



Department
for Transport

Consultation on amendments to permissible vehicle weights and dimensions, including to incentivise cleaner fuel technologies, and other associated proposals

September 2016

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Foreword



It is vital that the road haulage and passenger transport industries contribute to improving our air quality and addressing climate change. If we are to encourage the uptake of less polluting technologies, or those with lower CO₂ output and global warming potential, it is important that operators running cleaner vehicles do not suffer a competitive disadvantage.

That's why I am seeking views on our proposal to allow certain vehicles to operate at a slightly higher weight to ensure that, for example, electrically-powered vehicles with heavier powertrains (compared to conventionally-fuelled vehicles such as diesel and petrol) are not disadvantaged by having a smaller payload. Our proposals do not require operators to change business practices or to purchase new vehicles. They are deregulatory and go a significant way to incentivise the uptake of less polluting vehicle technologies.

For two-axle buses, an extra weight allowance is proposed for all vehicles, partly due to heavier luggage and loads. There are also some changes connected with shippers' responsibilities, container lengths, definitions of intermodal transport and some five-axle articulated lorries.

The consultation also seeks your views on proposals to simplify the authorisation of gas-fuelled vehicles. I propose to update domestic legislation to reduce current red tape involved in authorising vehicles designed to operate using hydrogen, compressed natural gas (CNG) and liquefied natural gas (LNG). The proposed amendments will enable new vehicles powered by these fuels, which have been type-approved to the relevant fuel system safety and emissions standards, to be used on UK roads without separate authorisation.

This consultation seeks views on several areas where new legislation coming into force across the EU by May 2017 (as a result of Directive 2015/719) prompts changes to domestic legislation. On 23 June, the EU referendum took place and the people of the United Kingdom voted to leave the European Union. Until exit negotiations are concluded, the UK remains a full member of the European Union and all the rights and obligations of EU membership remain in force. During this

period the Government will continue to negotiate, implement and apply EU legislation. The outcome of these negotiations will determine what arrangements apply in relation to EU legislation in the future once the UK has left the EU.

Responses to questions set out here will help to decide whether to take forward the proposals outlined above. I am also asking for additional evidence, which will help us undertake an impact assessment and make future decisions.

I look forward to hearing your views.

A handwritten signature in black ink, appearing to read 'John Hayes', with a horizontal line underneath.

JOHN HAYES MP

Minister of State for Transport

Background

- 1.1 On 23 June, the EU referendum took place and the people of the United Kingdom voted to leave the European Union. Until exit negotiations are concluded, the UK remains a full member of the European Union and all the rights and obligations of EU membership remain in force. During this period the Government will continue to negotiate, implement and apply EU legislation. The outcome of these negotiations will determine what arrangements apply in relation to EU legislation in the future once the UK has left the EU.
- 1.2 Directive (EU) 2015/719 was published on 6 May 2015 and amends an earlier Directive¹ which sets out the maximum authorised weights for certain road vehicles² circulating internationally and maximum authorised dimensions for both national and international traffic within the European Union.
- 1.3 The amending Directive is a positive step towards encouraging environmental and safety changes in the vehicle fleet, by allowing an increase of both length and weight of certain vehicles. Manufacturers will be able to develop more aerodynamic and safer lorries (without loss to load space) by allowing some increases in the maximum authorised length for certain vehicles to facilitate this. The extra length will not be able to be used to increase the load capacity of vehicles.
- 1.4 **Please note that whilst these extra length provisions have been agreed in principle, a technical specification is yet to be agreed for these vehicles. This specification will take the form of amendments to type approval legislation in due course.**
- 1.5 The new Directive will also help industry by increasing the maximum authorised weight by up to one tonne for certain vehicles in International Traffic (as set out in 'The Table of Changes' in Annex 2) which use alternative fuel technologies³. This is so that any extra weight of the powertrain (when compared to a conventional powertrain) does not result in a reduced payload.
- 1.6 **Please note that there will be no increase to the current maximum authorised axle weights. Also, we do not intend to increase the weights or dimensions of any other vehicles.** Whilst maximum axle weights are not being increased, we accept that the actual in-use axle weight of vehicles will

¹ 96/53/EC

² Category M2 and M3 motor vehicles and their trailers of category O and motor vehicles of category N2 and N3 and their trailers of categories O3 and O4.

