



Prifysgol Cymru
Y Drindod Dewi Sant
University of Wales
Trinity Saint David



Road Related Offences Construction and Use

Road Vehicles (Construction & Use) Regulations 1986



**The Road Vehicle (Construction and Use)
Regulations 1986 were introduced to ensure
the safety of all road users.**

**These regulations apply to the use of
motor vehicles on roads, and it is
possible to use, cause or permit
construction and use offences.**



This session will cover the following subjects:

- Seatbelts
- Tyres
- Dangerous Condition
- Dangerous Load
- Mobile Phones
- Lights
- Exhausts
- Windscreen Wipers and washers



Seatbelts

The law relating to seatbelts can be a little complex, but the basic rule that exists is that if the belt is fitted and available it must be worn.



Requirements to Wear Seatbelts

Section 14 (3) RTA 1988

Adults in the front and rear of vehicles.

Every person aged 14 years or more who is :-

- driving, or**
- riding in the front or rear seat of,**

any motor vehicle (other than a two wheeled motor cycle with or without a side car) shall wear an adult belt where one is available.

No person other than the person actually committing the contravention is guilty of an offence.



Occupant	Front seat	Rear seat	Whose responsibility
Child up to 3 years old	Correct child restraint MUST be used.	Correct child restraint MUST be used. If a restraint is not available in a licensed taxi/private hire vehicle, the child may travel unrestrained.	Driver

Note: No appropriate child restraint/belt available in rear but available in front, child must move to this seat and wear it or must not be driven.



Children under 3 years **MUST** use the child restraint appropriate for their weight in all cars, vans and other goods vehicles, with the single exception for the rear of taxis. They cannot travel otherwise. This means for example that they may not travel in cars, vans or goods vehicles which do not have seat belts installed.

What do you mean by "child restraints"? "Child restraints" is the collective term in the seat belt wearing legislation for baby seats, child seats, booster seats and booster cushions. Modern child restraints are designed for specific weight ranges of child.

In addition, the revised regulations also say that rear-facing baby seats **MUST NOT** be used in a seat protected by a frontal air-bag unless the air-bag has been deactivated manually or automatically.

Occupant	Front seat	Rear seat	Whose responsibility
Child from 3rd birthday up to 135cms in height (approx 4' 5") (or 12th birthday whichever they reach first)	Correct child restraint MUST be used.	Where seat belts are fitted, the correct child restraint MUST be used. The child must use adult belt if the correct child restraint is not available as follows: - in a licensed taxi or private hire vehicle; or - for a short distance in an unexpected necessity; or - two occupied child restraints prevent fitment of a third. A child 3 years and over may travel unrestrained in the rear seat of a vehicle if seat belts are not fitted in the rear.	Driver

Examples. A 7 year old who is 140 cms tall is over the height for a child restraint and may use an adult seat belt. A 12 year old who is 130 cms tall is over the age threshold and therefore may use an adult belt.

If no seat belts are fitted in the front, then children under 135 cms in height (who are also under 12 years of age) cannot travel in the front.

Occupant	Front seat	Rear seat	Whose responsibility
Child over 1.35 metres (approx 4' 5") in height or 12 or 13 years old	Seat belt MUST be worn if available.	Seat belt MUST be worn if available.	Driver
Passengers aged 14 years old and over	Seat belt MUST be worn if available.	Seat belt MUST be worn if available.	Passenger
Driver	Seat Belt MUST be worn if available		Driver




Anyone who has attained the age of 14 years is responsible for themselves and should be dealt with accordingly - consider that the driver could be liable for aiding and abetting the passenger.

Main exemptions from wearing seatbelts

**Vehicle constructed/adapted for goods - person engaged
in deliveries (not exceeding 50 meters)**

A driver reversing

**Qualified instructor or supervisor supervising a provisional
driver reversing**

Vehicle being used for police services



One of the exemptions applies to the driver of, or passenger in, a goods vehicle while on a journey that does not exceed 50 meters and is for the purpose of delivery or collection.

