
STATUTORY INSTRUMENTS

1996 No. 3033

ROAD TRAFFIC

**The Road Vehicles (Construction and Use)
(Amendment) (No. 7) Regulations 1996**

<i>Made</i>	- - - -	<i>3rd December 1996</i>
<i>Laid before Parliament</i>		<i>10th December 1996</i>
<i>Coming into force</i>	- -	<i>1st January 1997</i>

The Secretary of State for Transport—

- (a) in exercise of the powers conferred by section 41(1), (2) and (5) of the Road Traffic Act 1988⁽¹⁾ (“the 1988 Act”), and
- (b) being a Minister designated⁽²⁾ for the purposes of subsection (2) of section 2 of the European Communities Act 1972⁽³⁾ in relation to the regulation of the construction and equipment of vehicles and the components of vehicles, in exercise of the powers conferred by that subsection, and in exercise of all other powers enabling him in that behalf, and after consultation with representative organisations in accordance with section 195(2) of the 1988 Act, hereby makes the following Regulations:

Commencement and citation

1. These Regulations may be cited as the Road Vehicles (Construction and Use) (Amendment) (No. 7) Regulations 1996 and shall come into force on 1st January 1997.

Preliminary

2.—(1) The Road Vehicles (Construction and Use) Regulations 1986⁽⁴⁾ shall be further amended in accordance with the following provisions of these Regulations.

(2) So far as any requirement is imposed by these Regulations that requirement is imposed in exercise of the powers conferred by section 41 of the Road Traffic Act 1988 to the exclusion of the powers under section 2(2) of the European Communities Act 1972.

(1) 1988 c. 52; section 41 was amended by the Road Traffic Act 1991 (c. 40), Schedule 4, paragraph 50 and Schedule 8.
(2) S.I. 1972/1811.
(3) 1972 c. 68.
(4) S.I. 1986/1078; relevant amending instruments are S.I. 1987/676, 1989/1865, 1990/1981, 1992/352 and 2016 and 1995/551.
[DOT 2057]

Amendments to regulation 15 (braking systems of certain vehicles)

3. In regulation 15(2), for sub-paragraph (j) there shall be substituted the following sub-paragraphs—

- “(j) a trailer falling within regulation 16(3)(b), (bb), (bc), (d), (e), (f) or (g);
- (ja) a trailer which is manufactured before 1st January 1997 and has a maximum total design axle weight that does not exceed 750 kg; or”.

Amendments to regulation 16 (braking systems of vehicles to which regulation 15 does not apply)

4.—(1) Regulation 16 shall be amended as follows.

(2) In paragraph (3), for sub-paragraph (b) there shall be substituted the following sub-paragraphs—

- “(b) a trailer which is designed for use and used for street cleansing and does not carry any load other than its necessary gear and equipment;
- (ba) a trailer which has a maximum total design axle weight that does not exceed 750 kg;
- (bb) a trailer which—
 - (i) is an agricultural trailer manufactured before 1st July 1947;
 - (ii) is being drawn by a motor tractor or an agricultural motor vehicle at a speed not exceeding 10 mph;
 - (iii) has a laden weight not exceeding 4070 kg; and
 - (iv) is the only trailer being drawn;
- (bc) a trailer which is being drawn by a motor cycle in accordance with regulation 84;”.

(3) In paragraphs (5) and (5A), after “78.01”(5) there shall be inserted “or Community Directive 93/14”(6).

(4) In the Table in paragraph 5A, for the heading in column 3 there shall be substituted “Vehicle Category in ECE Regulations or Community Directive 93/14 (as the case may be)”.

New regulation 17A (couplings on trailer pneumatic braking systems)

5. After regulation 17, there shall be inserted the following—

“Couplings on trailer pneumatic braking systems

17A.—(1) In this regulation—

“BS coupling” means a coupling which—

- (a) is of the type shown in figure 1, 4 or 5 of the British Standard specification; and
- (b) complies with the dimensions shown in that figure;

“the British Standard specification” means the British Standard specification for dimensions of ‘contact’ type couplings for air pressure braking systems on trailers and semi-trailers and their towing vehicles, and the arrangements of these couplings on articulated and drawbar combinations, published by the British Standards Institution under reference number BS AU 138a: 1980;

(5) I.e. ECE Regulation 78.01. “ECE Regulation” is defined in regulation 3(2) of, and Table II of Schedule 2 to, the Road Vehicles (Construction and Use) Regulations 1986.

