

2009 No. 3220

ROAD TRAFFIC

The Road Vehicles Lighting and Goods Vehicles (Plating and Testing) (Amendment) Regulations 2009

Made - - - - - *7th December 2009*
Laid before Parliament *10th December 2009*
Coming into force - - - *4th January 2010*

The Secretary of State makes the following Regulations in exercise of the powers conferred by sections 41(1), (2), (4) and (5), 49 and 51(1) of the Road Traffic Act 1988(a).

Representative organisations have been consulted in accordance with section 195(2) of that Act.

Citation and commencement

1. These Regulations may be cited as the Road Vehicles Lighting and Goods Vehicles (Plating and Testing) (Amendment) Regulations 2009 and come into force on 4th January 2010.

Amendments to the Road Vehicles Lighting Regulations 1989

2. The Road Vehicles Lighting Regulations 1989(b) are amended in accordance with regulations 3 to 16.

Interpretation

3.—(1) The Table which follows regulation 3(2) is amended in accordance with paragraphs (2) to (8).

(2) After the definition of “Community Directive 76/756/EEC, as last amended by Directive 91/663/EEC”, insert—

““Conspicuity marking”

A device intended to increase the conspicuity of a vehicle, when viewed from the side or rear, by the reflection of light emanating from a light source not connected to the vehicle, the observer being situated near the source(c).”

(a) 1988 c.52; section 41 was amended by the Road Traffic Act 1991 (“the 1991 Act”) (c.40), Schedule 4, paragraph 50 and Schedule 8; section 49 was amended by the 1991 Act, Schedule 4, paragraph 54; section 51 was amended by the 1991 Act, Schedule 8.
(b) S.I. 1989/1796; relevant amending instruments are S.I. 1994/2280 and 2567, 1996/3016, 2001/560, 2004/3168, 2005/2559, 2929 and 3169, 2006/594 and 1914 and S.S.I 2005/344 and 2006/129.
(c) The same definition is used in ECE Regulation 48 (see paragraph 2.7.17.).

(3) In the definition of “Emergency vehicle”—

(a) omit “and” after paragraph (j); and

(b) at the end of paragraph (k) add—

“; and

(l) a vehicle used for mountain rescue purposes”.

(4) After the definition of “kg”, insert—

““km/h”

Kilometre per hour or kilometres per hour
(as the case may be).”

(5) After the definition of “Main beam”, insert—

““ Mandatory ECE conspicuity
requirements”

The requirements specified in—

(a) paragraph 5.15. of ECE Regulation
48 in respect of a conspicuity
marking; and

(b) paragraph 6.21. of ECE Regulation
48 as relating to vehicles for which
the fitting of conspicuity markings
is mandatory.”

(6) In the definition of “Optional”, at the end, add “But, when used in the expression “Optional ECE conspicuity requirements”, shall be construed in accordance with the definition of that expression.”

(7) After the definition of “Optional”, insert—

““Optional ECE conspicuity requirements”

The requirements specified in—

(a) paragraph 5.15. of ECE Regulation
48 in respect of a conspicuity
marking; and

(b) paragraph 6.21. of ECE Regulation
48 as relating to vehicles for which
the fitting of conspicuity markings
is optional.”

(8) After the definition of “Stop lamp”, insert—

““Traffic officer”

Has the same meaning as in section 15 of
the Traffic Management Act 2004(a).”

(9) After regulation 3(8) insert—

“(9) In these Regulations, a reference to “ECE Regulation” followed by a number is a reference to the regulation of the same number 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 2nd March 1958 as revised and re-titled the Agreement Concerning the Adoption of Uniform Technical Prescriptions for Wheeled Vehicles, Equipment and Parts which can be fitted and/or be used on Wheeled Vehicles and the Conditions for reciprocal recognition of approvals granted on the basis of these Prescriptions by an agreement at Geneva on 5th October 1995(b).