Main exemptions from wearing seatbelts cont'd ...

Fire and rescue vehicles

Persons on crown processions

Licensed taxi driver plying for hire or carrying passengers

**A passenger in a trade vehicle and you're investigating a
fault**



Main exemptions from wearing seatbelts cont'd ...

Persons holding medical exemption certificate

Wearing a disabled person's belt

**Inertia type belt locked as a result of being on steep
incline – classic car?**



Not pregnant women - even more reason to wear one but they may get a medical exemption certificate

Tyres



Tyres - Pneumatic

A tyre comprising (with the wheel on which it is mounted) a continuous closed chamber



Inflated to a pressure substantially exceeding atmospheric pressure under normal conditions but not subject to any load

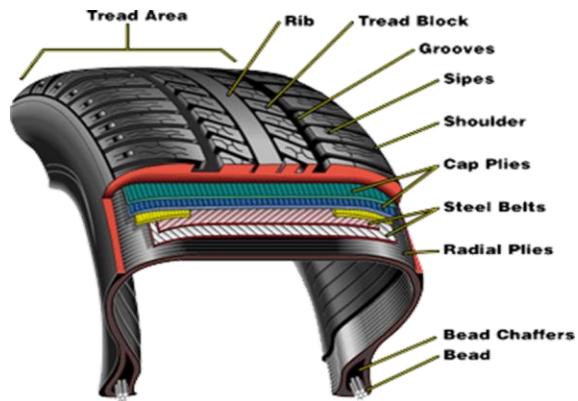
capable of being inflated and deflated without being removed from the wheel or vehicle



and is such that when it is deflated and is subjected to a normal load, the sides of the tyre collapse



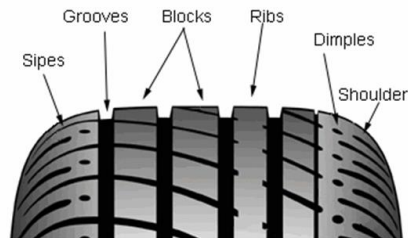
Construction of a Tyre



Tread Pattern

The combination of plain surfaces and grooves extending across the breadth of the tread and around the entire circumference of the tyre but
Excluding:-

- ❖ Tie bars or tread wear indicators
- ❖ Features that are designed to wear substantially before the rest of the pattern under normal conditions
- ❖ Any minor defects



Groove

A groove is the sunken part of a tyre's tread. Notably grooves are the fundamental components in deciding a tyre's quality. The groove improves the braking performance and driving power of a tyre. Groove depth and design also effects road noise and the rate of a tyre's treadwear.

Sipe

A sipe is a fine groove in the tread pattern. The function of a sipe is to enhance braking and driving performance, and to provide driving stability and comfort. In the case of winter tyres it allows grip on icy conditions through the biting effect of the edge, and also improves braking control wet roads.

Tie Bar:

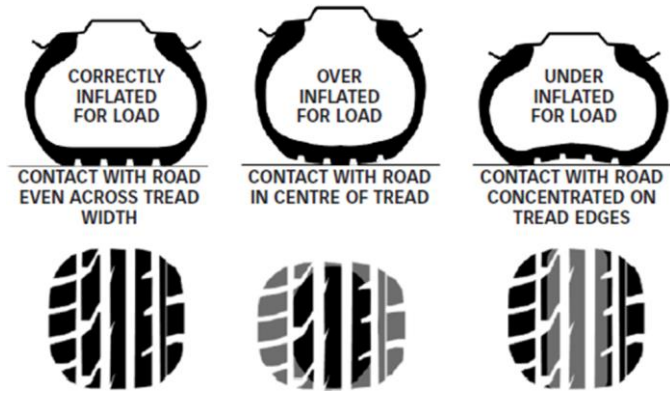
Any part of a tyre moulded in the tread pattern of the tyre for the purposes of bracing two or more features of such tread pattern



Tread Wear Indicator:

