

1988 No. 2268

ROAD TRAFFIC

**The Use of Invalid Carriages on Highways Regulations
1988**

<i>Made</i>	- - - -	<i>21st December 1988</i>
<i>Laid before Parliament</i>		<i>9th January 1989</i>
<i>Coming into force</i>	-	<i>30th January 1989</i>

The Secretary of State for Transport, in exercise of the powers conferred by section 20 of the Chronically Sick and Disabled Persons Act 1970(a), now vested in him(b), and of all other enabling powers, hereby makes the following Regulations:

Citation and Commencement

1. These Regulations may be cited as the Use of Invalid Carriages on Highways Regulations 1988 and shall come into force on 30th January 1989.

Revocation and saving

2.—(1) Subject to paragraph (2), the Use of Invalid Carriages on Highways Regulations 1970(c) (“the 1970 Regulations”) are hereby revoked.

(2) Nothing in these Regulations shall apply to invalid carriages manufactured before 30th January 1989, and the 1970 Regulations shall continue to apply to such invalid carriages as if these Regulations had not been made.

Interpretation

3. In these Regulations—

the “1970 Act” means the Chronically Sick and Disabled Persons Act 1970;

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

a “Class 1 invalid carriage” means an invalid carriage which is not mechanically propelled;

a “Class 2 invalid carriage” means a mechanically propelled invalid carriage which is so constructed or adapted as to be incapable of exceeding a speed of 4 miles per hour on the level under its own power;

a “Class 3 invalid carriage” means a mechanically propelled invalid carriage which is so constructed or adapted as to be capable of exceeding a speed of 4 miles per hour

(a) 1970 c.44; relevant amendments are Schedule 7 to the Road Traffic Act 1972 (c.20) and paragraph 10 of Schedule 13 to the Road Traffic Regulation Act 1984 (c.27).

(b) S.I. 1970/1681, 1976/1775, 1979/571 and 1981/238.

(c) S.I. 1970/1391.

(d) S.I. 1986/1078.

but incapable of exceeding a speed of 8 miles per hour on the level under its own power;
“horn” has the meaning given by regulation 37(10)(a) of the 1986 Regulations;
“reversing alarm” has the meaning given by regulation 37(10)(c) of the 1986 Regulations;
“road” has the meaning given by section 142(1) of the Road Traffic Regulation Act 1984(a);
“two-tone horn” has the meaning given by regulation 37(10)(d) of the 1986 Regulations.

Prescribed conditions for purposes of section 20(1) of the 1970 Act

4. The conditions in accordance with which an invalid carriage must be used, in order that the modifications of the statutory provisions mentioned in subsection (1) of section 20 of the 1970 Act shall have effect in the case of the invalid carriage (being modifications of certain statutory provisions which relate to the use of vehicles on footways and roads) shall be—

- (a) in the case of Class 1, Class 2 and Class 3 invalid carriages that the invalid carriage must be used—
 - (i) by a person falling within a class of persons for whose use it was constructed or adapted, being a person suffering from some physical defect or physical disability;
 - (ii) by some other person for the purposes only of taking the invalid carriage to or bringing it away from any place where work of maintenance or repair is to be or has been carried out to the invalid carriage;
 - (iii) by a manufacturer for the purposes only of testing or demonstrating the invalid carriage;
 - (iv) by a person offering to sell the invalid carriage for the purpose only of demonstrating it; or
 - (v) by a person giving practical training in the use of the invalid carriage for that purpose only;
- (b) in the case of Class 1, Class 2 and Class 3 invalid carriages, that any horn fitted to it must not be sounded in the circumstances set out in regulation 5;
- (c) in the case of Class 3 invalid carriages only—
 - (i) that the invalid carriage must not be used by a person who is aged under 14 years;
 - (ii) that, when being used on a footway, the invalid carriage must not be driven at a speed greater than 4 miles per hour;
 - (iii) that the invalid carriage must not be used on a footway unless the device fitted in accordance with regulation 10(1)(a) is operating; and
 - (iv) that the invalid carriage must not be used at any time unless the speed indicator fitted to it in accordance with regulation 10(1)(b) is operating.