(6) “Community Directive” is defined in regulation 3(2) of, and Table I of Schedule 2 to, the Road Vehicles (Construction and Use) Regulations 1986. Table I of Schedule 2 is amended by regulation 10 of these Regulations.

“coupling”, “emergency line”, “secondary line” and “service line” have the same meanings as in the British Standard specification;

“EEA Agreement” means the Agreement on the European Economic Area signed at Oporto on the 2nd May 1992 as adjusted by the Protocol signed at Brussels on 17th March 1993(7); and

“EEA State” means a state which is a Contracting Party to the EEA Agreement.

(2) For the purposes of this regulation, a relevant coupling is a coupling that is physically capable of being connected to a BS coupling.

(3) Subject to paragraphs (6) and (7), no service line comprised in a pneumatic braking system fitted to a trailer shall be equipped with a relevant coupling unless that coupling—

- (a) is of the type shown in figure 2 of the British Standard specification;
- (b) complies with the dimensions shown in that figure; and
- (c) complies with paragraph 3.4.3 of that specification (except so far as it requires it to be of a type shown in that figure).

(4) Subject to paragraphs (6), (7) and (8) no emergency line comprised in a pneumatic braking system fitted to a trailer shall be equipped with a relevant coupling unless that coupling—

- (a) is of the type shown in figure 3 of the British Standard specification; and
- (b) complies with the dimensions shown in that figure.

(5) Subject to paragraphs (6), (7) and (8) no secondary line comprised in a pneumatic braking system fitted to a trailer shall be equipped with a relevant coupling unless that coupling—

- (a) is of the type shown in figure 6 of the British Standard specification; and
- (b) complies with the dimensions shown in that figure.

(6) For the purposes of paragraphs (3), (4) and (5), a reference to the dimensions shown in a figure in the British Standard specification does not include any dimension marked “M22×1.5”.

(7) Paragraph (3) shall not apply to a relevant coupling which fulfils the requirements of—

- (a) a standard or code of practice of a national standards body or equivalent body of any EEA State;
- (b) any international standard recognised for use as a standard by any EEA State; or
- (c) a technical specification or code of practice which, whether mandatory or not, is recognised for use as a standard by a public authority of any EEA State,

where the standard, code of practice, international standard or technical specification provides, in relation to couplings, a level of safety and compatibility with a BS coupling of the type shown in figure 1 of the British Standard specification equivalent to that provided by the British Standard specification as modified in accordance with paragraph (6).

(8) Paragraph (7) shall have effect—

- (a) in relation to paragraph (4), as if for the words “paragraph (3)” there were substituted the words “paragraph (4)” and for the words “figure 1” there were substituted the words “figure 4”; and

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- (b) in relation to paragraph (5), as if for the words “paragraph (3)” there were substituted the words “paragraph (5)” and for the words “figure 1” there were substituted the words “figure 5”.”.

Consequential amendment to regulation 71 (marking of weights on certain vehicles)

- 6. In regulation 71(1)(d), for “regulation” onwards, there shall be substituted “regulation 16(3) (b), (bb), (bc), (c), (d), (e), (f), or (g)”.

New regulation 71A (marking of date of manufacture of trailers)

- 7. After regulation 71, there shall be inserted the following—

“Marking of date of manufacture of trailers

71A.—(1) This regulation applies to a trailer that—

- (a) is not a motor vehicle;
- (b) is manufactured on or after 1st January 1997; and
- (c) has a maximum total design axle weight not exceeding 750 kg.

(2) The year of manufacture of every trailer to which this regulation applies shall be marked on the chassis, frame or other similar structure on the nearside of the vehicle, in a clearly visible and accessible position, and by a method such as hammering or stamping, in such a way that it cannot be obliterated or deteriorate.”.

Consequential amendment to regulation 87 (unbraked trailers)

- 8. In regulation 87(2)(b) for “paragraphs (b)” onwards there shall be substituted “paragraph (b), (bb), (bc), (c), (d), (e), (f) or (g) of regulation 16(3)”.

Amendment to regulation 89 (leaving trailers at rest)

- 9. In regulation 89, for the words “the brakes” there shall be substituted the words “a parking brake”.

Amendment to Schedule 2

- 10. In Table I of Schedule 2, after item 67, there shall be inserted the following item—

67A	93/14	5.4.93	L121, 15.5.93, p.1	The braking of two or three- wheel motor vehicles
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Signed by authority of the Secretary of State

3rd December 1996

John Bowis
Parliamentary Under Secretary of State,
Department of Transport

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EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations further amend the Road Vehicles (Construction and Use) Regulations 1986. The main effects of the amendments are as follows.