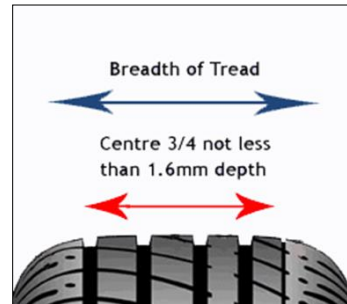
Any bar, not being a tie bar, projecting from the base of a groove of the tread pattern of a tyre and moulded between two or more features of the tread pattern of a tyre for the purpose of indicating the extent of the wear of such a tread pattern





BREADTH OF TREAD

That part of the tread which can contact the road surface under normal conditions of use – measured at 90 degrees to the peripheral line of the tread



Regulation 27(1)(a) to (h)

Use, cause or permit to be used on a road any motor vehicle or trailer which is fitted with a PNEUMATIC tyre if.....

- (a) The tyre is unsuitable having regard to the use which the motor vehicle or trailer is being put or to the type of tyres fitted to its other wheels, except where a temporary use spare tyre is fitted to a passenger vehicle with up to 8 passenger seats driven at not more than 50mph
- (b) The tyre is not so inflated as to make it fit for use to which the motor vehicle or trailer is being put
- (c) The tyre has a cut in excess of 25mm or 10% of the section width of the tyre, whichever is the greater, measured in any direction on the outside of the tyre and
deep enough to reach the ply or cord
- (d) The tyre has any lump, bulge or tear caused by separation or partial failure of its structure



- (e) The tyre has any ply or cord exposed
- (f) The base of any groove which showed in the original tread pattern of the tyre is not clearly visible
- (h) The tyre is not maintained in such condition fit for the use to which the vehicle/trailer is being put or has a defect which might cause damage to the road surface or persons in the vehicle or road.



Regarding cars and light vans

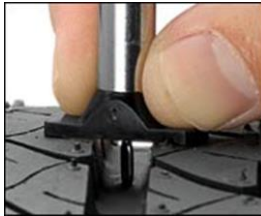
in respect of (f) only - providing the grooves of the tread pattern shall be of a depth of at least 1.6 mm throughout a continuous band comprising the central three-quarters of the breadth of tread and round the entire outer circumference of the tyre (in other words the outer one eighth of the tyre on both sides could be bald with no tread pattern showing) on :-

- passenger vehicles other than motor cycles constructed or adapted to carry no more than 8 seated passengers in addition to the driver,
- goods vehicles with a maximum gross weight which does not exceed 3500 kg, and
- light trailers, not being goods vehicles, first used on or after 3rd January 1933.

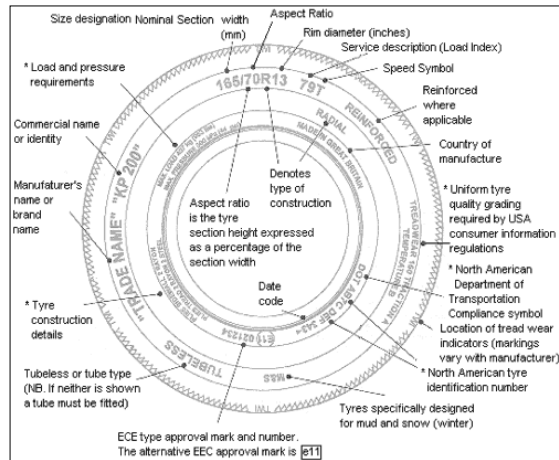


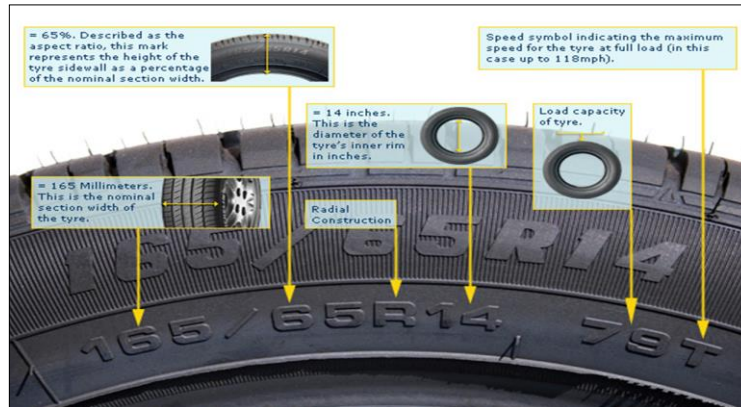
A wheeled motor vehicle or trailer fitted with a pneumatic tyre shall not be used on a road, unless:-