(10) In these Regulations, a reference to ECE Regulation 48 is to that Regulation as amended by the 03 series of amendments (as in force on 12th June 2007) with the following modifications—

(a) 2004 c.18.

(b) Cmnd 1830 5.10.1995; this Agreement is known as the “UNECE Vehicle Regulations - 1958 Agreement”.

- (a) footnote 6 is omitted;
- (b) paragraph 6.21.4.1.3. is deemed to read “In the case of a motor vehicle first used before 10th October 2011 or a trailer manufactured before 10th October 2011, where it is impossible to achieve the value referred to in paragraph 6.21.4.1.2. above, the cumulative length may be reduced to 60 per cent.”;
- (c) paragraph 6.21.4.2.3. is deemed to read “In the case of a motor vehicle first used before 10th October 2011 or a trailer manufactured before 10th October 2011, where it is impossible to achieve the value referred to in paragraph 6.21.4.2.2. above, the cumulative length may be reduced to 60 per cent.”;
- (d) footnote 10 is omitted;
- (e) in paragraph 6.21.7.3. the reference to a “mandatory stop lamp” is deemed to be a reference to an obligatory stop lamp;
- (f) in paragraph 6.21.7.4. the words “at the discretion of the manufacturer” are omitted; and
- (g) paragraph 6.21 is deemed to contain the following paragraph inserted after paragraph 6.21.7.5.—
 “6.21.7.6. No conspicuity marking may be fitted unless it bears the international approval mark referred to in paragraph 5.4. of ECE Regulation 104 (as in force on 11th July 2008).”

Modifications in relation to vehicles approved under the Motor Vehicles (Approval) Regulations 1996(a)

4. In regulation 9B(1)—

- (a) in the definition of “coefficient of luminous intensity”, for “ECE Regulation 3.01” substitute “ECE Regulation 3 as amended by the 01 series of amendments (as in force on 20th March 1982)”; and
- (b) omit the definition of “ECE Regulation 3.01”.

Colour of light shown by lamps and reflectors

5.—(1) Regulation 11 is amended as follows.

(2) In paragraph (2)—

- (a) after sub-paragraph (v) omit “or”; and
- (b) at the end of sub-paragraph (w) add—
 “;
 (x) reflected light from a yellow conspicuity marking where the fitting of that marking complies with the mandatory or optional ECE conspicuity requirements; or
 (y) reflected light from yellow or orange retro reflective material fitted to the rear of a vehicle used for—
 (i) police,
 (ii) relevant authority (as defined by section 6 of the Fire (Scotland) Act 2005(b)) or, in England and Wales, fire and rescue authority,
 (iii) ambulance,
 (iv) Vehicle and Operator Services Agency, or
 (v) traffic officer,
 purposes”.

(a) S.I. 1996/3013; revoked by S.I. 2001/25.

(b) 2005 asp 5.

Amendment to regulation 18 (obligatory lamps, reflectors, rear markings and devices)

- 6.—(1) Regulation 18 is amended as follows.
- (2) In paragraph (1), after “of these Regulations” insert “, in regulation 20A(9)”.
- (3) In paragraph (3), after “20”, insert “, 20A”.

Optional lamps, reflectors, rear markings and devices

7. In regulation 20, for “Every optional lamp”, substitute “Subject to regulation 20A(9), every optional lamp”.

Application of the ECE conspicuity requirements

8. After regulation 20, insert—

“Application of the ECE conspicuity requirements

20A.—(1) Subject to paragraphs (2), (4) and (5), a goods vehicle which is—

- (a) a motor vehicle first used on or after 10th July 2011, or
- (b) a trailer manufactured on or after 10th July 2011,

shall be fitted with conspicuity markings which comply with the mandatory ECE conspicuity requirements.

(2) Paragraph (1) does not apply in respect of a goods vehicle which is—

- (a) a motor vehicle with a maximum gross weight not exceeding 7500 kg;
- (b) a trailer with a maximum gross weight not exceeding 3500 kg;
- (c) an incomplete vehicle proceeding to a works for completion or to a place where it is to be stored or displayed for sale; or
- (d) a motor car or heavy motor car intended to form part of an articulated vehicle.

