

2017 No. 881

ROAD VEHICLES

The Road Vehicles (Authorised Weight) and (Construction and Use) (Amendment) Regulations 2017

<i>Made</i>	- - - -	<i>6th September 2017</i>
<i>Laid before Parliament</i>		<i>8th September 2017</i>
<i>Coming into force</i>	- -	<i>1st October 2017</i>

The Secretary of State is a Minister designated for the purposes of section 2(2) of the European Communities Act 1972(a) in relation to measures relating to the carriage of passengers and goods by road(b), maritime transport(c) and railways and railway transport(d).

The Secretary of State makes the following Regulations in exercise of the powers conferred by section 2(2) of the European Communities Act 1972 and section 41 of the Road Traffic Act 1988(e) (the “1988 Act”).

Representative organisations have been consulted in accordance with section 195(2) of the 1988 Act.

Citation and commencement

1. These Regulations may be cited as the Road Vehicles (Authorised Weight) and (Construction and Use) (Amendment) Regulations 2017 and come into force on 1st October 2017.

Amendment of the Road Vehicles (Authorised Weight) Regulations 1998

2. The Road Vehicles (Authorised Weight) Regulations 1998(f) are amended as follows.

Interpretation

3.—(1) In regulation 2(1) (interpretation), after the definition of “the 1986 Regulations”, insert—

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- (a) 1972 c.68; section 2(2) was amended by the Legislative and Regulatory Reform Act 2006 (c.51), section 27, and the European Union (Amendment) Act 2008 (c.7), section 3 and Part 1 of the Schedule.
- (b) S.I. 1996/266, to which there are amendments not relevant to these Regulations.
- (c) S.I. 1994/757.
- (d) S.I. 1996/266.
- (e) 1988 c.52; section 41 was amended by the Road Traffic Act 1991 (c.40) section 48, section 83, paragraph 50 of Schedule 4 and Schedule 8, the Road Safety Act 2006 (c.49) section 56, which has yet to be brought into force, and by the Scotland Act 2016 (c.11), section 43(1), (5) and (6).
- (f) S.I. 1998/3111, as amended by S.I. 2000/3224 and to which there are other amendments not relevant to these Regulations.

““alternative fuel” means a fuel or power source which serves, at least partly, as a substitute for fossil oil sources in the energy supply to transport and which has the potential to contribute to its decarbonisation and enhance the environmental performance of the transport sector, consisting of—

- (a) electricity consumed in all types of electric vehicles;
- (b) hydrogen;
- (c) natural gas, including biomethane, in gaseous form and liquefied form;
- (d) liquefied petroleum gas;
- (e) mechanical energy from on-board sources, including waste heat;

“alternatively fuelled vehicle” means a motor vehicle powered wholly or in part by an alternative fuel and which has been approved under the Framework Directive;”.

(2) After the definition of “axle weight”, insert—

““bus” means a motor vehicle which is constructed or adapted to carry more than eight seated passengers in addition to the driver;”.

(3) After the definition of “first used”, insert—

““Framework Directive” means Directive 2007/46/EC of the European Parliament and of the Council of 5th September 2007 establishing a framework for the approval of motor vehicles and their trailers, and of systems, components and separate technical units intended for such vehicles(a);”.

(4) After the definition of “semi-trailer”, insert—

““shipper” means a person who is named on the bill of lading, through bill of lading or on an equivalent transport document, as the shipper and in whose name or on whose behalf a contract of carriage has been concluded with the transport company;”.

(5) After the definition of “steering axle”, insert—

““swap body” means a part of a vehicle which is intended to bear the load, has supports and, by means of a device which is part of the vehicle, may be detached from the vehicle and re-incorporated into it;”.

Application of Regulations

4. In regulation 3 (application of regulations)—

- (a) for “Directive 70/156/EEC as substituted by Directive 92/53/EC”, substitute “the Framework Directive”; and
- (b) for “combined transport operations”, substitute “intermodal transport operations”.

Maximum authorised weights

5.—(1) In regulation 4(1) (maximum authorised weights), for “paragraph (2)”, substitute “paragraphs (2) and (3)”.

