

Explanatory Memorandum on the Convention on Road Traffic

Title of Treaty: Convention on Road Traffic

Command Paper Number: 9570

Subject Matter

1. This Explanatory Memorandum refers to the proposed ratification by the United Kingdom to the Convention on Road Traffic done at Vienna on 8 November 1968 ("the 1968 Convention") including the amendments to the 1968 Convention that entered into force on 3 September 1993, 28 March 2006, 23 March 2016 and 19 September 2016.
2. The 1968 Convention builds on the Convention on Road Traffic made at Geneva on 19 September 1949 ("the 1949 Convention"), to which the UK is a contracting party, and replaces the 1949 Convention between parties to both Conventions. The 1968 Convention contains provisions on the rules of the road, the conditions for the admission of motor vehicles and trailers to international traffic, the drivers of motor vehicles in international traffic, and conditions for the admission of cycles and mopeds to international traffic.
3. The UK signed the 1968 Convention on 8 November 1968, and has now decided to ratify it for reasons of uniformity, to increase safety and to facilitate international traffic. As a party to the 1968 Convention, the UK will be able to use this position to help shape the evolution and future direction of the Convention, including in relation to future developments so as not to impact on the UK's ability to remain at the very forefront of automated vehicle technologies.

Ministerial Responsibility

4. The Secretary of State for Transport is responsible for the policy on Road Traffic. The Secretary of State for Foreign and Commonwealth Affairs has overall responsibility for the conclusion and implementation of treaty obligations and responsibility for their application in Overseas Territories.

Policy Considerations

(i) General

5. The UK currently conforms to the overwhelming majority of provisions of the 1968 Vienna Convention, with several parts covered under road traffic legislation, including the Road Traffic Act 1988, the Road Traffic Offenders Act 1988, the Road Traffic Regulation Act 1984, the Traffic Management Act 2004, the Highway Acts 1835 and 1980, the Motor Vehicle (International Circulation) Act 1952 and secondary legislation made under those Acts, as well as being communicated to motorists through the Highway Code.

Highway Code

6. The Highway Code is made under powers set out in the Road Traffic Act 1988 and as such, has similar status to statutory guidance. While many of the Code's rules are mandatory, others are

advisory. Failure to comply with advisory rules may be used in evidence in court proceedings to establish liability. The UK also has respected standards for driving theory and practical tests as well as stringent requirements on the development, and use of the MOT system of vehicle testing.

7. This Convention includes rules for drivers, cyclists and pedestrians and other road users, including requirements to comply with traffic signs, the parking and manoeuvring of vehicles and behavioural expectations of road users.

Trailer Registration

8. While the Convention does not require contracting parties to register trailers, unregistered trailers may be turned away by other contracting parties, or enforcement action taken against them. As such, the government will be introducing a trailer registration scheme to ensure access for UK trailers to other territories which will address outstanding issues faced by the freight industry in a number of EU Member States. It is proposed that registration will be mandatory for all commercial trailers, and the largest non-commercial trailers, that enter international traffic. Voluntary registration will be available for other types of trailer, which includes common trailers, such as caravans or horse boxes.

International Driving Permits

9. The Government also intends to amend the Motor Vehicles (International Circulation) Order 1975 to ensure that 1968 Convention International Driving Permits ("IDPs") can be issued to drivers based in the UK and to ensure the recognition of 1968 Convention IDPs presented by drivers based outside the UK.

Earlier Conventions

10. Once ratified, the 1968 Vienna Convention on Road Traffic Convention will replace earlier Conventions, principally the 1949 Convention, in relation to contracting parties to the 1968 Convention who are also party to the earlier Convention¹. The 1949 Convention will continue to apply between the UK and states that are contracting parties to the 1949 Convention but not the 1968 Convention, for example Australia, Japan, the Republic of Ireland and Spain.

The Use of Automated Vehicle Technology

11. The ongoing development of this technology has the potential to radically improve road safety by reducing human error and will bring the benefits of personal mobility to those who cannot currently drive motor vehicles. Vehicles with these technologies would be able to carry out all the operational functions (for example, steering, acceleration, and braking) and all the tactical functions (for example, rule-based decisions, such as overtaking, the negotiation of a junction, the selection of a suitable headway, or the decision to go ahead or yield to another road user) needed to operate the vehicle on the road.
12. The UK, like many other contracting parties to the Conventions, considers that the testing and use of automated vehicles is not prohibited by either the 1949 Convention or the 1968 Convention. This applies to all automated vehicles, including those where the person driving only decides whether or not to use the automated vehicle, schedules the trip/journey, and chooses waypoints and destinations.

¹ The UK is also party to the 1926 International Convention Relative to Road Traffic done at Paris on 24 April 1926 ("the 1926 Convention"). Once the ratification of the 1968 Convention is complete, the 1926 Convention will only cover relations between the UK and Somalia. Prior to the ratification, the 1926 Convention applies to 3 countries, Brazil, Iraq (which are both party to 1968) and Somalia.