5. The circumstances referred to in regulation 4(b) are that the invalid carriage is either—

- (a) stationary on a road, at any time, other than at times of danger due to another moving vehicle on or near the road; or
- (b) in motion on a road which is a restricted road for the purposes of section 81 of the Road Traffic Regulation Act 1984 between 23.30 hours and 07.00 hours in the following morning.

Prescribed requirements for purposes of section 20(1) of the 1970 Act

6. The requirements with which an invalid carriage must comply in order that the modifications of the statutory provisions mentioned in subsection (1) of section 20 of the 1970 Act shall have effect in the case of the invalid carriage (being modifications of

(a) 1984 c.27. In Scotland the definition of “road” in section 142(1) was substituted by the Roads (Scotland) Act 1984 (c.54), Schedule 9, paragraph 93(44)(d).

certain statutory provisions which relate to the use of vehicles on footways and roads) shall be—

- (a) that it shall be a Class 1, Class 2 or Class 3 invalid carriage; and
- (b) the requirements specified in regulations 7 to 14.

Unladen weight

7.—(1) The unladen weight of a Class 1 or Class 2 invalid carriage shall not exceed 113.4 kilograms.

(2) The unladen weight of a Class 3 invalid carriage shall not exceed 150 kilograms.

(3) In this regulation, “unladen weight” means the weight of the invalid carriage inclusive of the weight of water, fuel or accumulators used for the purpose of the supply of power for its propulsion and of loose tools, but exclusive of the weight of any other load or of a person carried by the invalid carriage.

Means of stopping

8.—(1) A Class 2 or Class 3 invalid carriage shall be so constructed and maintained that it meets the requirements set out in paragraphs (2) to (4).

(2) The invalid carriage shall be capable of being brought to rest in all conditions of use with reasonable directional stability and within a reasonable distance.

(3) When the invalid carriage is not being propelled or is left unattended it shall be capable of being held stationary indefinitely in all conditions of use on a gradient of at least 1 in 5.

(4) The requirements of paragraphs (2) and (3) shall not be regarded as met unless the necessary braking effect can be achieved by the appropriate use—

- (a) of the invalid carriage’s propulsion unit or transmission gear or of both the propulsion unit and transmission gear;
- (b) of a separate system fitted to the vehicle (which may be a system which operates upon the propulsion unit or transmission gear); or
- (c) of a combination of the means of achieving a braking effect referred to in subparagraphs (a) and (b);

and in the case of paragraph (3) without depending upon any hydraulic or pneumatic device or on the flow of electrical current.

Lighting

9. A Class 2 or Class 3 invalid carriage when on the carriageway of any road shall comply with the requirements specified in the Road Vehicles Lighting Regulations 1984(a) as if it was a motor vehicle within the meaning of the Road Traffic Act 1972(b) and as if any reference to an invalid carriage in those Regulations included an invalid carriage within the meaning of the 1970 Act.

Speed device and speed indicator

10.—(1) A Class 3 invalid carriage shall be fitted with—

- (a) a device which is capable of limiting the maximum speed of the invalid carriage to 4 miles per hour on the level under its own power and which can be put into operation by the user; and
- (b) a speed indicator.

(2) A speed indicator fitted in accordance with this regulation shall be kept free from any obstruction which might prevent it being easily seen by the user of the invalid carriage and shall be maintained in efficient working order.

(3) In this regulation, “speed indicator” means a device fitted to an invalid carriage for

(a) S.I. 1984/812, which has been amended by S.I. 1987/1315.
(b) 1972 c.20.

the purpose of indicating to the user of the invalid carriage whether the device referred to in paragraph (1)(a) is in operation.

Width

11. The overall width of a Class 3 invalid carriage shall not exceed 0.85 metres.

Audible Warning Instrument

12.—(1) A Class 3 invalid carriage shall be fitted with a horn, not being a reversing alarm or a two-tone horn.

(2) The sound emitted by any horn fitted to an invalid carriage shall be continuous and uniform and not strident.

Vision

13.—(1) A Class 2 or Class 3 invalid carriage shall be so constructed that the user of the invalid carriage can at all times have a full view of the road and traffic ahead when controlling the invalid carriage.

(2) Any windscreen or window fitted to a Class 2 or Class 3 invalid carriage shall be made of safety glass or safety glazing and shall be maintained in such condition that it does not obscure the vision of the user of the invalid carriage while the invalid carriage is being driven.

