

SCHEDULE 14 (regulations 87, 88(2), 89(3), 90 and 93(4))

**Exemptions relating to combined transport operations**

**Part I**

**General**

1. Regulation 88 does not apply to a wheeled heavy motor car drawing one wheeled trailer if the requirements set out in Part II of this Schedule are fulfilled.
2. Regulation 89 does not apply to an articulated vehicle if the requirements set out in Part III of this Schedule are fulfilled.
3. Regulations 87, 88, 89 and 90 do not apply to an articulated vehicle if the requirements set out in Part IV of the Schedule are for the time being fulfilled.

**Part II**

**Drawbar combinations**

- 4.—(1) The drawing vehicle and trailer must each be carrying a relevant receptacle as part of a combined transport operation, each such receptacle being on a journey—
  - (a) to a railhead from which the relevant receptacle is, as part of the operation, to be transported in a relevant manner by railway pursuant to a relevant contract made before the journey began;
  - (b) from a railhead to which the relevant receptacle has, as part of the operation, been transported in a relevant manner by railway; or
  - (c) to a harbour from which the relevant receptacle is, as part of the operation, to be transported by sea pursuant to a relevant contract made before the journey began; or
  - (d) from a harbour to which the relevant receptacle has, as part of the operation, been transported by sea.
- (2) There must be carried in the cab of the drawing vehicle a document or documents—
  - (a) if the vehicle is on a journey to a railhead, specifying the railhead, the date the relevant contract was made and the parties thereto;
  - (b) if the vehicle is on a journey from a railhead, specifying the railhead and the date and time at which the receptacles were collected from that railhead;
  - (c) if the vehicle is on a journey to a harbour, specifying the harbour, the date the relevant contract was made and the parties thereto; and
  - (d) if the vehicle is on a journey from a harbour, specifying the harbour and the date and time at which the receptacles were collected from that harbour.
5. The following conditions must be satisfied in relation to the drawing vehicle, namely—
  - (a) it complies with the relevant braking requirement;
  - (b) every driving axle not being a steering axle is fitted with twin tyres; and
  - (c) either every driving axle is fitted with road friendly suspension or no axle has an axle weight exceeding 8,500 kg.
- 6.—(1) The motor vehicle and trailer must have a total of at least 6 axles.

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- (2) The total laden weight of the motor vehicle and trailer must not exceed 44,000 kg.

## Part III

### Articulated Vehicles

7.—(1) The motor vehicle comprised in the articulated vehicle must be being used for the conveyance of a loading unit as part of a combined transport operation, the loading unit being on a journey—

- (a) to a railhead from which the loading unit is, as part of the operation, to be transported in a relevant manner by railway pursuant to a relevant contract made before the journey began; or
- (b) from a railhead to which the loading unit has, as part of the operation, been transported in a relevant manner by railway; or
- (c) to a harbour from which the relevant receptacle is, as part of the operation, to be transported by sea pursuant to a relevant contract made before the journey began; or
- (d) from a harbour to which the relevant receptacle has, as part of the operation, been transported by sea.

(2) If the loading unit is a bi-modal vehicle, the semi-trailer comprised in the articulated vehicle must be the bi-modal vehicle in its semi-trailer mode.

(3) If the loading unit is a relevant receptacle, the relevant receptacle must be being carried on the semi-trailer comprised in the articulated vehicle.

(4) There must be carried in the cab of the motor vehicle a document or documents—

- (a) if the vehicle is on a journey to a railhead, specifying the railhead, the date the contract was made and the parties thereto;
- (b) if the vehicle is on a journey from a railhead, specifying the railhead and the date and time at which the loading unit was collected from that railhead;
- (c) if the vehicle is on a journey to a harbour, specifying the harbour, the date the relevant contract was made and the parties thereto; and
- (d) if the vehicle is on a journey from a harbour, specifying the harbour and the date and time at which the receptacles were collected from that harbour.

8. The following conditions must be satisfied in relation to the motor vehicle, namely—

- (a) it complies with the relevant braking requirements;
- (b) it has at least three axles;
- (c) every driving axle not being a steering axle is fitted with twin tyres; and
- (d) either every driving axle is fitted with road friendly suspension or no axle has an axle weight exceeding 8,500 kg.

9.—(1) The articulated vehicle must have a maximum of at least 6 axles.

(2) The laden weight of the articulated vehicle must not exceed the weight determined in accordance with sub-paragraph (3).

(3) The weight for the purposes of sub-paragraph (2) is the number of kilograms equal to the product of the distance measured in metres between the king-pin and the centre of the rearmost axle of the semi-trailer multiplied by 5500 and rounded up to the nearest 10 kg, if that number is less than 44,000 kg.

