



GUERNSEY STATUTORY INSTRUMENT

2019 No. 22

**The Motor Vehicles (Construction and Use)
(Rear Under-Run Protection and Sideguards)
Regulations, 2019**

Made

7th March, 2019

Coming into operation

29th March, 2021

THE STATES COMMITTEE FOR THE ENVIRONMENT & INFRASTRUCTURE, in exercise of the powers conferred on it by section 9F of the Road Traffic (Construction and Use of Motor Vehicles) Ordinance, 2002^a, hereby makes the following Regulations:-

Rear under-run protective devices.

1. (1) Subject to paragraph (2), this regulation applies to every wheeled goods vehicle being either –

- (a) a motor vehicle with a maximum gross weight which exceeds 3,500 kilograms and which was first used on or after 1st April, 1984, or

^a Ordinance No. X of 2002; amended by No. XXXIII of 2003; No. IX of 2016. Section 9F was inserted by the Road Traffic (Construction and Use of Motor Vehicles) (Amendment) Ordinance, 2019.

(b) a trailer manufactured on or after 1st May, 1983 with an unladen weight which exceeds 1020 kilograms.

(2) This regulation does not apply to –

(a) a motor vehicle which has a maximum speed not exceeding 15 miles per hour,

(b) a motor car or a heavy motor car constructed or adapted to form part of an articulated vehicle,

(c) an agricultural trailer,

(d) any engineering plant which cannot, owing to the requirements of its functions, comply with all the requirements of this regulation,

(e) a fire engine,

(f) an agricultural motor vehicle,

(g) a vehicle fitted at the rear with apparatus designed for spreading material on a road,

(h) a vehicle so constructed that it can be unloaded by part of the vehicle being tipped rearwards,

(i) a vehicle owned by the Secretary of State for Defence and used for naval, military or air force purposes,

(j) a vehicle to which no bodywork has been fitted and

which is being driven or towed –

- (i) for the purpose of a quality or safety check by its manufacturer or a dealer in, or distributor of, such vehicles,
 - (ii) to a place where, by previous arrangement, bodywork is to be fitted or work preparatory to the fitting of bodywork is to be carried out, or
 - (iii) by previous arrangement, to premises of a dealer in, or distributor of, such vehicles,
- (k) a vehicle which is being driven or towed to a place where, by previous arrangement, a device is to be fitted so that it complies with this regulation,
- (l) a vehicle specially designed and constructed, and not merely adapted, to carry other vehicles loaded onto it from the rear,
- (m) a trailer specially designed and constructed, and not merely adapted, to carry round timber, beams or girders, being items of exceptional length,
- (n) a vehicle with a tail lift so constructed that the lift platform forms part of the floor of the vehicle and this part has a length of at least one metre measured parallel to the longitudinal axis of the vehicle,
- (o) a trailer having a base or centre outside Great Britain

from which it normally starts its journeys, provided that a period of not more than 12 months has elapsed since the vehicle was last brought into the island of Guernsey,

- (p) a vehicle specially designed, and not merely adapted, for the carriage and mixing of liquid concrete,
- (q) a vehicle designed and used solely for the delivery of coal by means of a special conveyor which is carried on the vehicle and when in use is fitted to the rear of the vehicle so as to render its being equipped with a rear under-run protective device impracticable, or
- (r) an agricultural trailed appliance.

(3) Subject to paragraphs (4), (5) and (6), every vehicle to which this regulation applies must be equipped with a rear under-run protective device.

(4) A vehicle to which this regulation applies and which is fitted with a tail lift, bodywork or other part which renders its being equipped with a rear under-run protective device impracticable must instead be equipped with one or more devices which do not protrude beyond the overall width of the vehicle (excluding any part of the device or the devices) and which comply with the following requirements –

- (a) where more than one device is fitted, not more than 50 centimetres shall lie between one device and the device next to it,
- (b) not more than 30 centimetres shall lie between the

outermost end of a device nearest to the outermost part of the vehicle to which it is fitted and a longitudinal plane passing through the outer end of the rear axle of the vehicle on the same side of the vehicle or, in a case where the vehicle is fitted with more than one rear axle, through the outer end of the widest rear axle on the same side of the vehicle, and paragraph II.5.4.2 in the Annex to Community Directive 79/490 shall not have effect in a case where this requirement is met, and

(c) the device or, where more than one device is fitted, all the devices together, must have the characteristics specified in paragraphs II.5.4.1 to II.5.4.5.2 in the Annex to the said Directive save –

(i) as provided in subparagraphs (a) and (b),

(ii) that for the reference in paragraph II.5.4.5.1 in that Annex to 30 centimetres there is substituted a reference to 35 centimetres, and

(iii) that the distance of 40 centimetres specified in paragraph II.5.4.5 in that Annex may be measured exclusive of the said tail-lift, bodywork or other part.

