in relation to those items in column 3 of the said Schedule, are complied with.

(3) (a) The service braking system of every motor vehicle to which this Regulation applies shall at all times when the vehicle is in use on a road and not drawing a trailer have a total braking efficiency of not less than 50 per cent; and

(b) where a motor vehicle to which this Regulation applies is in use on a road and drawing a trailer the service braking system of the combination of the motor vehicle and the trailer shall at all times have a total braking efficiency of not less than 45 per cent.

(4) The secondary braking system of every motor vehicle to which this Regulation applies shall at all times when the vehicle is in use on a road have a total braking efficiency of not less than 25 per cent.

(5) The parking braking system of every motor vehicle or trailer to which this Regulation applies shall at all times when the vehicle is in use on a road be capable of holding the vehicle stationary on a gradient of at least 16 per cent.

(6) The parking braking system of every motor vehicle to which this Regulation applies shall at all times when the vehicle is in use on a road and drawing one or more trailers with a permissible maximum weight specified in Schedule 6 or 7, be capable of holding the combination of vehicles stationary on a gradient of at least 12 per cent without the use of stored energy and without the assistance of any brake fitted to any trailer.

(7) In this Regulation—

“service braking system” means the braking system of a vehicle which is designed and constructed to have the highest braking efficiency of any braking system with which the vehicle is equipped;

“secondary braking system” means a braking system of a vehicle applied by a secondary means of operation independent of the service braking system or by one of the sections comprised in a split braking system; and

“parking brake” means the brake with which a vehicle is required to be fitted in order to comply with the requirement specified in Regulation 13(1) or (2), or with the requirement by virtue of which, in accordance with Regulation 13(3)(c), it is exempt from the requirement specified in Regulation 13(1) or (2).

19. In Regulation 127 (which deals with the application of brakes on detached trailers), for the words “the brake or the use of a chain.” substitute the words “the brake or the use of a chain, chock or other efficient device.”.

20. After Regulation 136 insert the following new Regulation:—

“Restrictions with respect to unbraked trailers

136A.—(1) The laden weight of an unbraked trailer in use on a road shall not exceed its maximum gross weight.

(2) Save as provided in paragraph (3) below, no unbraked trailer shall be drawn on a road by a vehicle if the kerbside weight of the drawing vehicle is

less than twice the unladen weight of the trailer together with the weight of any load which the trailer is carrying.

(3) The provision specified in paragraph (2) above shall not apply—

(a) to an agricultural trailer; or

(b) before 1st October 1986 to any trailer being—

(i) a gritting trailer, or

(ii) a trailer not exceeding 102 kilograms in weight unladen.

(4) In this Regulation—

“kerbside weight” has the meaning given by Regulation 3(1) of the Lighting Regulations; and

“maximum gross weight” and “unbraked trailer” have the meanings respectively given by Regulation 46A(2).”.

Alteration of braking requirements

21. For Regulation 152 and 153 substitute the following Regulations:—

“**152.**—(1) This Regulation applies to a goods vehicle being a motor vehicle to which this Part of these Regulations applies and to which Regulation 59(5), (6) or (7) or Regulation 64(5), (6) or (7) applies.

(2) In relation to a vehicle to which this Regulation applies, the requirements specified in Regulation 59(5), (6) or (7) or, as the case may be, in Regulation 64(5), (6) or (7) shall, as from the date on which a plating certificate has been issued or from the operative date, whichever is the later, have effect as though to each of the said paragraphs of whichever of those Regulations is applicable there were attached a proviso that the requirements as to braking efficiencies specified in the paragraphs shall not be treated as being complied with unless those efficiencies are capable of being produced when the sum of the weights transmitted to the road surface by all the wheels of the vehicle is either—

(a) equal to the design gross weight shown in the plating certificate in force as respects the vehicle, or

(b) if no such weight is shown in such certificate, equal to the gross weight shown in column (2) of that certificate.

(3) Notwithstanding the provisions of paragraph (2) above, as from the date on which a plating certificate has been issued or from the operative date, whichever is the later, no person shall use or cause or permit to be used on a road a vehicle to which this Regulation applies if it does not comply with the requirements specified in Regulation 59(5), (6) or (7) or, Regulation 64(5), (6) or (7) without regard to the proviso mentioned in paragraph (2) above and in Regulation 101(1)(c) and (d).

Additional provisions as to braking requirements

153.—(1) This Regulation applies to a goods vehicle being a motor vehicle to which this part of these Regulations applies and to which Regulation 101A applies.