(2) After paragraph (2), add—

“(3) The maximum authorised weight of a relevant alternatively fuelled vehicle is increased by a maximum of 1000kg where—

- (a) a type or individual approval has been granted to the vehicle under the Framework Directive which provides evidence that the weight of the alternative fuel power train exceeds the weight of a conventional power train by a specified amount, and

(a) OJ L 263, 9.10.2007, p.1.

- (b) the weight of the alternative fuel power train is included in the maximum permitted gross or train weight specified on any plates required by regulation 66(a) or regulation 70(b) of the 1986 Regulations.

(4) A “relevant alternatively fuelled vehicle” means an alternatively fuelled vehicle of a type described in items 1, 5, 6 or 9 of Table 1 in Schedule 1.”.

Information about the weight of a container

6. After regulation 5, insert—

“Information about the weight of a container

6.—(1) The shipper must give to the haulier to whom it entrusts the transport of a container or swap body a written statement indicating the gross weight of the container or swap body being transported.

(2) If required, the haulier must provide enforcement authorities access to the statement of weight and all documentation relevant to the statement of weight provided by the shipper.”.

Schedule 1 (maximum authorised weights for vehicles)

7.—(1) In Schedule 1, paragraph 1(1)—

(a) for “paragraph 2”, substitute “paragraphs 1A and 2”, and

(b) in Table 1—

(i) in column 2 of item 1, after “vehicle”, insert—

““which is not a bus””, and

(ii) after item 1 insert—

“1A	Rigid motor vehicle which is a bus	2	19500”.
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(2) After Schedule 1, sub-paragraph 1(2), insert—

“Maximum authorised weight of a relevant alternatively fuelled vehicle

1A. The vehicles described in items 1, 5, 6 or 9 of Table 1 may exceed the weight specified in column 4 by 1000 kg where the requirements of regulation 4(3) are fulfilled.”.

Amendment of the Road Vehicles (Construction and Use) Regulations 1986

8. The Road Vehicles (Construction and Use) Regulations 1986(c) are amended as follows.

Interpretation

9. In the Table in regulation 3(2) (interpretation)—

(a) omit the definition of “combined transport operation”;

(a) Regulation 66 was amended by S.I. 1998/3112 and S.I. 1996/3017.
 (b) Regulation 70 was amended by S.I. 1998/3112.
 (c) S.I. 1986/1078, as amended by S.I. 1988/1871, S.I. 1994/329, S.I. 1996/3017, S.I. 1997/1096, S.I. 1998/3112, S.I. 2003/1690 and other amendments not relevant to these Regulations.

(b) after the definition of “Framework Directive”, insert—

“fuel cell	a device in which hydrogen reacts with oxygen, creating water and generating an electric current.”;
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(c) for the definition of “gas-fired appliance”, substitute—

“gas-fired appliance	a device carried on a motor vehicle or trailer when in use on a road, which consumes gas and which is none of the following— (a) a device owned or operated by or with the authority of a gas transporter for the purposes of detecting gas; (b) an engine for the propulsion of a motor vehicle; (c) a lamp which consumes acetylene gas; (d) a fuel cell.”;
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(d) after the definition of “gas-fired appliance”, insert—

“gas transporter	a holder of a licence under section 7(1) of the Gas Act 1986 ^(a) except where the holder is acting otherwise than for purposes connected with— (a) the carrying on of activities authorised by the licence; (b) the conveyance of gas through pipes which— (i) are situated in an authorised area of the licence holder; or (ii) are situated in an area which was an authorised area of the licence holder, or an authorised area of a previous holder of the licence, and were so situated at a time when it was such an area; or (c) the conveyance through pipes of gas which is in the course of being conveyed to or from a country of territory outside Great Britain.”;
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(e) after the definition of “industrial tractor”, insert—

“intermodal transport operation	shall be construed in accordance with paragraph 9(3) of Part IV of Schedule 11A.”;
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(f) after the definition of “light trailer”, insert—

“liquefied petroleum gas	(a) butane gas in any phase which meets the requirements contained in the specification of commercial butane and propane issued by the British Standards Institution under the number BS 4250: 2014 and published on 30th November 2014 ^(b) ; or
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(a) 1986 c.44, as amended by the Utilities Act 2000 (c.27), section 76 and the Energy Act 2004 (c.20), section 197(9), Schedule 23, Part 1, which makes an amendment to section 7(1) which has yet to be brought into force, and other amendments not relevant to these Regulations.

