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STATUTORY INSTRUMENTS

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**1996 No. 3133**

**ROAD TRAFFIC**

**The Road Vehicles (Construction and Use)  
(Amendment) (No. 8) Regulations 1996**

<i>Made</i>	- - - -	<i>11th December 1996</i>
<i>Laid before Parliament</i>		<i>12th December 1996</i>
<i>Coming into force</i>	- -	<i>3rd January 1997</i>

The Secretary of State for Transport, in exercise of the powers conferred by section 41(1), (2) and (5) of the Road Traffic Act 1988(1), and after consultation with representative organisations in accordance with section 195(2) of that Act, hereby makes the following Regulations:—

**Citation and commencement**

1. These Regulations may be cited as the Road Vehicles (Construction and Use) (Amendment) (No. 8) Regulations 1996 and shall come into force on 3rd January 1997.

**Preliminary**

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

**Amendment to regulation 4 (application and exemptions)**

3. In column 3 of item 4 in the Table in regulation 4, for “71 and 75 to 79” there shall be substituted “71, 75 to 79 and 93A”.

**New regulation 93A (supplementary braking requirements for vehicles carrying dangerous goods)**

4. After regulation 93 there shall be inserted the regulation set out in the Schedule to these Regulations.

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(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. 1986/1078. Relevant amending instruments are S.I. 1992/352, 1994/14, 1995/1201.

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**Amendments to Table II of Schedule 2 (ECE Regulations)**

5. In Schedule 2, in Table II after item 4B there shall be inserted the following item—

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“4C	13.07	13	29.5.69	Brakes	18.9.94	—	—”
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Signed by authority of the Secretary of State

Department of Transport  
11th December 1996

*John Bowis*  
Parliamentary Under Secretary of State,

THE SCHEDULE

Regulation 4

NEW REGULATION 93A OF THE ROAD VEHICLES  
(CONSTRUCTION AND USE) REGULATIONS 1986

“CA—USE OF MOTOR VEHICLES FOR THE  
CARRIAGE OR HAULAGE OF DANGEROUS GOODS

**Additional braking requirements for motor vehicles carrying or hauling dangerous goods**

**93A.**—(1) Subject to paragraph (5), no person shall use or cause or permit to be used a motor vehicle for the carriage or haulage of dangerous goods on a road if it is a vehicle within the meaning of the Framework Directive and—

- (a) its maximum gross weight exceeds 16,000 kg; or
- (b) it is drawing a trailer which has a maximum total design axle weight exceeding 10,000 kg,

unless the vehicle meets the requirements of paragraph (2).

(2) Subject to paragraph (6), in order for a motor vehicle to meet the requirements of this paragraph—

- (a) it must not be drawing more than one trailer;
- (b) without prejudice to regulation 15, it must be fitted with an anti-lock braking system that meets the requirements of paragraph (1) of marginal 220 521 of Appendix B.2 to Annex B to the ADR;
- (c) it must be fitted with an endurance braking system (which may consist of one device or a combination of several devices) that meets the requirements of sub-paragraphs (a) to (d) of paragraph (2) of marginal 220 522 of Appendix B.2 to Annex B to the ADR;
- (d) if it is not drawing a trailer, it must meet the requirements of the 4th, 5th, 6th and 7th sub-paragraphs of paragraph (2) of marginal 10 221 of Annex B to the ADR;
- (e) without prejudice to regulation 15, if it is drawing a trailer with a maximum total design axle weight exceeding 10,000 kg—
  - (i) the trailer must be fitted with an anti-lock braking system that meets the requirements of paragraph (2) of marginal 220 521 of Appendix B.2 to Annex B to the ADR, and
  - (ii) the electrical connections between the motor vehicle and the trailer must meet the requirements of paragraph (3) of marginal 220 521 of Appendix B.2 to Annex B to the ADR;
- (f) if it is drawing a trailer, the combination of vehicles must meet the requirements of the 4th, 5th, 6th and 7th sub-paragraphs of paragraph (2) of marginal 10 221 of Annex B to the ADR;
- (g) if it is drawing a trailer fitted with an endurance braking system, the trailer must meet the requirements of paragraph (3) of marginal 220 522 of Appendix B.2 to Annex B to the ADR; and
- (h) if it is drawing a trailer, the requirements of either paragraph (3) or (4) must be met.

(3) The requirements of this paragraph are that the motor vehicle meets the requirements of paragraph (2)(e) of marginal 220 522 of Appendix B.2 to Annex B to the ADR.

(4) The requirements of this paragraph are that the motor vehicle—

- (a) does not contravene the restriction mentioned in sub-paragraph (f) of paragraph (2) of marginal 220 522 of Appendix B.2 to Annex B to the ADR; and

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- (b) meets the requirements of the second sentence of that sub-paragraph in relation to the trailer.
- (5) Paragraph (1) does not apply to a motor vehicle manufactured before 1st January 1997.
- (6) Sub-paragraph (e) of paragraph (2) does not apply to a trailer manufactured before 1st January 1997.
- (7) For the purposes of this regulation, Annex B to the ADR (including the Appendices to that Annex) shall have effect as if—
- (a) references to ECE Regulation 13 (however expressed) were references to ECE Regulation 13.06 or 13.07<sup>(3)</sup>;
  - (b) references to Directive 71/320/EEC<sup>(4)</sup> were references to Community Directive 91/422<sup>(5)</sup>;
  - (c) references to the corresponding EEC Directive, in relation to Annex 5 to ECE Regulation 13, were references to paragraph 1.5 of Annex II to Community Directive 91/422.
- (8) Subject to paragraph (9), a reference in this regulation to dangerous goods is a reference to a load comprising explosives of such type and in such quantity that it could not be carried by road in a single transport unit of Type I and II without there being a contravention of the restrictions set out in marginal 11 401 of Annex B to the ADR as read with marginal 11 402 of that Annex.
- (9) For the purposes of paragraph (8)—
- (a) marginal 11 402 of Annex B to the ADR shall have effect with the omission of the words “in conformity with the prohibitions of mixed loading contained in 11 403”; and
  - (b) “transport unit of Type I or II” means a transport unit of Type I or a transport unit of Type II as defined in marginal 11 204 of that Annex.
- (10) In this regulation, “ADR” means the 1995 edition of the “European Agreement concerning the International Carriage of Dangerous Goods by Road (ADR)” produced by the Department of Transport and published by Her Majesty’s Stationery Office (ISBN 0-11-551265-9).”

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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 1986 Regulations”).

Regulation 4 and the Schedule insert into the 1986 Regulations a new regulation 93A which applies with modifications to certain vehicles carrying explosives, the supplementary braking requirements contained in the European Agreement concerning the International Carriage of Dangerous Goods by Road (“the ADR Agreement”).

Regulation 3 amends regulation 4 of the 1986 Regulations so as to exempt vehicles in the service of a visiting force or a headquarters from the new regulation 93A.

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

(4) O.J. No. L202, 6.9.71, p. 37.

(5) O.J. No. L233, 22.9.91 p. 21.

Regulation 5 makes a consequential amendment to Table II of Schedule 2 to the 1986 Regulations (ECE Regulations).

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 (O.J. 1983 L109, p. 9) as amended by Council Directive [88/182/EEC](#) of 22nd March 1988 (O.J. 1988 L81, p. 75) and European Parliament and Council Directive [94/10/EEC](#) of 23rd March 1994 (O.J. 1994 L100, p. 30).

Copies of the ADR Agreement and of Directives and ECE Regulations can be obtained from Her Majesty's Stationery Office.