³ As set out in article 2 of the new Directive 2015/719: "Electricity consumed in all types of electric vehicles, hydrogen, natural gas, including biomethane, in gaseous form (Compressed Natural Gas – CNG) and liquefied form (Liquefied Natural Gas – LNG), Liquid Petroleum Gas (LPG), mechanical energy from on-board storage/on-board sources, including waste heat"

increase slightly from the extra weight afforded to certain vehicles, and have given an estimate of the likely additional road wear in Annex 2. However, experts consulted during negotiations advised that the road damage from weight increases over and above those currently permitted would not be significant. Furthermore, our proposed changes will not affect local authorities' legal rights and ability to restrict vehicles that enter their roads.

Two-axle Buses

- 1.7 The maximum permitted authorised weight of two-axle buses in International Traffic will be increased by 1.5 tonnes. This increase applies to all two-axle buses regardless of their powertrain because of increasingly heavy luggage and loads. It is also to help compensate for additional emissions control components and any alternative fuel technologies that may be used. A photo of a hydrogen-fuelled bus is attached at Annex 4.
- 1.8 The new Directive allows the weight increases, as set out in paragraphs 1.5 and 1.7, when used for international journeys. We propose allowing operators to benefit from these weight increases for domestic journeys as well as international journeys.
- 1.9 The increase of 1.5 tonnes to the maximum gross weight of two axle-buses will apply to both new vehicles and those currently in service. For vehicles that are already in service when the regulations change which have sufficient design capacity, operation at the higher weight may be authorised by the Driver and Vehicle Standards Agency (DVSA) following submission of a notifiable alteration (VTP5) and the fitment of a new manufacturer's plate displaying the revised maximum weight.

Heavy Goods Vehicles and Three-axle Buses

- 1.10 The additional weight that is due to the alternative fuel technology of certain vehicles will be assessed as part of the type approval process. The resulting documentation will specify the additional weight. In the case of goods vehicles, the additional weight will be included in the maximum gross weight of a motor vehicle, displayed on the Ministry Plate, which is required by the Road Vehicles (Construction and Use) Regulations 1986. A photo of a Liquefied Natural Gas tank on a lorry is attached at Annex 4.
- 1.11 For three-axle rigid buses and articulated buses, again the additional weight that is due to the alternative fuel technology will be assessed as part of the type approval process. However, for this category of vehicles the additional weight would be included in the gross vehicle weight column of the vehicle manufacturer's plate required by regulation 66 of the Road Vehicles (Construction and Use) Regulations 1986.
- 1.12 It is anticipated that the masses and dimensions type approval legislation (Commission regulation (EU) No.1230/2012) will be amended in due course to require the assessment of any additional weight that may be due to alternative fuel technologies for such approvals. Likewise, we anticipate amending our

national UK approval schemes (Individual Vehicle Approval and small series) with similar provisions.

Shipper statements of weight

1.13 We are proposing for legislation to require a shipper to give a statement of weight to the haulier who is transporting their container or swap body. The aim of this is to help address the concern that a container or swap body arriving by ship, for example, may be heavier than lorries can carry legally for the onward journey and the haulier otherwise has no way of knowing this. This should also help to protect the operator / driver from being penalised if they are stopped by the police, DVSA or local authorities and the vehicle is found to be overloaded due to the weight of the container or swap body being heavier than expected. If the vehicle is found to be overloaded, the shipper could be found to be liable if they have not provided the statement of weight or if the declared weight is incorrect.

Intermodal transport operations

1.14 Currently, we accept 3 + 2 (three axle motor vehicle + two axle trailer) articulated vehicle combinations to operate at 44 tonnes as part of an intermodal transport operation. The amendments to the Directive extend the provisions for intermodal transport operations to allow 2 + 3 (two axle motor vehicle + three axle trailer) articulated combinations to operate at a maximum weight of 42 tonnes.