13. The ratification of the 1968 Convention and any changes that are being made will not make any difference on the Government's ambition to keep the UK at the very forefront of developing, testing, and enabling the use of automated vehicles. Indeed, ratification affords the UK an opportunity to better shape the evolution and future direction of both Conventions and the ancillary documents which relate to them, including for automated vehicles.
14. The UK notes that the Global Forum for Road Traffic Safety, the United Nations body responsible for the Conventions, is currently developing an ancillary document with recommendations to help states that are party to one or both Convention to address the integration of automated vehicles in road traffic. The UK is actively participating in the development of this ancillary document. Furthermore, the UK notes that the Forum has agreed that requirements that "*a driver ... shall ... minimise any activity other than driving*" in Article 8(6), should be interpreted with the following principles in mind, and that amendments to either Convention were not needed in this regard.
15. In the case of non-driving activities, the Forum has agreed that:
 - a. When the vehicle is driven by vehicle systems that do not require the driver to perform the driving task, the driver can engage in activities other than driving as long as:
 - i. these activities do not prevent the driver from responding to demands from the vehicle systems for taking over the driving task, and
 - ii. these activities are consistent with the prescribed use of the vehicle systems and their defined functions
16. Article 8(6) also requires "*legislation shall prohibit[s] the use by a driver of a motor vehicle or moped of a hand-held phone while the vehicle is in motion*". The Forum has agreed that Remote Control Parking does not compromise road safety in parking manoeuvres, including when a hand-held phone is used as the remote-control device.

(ii) Financial

17. The additional cost of implementing new systems following ratification is anticipated to be minimal as the UK already conforms to almost all the requirements of the Convention.
18. There will however, be some costs in relation to the provision of a new system for issuing 1968 Convention compliant IDPs, and the provision of a registration system for trailers travelling overseas, which is being introduced by the Haulage Permits and Trailers Bill. This is planned to be introduced in Parliament at the same time as the Command Paper associated with this Explanatory Memorandum.

(iii) Declarations

Highway Code

19. The UK intends to declare that it is compliant with many of the Rules in the Convention through the Highway Code (road safety and vehicle rules) including those which are advisory in nature. Section 38(7) of the Road Traffic Act 1988 states that any failure to observe a provision of the Code can be relied upon in proceedings by any party looking to establish civil or criminal liability. The process for amending or making a new rule is set out in legislation and is similar for the making of a negative procedure statutory instrument.

Distinguishing sign

20. In accordance with Article 45(4), the UK intends to declare that the distinguishing sign it has selected for display in international traffic on vehicles registered by it is "GB" and that the

distinguishing sign that it will use on vehicle registration certificates issued by it, as required by Article 35(1)(c)(i), is "UK".

Mopeds

21. In accordance with Article 54(2), the UK intends to declare that, for the purposes of the application of the 1968 Convention, it treats mopeds as motorcycles.

Electrically Assisted Powered Cycles (EAPC) as pedal cycles

22. The UK intends to declare that, for the purposes of the application of the 1968 Convention, Electrically Assisted Pedal Cycles ("EAPC") meeting the criteria set out in regulations are treated as cycles.

Territorial Extent of this Convention

23. The UK intends to declare that, for the purposes of the application of the 1968 Convention, the effect of Article 48 is limited to the Metropolitan UK and any Crown Dependencies and Overseas Territories that are named in a notification to the Secretary-General made under Article 46(1). Territories that are not named in such a notification will continue with the relations entered into under the 1926 Paris Convention and the 1949 Geneva Convention.

Reservations

24. In accordance with Article 54(5), the UK intends to enter reservations against the following provisions of the 1968 Convention:
- Article 20(6)(b) (pedestrians crossing the highway)
 - Article 23(2)(a) (parking direction)²
 - Article 25 bis (2) (special regulations for tunnels indicated by special road signs)
 - Article 32(6), (8), (9) and (10) (display of lamps by motorbikes during the day and use of parking lamps at night)

Securing and marking of loads (Article 30(4))

25. In relation to Article 30(4) the UK intends to make a partial reservation against this provision. The UK allows several exceptions to the rules contained in this section including for straddle carriers and agricultural vehicles.

Drivers of passenger or goods vehicles temporarily in the UK (Article 41)

26. In relation to Article 41, the UK intends to reserve the right not to permit a person to drive a vehicle, other than one brought into and only temporarily in the UK, if (i) the vehicle is used for the carriage of persons for hire or reward or for the carriage of goods and (ii) the driver of such a vehicle would, by the domestic legislation of the UK, be required to have a special vocational licence.

Implementation of the provisions in the Convention

27. The UK implements the provisions of this Convention through our domestic legislation and regulations. These include the Road Traffic Act 1988, the Road Traffic Offenders Act 1988, the Road Traffic Regulation Act 1984, the Traffic Management Act 2004, the Highway Acts 1835 and 1980, the Motor Vehicle (International Circulation) Act 1952 and secondary legislation made under those Acts. We also demonstrate conformity through The Highway Code which is applicable in

² We are specifically reserving against the second sentence which states "A driver shall not stand or park his vehicle on a carriageway save on the side appropriate, for him to the direction of traffic;"

England, Wales and Scotland, and published on www.gov.uk³. The Highway Code as applicable to Northern Ireland is published on ni.direct.gov.uk⁴

Consultations with the UK Overseas Territories and Crown Dependencies

28. UK Overseas Territories (excluding those without permanent population) and Crown Dependencies have been consulted about the ratification of this Convention, with a number having expressed an interest in extension to their territories. Initial ratification will be on behalf of the UK itself.
29. The Convention and Protocols can be extended to interested territories after the UK has deposited its instrument of ratification, in accordance with Article 46 of the Convention.



This instrument is signed by the Secretary of State for Transport

22.1.18

The Rt. Hon Chris Grayling, Secretary of State for Transport

Date

³ <https://www.gov.uk/guidance/the-highway-code>

⁴ <https://www.nidirect.gov.uk/publications/highway-code-downloadable-version>