Regulation 3 amends regulation 15 of the 1986 Regulations. Regulation 15 requires trailers manufactured on or after the 1st April 1995 to comply with the requirements of Council Directive [71/320/EEC](#) as last amended by Commission Directive [91/422/EEC](#). However, trailers with a maximum total design axle weight not exceeding 750 kg were exempt. As a result of the amendment, the exemption will not apply to trailers manufactured on or after the 1st January 1997. The Directives require such trailers either to be fitted with a braking device such that the trailer will stop automatically if the coupling separates while the trailer is in motion or to be provided with a secondary coupling (e.g. a chain or cable) which in the event of separation of the main coupling can stop the draw bar from touching the ground and provide some residual steering action on the trailer.

Regulation 4 amends regulation 16 of the 1986 Regulations in its application to certain motor cycles first used on or after 1st April 1987. The amendment enables such motor cycles to comply with Council Directive [93/14/EEC](#) instead of complying with the existing requirements.

Regulation 5 inserts a new regulation 17A into the 1986 Regulations. The new regulation 17A relates to air line couplings fitted to trailers with pneumatic brakes. It makes it unlawful for a trailer to be fitted with an air line coupling which is capable of being connected to a motor vehicle coupling that complies with British Standard Number BS AU 138a: 1980 unless the trailer coupling itself complies with that Standard (as modified by the regulation). Provision is made for compliance with a corresponding standard. That provision is inserted in discharge of obligations under Article 30 of the Treaty of Rome.

Regulation 7 inserts a new regulation 71A into the 1986 Regulations. The new regulation requires trailers manufactured on or after 1st January 1997 and which have a maximum total design axle weight not exceeding 750 kg to be marked with the year of manufacture.

Regulation 9 amends regulation 89 of the 1986 Regulations. Regulation 89 previously made it an offence for certain persons to cause or permit a trailer to stand on a road when detached from the drawing vehicle unless at least one of the wheels of the trailer was prevented from revolving by the setting of any brake or the use of a chain, chock or other efficient device. As a result of the amendment, the requirement will be to prevent a wheel revolving by the setting of a parking brake or the use of a chain, chock or other efficient device.

Compliance cost assessments have been prepared and copies can be obtained from the Department of Transport, Zone 2/04, Great Minster House, 76 Marsham Street, London SW1P 4DR (telephone: 0171 271 4631). Copies are being placed in the Libraries of each House of Parliament.

Copies of the relevant EC Directives can be obtained from Her Majesty's Stationery Office. A copy of the British Standard referred to above can be obtained from the British Standards Institution, Customer Service Department, 389 Chiswick High Road, London W4 4AL (telephone: 0181 996 7000) or Her Majesty's Stationery Office.

These Regulations have been notified to the European Commission pursuant to Directive [83/189/EEC](#) of 28th March 1983 laying down a procedure for the provision of information in the field of technical standards and regulations (OJ 1983 L109, p. 9) as amended by Council Directive [88/182/EEC](#) of 22nd March 1988 (OJ 1988 L81, p. 75) and European Parliament and Council Directive [94/10/EEC](#) of 23 March 1994 (OJ 1994 L100, p. 30).

Details of the relevant Directives are set out below.

Principal Instrument	Amending Instruments
Council Directive 71/320/EEC of 26th July 1971 (OJ No. L202, 6.9.71, p.37).	Commission Directive 74/132/EEC of 11th February 1974 (OJ No. L74, 19.3.74, p.7), Commission Directive 75/524/EEC of 25th July 1975 (OJ No. L236, 8.9.75, p.3), Commission Directive 79/489/EEC of 18th April 1979 (OJ No. L128, 26.5.79, p.12), Commission Directive 85/647/EEC of 23rd December 1985 (OJ No. L380, 31.12.85, p.1) Commission Directive 88/194/EEC of 24th March 1988 (OJ No. L92, 9.4.88, p.47), and Commission Directive 91/422/EEC of 15th July 1991 (OJ No. L233, 22.8.91, p.21), to which there is a corrigendum in OJ No. L275, 2.10.91, p.36.
Council Directive 93/14/EEC of the 5th April 1995 (OJ Nos. L121, 15.5.93, p.1).	