1.15 The Road Vehicles (Construction and Use) Regulations 1986 would be amended to reflect these changes. However, as with the pre-existing Directive requirement to accept 3+2 articulated combinations at 44 tonnes, we have no intention to amend our legislation to allow the general operation of 2+3 articulated vehicles at 42 tonnes for national journeys. This is because our existing national regulations encourage the use of six-axle articulated vehicles that have road friendly suspension and twin tyres to reduce structural road damage as far as practically possible.

1.16 Following on from a communication from the European Commission in 2006 (SEC(2006)1581) advising Member States that Directive 96/53/EC allowed the carriage of 45 foot long freight containers even though the maximum permitted vehicle length would be exceeded by 15cm, the new Directive makes it clear that these containers may be legally carried as part of an intermodal transport operation. The new Directive also allows articulated vehicles to carry two containers or swap bodies that have a combined overall length not exceeding 45 feet. The maximum permitted length of articulated vehicles has therefore been increased by 15cm when carrying containers / swap bodies, for all of the different vehicle combinations in paragraph 1.14.

1.17 As a result of amendments to the Directive, previous provisions for Combined Transport will now apply to 'intermodal transport'⁴, which is more broadly defined. Given that 'combined transport operations' only relate to pan-

⁴ Intermodal transport is defined in our draft SI, the relevant part of which is at Annex 3

European journeys, intermodal journeys extend coverage to worldwide operations. This will greatly facilitate the carriage of 45 foot containers.

Removing vehicle special order (VSO) requirements for certain alternative fuels

- 1.18 In addition, we propose to amend The Road Vehicles (Construction and Use) Regulations 1986 to reduce administrative burden in authorising hydrogen and liquefied natural gas (LNG) fuelled vehicles for use on UK roads. At present the regulations prohibit the use of gas-fuelled vehicles (except liquefied petroleum gas) without special authorisation. A blanket authorisation of compressed natural gas (CNG) vehicles has already been implemented by a General Order made in 2003, subject to the vehicles meeting technical requirements laid out in that Order. However, individuals wishing to operate hydrogen or liquefied natural gas (LNG) fuelled vehicles currently have to seek special authorisation to do so, by applying to the Vehicle Certification Agency (VCA) for a Vehicle Special Order (VSO) for each individual vehicle.
- 1.19 Hydrogen and LNG fuelled vehicles are now in production, and relevant fuel system safety standards have been implemented in EU type approval legislation. Consequently the prohibition on the general use of these vehicles in domestic legislation is no longer appropriate and we do not consider it to be in the UK's best interests. We propose to amend this legislation to permit use of hydrogen, natural gas and biomethane fuelled vehicles which have been approved to EU Whole Vehicle, Small Series, National Small Series or Individual Vehicle Approval regimes and were fitted with the gaseous fuel system at the time of their approval. As a result, individuals wishing to use these vehicles will no longer need to obtain a VSO before they can do so.
- 1.20 **Please note that the draft regulations attached at Annex 5 are provided solely to provide an indication of the likely legislative form of the proposals being consulted on. As drafted they are not final and are subject to change in the light of responses to the consultation.**

Seeking Your Views

- 1.21 In this consultation we are seeking views on:
- a) Your preferred policy option
 - b) Information on costs and savings
 - c) Any roadwear costs
 - d) Implementation costs
 - e) Fuel consumption
 - f) The impact on small firms
 - g) Reduction in administrative burden
 - h) Any impacts on safety
 - i) Environmental impacts

How to respond

The consultation period began on 22 September 2016 and will run until 2 November 2016. Please ensure that your response reaches us before the closing date. If you would like further copies of this consultation document, it can be found at www.gov.uk/dft or you can contact the Department if you would like alternative formats (Braille, audio CD, etc).

Please complete the online survey at: www.gov.uk/dft#consultations or send consultation responses by email to freight@dft.gsi.gov.uk or post to

Department for Transport
Weights and Dimensions Directive Consultation Responses,
Zone 3/28, Great Minster House
33 Horseferry Road,
London,
SW1P 4DR.

