

1979 No. 138

ROAD TRAFFIC

**The Motor Vehicles (Construction and Use) (Amendment)
Regulations 1979**

<i>Made - - - -</i>	<i>9th February 1979</i>
<i>Laid before Parliament</i>	<i>20th February 1979</i>
<i>Coming into Operation</i>	<i>13th March 1979</i>

The Secretary of State for Transport, in exercise of his powers under section 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 13th March 1979, and may be cited as the Motor Vehicles (Construction and Use) (Amendment) Regulations 1979.

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

3. In Regulation 51 (which deals with brakes of locomotives)—

(a) for paragraph (1) there shall be substituted the following paragraph:—

“(1)(a) Paragraphs (3), (4), (5), and (8) of this Regulation shall apply to every locomotive first used on or after 1st June 1955;

(b) paragraphs (2), (6), and (7) of this Regulation shall apply to every locomotive, not being a land locomotive, first used on or after 1st June 1955; and

(c) paragraph (2A) of this Regulation shall apply to every land locomotive first used on or after 1st June 1955.”;

(b) for paragraph (2) there shall be substituted the following paragraphs:—

“(2) Every locomotive to which this paragraph applies shall be equipped with an efficient braking system or efficient braking systems in either case having two means of operation, so designed and constructed that notwithstanding the failure of any part thereof (other than a fixed member or a brake shoe anchor pin) through or by means of which the force necessary to apply the brakes is transmitted, there shall still be available for application by the driver brakes which—

(a) 1972 c. 20.

(b) S.I. 1978/1017; the earlier amendments thereto are not relevant to these Regulations.

(a) are sufficient under the most adverse conditions to bring the vehicle to rest within a reasonable distance, and

(b) apply to not less than half the number of the wheels of the vehicle:

Provided that this paragraph shall not apply in the case of a road roller if the vehicle is equipped with one braking system with one means of operation.

(2A) Every land locomotive to which this paragraph applies shall be equipped with an efficient braking system or efficient braking systems so designed and constructed that notwithstanding the failure of any part thereof there shall still be available for application by the driver a brake sufficient under the most adverse conditions to bring the vehicle to rest within a reasonable distance.”; and

(c) in paragraphs (6) and (7), for the words “this Regulation applies” there shall in each case be substituted the words “this paragraph applies”.

4. In Regulation 55 (which deals with brakes of motor tractors)—

(a) in paragraph (1) for the words “Every motor tractor shall be equipped” there shall be substituted the words “Every motor tractor, not being a land tractor to which paragraph (1A) of this Regulation applies, shall be equipped”;

(b) after paragraph (1) there shall be inserted the following new paragraph:—

“(1A) Every land tractor first used on or after 9th February 1980 shall be equipped with an efficient braking system or efficient braking systems so designed and constructed that notwithstanding the failure of any part thereof there shall still be available for application by the driver a brake sufficient under the most adverse conditions to bring the vehicle to rest within a reasonable distance.”; and

(c) in paragraph (5) for the words “Where any brake shoe” there shall be substituted the words “Except in the case of a land tractor, where any brake shoe”.

William Rodgers,
Secretary of State for Transport.

9th February 1979.

EXPLANATORY NOTE

(This Note is not part of the Regulations.)

These Regulations further amend the Motor Vehicles (Construction and Use) Regulations 1978 by amending the requirements as to the brakes of locomotives and of land tractors so as to avoid inconsistency with the requirements of Council Directive 76/432 dated 6th April 1976 (O.J. L122 8.5.1976, p.1).

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