The grooves of the tread pattern of every tyre are of a depth of at least 1.6mm throughout a continuous band comprising the central three-quarters of the breadth of tread and round the entire outer circumference of the tyre



Tyre Wall Markings





Tyre sidewall with markings - these markings indicate size and other features.



The DOT marking is the Department of Transport Code.
The first 2 numbers relate to the week of the year. The last
2 numbers relate to the year of manufacture.

In this example the tyre was manufactured in the 29th week
of 2010.



Although it is a requirement to pass an MOT test, it is not an offence to carry a defective spare tyre. It becomes an offence if it is put on the vehicle.

Offences in relation to defective tyres carry 3 penalty points and may be dealt with by way of T.O.R. (Traffic Offence Report)

Using vehicle or trailer in dangerous condition Section 40 RTA 1988

It is an offence to use, cause or permit another to use a motor vehicle or trailer on a road when the condition is such that there is a likelihood of the danger of injury to other road users.

There must be actual danger, which would be obvious to a careful and competent motorist.

This legislation is broken down into four areas.



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Condition of motor vehicle, trailer, its accessories or equipment

This area is very wide ranging, but could include an accident - damaged vehicle, where there are jagged edges, which could cause injury to pedestrians or a driver's seat being loose, which may cause them to lose control of the vehicle.



Purpose for which used

Where danger is caused by the vehicle being put to use in a manner for which it is not suited.

Example, towing another vehicle at 80 mph on a short towrope.

Carrying passengers in the rear of a pick-up truck may give rise to possible injury.



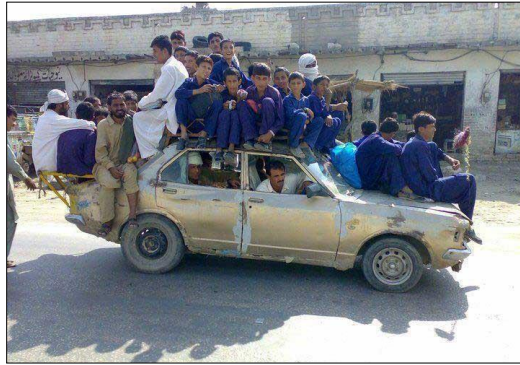


Carriage of passengers

This deals with the number of passengers and the manner in which they are carried.

**Example, 7 passengers in a mini cooper.
Passengers carried on the roof of a vehicle or
hanging out of windows.**





Load

This covers all aspects of the load carried: weight, distribution, position and method of securing.

Example, load distributed in such a way that all of the weight is on one side leading to vehicle jackknifing.





Load cont'd ...

Note: There is also a separate offence contrary to Regulation 100(2) of (Construction and Use) Regulations 1986 relating to insecure load.

It provides for similar circumstances to Section 40 but only requires that a danger or nuisance was likely to be caused to any person or property.



Mobile Phones



No person shall drive a motor vehicle on a [road](#) if he is using –

- (a) a hand-held mobile telephone; or
- (b) a hand-held device other than a two-way radio, which performs an interactive communication function by transmitting and receiving data.

Regulation 110(1) of the Road Vehicles
(Construction and Use) Regulations 1986



The terms drive, motor vehicle and road have already been discussed and have the same meaning for this offence. The offence can therefore be committed whilst the driver is using a mobile telephone whilst the vehicle is stationary on a road with the engine running.