When responding, please state whether you are responding as an individual or representing the views of an organisation. If responding on behalf of a larger organisation, please make it clear who the organisation represents and, where applicable, how the views of members were assembled.

Freedom of Information

Information provided in response to this consultation, including personal information, may be subject to publication or disclosure in accordance with the Freedom of Information Act 2000 (FOIA) or the Environmental Information Regulations 2004.

If you want information that you provide to be treated as confidential, please be aware that, under the FOIA, there is a statutory Code of Practice with which public authorities must comply and which deals, amongst other things, with obligations of confidence.

In view of this it would be helpful if you could explain to us why you regard the information you have provided as confidential. If we receive a request for disclosure of the information, we will take full account of your explanation, but we cannot give an assurance that confidentiality can be maintained in all circumstances. An automatic confidentiality disclaimer generated by your IT system will not, of itself, be regarded as binding on the Department.

The Department will process your personal data in accordance with the Data Protection Act (DPA) and in the majority of circumstances this will mean that your personal data will not be disclosed to third parties.

Next Steps

The Department wants to consider evidence on all potential effects of the proposed policy option before making a decision on what to do next. A summary of responses, including the next steps, will be published on www.gov.uk/dft. Paper copies will be available on request.

Consultation questions

For each question below please explain the reason(s) for your answer and provide evidence when available. Please note that under our proposals, there is no requirement for operators to take advantage of the extra weight allowances - this will only be done on a voluntary basis.

Options:

Transpose the requirements of the Directive into national law to allow an increase of up to a maximum of 1 tonne gross vehicle weight for certain vehicles using alternative fuel technologies (as listed in footnote 3 on page 6) and allow an extra 1.5 tonnes for all two-axle buses to operate:

Option 1: in international traffic only.

Option 2: in both purely domestic traffic as well as international traffic.

Our proposed policy option is option 2

Q.1 Which option, 1 or 2, do you prefer? Please explain your answer.

Q.2a) What are your views on the anticipated benefits (e.g. economic, environmental, congestion, safety) that:

- i) Option 1 would bring.
- ii) Option 2 would bring

Q.2b) What are your views on the anticipated costs (e.g. economic, environmental, congestion, safety) that:

- i) Option 1 would bring.
- ii) Option 2 would bring

Q.3a) Can you explain and quantify any monetary savings that could be achieved for operators who switch from diesel or petrol to an alternative fuel technology for:

- i) For option 1
- ii) For option 2

Q.3b) Can you explain and quantify any carbon reductions that could be achieved for operators who switch from diesel or petrol to an alternative fuel technology for:

- i) For option 1
- ii) For option 2

Q.3c) Can you explain and quantify any fleet capital costs for operators who switch from diesel or petrol to an alternative fuel technology for:

- i) For option 1
- ii) For option 2

Q.3d) Can you explain and quantify any fleet running costs for operators who switch from diesel or petrol to an alternative fuel technology for:

- i) For option 1
- ii) For option 2

Q.4 How do you think there will be an impact on small firms?

- a) For option 1
- b) For option 2

Q.5 What percentage of haulage operators do you estimate will take advantage of extra weight allowances for vehicles with alternative fuel technologies for (you may attach and reference further information should you wish?):

- a) For option 1
- b) For option 2

Q.6 What percentage of bus operators do you estimate will take advantage of extra weight allowances for 3 axle buses with alternative fuel technologies for (you may attach and reference further information should you wish?):

- a) For option 1
- b) For option 2

Q.7 What percentage of bus operators do you estimate will take advantage of the extra weight allowance for 2 axle buses and use part of this extra weight allowance for alternative fuel technologies for:

- a) For option 1
- b) For option 2

Questions regarding general provisions of the new Directive that we are required to implement and not related to the policy options above