(5) The provisions of paragraph (3) shall have effect so that in the case of –

(a) a vehicle which is fitted with a demountable body, the characteristics specified in paragraph II.5.4.2 in the

Annex to the said Directive have effect as if the reference to 10 centimetres were a reference to 30 centimetres and as if in paragraph II.5.4.5.1 the reference to 30 centimetres were a reference to 35 centimetres, and

- (b) a trailer with a single axle or two close-coupled axles, the height of 55 centimetres referred to in paragraph II.5.4.1 in that Annex is measured when the coupling of the trailer to the vehicle by which it is drawn is at the height recommended by the manufacturer of the trailer.

(6) Instead of complying with paragraphs (3) to (5), a vehicle may comply with Community Directive 97/19.

(7) In this regulation –

"rear under-run protective device" means a device within the description given in paragraph II.5.4 in the Annex to Community Directive 79/490.

(8) Every device fitted to a vehicle in compliance with the requirements of this regulation must at all times when the vehicle is on a public highway be maintained free from any obvious defect which would be likely to affect adversely the performance of the device in the function of giving resistance in the event of an impact from the rear.

Sideguards.

2. (1) Save as provided in paragraph (2), this regulation applies to a wheeled goods vehicle being –

and used for naval, military or air force purposes,

- (h) a vehicle to which no bodywork has been fitted and which is being driven or towed –
 - (i) for the purpose of a quality or safety check by its manufacturer or a dealer in, or distributor of, such vehicles,
 - (ii) to a place where, by previous arrangement, bodywork is to be fitted or work preparatory to the fitting of bodywork is to be carried out, or
 - (iii) by previous arrangement, to premises of a dealer in, or distributor of, such vehicles,
- (i) a vehicle which is being driven or towed to a place where, by previous arrangement, a sideguard is to be fitted so that it complies with this regulation,
- (j) a refuse vehicle,
- (k) a trailer specially designed and constructed, and not merely adapted, to carry round timber, beams or girders, being items of exceptional length,
- (l) a motor car or heavy motor car constructed or adapted to form part of an articulated vehicle,
- (m) a vehicle specially designed and constructed, and not merely adapted, to carry other vehicles loaded onto it

- (a) a motor vehicle with a maximum gross weight which exceeds 3,500 kilograms and which was first used on or after 1st April, 1984, or
 - (b) a trailer manufactured on or after 1st May, 1983 with an unladen weight which exceeds 1020 kilograms, or
 - (c) a semi-trailer manufactured before 1st May, 1983 which has a relevant plate showing a gross weight exceeding 26,000 kilograms.
- (2) This regulation does not apply to –
- (a) a motor vehicle which has a maximum speed not exceeding 15 miles per hour,
 - (b) an agricultural trailer,
 - (c) any engineering plant which cannot, owing to the requirements of its functions, comply with all the requirements of this regulation,
 - (d) a fire engine,
 - (e) an agricultural motor vehicle,
 - (f) a vehicle so constructed that it can be unloaded by part of the vehicle being tipped sideways or rearwards,
 - (g) a vehicle owned by the Secretary of State for Defence

from the front or the rear,

- (n) a trailer with a load platform –
 - (i) no part of any edge of which is more than 60 millimetres inboard from the tangential plane, and
 - (ii) the upper surface of which is not more than 750 millimetres from the ground throughout that part of its length under which a sideguard would have to be fitted in accordance with paragraph (6)(d) to (g) if this exemption did not apply to it,
- (o) a trailer having a base or centre outside Great Britain from which it normally starts its journeys, provided that a period of not more than 12 months has elapsed since the vehicle was last brought into the island of Guernsey,
- (p) an agricultural trailed appliance.

(3) This regulation also applies to a wheeled goods vehicle, whether of a description falling within paragraph (2) or not, which is a semi-trailer some or all of the wheels of which are driven by the drawing vehicle.

