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STATUTORY INSTRUMENTS

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**1986 No. 1078**

**The Road Vehicles (Construction and Use) Regulations 1986**

PART IV

CONDITIONS RELATING TO USE

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AVOIDANCE OF DANGER

**Maintenance and use of vehicle so as not to be a danger, etc**

**100.**—(1) A motor vehicle, every trailer drawn thereby and all parts and accessories of such vehicle and trailer shall at all times be in such condition, and the number of passengers carried by such vehicle or trailer, the manner in which any passengers are carried in or on such vehicle or trailer, and the weight, distribution, packing and adjustment of the load of such vehicle or trailer shall at all times be such, that no danger is caused or is likely to be caused to any person in or on the vehicle or trailer or on a road.

Provided that the provisions of this regulation with regard to the number of passengers carried shall not apply to a vehicle to which the Public Service Vehicles (Carrying Capacity) Regulations 1984 apply.

(2) The load carried by a motor vehicle or trailer shall at all times be so secured, if necessary by physical restraint other than its own weight, and be in such a position, that neither danger nor nuisance is likely to be caused to any person or property by reason of the load or any part thereof falling or being blown from the vehicle or by reason of any other movement of the load or any part thereof in relation to the vehicle.

(3) No motor vehicle or trailer shall be used for any purpose for which it is so unsuitable as to cause or be likely to cause danger or nuisance to any person in or on the vehicle or trailer or on a road.

**Parking in darkness**

**101.**—(1) Save as provided in paragraph (2) no person shall, except with the permission of a police officer in a uniform, cause or permit any motor vehicle to stand on a road at any time between half an hour after sunset and half an hour before sunrise unless the near side of the vehicle is as close as may be to the edge of the carriageway.

(2) The provisions of paragraph (1) do not apply in respect of any motor vehicle—

- (a) being used for fire brigade, ambulance or police purposes or for defence purposes (including civil defence purposes) if compliance with those provisions would hinder or be likely to hinder the use of the vehicle for the purpose for which it is being used on that occasion;
- (b) being used in connection with—
  - (i) any building operation or demolition;
  - (ii) the repair of any other vehicle;

- (iii) the removal of any obstruction to traffic;
  - (iv) the maintenance, repair or reconstruction of any road; or
  - (v) the laying, erection, alteration or repair in or near to any road of any sewer, main, pipe or apparatus for the supply of gas, water or electricity, of any telecommunication apparatus as defined in Schedule 2 to the Telecommunication Act 1984 or of the apparatus of any electric transport undertaking,
- if, in any such case, compliance with those provisions would hinder or be likely to hinder the use of the vehicle for the purpose for which it is being used on that occasion;
- (c) on any road in which vehicles are allowed to proceed in one direction only;
  - (d) standing on a part of a road set aside for the parking of vehicles or as a stand for hackney carriages or as a stand for buses or as a place at which such vehicles may stop for a longer time than is necessary for the taking up and setting down of passengers where compliance with those provisions would conflict with the provisions of any order, regulations or byelaws governing the use of such part of a road for that purpose; or
  - (e) waiting to set down or pick up passengers in accordance with regulations made or directions given by a chief officer of police in regard to such setting down or picking up.

#### **Passengers on motor cycles**

**102.** If any person in addition to the driver is carried astride a two-wheeled motor cycle on a road (whether a sidecar is attached to it or not) suitable supports or rests for the feet shall be available on the motor cycle for that person.

#### **Obstruction**

**103.** No person in charge of a motor vehicle or trailer shall cause or permit the vehicle to stand on a road so as to cause any unnecessary obstruction of the road.

#### **Driver's control**

**104.** No person shall drive or cause or permit any other person to drive, a motor vehicle on a road if he is in such a position that he cannot have proper control of the vehicle or have a full view of the road and traffic ahead.

#### **Opening of doors**

**105.** No person shall open, or cause or permit to be opened, any door of a vehicle on a road so as to injure or endanger any person.

#### **Reversing**

**106.** No person shall drive, or cause or permit to be driven, a motor vehicle backwards on a road further than may be requisite for the safety or reasonable convenience of the occupants of the vehicle or other traffic, unless it is a road roller or is engaged in the construction, maintenance or repair of the road.

#### **Leaving motor vehicles unattended**

**107.—**(1) Save as provided in paragraph (2), no person shall leave, or cause or permit to be left, on a road a motor vehicle which is not attended by a person licensed to drive it unless the engine is stopped and any parking brake with which the vehicle is required to be equipped is effectively set.

(2) The requirement specified in paragraph (1) as to the stopping of the engine shall not apply in respect of a vehicle—

- (a) being used for ambulance, fire brigade or police purposes; or
- (b) in such a position and condition as not to be likely to endanger any person or property and engaged in an operation which requires its engine to be used to—
  - (i) drive machinery forming part of, or mounted on, the vehicle and used for purposes other than driving the vehicle; or
  - (ii) maintain the electrical power of the batteries of the vehicle at a level required for driving that machinery or apparatus.

(3) In this regulation “parking brake” means a brake fitted to a vehicle in accordance with requirement 16 or 18 in Schedule 3.

### **Securing of suspended implements**

**108.** Where a vehicle is fitted with any apparatus or appliance designed for lifting and part of the apparatus or appliance consists of a suspended implement, the implement shall at all times while the vehicle is in motion on a road and when the implement is not attached to any load supported by the appliance or apparatus be so secured either to the appliance or apparatus or to some part of the vehicle that no danger is caused or is likely to be caused to any person on the vehicle or on the road.

### **Television sets**

**109.**—(1) No person shall drive, or cause or permit to be driven, a motor vehicle on a road, if the driver is in such a position as to be able to see, whether directly or by reflection, a television receiving apparatus or other cinematographic apparatus used to display anything other than information—

- (a) about the state of the vehicle or its equipment;
- (b) about the location of the vehicle and the road on which it is located;
- (c) to assist the driver to see the road adjacent to the vehicle; or
- (d) to assist the driver to reach his destination.

(2) In this regulation “television receiving apparatus” means any cathode ray tube carried on a vehicle and on which there can be displayed an image derived from a television broadcast, a recording or a camera or computer.