The offence only applies to a device being held in the hand by the driver at any stage in its operation. **Hands-free systems where the device is clipped into a holder and which has a built in speaker system will not be subject to the regulation.**

No person shall supervise a holder of a provisional licence if the person supervising is using -
(a) a hand-held mobile telephone; or
(b) a hand-held device other than a two-way radio, which performs an interactive communication function by transmitting and receiving data.



**Regulation 110(3) of the Road Vehicles (Construction and Use)
Regulations 1986**



What is a Mobile Phone?

A mobile telephone or other device is to be treated as hand-held if it is, or must be, held at some point during the course of making or receiving a call or performing any other interactive communication function which includes:

- (i) sending or receiving oral or written messages**
- (ii) sending or receiving facsimile documents**
- (iii) sending or receiving still or moving images**
- (iv) providing access to the internet;**



Mobile Phones - Defences

A person does not contravene a provision of this regulation if, at the time of the alleged contravention

- (a) he is using the telephone or other device to call the police, fire, ambulance or other emergency service on 112 or 999/101;**
- (b) he is acting in response to a genuine emergency; and**
- (c) it is unsafe or impracticable for him to cease driving in order to make the call**



Lights on Vehicles



Obligatory Lights

**Schedule 1, Table I
Road Vehicles Lighting
applicable to vehicles
having three
or more wheels**



Front Position Lamp
Dim-dip Device
Dipped Beam Headlamps
Main Beam Headlamp
Direction Indicator
Hazard Warning Device
Rear Position Lamp
Rear Fog Lamp
Stop Lamp
Rear Registration Plate Lamp
Rear Retro Reflector



Front Position Lamp means a lamp used to indicate the presence and width of a vehicle when viewed from the front.

DIM-DIP DEVICE means a device which is capable of causing a dipped-beam headlamp to operate at reduced intensity.

DIPPED BEAM means a beam of light emitted by a lamp which illuminates the road ahead of the vehicle without causing undue dazzle or discomfort to oncoming drivers or other road users.

Main beam means a beam of light emitted by a headlamp which illuminates the road over a long distance ahead of the vehicle.

DIRECTION INDICATOR means a lamp on a vehicle used to indicate to other road users that the driver intends to change direction to the right or to the left.

HAZARD WARNING SIGNAL DEVICE means a device which is capable of causing all the [direction indicators](#) with which a vehicle, or a combination of vehicles, is fitted to operate simultaneously.

Rear position lamp means a lamp used to indicate the presence and width of a vehicle when viewed from the rear.

Rear fog lamp means a lamp used to render a vehicle more readily visible from the rear in conditions of seriously reduced visibility.

Stop lamp means a lamp used to indicate to road users that the brakes of a

vehicle or combination of vehicles are being applied.

Rear registration plate lamp means a lamp used to illuminate the rear registration plate.

Rear retro reflector means a retro reflector used to indicate the presence and width of a vehicle when viewed from the rear.

Use of Lights

It is an offence to use, cause or permit the use, on a road of a vehicle which is in motion:

- (a) between sunset and sunrise, OR**
- (b) in seriously reduced visibility between sunrise and sunset,**

UNLESS EVERY:

- (a) front position lamp**
- (b) rear position lamp**
- (c) rear registration plate lamp**
- (d) side marker lamp and end-outline lamp is kept lit and unobscured.**



No person shall use, or cause or permit to be used, on a road a vehicle which is fitted with obligatory dipped-beam headlamps unless every such lamp is kept lit

(a) during the hours of darkness, except on a road which is a restricted road for the purposes of section 81 of the Road Traffic Regulation Act 1984 by virtue of a system of street lighting when it is lit; and

(b) in seriously reduced visibility.



Regulation 25 of the Road Vehicles Lighting Regulations 1989 concerns the use of headlamps and front fog lamps during the hours of darkness or in seriously reduced visibility.

HOURS OF DARKNESS means the time between half an hour after sunset and half an hour before sunrise.