(4) Every vehicle to which this regulation applies must be securely fitted with a sideguard to give protection on any side of the vehicle where –

- (a) if it is a semi-trailer, the distance between the

transverse planes passing through the centre of its foremost axle and through the centre of its king pin or, in the case of a vehicle having more than one king pin, the rearmost one, exceeds 4.5 metres, or

- (b) if it is any other vehicle, the distance between the centres of any two consecutive axles exceeds three metres.

(5) Save as provided in paragraphs (7) and (8), a sideguard with which a vehicle is by this regulation required to be fitted must comply with all the specifications listed in paragraph (6).

(6) Those specifications are –

- (a) the outermost surface of every sideguard must be smooth, essentially rigid and either flat or horizontally corrugated, save that –

- (i) any part of the surface may overlap another provided that the overlapping edges face rearwards or downwards,

- (ii) a gap not exceeding 25 millimetres measured longitudinally may exist between any two adjacent parts of the surface provided that the foremost edge of the rearward part does not protrude outboard of the rearmost edge of the forward part, and

- (iii) domed heads of bolts or rivets may protrude

beyond the surface to a distance not exceeding
10 millimetres,

- (b) no part of the lowest edge of a sideguard shall be more than 550 millimetres above the ground when the vehicle to which it is fitted is on level ground and, in the case of a semi-trailer, when its load platform is horizontal,
- (c) in a case specified in an item in column 2 of the Table below the highest edge of a sideguard must be as specified in that item in column 3,
- (d) the distance between the rearmost edge of a sideguard and the transverse plane passing through the foremost part of the tyre fitted to the wheel of the vehicle nearest to it must not exceed 300 millimetres,
- (e) the distance between the foremost edge of a sideguard fitted to a semi-trailer and a transverse plane passing through the centre of the vehicle's king pin or, if the vehicle has more than one king pin, the rearmost one, must not exceed 3 metres,
- (f) the foremost edge of a sideguard fitted to a semi-trailer with landing legs must, as well as complying with subparagraph (e), not be more than 250 millimetres to the rear of a transverse plane passing through the centre of the leg nearest to that edge,
- (g) the distance between the foremost edge of a sideguard fitted to a vehicle other than a semi-trailer and a

transverse plane passing through the rearmost part of the tyre fitted to the wheel of the vehicle nearest to it must not exceed 300 millimetres if the vehicle is a motor vehicle and 500 millimetres if the vehicle is a trailer,

- (h) the external edges of a sideguard must be rounded at a radius of at least 2.5 millimetres,
- (i) no sideguard shall be more than 30 millimetres inboard from the tangential plane,
- (j) no sideguard shall project beyond the longitudinal plane from which, in the absence of a sideguard, the vehicle's overall width would fall to be measured,
- (k) every sideguard must cover an area extending to at least 100 millimetres upwards from its lowest edge 100 millimetres downwards from its highest edge, and 100 millimetres rearwards and inwards from its foremost edge, and no sideguard shall have a vertical gap measuring more than 300 millimetres nor any vertical surface measuring less than 100 millimetres, and
- (l) except in the case of a vehicle described in paragraph (1)(c) every sideguard must be capable of withstanding a force of two kilonewtons applied perpendicularly to any part of its surface by the centre of a ram the face of which is circular and not more than 220 millimetres in diameter, and during such application –

- (i) no part of the sideguard shall be deflected by more than 150 millimetres, and
- (ii) no part of the sideguard which is less than 250 millimetres from its rearmost part shall be deflected by more than 30 millimetres.

1 Item	2 Case	3 Requirement about highest edge of sideguard
1	Where the floor of the vehicle to which the sideguard is fitted – (i) extends laterally outside the tangential plane, (ii) is not more than 1.85 metres from the ground, (iii) extends laterally over the whole of the length of the sideguard with which the vehicle is required by this regulation to be fitted, and (iv) is wholly covered at its edge by a side-rave the lower edge of which is not more than 150 millimetres below the underside of the floor.	Not more than 350 millimetres below the lower edge of the side-rave.
2	Where the floor of the vehicle to which the sideguard is fitted – (i) extends laterally outside the tangential plane, and (ii) does not comply with all of the provisions specified in sub-paragraphs (ii), (iii) and (iv) in item 1 above, and any part of the structure of the vehicle is cut within 1.85 metres of the ground by the tangential plane.	Not more than 350 millimetres below the structure of the vehicle where it is cut by the tangential plane.
3	Where – (i) no part of the structure of the vehicle is cut within 1.85	Not less than the height of the upper surface of the load carrying structure of the vehicle.