(3) A goods vehicle to which paragraph (1) applies is referred to in this regulation as a “relevant goods vehicle”.

(4) If the overall length of a relevant goods vehicle does not exceed 6 m, conspicuity markings that comply with the mandatory ECE conspicuity requirements need not be fitted to the side of that vehicle.

(5) If the overall width of a relevant goods vehicle does not exceed 2.1 m, conspicuity markings that comply with the mandatory ECE conspicuity requirements need not be fitted to the rear of that vehicle.

(6) To the extent that, pursuant to paragraph (4) or (5), a relevant goods vehicle is not required to be fitted with conspicuity markings to the side or rear that comply with the mandatory ECE conspicuity requirements, conspicuity markings which comply with the optional ECE conspicuity requirements may be fitted to the side or rear (as the case may be).

(7) Subject to paragraph (8), a vehicle which is not a relevant goods vehicle may be fitted with conspicuity markings which comply with the optional ECE conspicuity requirements.

(8) Paragraph (7) does not apply in respect of—

- (a) a passenger vehicle (other than a bus); or
- (b) a trailer with a maximum gross weight not exceeding 750 kg.

(9) A requirement imposed under regulation 18 or 20 is to be disregarded to the extent it is incompatible with paragraph (1), (6) or (7).

(10) In this regulation “motor car” and “heavy motor car” have the same meaning as in the Construction and Use Regulations.”

Requirements about the use of front and rear position lamps, rear registration plate lamps, side marker lamps and end-outline marker lamps

9. In regulation 24(7)(a), for “the unladen weight of which does not exceed 1525 kg” substitute “the gross vehicle weight of which does not exceed 2500 kg”.

Amendment to Schedule 1 (obligatory lamps, reflectors, rear markings and devices)

10.—(1) Schedule 1 is amended as follows.

(2) In Table I, in column (3) of the entry for “Rear marking”—

- (a) for the full stop at the end of paragraph (d) substitute a semicolon; and
- (b) at the end add—

“A vehicle fitted with conspicuity markings to the rear where the fitting of those markings complies with the mandatory or optional ECE conspicuity requirements.”

(3) In Table VI, in column (3) of the entry for “Rear marking”—

- (a) for the full stop at the end of paragraph (e) substitute a semicolon; and
- (b) at the end add—

“A trailer fitted with conspicuity markings to the rear where the fitting of those markings complies with the mandatory or optional ECE conspicuity requirements.”

Requirements relating to direction indicators

11.—(1) Schedule 7 is amended as follows.

(2) In Part I—

- (a) in paragraph 1(a), for “(Category 5)” substitute “(Category 5 or 6)”;
- (b) in paragraph 3(a)(ii)(A), for “(B) or (C)” substitute “(B), (C) or (D)”; and
- (c) after paragraph 3(a)(ii)(C) insert—

“(D) But where the indicator is a category 6 indicator: 30° above and 5° below the horizontal”

- (d) in paragraph 4(c), after “5”, insert “or 6”; and
- (e) in paragraph 5(a), after ““5””, insert “or “6””.

(3) In Part III, in the first diagram after “Category 5” insert “or 6”.

Requirements relating to optional reversing lamps

12.—(1) Schedule 14 is amended as follows.

(2) In paragraph 1, for “Not more than two” substitute—

“Not more than two but if the vehicle has an overall length which exceeds 6 m and is—

- (a) a bus; or
- (b) a vehicle which is not a passenger vehicle,

four may be fitted”.

(3) In paragraph 4, for “To the rear” substitute—

“To the rear but if, in accordance with paragraph 1, four are fitted the configuration shall be—

- (a) four to the rear; or
- (b) two to the rear and one on each side”.