(2) In relation to a vehicle to which this Regulation applies, the requirements specified in Regulation 101A(3), (4), (5) and (6) shall, as from the date on which a plating certificate has been issued or from the operative date, whichever is the later, have effect as though to each of the said paragraphs of Regulation 101A there were attached a proviso that the requirements as to braking efficiencies specified in the paragraph shall not be treated as being

complied with unless those efficiencies are capable of being produced when the sum of the weights transmitted to the road surface by all the wheels of the vehicle is either—

- (a) equal to the design gross weight or in the case of a motor vehicle equipped to draw a trailer or semi-trailer, the design train weight shown in the plating certificate in force as respects the vehicle, or
- (b) if no such weight is shown in such certificate, equal to the gross weight and the train weight respectively shown in column (2) of that certificate.

(3) Notwithstanding the provisions of paragraph (2) above, as from the date on which a plating certificate has been issued no person shall use or cause or permit to be used on a road a vehicle to which this Regulation applies if it does not comply with the requirement specified in Regulation 101A without regard to the proviso mentioned in paragraph (2) above.”.

22. In Schedule 4 (which deals with the efficiency of the brakes of certain motor vehicles), in paragraph 1—

- (a) for sub-paragraph (b) substitute the following sub-paragraph—

“(b) a large passenger carrying vehicle;”;

- (b) for sub-paragraphs (d) and (e) substitute the following sub-paragraphs:—

“(d) a works truck;

(e) a pedestrian controlled vehicle; or

(f) a vehicle to which Regulation 14A applies;”.

23. After Schedule 4 add the following new Schedule—

"SCHEDULE 4A (see Regulation 14A)

Requirements with respect to the construction, fitting and performance of the brakes of certain motor vehicles and trailers

TABLE

1	2	3	4
Item No.	Category of Motor Vehicle	Category of trailer	Construction Fitting and performance Requirements
1.	<p>A passenger vehicle or a dual-purpose vehicle which is constructed or adapted to carry not more than 8 passengers (exclusive of the driver) and which either—</p> <p>(a) has 4 or more wheels or, if having only 3 wheels, has a maximum gross weight exceeding 1,000 kilograms, or</p> <p>(b) has only 3 wheels, a maximum gross weight of 1,000 kilograms or less, and either a design speed exceeding 40 kilometres per hour or an engine capacity exceeding 50 cubic centimetres, and is not a motor cycle with a side-car attached.</p>		The requirements set out in relation to category M1 vehicles in Annexes I, II and VII to the Council Directive and, if relevant, in Annexes III, IV, V and VI to the Council Directive.
2.	A passenger vehicle or a dual-purpose vehicle which is constructed or adapted to carry more than 8 passengers (exclusive of the driver) and which has a maximum gross weight of 5,000 kilograms or less.		The requirements set out in relation to category M2 vehicles in Annexes I, II and VII to the Council Directive and, if relevant, in Annexes III, IV, V and VI to the Council Directive.
3.	A passenger vehicle or a dual-purpose vehicle which is constructed or adapted to carry more than 8 passengers (exclusive of the driver) and which has a maximum gross weight exceeding 5,000 kilograms.		The requirements set out in relation to category M3 vehicles in Annexes I, II and VII to the Council Directive and, if relevant, in Annexes III, IV, V and VI to the Council Directive.
4.	A goods vehicle which has a maximum gross weight of 3,500 kilograms or less and is not a motorcycle with a side-car attached.		The requirements set out in relation to category N1 vehicles in Annexes I, II and VII to the Council Directive and, if relevant, in Annexes III, IV, V and VI to the Council Directive.

1	2	3	4
Item No.	Category of Motor Vehicle	Category of trailer	Construction Fitting and performance Requirements
5.	A goods vehicle which has a maximum gross weight of 3,500 kilograms but which does not exceed 12,000 kilograms.		The requirements set out in relation to category N2 vehicles in Annexes I, II and VII to the Council Directive and, if relevant, in Annexes III, IV, V and VI to the Council Directive.
6.	A goods vehicle which has a maximum gross weight which exceeds 12,000 kilograms.		The requirements set out in relation to category N3 vehicles in Annexes I, II and VII to the Council Directive and, if relevant, in Annexes III, IV, V and VI to the Council Directive.
7.		A trailer which has a maximum gross weight of 750 kilograms or less.	The requirements set out in relation to category 01 vehicles in Annexes I, II and VII to the Council Directive and, if relevant, in Annexes III, IV, V, VI and VIII to the Council Directive.
8.		A trailer which has a maximum gross weight which exceeds 750 kilograms but which does not exceed 3,500 kilograms.	The requirements set out in relation to category 02 vehicles in Annexes I, II and VII to the Council Directive and, if relevant, in Annexes III, IV, V, VI and VIII to the Council Directive.
9.		A trailer which has a maximum gross weight which exceeds 3,500 kilograms but which does not exceed 10,000 kilograms.	The requirements set out in relation to category 03 vehicles in Annexes I, II and VII to the Council Directive and relevant, in Annexes III, IV, V, VI and VIII to the Council Directive.
10.		A trailer which has a maximum gross weight which exceeds 10,000 kilograms.	The requirements set out in relation to category 04 vehicles in Annexes I, II and VII to the Council Directive and, if relevant, in Annexes III, IV, V, VI and VIII to the Council Directive.