- Q.8** Article 10f of the Directive states that a shipper must give a statement of weight to the haulier who is transporting their container or swap body. Do you believe that this is best achieved as we have set out in the draft regulations (Annex 5), by in part, reflecting a similar requirement in the existing Merchant Shipping (Carriage of Cargoes) Regulations 1999?
- Q.9a)** Do you believe there will be any costs from this new provision and can you provide any evidence as to what the scale of these costs might be?
- Q.9b)** Do you believe there will be any benefits from this new provision and can you provide any evidence as to what the scale of these benefits might be?
- Q.10a)** Will formalising the carriage of 45 foot containers (as set out in paragraph 1.16 of the background section) bring about any monetised costs?
- Q.10b)** Will formalising the carriage of 45 foot containers (as set out in paragraph 1.16 of the background section) bring about any benefits?
- Q.11a)** Will there be any costs from allowing the extra 2 tonnes in weight (from 40tonnes to 42tonnes) for articulated vehicles comprising a two-axle tractor unit drawing a three-axle semi-trailer as part of an intermodal transport operation?
- Q.11b)** Will there be any benefits from allowing the extra 2 tonnes in weight (from 40tonnes to 42tonnes) for articulated vehicles comprising a two-axle tractor unit drawing a three-axle semi-trailer as part of an intermodal transport operation?
- Q.12** What percentage of operators do you believe will use these provisions in question 11 for intermodal journeys (you may attach and reference further information should you wish?):

Questions regarding the proposal to rescind the requirement of a vehicle special order (VSO) for type-approved hydrogen and gas powered vehicles

- Q.13** Do you agree with the proposed approach of amending the Construction and Use regulations to permit use of hydrogen, natural gas and biomethane fuelled vehicles that have been type approved to relevant EU gas fuel system safety standards?
- Q.14a)** What, if any, are the estimated costs for users of these vehicles associated with this proposal?
- Q.14b)** What, if any, are the estimated benefits for users of these vehicles (e.g. in administrative time saving through not having to apply for VSOs)?

Q.15 Should the Construction and Use amendments also remove the need for VSOs for post registration converted vehicles (provided the fuel system components have been approved to EU gas fuel system safety standards and installed correctly)?

Further views

Q.16 Any further comments on the proposals in this consultation (you may attach and reference further information should you wish)?

Q.17 Any general comments about the draft regulation?

Annex 1 Consultation principles

The consultation is being conducted in line with the Government's key consultation principles which are listed below. Further information is available on the Better Regulation Executive website at <https://update.cabinetoffice.gov.uk/resource-library/consultation-principles-guidance>

If you have any comments about the consultation process please contact:

Consultation Co-ordinator
Department for Transport
Zone 1/14 Great Minster House
London SW1P 4DR
Email consultation@dft.gsi.gov.uk

Consultation principles

- departments will follow a range of timescales rather than defaulting to a 12-week period, particularly where extensive engagement has occurred before;
- departments will need to give more thought to how they engage with and consult with those who are affected;
- consultation should be 'digital by default', but other forms should be used where these are needed to reach the groups affected by a policy; and

the principles of the Compact between government and the voluntary and community sector will continue to be respected.

Annex 2

Goods vehicles - table of principal weight changes

		Max weights permitted (kg)			
Vehicle configuration	Total no of axles	Current GB maximum weight limits for national traffic	Directive 96/53/EC limits for international traffic (before amendments)	Amendments to Directive 96/53/EC (for international traffic) by (EU) 2015/719	Proposed additional amendments to GB maximum weight limits for national traffic
Rigid motor vehicles	2	18000	18000	18000 (+ a max of 1 additional tonne where the vehicle is approved with an alternative fuel powertrain) <i>Est max additional road wear 7%²</i>	18000 (+ a max of 1 additional tonne if the vehicle is approved with an alternative fuel powertrain) <i>Est max additional road wear 7%²</i>
	3	26000	26000	26000 (+ a max of 1 additional tonne where the vehicle is approved with an alternative fuel powertrain) <i>Est max additional road wear 9%²</i>	26000 (+ a max of 1 additional tonne if the vehicle is approved with an alternative fuel powertrain) <i>Est max additional road wear 9%²</i>
Articulated vehicles	5	40000 (44000 ¹ 3+2 combinations)	40000 (44000 ¹ 3+2 combinations)	(42000 ¹ 2+3 combinations) <i>Est max additional road wear for 42000 (2+3 combinations) is c22% less than the 44000 3+2 combinations already permitted.²</i>	N/A