	metres of the ground by the tangential plane, and (ii) the upper surface of the load carrying structure of the vehicle is less than 1.5 metres from the ground.	
4	A vehicle specially designed, and not merely adapted, for the carriage and mixing of liquid concrete.	Not less than 1 metre from the ground
5	Any other case	Not less than 1.5 metres from the ground

(7) The provisions of paragraph (5) apply –

- (a) in the case of an extendable trailer when it is, by virtue of the extending mechanism, extended to a length greater than its minimum, so as not to require, in respect of any additional distance solely attributable to the extension, compliance with the specifications mentioned in paragraph (6)(d) to (g),
- (b) in the case of a vehicle designed and constructed, and not merely adapted, to be fitted with a demountable body or to carry a container, when it is not fitted with a demountable body or carrying such a container as if it were fitted with such a body or carrying such a container, and
- (c) only so far as it is practicable in the case of –
 - (i) a vehicle designed solely for the carriage of a fluid substance in a closed tank which is permanently fitted to the vehicle and provided

with valves and hose or pipe connections for loading or unloading, and

- (ii) a vehicle which requires additional stability during loading or unloading or while being used for operations for which it is designed or adapted and is fitted on one or both sides with an extendable device to provide such stability.

(8) In the case of a motor vehicle to which this regulation applies and which is of a type which was required to be approved by the Motor Vehicles (Type Approval for Goods Vehicles) (Great Britain) Regulations, 1982^b before 1st October 1983 –

- (a) if the bodywork of the vehicle covers the whole of the area specified as regards a sideguard in paragraph (6)(b), (c), (d) and (g) above the other provisions of that paragraph do not apply to that vehicle, and
- (b) if the bodywork of the vehicle covers only part of that area the part of that area which is not so covered must be fitted with a sideguard which complies with the provisions of paragraph (6) above save that there must not be a gap between –
 - (i) the rearmost edge of the sideguard or the rearmost part of the bodywork (whichever is furthest to the rear) and the transverse plane mentioned in paragraph (6)(d) of more than 300

^b U.K. S.I. No. 1271 of 1982.

millimetres,

- (ii) the foremost edge of the sideguard or the foremost part of the bodywork (whichever is furthest to the front) and the transverse plane mentioned in paragraph (6)(g) of more than 300 millimetres, or
- (iii) any vertical or sloping edge of any part of the bodywork in question and the edge of the sideguard immediately forwards or rearwards thereof of more than 25 millimetres measured horizontally.

(9) In this regulation –

"relevant plate" means a plate fitted in accordance with section 1 of the Road Traffic (Construction and Use of Motor Vehicles) (Amendment) Ordinance, 1971^c,

"tangential plane", in relation to a sideguard, means the vertical plane tangential to the external face of the outermost part of the tyre (excluding any distortion caused by the weight of the vehicle) fitted to the outermost wheel at the rear and on the same side of the vehicle.

(10) Instead of complying with this regulation, a vehicle may comply with Community Directive 89/297.

^c Recueil d'Ordonnances Tome XVII, p. 324; amended by Tome XXIV, p. 354; Ordinance No. X of 2002; Road Traffic (Construction and Use of Motor Vehicles) (Amendment) Ordinance, 2019.

(11) Every sideguard fitted to a vehicle in compliance with the requirements of this regulation must at all times when the vehicle is on a public highway be maintained free from any obvious defect which would be likely to affect adversely its effectiveness.

Interpretation.

3. (1) In these Regulations, unless the context requires otherwise –

"**agricultural motor vehicle**" means a vehicle used primarily off roads in connection with agricultural, horticultural, market gardening and forestry,

"**agricultural trailed appliance**" means a trailer –

(a) which is an implement constructed or adapted –

(i) for use off roads for the purpose of agriculture, horticulture or forestry and which is only used for one or more of those purposes, and

(ii) so that, save in the case of an appliance manufactured before 1st December, 1985, or a towed roller, its maximum gross weight is not more than twice its unladen weight, but

(b) which is not –

(i) a vehicle which is used primarily as living accommodation by one or more persons, and which carries no goods or burden except those needed by such one or more persons for the purposes of their residence in the vehicle, or

(ii) an agricultural, horticultural or forestry implement rigidly, but not permanently, mounted on any vehicle whether or not any of the weight of the implement is supported by one or more of its own wheels; so however, that such an implement is an agricultural trailed appliance if –

(A) part of the weight of the implement is supported by one or more of its own wheels, and