(3) In this regulation—

“safety glass” means glass so manufactured or treated that if fractured it does not fly into fragments likely to cause severe cuts; and

“safety glazing” means material other than glass so manufactured or treated that if fractured it does not fly into fragments likely to cause severe cuts.

Rear view mirrors

14.—(1) A Class 3 invalid carriage shall be fitted either internally or externally with a rear view mirror.

(2) Any rear view mirror fitted to an invalid carriage shall be so constructed or treated that if fractured it does not fly into fragments likely to cause severe cuts.

(3) In this regulation “rear view mirror” means a mirror to assist the user of the invalid carriage to become aware of traffic to the rear of the invalid carriage.

Signed by authority of the Secretary of State

Peter Bottomley
Parliamentary Under Secretary of State,
Department of Transport

21st December 1988

EXPLANATORY NOTE

(This note is not part of the Regulations)

1. These Regulations revoke the Use of Invalid Carriages on Highways Regulations 1970 (S.I. 1970/1391) (“the 1970 Regulations”). The 1970 Regulations however continue to apply to invalid carriages manufactured before 30th January 1989. These Regulations make provision for 3 classes of invalid carriages which, if they meet the prescribed conditions and requirements, may be used under the modifications of the law provided by s.20 of the Chronically Sick and Disabled Persons Act 1970.

2. The 1970 Regulations made provision for what are entitled Class 1 and Class 2 invalid carriages in these Regulations. These Regulations make provision for a new Class, the Class 3 invalid carriage, which is an invalid carriage so constructed or adapted that it is capable of exceeding 4 mph but incapable of exceeding 8 mph on the level under its own power.

3. The principal changes to the 1970 Regulations in these Regulations are as follows:-

(a) *Conditions*

- (i) The persons who may use any of the classes of invalid carriage include manufacturers using the invalid carriage for test or demonstration purposes, persons offering to sell the invalid carriage for the purpose of demonstrating it and persons giving practical training in the use of the invalid carriage (reg. 4(a)(iii)-(v)).
- (ii) The use of horns on each class of invalid carriage is restricted (reg. 4(b) and 5).
- (iii) Class 3 invalid carriages must not be used by persons aged under 14 years (reg. 4(c)(i)).
- (iv) Class 3 invalid carriages must not be driven on footways at a speed greater than 4 mph (reg. 4(c)(ii)).
- (v) Class 3 invalid carriages must not be used on footways unless speed devices which can limit their speed to 4 mph on the level under their own power are operating (reg. 4(c)(iii)).
- (vi) Class 3 invalid carriages must not be used at any time unless speed indicators fitted to them are operating (reg. 4(c)(iv)).

(b) *Requirements*

- (i) Only invalid carriages of Class 1, 2 or 3 may meet the requirements (reg. 6(a)).
- (ii) The unladen weight of Class 3 invalid carriages shall not exceed 150 kg (reg. 7(2)).
- (iii) Class 2 or Class 3 invalid carriages shall be capable of being brought to rest in all conditions of use with reasonable directional stability (reg. 8(2)). The necessary braking effect to hold such carriages indefinitely on a gradient of at least 1 in 5 cannot be achieved by dependence on any hydraulic or pneumatic device or on the flow of electrical current (reg. 8(3) and (4)).
- (iv) Class 2 and Class 3 invalid carriages shall comply with the requirements specified in the Road Vehicles Lighting Regulations 1984 ("the 1984 Regulations") as if they were motor vehicles within the meaning of the Road Traffic Act 1972 (reg. 9). The lighting requirements for Class 1 invalid carriages are to be found in the requirements prescribed for vehicles drawn or propelled by hand in the 1984 Regulations.
- (v) Class 3 invalid carriages shall be fitted with speed devices (reg. 10(1)(a)), speed indicators (reg. 10(1)(b)) and horns (reg. 12(1)). They are not to exceed 0.85 m in width (reg. 11).
- (vi) Horns fitted to any of the classes of invalid carriage must comply with the requirements of regulation 12(2).
- (vii) There are also provisions about view to the front and about glass and glazing in windscreens or windows fitted to Class 2 and 3 invalid carriages (reg. 13) and about rear view mirrors for Class 3 invalid carriages (reg. 14).