In this Schedule—

“maximum gross weight” means —

- (a) in the case of a vehicle equipped with a Ministry plate in accordance with Regulation 148 or 149, the design gross weight shown in column (3) of that plate or, if no such weight is shown, the gross weight shown in column (2) of that plate;

- (b) in the case of a vehicle not equipped with such a Ministry plate, but which is equipped with a plate in accordance with paragraph (2)(a), (b) or (c) or paragraph (2A) of Regulation 42, the weights ascertained by reference to the particulars mentioned in the said paragraph 2(a), (b) or (c) or (2A) as the case may be;
 - (c) in any other case the weight the vehicle is designed or adapted not to exceed when travelling on a road laden; and
- “the Council Directive” has the meaning assigned to that expression in Regulation 14A(4).”.

Signed by Authority of the
Secretary of State
10th August 1981.

Kenneth Clarke,
Parliamentary Under
Secretary of State for Transport.

EXPLANATORY NOTE

(This Note is not part of the Regulations.)

1. In relation to trailers generally, these Regulations further amend the Motor Vehicles (Construction and Use) Regulations 1978 by—

- (1) amending in Regulation 5 (which relates to exemptions in respect of type approvals), as a result of a further Commission Directive, the type approval requirements to which certain types of motor vehicles must conform in order to gain exemption from the requirements of certain provisions in the Regulations relating to brakes, (Regulation 4);
- (2) amending Regulation 5A so that Regulations 13, 14, 14A and 64 do not apply to a vehicle in respect of which a certificate of conformity or a Minister's approval certificate has been issued, (Regulation 5);
- (3) amending Regulation 5B so that Regulation 101 does not apply to a vehicle which is marked with a certain designated approval mark, (Regulation 6);
- (4) inserting a new Regulation numbered 14A and a new Schedule numbered 4A providing that, with certain exceptions, the braking system of every motor vehicle or trailer of a category specified in Schedule 4A and which is manufactured on or after a date specified in that Regulation and first used on or after a date specified in that Regulation shall comply with certain construction, fitting and performance requirements specified in Council Directive 71/320/EEC of 26th July 1971 as amended by Commission Directives 75/524/EEC of 25th July 1975 and 79/489/EEC of 18th April 1979, (Regulations 9 and 23);
- (5) amending (Regulation 17) Regulation 101 (which relates to maintenance of brakes) so that it does not apply to a motor vehicle or trailer—
 - (a) to which Regulation 5 applies (by virtue of the vehicle's conforming to Council Directive 71/320/EEC, or to that Directive as amended as may be appropriate), or
 - (b) to which Regulation 5A applies (by virtue of the vehicle being one 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), or
 - (c) to which Regulation 14A applies;
- (6) limiting the scope of Regulation 101 and inserting a new Regulation numbered 101A imposing requirements relating to the maintenance of braking systems of motor vehicles and trailers to which Regulation 101 does not apply, (Regulations 17 and 18);
- (7) amending Regulation 127 (which deals with the application of brakes on detached trailers) by allowing the use of a chock or other efficient device for immobilising a trailer which is detached from a drawing vehicle, (Regulation 19); and
- (8) making consequential amendments so as to avoid inconsistencies between the existing requirements and the new requirements, (Regulations 3(b), 7, 8, 10, 12, 13, 14(a), (b) and (c)(ii), (iii) and (iv), 16, 21 and 22).

2. In relation to unbraked trailers these Regulations further amend the Motor Vehicles (Construction and Use) Regulations 1978 by—

- (1) requiring, by inserting a new Regulation numbered 46A, unbraked trailers to be marked with their maximum gross weight, (Regulation 11);

- (2) altering, with effect from 1st October 1982, in Regulation 75 (which relates to brakes on trailers) the weight below which a trailer is not required to have a braking system from 102 kilograms unladen weight to 750 kilograms gross weight (so as to avoid inconsistency with the provisions of Council Directive 71/320/EEC dated 26th July 1971, (Regulation 15) and exempting from the requirements of that Regulation before 1st October 1986 any gritting trailer (as now defined in Regulation 3(1)) and on or after 1st October 1986 a gritting trailer the maximum gross weight of which does not exceed 2,000 kilograms, (Regulations 3*a* and 14(c)(i)); and
- (3) inserting a new Regulation numbered 136A, requiring the laden weight of an unbraked trailer not to exceed its maximum gross weight, imposing new restrictions on the drawing of unbraked trailers, and applying a uniform definition of "maximum gross weight" in relation to trailers, (Regulation 20).

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