(4) In paragraph 10, for “No requirement” substitute—

“No requirement except that if, in accordance with paragraph 4, reversing lamps have been fitted to the side, the following requirements shall apply in relation to those lamps—

- (a) it shall not be possible for the reversing lamps to be illuminated unless the front and rear position lamps of the vehicle are illuminated at the same time; and
- (b) the reversing lamps shall be switched on and off by the manual operation of one switch which shall have no other function; but
- (c) the reversing lamps shall switch off automatically if the vehicle is moving forward at a speed of 10km/h or more”.

(5) In paragraph 11(a)—

- (a) for “are such that the”, substitute “are such that any”; and
- (b) after “lamps” insert “fitted to the rear”.

Requirements relating to side retro reflectors

13. For Part II of Schedule 17 substitute—

“PART II REQUIREMENTS RELATING TO OPTIONAL SIDE RETRO REFLECTORS

Any number may be fitted and the only requirements in respect of any which are fitted are those specified in paragraphs 7 and 8 of Part I. But, in respect of a vehicle to which paragraph 7(a) applies which is used for the purposes listed in column (1) of the Table, the permitted colours are those listed in column (2).

Table

Police	amber, yellow, blue, white or if within 1 m of the rear of the vehicle it may be red
Relevant authority (as defined by section 6 of the Fire (Scotland) Act 2005(a) or, in England and Wales, fire and rescue authority	amber, yellow, red
Ambulance	amber, yellow, green, white or if within 1 m of the rear of the vehicle it may be red
Vehicle and Operator Services Agency	amber, yellow, silver, white or if within 1 m of the rear of the vehicle it may be red
Traffic officer	amber, yellow, white or if within 1 m of the rear of the vehicle it may be red.”

Requirements relating to rear retro reflectors

14.—(1) Schedule 18 is amended as follows.

(2) In Part I—

- (a) in paragraph 2(c)(i)(A), for “1200 mm” substitute “1500 mm”;
- (b) in paragraph 2(c)(iii)(A), for “350 mm” substitute “250 mm”; and
- (c) in paragraph 3(a)(i)(B)(1) and (2), for “15°” substitute “10°”.

(3) For Part II substitute—

(a) 2005 asp 5.

“PART II
REQUIREMENTS RELATING TO OPTIONAL REAR RETRO
REFLECTORS

Any number may be fitted and the only requirements in respect of any which are fitted are those specified in paragraphs 7 and 8(b) of Part I. But the colour of rear retro reflectors fitted to a vehicle used for—

- (a) police,
- (b) relevant authority (as defined by section 6 of the Fire (Scotland) Act 2005) or, in England and Wales, fire and rescue authority,
- (c) ambulance,
- (d) Vehicle and Operator Services Agency, or
- (e) traffic officer,

purposes may be red, yellow or orange (or any combination).”

Requirements relating to rear markings

15. In Part I of Schedule 19—

- (a) in paragraph 5(a), after “sub-paragraph (b)”, insert “or (c)”;
- (b) in paragraph 5(b), for “A motor vehicle”, substitute “Unless covered by sub-paragraph (c), a motor vehicle”;
- (c) after paragraph 5(b) insert—

“(c) A motor vehicle first used on or after 10th July 2011 and a trailer manufactured on or after 10th July 2011: A 70.01 mark”

- (d) omit “and” at the end of paragraph 8(a); and
- (e) at the end of paragraph 8(b) insert—

“; and

- (c) “70.01 mark” means the international approval mark referred to in paragraph 5.4.1 of ECE Regulation 70 as amended by the 01 series of amendments (as in force on 15th October 2008)”.

Requirements relating to front retro reflectors

16. In Part I of Schedule 21—

- (a) in paragraph 2(c)(ii), for “350 mm” substitute “250 mm”; and
- (b) in paragraph 3(b)(i) and (ii), for “15°” substitute “10°”.

Amendments to the Goods Vehicles (Plating and Testing) Regulations 1988

17.—(1) The Goods Vehicles (Plating and Testing) Regulations 1988(a) are amended as follows.