Note

Therefore, there is no requirement to use dipped-beam headlamps in built-up areas with street lights which are lit and no more than 200 yards apart. There remains, however, a requirement to use them during seriously reduced visibility.

Question? What is seriously reduced visibility? Fog / Heavy rain / Smoke

Additionally, none of these lamps must be used so as to cause undue dazzle or discomfort to other persons using the road. "Undue dazzle or discomfort" is not defined so that the use of the lights in a particular way must be considered in the particular circumstances surrounding the case.

Hazard Warning Lights

This device causes all the direction indicator lamps to flash on and off simultaneously.

It may be used only:

while stationary, to warn other road users of a temporary obstruction, or to summon assistance to the driver, conductor or inspector of a bus (Public Service Vehicle)

on a motorway or unrestricted dual carriageway to warn following drivers of the need to slow down due to temporary obstruction ahead

in the case of a school bus, while loading or unloading (or about to do so) passengers (under 16 years) provided the bus displays the statutory yellow reflective signs indicating the presence of schoolchildren.



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MAINTENANCE OF LAMPS - Regulation 23

No person shall use, cause or permit to be used on a road a vehicle unless every lamp, reflector, rear marking and device is in good working order and clean

This regulation does not apply to any 'extra' lamps fitted to a vehicle, ONLY to those required by law to be fitted... i.e:- OBLIGATORY

Front Position lamp

Headlamp

Rear fog lamp (vehicles after 1.4.91)

Side marker lamp

Rear position lamp

Rear registration plate lamp

Reflector

Rear marker



Defence

A lamp or device of a vehicle in use between sunrise & sunset if any such lamp or device became defective during the journey

Or

if arrangements have been made to remedy the defect with all reasonable expedition



Exhausts



EXHAUSTS

Every vehicle propelled by an internal combustion engine shall be fitted with an exhaust system including a silencer and the exhaust gases from the engine shall not escape into the atmosphere without first passing through the silencer.



Every exhaust system and silencer shall be maintained in good and efficient working order and shall not after the date of manufacture be altered so as to increase the noise made by the escape of exhaust gases

Windscreen Wipers & Washers



Windscreen Wipers & Washers

Every vehicle fitted with a windscreen shall, unless the driver can obtain an adequate view to the front of the vehicle without looking through the windscreen, be fitted with one or more efficient automatic windscreen wipers capable of clearing the windscreen so that the driver has an adequate view of the road in front of both sides of the vehicle and front of the vehicle.



Regulation 34 of the Road Vehicles (Construction and Use) Regulations 1986 creates legislation regarding fitting, use and maintenance of windscreen wipers and washers on vehicles.

Every vehicle required to be fitted with a wiper or wipers shall also be fitted with a windscreen washer capable of cleaning, in conjunction with the windscreen wiper, the area of the windscreen swept by the wiper of mud or similar deposit.

Every wiper and washer fitted in accordance with this regulation shall at all times while a vehicle is being used on a road be maintained in efficient working order and be properly adjusted.

Testing and inspection police powers

By an authorised examiner - includes police officer authorised by chief officer of police.

Road traffic collision, appears to PC it is essential a test is carried out forthwith -

may require it to be carried out

or

may require vehicle not to be taken away until test has been carried out.



By an authorised examiner - includes police officer authorised by chief officer of police.

Road traffic collision, appears to PC it is essential a test is carried out forthwith -

may require it to be carried out or may require vehicle not to be taken away until test has been carried out.

If constable is of the opinion the vehicle is apparently so defective it should not proceed without test being carried out, he/she can require test to be carried out forthwith.

Offence to obstruct examiner or fail to comply with requirements

SAFETY

Always ensure that vehicles are stopped safely and away from other traffic.

When examining vehicles be aware of risks such as sharp edges, broken lights, hot surfaces.

If looking in the engine compartment be aware of corrosive materials, such as battery acid and brake fluid.



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Always think 'Health and Safety'

If in doubt, consult an authorised vehicle examiner

Safety Continued.....

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