(b) ISBN 978 0 580 83133.

	(b) propane gas in any phase which meets the requirements contained in the said specification; or (c) any mixture of such butane gas and such propane gas.”;
(g) after the definition of “statutory power of removal”, insert—	
“swap body	a part of a vehicle which is intended to bear the load, has supports and, by means of a device which is part of the vehicle, may be detached from the vehicle and re-incorporated into it.”.

Length

10.—(1) In regulation 7 (length), in the Table in paragraph (1), after item 3B, insert—

“3C	An articulated vehicle, the semi-trailer of which meets the requirements of paragraph (6), is not a low loader and is carrying one or more containers or swap bodies up to a total maximum length of 45 feet as part of an intermodal transport operation.	16.65”
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(2) In paragraph (6)(a)—

(a) at the end of paragraph (i), omit “or”; and

(b) after paragraph (i), insert—

“(ia) 12.15m when carrying one or more containers or swap bodies up to a total maximum length of 45 feet as part of an intermodal transport operation, or”.

Width

11.—(1) In regulation 8 (width), in the Table in paragraph (1), for column 2 of item 2, “A refrigerated vehicle”, substitute—

“A refrigerated vehicle, conditioned container or swap body.”.

(2) For paragraph (4), substitute—

“(4) In this regulation—

“refrigerated vehicle” means any vehicle which is specially designed for the carriage of goods at low temperature and of which the thickness of each of the side walls inclusive of insulation, is at least 45 mm; and

“conditioned container or swap body” means a container or swap body used to carry goods at controlled temperatures on different modes of transport.”.

Gas propulsion systems and gas-fired appliances

12. In regulations 40(2)(a) and 40(2A), after “first used”, insert “liquefied petroleum”.

Plates for goods vehicles and buses

13. After regulation 66(7) (plates for goods vehicles and buses) insert—

“(8) In Great Britain a maximum gross weight of 18000 kg may be displayed on the plate of a motor vehicle with two axles which falls within sub-paragraph (1)(b) and which first came into use after 31st December 1998 where the maximum gross weight determined in

accordance with the Motor Vehicles (Authorised Weight) Regulations 1998(a) exceeds 18000 kg.”.

Maximum permitted laden weight of a vehicle and trailer, other than an articulated vehicle

14. In regulation 76(1A) (maximum permitted laden weight of a vehicle and trailer, other than an articulated vehicle), for “exemptions relating to combined transport operations”, substitute “exemptions relating to intermodal transport operations”.

Maximum permitted laden weight of an articulated vehicle

15. Regulation 77(2A) (maximum permitted laden weight of an articulated vehicle), for “exemptions relating to combined transport operations”, substitute “exemptions relating to intermodal transport operations”.

Use of gas propulsion systems

16.—(1) For regulation 94(2) (use of gas propulsion systems), substitute—

“(2) No person shall use, or cause or permit to be used, in any gas supply system for the propulsion of a vehicle when the vehicle is on a road any fuel except liquefied petroleum gas, hydrogen or natural gas.”.

(2) After regulation 94(2), insert—

“(2A) No person shall use, or cause or permit to be used, a vehicle that is fitted with a hydrogen fuel system or a natural gas fuel system unless that vehicle has been approved under the Road Vehicles (Approval) Regulations 2009(b) for that system at the time of registration.”.

(3) Omit regulation 94(4).

Exceptions relating to intermodal transport operations

17.—(1) In Schedule 11A, for the heading “Exceptions relating to combined transport operations”, substitute “Exceptions relating to intermodal transport operations”.