- (2) In regulation 16(6)(c)(ii), after “18” insert “, 18A”.
- (3) In Table II in Part I of Schedule 3, after item 18 insert—

“18A	20A	Conspicuity markings	In so far as the regulation relates to
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(a) S.I. 1988/1478; relevant amending instruments are S.I. 1993/2048, 2002/487, 2004/1873 and 2009/799.

the fitting of
conspicuity
markings which
comply with the
mandatory ECE
conspicuity
requirements.”

Signed by authority of the Secretary of State

Paul Clark
Parliamentary Under Secretary of State
Department for Transport

7th December 2009

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend the Road Vehicles Lighting Regulations 1989 (“the Lighting Regulations”) and the Goods Vehicles (Plating and Testing) Regulations 1988 (“the Goods Vehicles Regulations”).

These amending Regulations—

–make provision in relation to the fitting of the conspicuity markings provided for by paragraph 6.21 of ECE Regulation 48 (ECE Regulations are international standards);

–permit retro reflective material of certain colours (used in a design known as the battenburg pattern) to be fitted to vehicles used for police, fire and rescue, ambulance, Vehicle Operator Service Agency or traffic officer purposes;

–permit emergency vehicles used for mountain rescue purposes to be fitted with, and use, a blue warning beacon;

–amend the weight requirement in respect of goods vehicles that are exempted from requirements in certain circumstances to have lamps illuminated when parked on certain roads; and

–align certain fitting requirements relating to direction indicators and front and rear retro reflectors with ECE Regulations.

Regulation 3 amends regulation 3 of the Lighting Regulations including amending the meaning of “Emergency vehicle” to include a vehicle used for mountain rescue purposes and introducing definitions in relation to conspicuity markings.

Regulation 4 amends regulation 9B of the Lighting Regulations in consequence of the insertion by *regulation 3(9)* of these amending Regulations of a definition of “ECE Regulation” in regulation 3 of the Lighting Regulations.

Regulation 5 amends regulation 11(2) of the Lighting Regulations so that—

–yellow reflected light from a conspicuity marking complying with the mandatory or optional ECE conspicuity requirements, and

–yellow and orange reflected light from retro reflective material (used in the battenburg pattern) fitted to certain vehicles,

may be shown to the rear of the vehicle.

Regulations 6, 7, 8 and 17 amend the Lighting Regulations and the Goods Vehicles Regulations to make provision in relation to the fitting of the conspicuity markings provided for by paragraph 6.21 of ECE Regulation 48. Certain vehicles must be fitted with such markings and other types of

vehicles may be fitted with such markings. Where a vehicle is required to be fitted with only some of the markings provided for, other markings provided for by paragraph 6.21 may be fitted on an optional basis. By the amendment made by *regulation 17(3)*, the requirements imposed under regulation 20A of the Lighting Regulations (inserted by *regulation 8* of these amending Regulations) in relation to the fitting of conspicuity markings which comply with the mandatory ECE conspicuity requirements become prescribed construction and use requirements for the purposes of the Goods Vehicles Regulations. *Regulation 17(2)* amends regulation 16 of the Goods Vehicles Regulations so that, for the purposes of regulation 16(6) of the Goods Vehicles Regulations (which relates to fees for a re-test), the treatment of the construction and use requirements inserted into Table II of Part I of Schedule 3 by these amending Regulations is consistent with the treatment of other construction and use requirements mentioned in that Table (which are also requirements contained in provisions of the Lighting Regulations.)

Regulation 9 amends regulation 24(7)(a) of the Lighting Regulations. Regulation 24(7)(a) exempts goods vehicles with an unladen weight not exceeding 1525kg from the requirement to have certain lamps illuminated when parked. *Regulation 9* amends the application of the exemption so as to apply to goods vehicles with a gross vehicle weight that does not exceed 2500kg.