Buses - table of principal weight changes

		Max weights permitted (kg)			
Vehicle configuration	Total no of axles	Current GB maximum weight limits for national traffic	Directive 96/53/EC limits for international traffic (before amendments)	Amendments to Directive 96/53/EC (for international traffic) by (EU) 2015/719	Proposed amendments to GB maximum weight limits for national traffic
Rigid Bus	2	18000	18000	19500 <i>Est max additional road wear 12%²</i>	19500 <i>Est max additional road wear 12%²</i>
	3	26000	26000	26000 (+ a max of 1 additional tonne where the vehicle is approved with an alternative fuel powertrain) <i>Est max additional road wear 9%²</i>	26000 (+ a max of 1 additional tonne if the vehicle is approved with an alternative fuel powertrain) <i>Est max additional road wear 9%²</i>
Articulated bus	3	28000	28000	28000 (+ a max of 1 additional tonne where the vehicle is approved with an alternative fuel powertrain) <i>Est max additional road wear 4.5%²</i>	28000 (+ a max of 1 additional tonne where the vehicle is approved with an alternative fuel powertrain) <i>Est max additional road wear 4.5%²</i>

¹ Operation at over 40000kg is restricted to Intermodal Transport Operations.

² Estimated maximum additional structural road wear resulting from weight increases (for those motor vehicles that are approved with an alternative fuel powertrain to operate at the maximum 1t increase to their maximum GVW).

Note: these estimates are based solely on increases to in-use axle weights of vehicles operating at their maximum GVW.

Annex 3

““intermodal transport operation” means transport operations engaged in 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 vehicle 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 suitable transport terminal.”

Annex 4

A hydrogen-fuelled hybrid electric bus:



A Liquefied Natural Gas tank on a lorry:



Annex 5

DRAFT STATUTORY INSTRUMENTS

2016 No.

ROAD VEHICLES

The Road Vehicles (Masses and Dimensions) Regulations 2016

<i>Made</i> - - - -	<i>2016</i>
<i>Laid before Parliament</i>	<i>2016</i>
<i>Coming into force</i> - -	<i>2016</i>

The Secretary of State for Transport makes the following Regulations in exercise of the powers conferred by section 41 of the Road Traffic Act 1988⁽⁵⁾.

In accordance with section 195(2) of the Road Traffic Act 1988, the Secretary of State has consulted representative organisations as he sees fit.

Citation and Commencement

1. These Regulations may be cited as the Road Vehicles (Masses and Dimensions) Regulations 2016 and come into force on [] 2016.

PART 1

Amendments to the Road Vehicles (Authorised Weight) Regulations 1998

Amendment of Regulations

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

Interpretation

3.—(1) Regulation 2(1) is amended as follows.

(2) After the definition of “the 1986 Regulations”, insert—

““alternative fuels” means fuels or power sources which serve, at least partly, as a substitute for fossil oil sources in the energy supply to transport and which have 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;

⁽⁵⁾ 1988 c.2; section 41 was amended by the Road Traffic Act 1991, Schedule 4, paragraph 50 and Schedule 8.

- (b) hydrogen;
 - (c) natural gas, including biomethane, in gaseous form (Compressed Natural Gas – CNG) and liquefied form (Liquefied Natural Gas – LNG);
 - (d) liquefied Petroleum Gas (LPG);
 - (e) mechanical energy from on-board storage or 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;”
- (3) After the definition of “first used”, insert—
- ““Framework Directive” means Directive 2007/46/EC of the European Parliament and of the Council of 5 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⁽⁶⁾.”
- (4) After the definition of “gas”, insert—
- ““intermodal transport operation” means transport operations engaged in the transport of one or more containers of swap bodies, where all of the follow conditions are met—
- (a) the total maximum length of the vehicle 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 suitable transport terminal.”
- (5) After the definition of “m”, insert—
- ““Masses and Dimensions Directive” means Council Directive 96/53/EC of 25 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⁽⁷⁾.”
- (6) After the definition of “semi-trailer” insert—
- ““shipper” means a legal entity or a natural or legal person who is named on the bill of lading or on an equivalent transport document, such as a “through” bill of lading, as the shipper and/or in whose name or on whose behalf a contract of carriage has been concluded with the transport company.”

