

1988 No. 1102

ROAD TRAFFIC

**The Road Vehicles (Construction and Use) (Amendment)
(No. 2) Regulations 1988**

<i>Made -</i>	<i>24th June 1988</i>
<i>Laid before Parliament</i>	<i>4th July 1988</i>
<i>Coming into force</i>	<i>25th July 1988</i>

The Secretary of State for Transport, in exercise of the powers conferred by section 40(1) and (3) of the Road Traffic Act 1972(a), now vested in him(b), and after consultation with representative organisations in accordance with section 199(2) of that Act, hereby makes the following Regulations:

Citation, Commencement and Introduction

1. These Regulations may be cited as the Road Vehicles (Construction and Use) (Amendment) (No. 2) Regulations 1988.

2.—(1) The Road Vehicles (Construction and Use) Regulations 1986(c) shall be further amended in accordance with the following provisions of these Regulations.

(2) The Secretary of State is satisfied that—

- (a) it is requisite that the provisions of regulation 3 of these Regulations (being provisions which vary the requirements as regards the construction of certain classes of vehicles) shall apply as from 25th July 1988 to vehicles registered under the Vehicles (Excise) Act 1971(d) before the expiration of one year from the making of these Regulations; and
- (b) notwithstanding that the said provisions will then apply to those vehicles, no undue hardship or inconvenience will be caused thereby.

Amendments to regulation 33 (mirrors)

3. Regulation 33 shall be amended as follows—

(a) in the Table in paragraph (1), for “85/205” in column 4 of item 1, in columns 3 and 4 of item 3, in columns 3 and 4 of item 4, in column 4 of item 5 and in column 4 of item 6 there shall be substituted “86/562”; and

(b) for paragraph (5) there shall be substituted the following—

“(5) Instead of complying with paragraphs (1) to (4) a vehicle may comply—

- (a) if it is a goods vehicle with a maximum gross weight exceeding 3500 kg first used on or after 1st April 1985 and before 1st August 1989, with Community Directive 79/795, 85/205 or 86/562;

(a) 1972 c.20.
(b) S.I. 1979/571 and 1981/238.
(c) S.I. 1986/1078, to which there are no relevant amendments.
(d) 1971 c.10.

- (b) if it is a goods vehicle first used on or after 1st August 1989—
 - (i) in the case of a vehicle with a maximum gross weight exceeding 3500 kg but not exceeding 12,000 kg with Community Directive 79/795, 85/205 or 86/562; and
 - (ii) in the case of a vehicle with a maximum gross weight exceeding 12,000 kg with Community Directive 85/205 or 86/562;
- (c) if it is an agricultural motor vehicle with Community Directive 71/127, 74/346, 79/795, 85/205 or 86/562;
- (d) if it is a two-wheeled motor cycle with or without a side-car with Community Directive 71/127, 79/795, 80/780, 85/205 or 86/562; and
- (e) if it is any other vehicle with Community Directive 71/127, 79/795, 85/205 or 86/562.”.

4. In Table 1 in Schedule 2 after the entry relating to Item 50 there shall be inserted the following entry—

“51	86/562	6.11.86	L327, 27.11.86, p.49	Mirrors	71/127 as amended by 79/795 and 85/205”.
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Signed by authority of the Secretary of State

Peter Bottomley
Parliamentary Under Secretary of State,
Department of Transport

24th June 1988

EXPLANATORY NOTE

(This note is not part of the Regulations)

These regulations amend regulation 33 of the Road Vehicles (Construction and Use) Regulations 1986.

The principal changes to the Regulations are as follows—

- (a) Firstly the Regulations are amended in consequence of Community Directive 86/562 which further amended Directive 71/127. Directive 85/205 which earlier amended Directive 71/127 required all rear view mirrors EEC component type-approved after 1st October 1986 to bear the type-approval mark with the sequence number 02. Directive 86/562 permits sequence number 01 to be retained for Class I, II or III rear-view mirrors.
- (b) Secondly these regulations substitute a new regulation 33(5). The previous provision—
 - (i) enabled goods vehicles with a maximum gross weight exceeding 3500 kg first used on or after 1st April 1985 to be used on the road if they complied with the requirements of Directive 71/127 as amended by Directive 79/795, or with Directive 71/127 as further amended by Directive 85/205; and
 - (ii) enabled other vehicles to be so used if they complied with the requirements of Directive 71/127, or with Directive 71/127 as amended by Directive 79/795 or with Directive 71/127 as further amended by Directive 85/205, or in addition in the case of agricultural motor vehicles with Directive 74/346.
- (c) The effect of the new regulation 33(5) is that—
 - (i) goods vehicles with a maximum gross weight exceeding 3500 kg first used on or after 1st April 1985 and before 1st August 1989 may comply with the requirements described in paragraph (b)(i) of this Note or in addition with the requirements of Directive 71/127 as further amended by Directive 86/562;
 - (ii) goods vehicles with a maximum gross weight exceeding 3500 kg but not exceeding 12,000 kg first used on or after 1st August 1989 may comply with the requirements described above in paragraph (c)(i);
 - (iii) goods vehicles with a maximum gross weight exceeding 12,000 kg first used on or after 1st August 1989 may comply with the requirements of Directive 71/127 as amended up to and including Directive 85/205 or 86/562, but may no longer comply with the requirements of Directive 71/127 as amended by Directive 79/795 alone;
 - (iv) the position for agricultural motor vehicles is unchanged except that they may now comply with the requirements of Directive 71/127 as further amended by Directive 86/562;
 - (v) provision is made for two-wheeled motor cycles with or without a side-car whereby they may comply with the requirements described above in paragraph (c)(i) or in addition with the requirements of Directive 80/780;
 - (vi) the position for other vehicles is unchanged except that they may now comply with the requirements of Directive 71/127 as further amended by Directive 86/562.

Copies of the EEC Directives referred to in these Regulations can be obtained from Her Majesty's Stationery Office.