(2) In Part II (drawbar combinations), for paragraph 3 substitute—

“**3.—**(1) The drawing vehicle and trailer must be carrying a relevant receptacle as part of an intermodal transport operation, each such receptacle being on a journey—

- (a) to a railhead or water transport terminal from which the relevant receptacle is, as part of the operation, to be transported in a relevant manner by railway or waterborne transport pursuant to a relevant contract made before the journey began; or
- (b) from a railhead or water transport terminal to which the relevant receptacle has, as part of the operation, been transported in a relevant manner by railway or waterborne transport.

(2) There must be carried in the cab of the drawing vehicle a document—

- (a) if the vehicle is on a journey to a railhead or water transport terminal, specifying the railhead or water transport terminal, the date the relevant contract was made and the parties to that contract;
- (b) if the vehicle is on a journey from a railhead or water transport terminal, specifying the railhead or water transport terminal and the date and time at which the receptacles were collected from that railhead or water transport terminal.”.

(a) S.I. 1998/3111, as amended by S.I. 2000/3224, regulations 3, 4, 5, 6 and 7 of these Regulations and other amendments not relevant to these Regulations.

(b) S.I. 2009/717 to which there are amendments which are not relevant to these Regulations.

(3) In Part III (articulated vehicles)—

(a) for paragraph 6(1) substitute—

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

- (a) to a railhead or water transport terminal from which the loading unit is, as part of the operation, to be transported in a relevant manner by railway or waterborne transport pursuant to a relevant contract made before the journey began; or
- (b) from a railhead or water transport terminal to which the loading unit has, as part of the operation, been transported in a relevant manner by railway or waterborne transport.”;

(b) for paragraph 6(4) substitute—

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

- (a) if the vehicle is on a journey to a railhead or water transport terminal, specifying the railhead or water transport terminal, the date the contract was made and the parties to that contract;
- (b) if the vehicle is on a journey from a railhead or water transport terminal, specifying the railhead or water transport terminal and the date and time at which the loading unit was collected from that railhead or water transport terminal.”.

(4) In Part IV (interpretation), paragraph 9(1)—

(a) in the definition of “bi-modal vehicle”, after “railway vehicle”, insert “or for waterborne transport”;

(b) in the definition of “relevant contract”, after “railway”, insert “or waterborne transport”;

(c) at the end of the definition of “road-rail semi-trailer”, insert—

““water transport terminal” means a facility for the transshipment of any of the following—

- (a) a vehicle from the ground or from a railway vehicle onto a waterborne vessel;
- (b) a vehicle from a waterborne vessel onto the ground or onto a railway vehicle;
- (c) a relevant receptacle from the ground or from a road or rail vehicle onto a waterborne vessel;
- (d) a relevant receptacle from a waterborne vessel onto the ground or onto a road or rail vehicle;
- (e) a road-rail semi-trailer from the ground onto a waterborne vessel;
- (f) a road-rail semi-trailer from a waterborne vessel onto the ground.”.

(5) For paragraph 9(3), substitute—

“(3) In these Regulations, a reference to an intermodal transport operation is a reference to the transport of one or more containers or swap bodies where all of the following conditions are met—

- (a) the total maximum length of the containers or swap bodies is no more than 45 feet;
- (b) the initial or final leg of the journey uses the road;
- (c) another leg of the journey uses rail or waterborne transport;
- (d) no goods are added to or removed from the loading unit between the time when the journey begins and when it ends; and
- (e) the length of the initial or the final road leg does not exceed 150 km in Great Britain, except where necessary to reach the nearest transport terminal.”.

Review

18.—(1) The Secretary of State must from time to time—

- (a) carry out a review of the regulatory provision contained in these Regulations, and
- (b) publish a report setting out the conclusions of the review.

(2) The first report must be published before the end of the period of five years beginning with the date on which these Regulations come into force.

(3) Subsequent reports must be published at intervals not exceeding 5 years.

(4) Section 30(3) of the Small Business, Enterprise and Employment Act 2015 requires that a review carried out under this regulation must, so far as is reasonable, have regard to how Council Directive 96/53/EC of 25th July 1996 laying down for certain road vehicles circulating within the Community the maximum authorized dimensions in national and international traffic and the maximum authorized weights in international traffic, as amended by Directive (EU) 2015/719(a), is implemented in other member States.