## Part IV

### Articulated Vehicles (Alternative Requirements)

10.—(1) The requirements of paragraph 6 are fulfilled.

(2) The vehicle is one which falls within the first indent of paragraph 1 of Article 3 of Community Directive 96/53(1) (vehicles used in international traffic or put into circulation in any other Member State) and complies with the limit values specified in paragraph 2.2.2. of Annex I and the other relevant requirements of that Directive.

## Part V

### Interpretation

11.—(1) In this Schedule—

“bi-modal vehicle” means a semi-trailer which can be adapted for use as a railway vehicle;

“journey”, except in sub-paragraph (2), means a journey by road;

“loading unit” means a bi-modal vehicle, road-rail semi-trailer or a relevant receptacle;

“network” means—

- (a) any railway line, or combination of two or more railway lines, and
- (b) any installations associated with any of the track comprised in that line or those lines, together constituting a system of track and other installations which is used for and in connection with the support, guidance and operation of trains;

“network licence” means a licence authorising a person—

- (a) to be the operator of a network;
- (b) to be the operator of a train being used on a network for any purpose comprised in the operation of that network; and
- (c) to be the operator of a train being used on a network for a purpose preparatory or incidental to, or consequential on, using a train as mentioned in paragraph (b);

“railhead” means a facility for the transhipment of—

- (a) bi-modal vehicles from the ground onto the track of a railway, or
- (b) relevant receptacles from road vehicles onto railway vehicles situated on the track of a railway, or
- (c) road-rail semi-trailers from the ground onto railway vehicles on the track of a railway, or vice versa;

“railway” means a system of transport employing parallel rails which—

- (a) provide support and guidance for vehicles carried on flanged wheels, and
- (b) form a track which either is of a gauge of at least 350 millimetres or crosses a carriageway (whether or not on the same level);

“railway vehicle” includes anything which, whether or not it is constructed or adapted to carry any person or load, is constructed or adapted to run on flanged wheels over or along track;

“relevant contract” means a contract for the transport of a loading unit—

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(1) O.J. No. L235, 17.9.96, p. 259

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- (a) by railway; or
- (b) by sea to a destination outside the British Islands;

“relevant receptacle” means a receptacle (not being a vehicle) having a length of at least 6.1m designed and constructed for repeated use for the carriage of goods on, and for transfer between, road vehicles and railway vehicles or sea-going vessels;

“road-rail semi-trailer” means a semi-trailer constructed or adapted so as to be capable of being both used as a semi-trailer on roads and carried on a railway vehicle;

“road friendly suspension” and “twin tyres” have the meanings given by regulation 87;

“track” means any land or other property comprising the permanent way of any railway, taken together with the ballast, sleepers and metals laid thereon, whether or not the land or other property is also used for other purposes; and any reference to track includes a reference to—

- (a) any level crossings, bridges, viaducts, tunnels, culverts, retaining walls, or other structures used or to be used for the support of, or otherwise in connection with, track; and
- (b) any walls, fences or other structures bounding the railway or bounding adjacent or adjoining property; and

“train” means—

- (a) two or more items of rolling stock coupled together, at least one of which is a locomotive; or
- (b) a locomotive not coupled to any other rolling stock.

(2) In these Regulations, a reference to a combined transport operation is a reference to the transport of a loading unit on a journey where—

- (a) part of the journey is either—
  - (i) by railway operated by the Northern Ireland Railways Company Limited or on a network operated by the British Railways Board or under a network licence; or
  - (ii) by sea to or from a destination outside the British Islands.
- (b) part of the journey is by road; and
- (c) no goods are added to or removed from the loading unit between the time when the journey begins and the time when it ends.

(3) Subject to sub-paragraph (4), for the purposes of this Schedule—

- (a) a bi-modal vehicle shall be regarded as being transported by railway in a relevant manner if and only if the vehicle in its railway vehicle mode is travelling by railway as part of a train;
- (b) a relevant receptacle shall be regarded as being transported by railway in a relevant manner if and only if it is being carried on a railway vehicle which forms part of a train.

(4) A relevant receptacle shall be regarded, for the purposes of this Schedule, as not being transported by railway in a relevant manner at any time when—

- (a) the relevant receptacle is in or on a motor vehicle or trailer; and
- (b) the motor vehicle or trailer is being carried on a railway vehicle; and
- (c) a road-rail semi-trailer shall be regarded as being transported by railway in a relevant manner if and only if it is being carried on a railway vehicle which forms part of a train.

(5) A road-rail semi-trailer shall be regarded as being transported by railway in a relevant manner if and only if it is being carried as a railway vehicle which forms part of a train.

(6) In this Schedule any reference to harbour means a harbour in Northern Ireland or the Republic of Ireland.

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