(B) the longitudinal axis of the greater part of the implement is capable of articulating in the horizontal plane in relation to the longitudinal axis of the rear portion of the vehicle on which it is mounted,

"agricultural trailer" means a trailer the property of a person engaged in agriculture which is not used on a public highway for the conveyance of any goods or burden other than agricultural produce or articles required for agricultural purposes,

"articulated bus" means a bus so constructed that –

(a) it can be divided into 2 parts, both of which are vehicles and one of which is a motor vehicle, but cannot be so divided without the use of facilities normally available only at a workshop, and

- (b) passengers carried by it can at all times pass from either part to the other,

"articulated vehicle" means a heavy motor car or motor car, not being an articulated bus, with a trailer so attached that part of the trailer is superimposed on the drawing vehicle and, when the trailer is uniformly loaded, not less than 20% of the weight of its load is borne by the drawing vehicle,

"engineering plant" means –

- (a) movable plant or equipment being a motor vehicle or trailer specially designed and constructed for the special purposes of engineering operations, which is not constructed primarily to carry a load other than a load being either excavated materials raised from the ground by apparatus on the motor vehicle or trailer or materials which the vehicle or trailer is specially designed to treat while carried thereon, or
- (b) a mobile crane,

"first used" means –

- (a) in the case of a vehicle which is registered, the date on which it was first registered, whether in Guernsey or elsewhere,
- (b) in the case of a vehicle which is not registered, the date of manufacture,

"goods vehicle" means a motor vehicle designed, constructed or adapted for use wholly or mainly for the carriage of goods and includes a trailer so designed, constructed or adapted,

"heavy motor car" means a mechanically propelled vehicle, not being a locomotive, a motor tractor, or a motor car, which is constructed itself to carry a load or passengers and the weight of which unladen exceeds 2540 kilograms,

"invalid carriage" means a mechanically propelled vehicle the weight of which unladen does not exceed 254 kilograms and which is specially designed and constructed, and not merely adapted, for the use of a person suffering from some physical defect or disability and is solely used by such a person,

"locomotive" means a mechanically propelled vehicle which is not constructed itself to carry a load other than the following articles, that is to say, water, fuel, accumulators and other equipment used for the purpose of propulsion, loose tools and loose equipment, and the weight of which unladen exceeds 7370 kilograms,

"maximum speed" means the speed which a vehicle is incapable, by reason of its construction, of exceeding on the level under its own power when fully laden.

"motor car" means a mechanically propelled vehicle, not being a motor tractor, a motorcycle or an invalid carriage, which is constructed itself to carry a load or passengers and the weight of which unladen –

- (a) if it is constructed solely for the carriage of passengers and their effects and is adapted to carry not more than seven passengers exclusive of the driver, does not exceed 3050 kilograms,
- (b) if it is constructed for use for the conveyance of goods or burden of any description, does not exceed 3050 kilograms,
- (c) in a case not falling within either paragraph (a) or paragraph (b), does not exceed 2540 kilograms,

"**motorcycle**" means any two-wheeled motor vehicle, with or without a side-car,

"**motor tractor**" means a mechanically propelled vehicle which is not constructed itself to carry a load, other than the following articles, that is to say, water, fuel, accumulators and other equipment used for the purpose of propulsion, loose tools and loose equipment, and the weight of which unladen does not exceed 7370 kilograms,

"**refuse vehicle**" means a vehicle designed for use and used solely in connection with street cleansing, the collection or disposal of refuse, or the collection or disposal of the contents of gullies or cesspools,

"**semi-trailer**" means any trailer designed to be coupled to a motor vehicle in such a way that part of it rests on the motor vehicle and that a substantial part of its mass and of the mass of its load is borne by the motor vehicle.

Citation and commencement.

4. These Regulations may be cited as the Motor Vehicles (Construction and Use) (Rear Under-Run Protection and Sideguards) Regulations, 2019 and shall come into force on 29th March 2021.

Dated this 7th day of March, 2019

A handwritten signature in black ink, appearing to read 'B. Brehaut', is centered on the page.

B. BREHAUT

President of the States Committee for the Environment & Infrastructure

For and on behalf of the Committee

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations make provision, pursuant to section 9F of the Road Traffic (Construction and Use of Motor Vehicles) Ordinance, 2002, as amended, requiring the compulsory fitting of rear under-run protective devices and sideguards to certain goods vehicles, subject to the exemptions set out in the regulations.

These Regulations come into force on the 29th day of March, 2021.