(5) Section 30(4) of the Small Business, Enterprise and Employment Act 2015 requires that a report published under this regulation must, in particular—

- (a) set out the objective intended to be achieved by the regulatory provision referred to in paragraph 1(a);
- (b) assess the extent to which those objectives are achieved;
- (c) assess whether those objectives remain appropriate; and
- (d) if those objective remain appropriate, assess the extent to which they could be achieved in another way which involves less onerous regulatory provision.

(6) In this regulation, “regulatory provision” has the same meaning as in sections 28 to 32 of the Small Business, Enterprise and Employment Act 2015 (see section 32 of that Act).

Signed by authority of the Secretary of State

Jesse Norman
Parliamentary Under Secretary of State
Department for Transport

6th September 2017

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations transpose Commission Directive 2015/719 amending Council Directive 96/53/EC (“the EU Directive”) by amending the Road Vehicles (Authorised Weight) Regulations 1998 (S.I. 1998/3111) and the Road Vehicles (Construction and Use) Regulations 1986 (S.I. 1986/1078) (the “1986 Regulations”) in relation to the maximum authorised dimensions and weights of heavy goods vehicles and buses in national and international traffic where those vehicles use alternative fuel technology.

Regulations 5 and 7 increase the maximum authorised weight permitted for certain alternatively fuelled vehicles.

Regulation 6 transposes the EU Directive requirement that the shipper supply the haulier with written documentation stating the gross weight of any container or swap body to be transported. If required to do so, the haulier must make this information available to enforcement authorities.

(a) OJ L 235, 17.9.1996, p 59, as amended by directive (EU) 2015/719 of the European Parliament and of the Council OJ L 115, 6.5.2015, p 1.

Regulations 10 and 11 increase the maximum authorised length and width of various types of articulated vehicles engaged in an intermodal transport operation.

Regulation 12 replaces the reference to “gas” in regulation 40(2) and 40(2A) of the 1986 Regulations with “liquefied petroleum gas”. Motor vehicles with liquefied petroleum gas fuel systems must comply with the safety requirements set out in regulations 40, 94 and Schedules 4 and 5 of the 1986 Regulations. As a consequence of the additional types of gases permitted for use in the propulsion of motor vehicles since the 1986 Regulations came into force, regulation 40 is amended to remove any potential uncertainty as to the type of gas fuel system to which regulation 40 applies.

Regulation 13 permits a two axle bus which is already in service at the time that these Regulations come into force, to display a plate of 18000kg notwithstanding that the maximum authorised weight for such a vehicle determined in accordance with the Road Vehicles (Authorised Weight) Regulations 1998 exceeds 18000kg.

Regulations 14 and 15 make amendments to regulations 76(1A) and 77(2A) of the 1986 Regulations as a consequence of the insertion into regulation 18 of the term intermodal transport operation.

Regulation 16 amends regulation 94 of the 1986 Regulations to permit the use of hydrogen-fuelled and natural gas-fuelled vehicles on public roads provided their fuel systems have been approved in accordance with the Road Vehicle (Approval) Regulations 2009. The effect of this amendment is to remove the requirement for type-approved hydrogen and natural gas-fuelled vehicles to be authorised by Vehicle Special Orders granted under section 44 of the Road Traffic Act 1988 in order to be used on the road.

Regulation 17 inserts a new definition of “intermodal transport operation” and “water transport terminal” into Schedule 11A of the 1986 Regulations.

Regulation 18 requires the Secretary of State to review the operation and effect of these Regulations and publish report within 5 years after they come into force and within every 5 years after that. Following a review it will fall to the Secretary of State to consider whether these Regulations should remain as they are, or be amended or be revoked. A further instrument would be needed to amend the Regulations or to revoke them.

An Explanatory Memorandum has been prepared for these Regulations together with a transposition note setting out how the main elements of the EU Directive are transposed into UK law. The Explanatory Memorandum and transposition note is available alongside this instrument on the UK legislation website at www.legislation.gov.uk.

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£6.00

UK201709061021 09/2017 19585

<http://www.legislation.gov.uk/id/uksi/2017/881>

ISBN 978-0-11-115991-0



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