Regulation 10 amends Tables I and VI of Schedule 1 of the Lighting Regulations to exempt vehicles that are fitted to the rear with conspicuity markings complying with the mandatory or optional ECE conspicuity requirements from the obligatory requirements relating to the fitting of rear markings.

Regulation 11 amends Schedule 7 of the Lighting Regulations to permit the fitting of category 6 direction indicators on certain goods vehicles and buses. This aligns the requirements of the Lighting Regulations with ECE Regulation 48 paragraph 6.5.3.

Regulation 12 amends Schedule 14 of the Lighting Regulations in respect of the requirements relating to the fitting of optional reversing lamps to provide that certain vehicles may be fitted with four lamps but, in such a case, any lamps fitted to the side must operate in a particular way. This aligns the requirements of the Lighting Regulations with ECE Regulation 48 paragraph 6.4.2 and also amends the Lighting Regulations to align better with the connected requirements of paragraph 6.4.7.2.

Regulations 13 and 14(3) amend Schedules 17 and 18 of the Lighting Regulations so that certain coloured side and rear retro reflectors (used in the battenburg pattern) may be fitted to those vehicles used for police, fire and rescue, ambulance, Vehicle and Operator Services Agency or traffic officer purposes.

Regulation 14(2) amends Schedule 18 of the Lighting Regulations in respect of the requirements relating to the fitting of rear retro reflectors to reduce the minimum mounting height of such reflectors from 350mm to 250mm and increase the maximum mounting height from 1,200mm to 1,500mm. This aligns the Lighting Regulations with ECE Regulation 48 paragraph 6.14.4.2. It also reduces the visibility angles above and below the horizontal plane from 15° to 10° in respect of the fitting of such reflectors. This aligns the Lighting Regulations with ECE Regulation 48 paragraph 6.14.5.

Regulation 15 amends Part I of Schedule 19 of the Lighting Regulations to provide that rear markings fitted to motor vehicles first used on or after 10th July 2011 or trailers manufactured on or after the same date to which paragraph 5 of that Part applies must be marked with the marking referred to in ECE Regulation 70 as amended by the 01 series of amendments (as in force on 27th September 1997).

Regulation 16 amends Schedule 21 of the Lighting Regulations in respect of the requirements relating to front retro reflectors to reduce the minimum mounting height of such reflectors from 350mm to 250mm. This aligns the Lighting Regulations with ECE Regulation 48 paragraph 6.16.4.2. It also provides for the reduction in the visibility angles above and below the horizontal plane from 15° to 10° for such reflectors. This aligns the Lighting Regulations with ECE Regulation 48 paragraph 6.16.5.

An impact assessment of the effect that this instrument will have on the costs of business and the voluntary sector is available from the Transport Technology and Standards Division of the Department for Transport, Zone 2/07, Great Minster House, Marsham Street, London, SW1P 4DR (telephone: 020 7944 2105). A copy may be obtained from the Department for Transport website (www.dft.gov.uk).

A copy of the impact assessment has been placed in the library of each House of Parliament. The impact assessment is annexed to the Explanatory Memorandum which is available alongside the instrument on the OPSI website (www.opsi.gov.uk). The impact assessment and the Explanatory Memorandum also cover the Road Vehicles (Construction and Use)(Amendment)(No.4) Regulations 2009 (S.I.2009/3221).

ECE Regulations are issued by the United Nations Economic Commission for Europe (UNECE). They are available, without charge, from the UNECE website at:

<http://www.unece.org/trans/main/wp29/wp29regs.html>

These Regulations were notified in draft to the European Commission in accordance with Directive 98/34/EC (OJ No L204 21.7.1998, p.37) as amended by Directive 98/48/EC (OJ No L217 5.8.1998, p.18).

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STATUTORY INSTRUMENTS

2009 No. 3220

ROAD TRAFFIC

The Road Vehicles Lighting and Goods Vehicles (Plating and
Testing) (Amendment) Regulations 2009

£5.50