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) Regulation 4 (Maximum authorised weights) is amended as follows.

- (2) In paragraph (1), for “paragraph (2)”, substitute “paragraphs (2) and (3)”.
- (3) After paragraph (2), add—

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

⁽⁶⁾ OJ L 263, 9.10.2007, p.1.

⁽⁷⁾ OJ L 235, 17.9.1996, p. 59.

- (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 powertrain exceeds the weight of a conventional powertrain by a specified amount, and
- (b) the weight of the alternative fuel powertrain is included in the maximum permitted gross or train weight specified on any plates required by regulation 66 and regulation 70 of the Road Vehicles (Construction and Use) Regulations 1986.

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

Schedule 1 (Maximum Authorised Weights for Vehicles)

6.—(1) Schedule 1 is amended as follows.

(2) In paragraph 1(1)—

- (a) for “paragraph 2”, substitute “paragraphs 2 and 3”, and
- (b) in Table 1—
 - (i) in item 1 insert the words “that is not a bus” after the description of vehicle, and
 - (ii) after item 1 insert—

“1A	Rigid motor vehicle that is a bus	2	19500”
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(3) After paragraph 1(2), add—

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

Information about the Weight of a Container

7. After regulation 5 insert—

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

(2) The haulier must provide access to all documentation relevant to (1) provided by the shipper to enforcement authorities.”

Review

8. After Regulation 6 insert—

“Review

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

- (a) carry out a review of those parts of the regulations which have been amended by Regulation 2016/xxx,
- (b) set out the conclusions of the review in a report, and
- (c) publish the report.

(2) In carrying out the review the Secretary of State must, so far as is reasonable, have regard to how Directive 2015/719 is implemented in other member States and countries which are subject to the obligation.

(3) The report must in particular—

- (a) set out the objectives intended to be achieved by the regulatory system established by these regulations,
- (b) assess the extent to which those objectives are achieved, and
- (c) assess whether those objectives remain appropriate and, if so, the extent to which they could be achieved with a system that imposes less regulation.

(4) The first report under this regulation must be published before the end of five years beginning with the day on which these regulations come into force.

(5) Reports under this regulation are afterwards to be published at intervals not exceeding five years.”

PART 2

Amendments to the Road Vehicles (Construction and Use) Regulations 1986

Amendment of Regulations

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

Interpretation

10.—(1) The table in regulation 3(2) is amended as follows.

(2) After the row in which the expression “Framework Directive” is given a meaning, insert—

“fuel cell	A device in which hydrogen reacts with oxygen, creating water and generating an electric current.”
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(3) Where the expression “gas-fired appliance” is given a meaning, omit “.” and insert—

“, nor

(d) a fuel cell.”

(4) After the row in which the expression “statutory power of removal” is given a meaning, 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 therein.”
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Length

11.—(1) Regulation 7 is amended as follows.

(2) 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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(3) In sub-paragraph (6)(a)—

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

(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

12.—(1) Regulation 8 is amended as follows.

(2) In the Table in paragraph (1), after “A refrigerated vehicle” insert “, conditioned container or swap body”.

(3) In paragraph (4)—

(a) at the end of the definition of “refrigerated vehicle”, for “.” substitute “; and”;

(b) after the definition of “refrigerated vehicle” insert—

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

Hydrogen and Natural Gas

13.—(1) For Regulation 40(2A) substitute—

“(2A) A vehicle which first used liquefied petroleum gas as a fuel for its propulsion on or after 13th November 1999 shall comply with the provisions of Schedule 5 or ECE Regulation 67.01.

(2B) A vehicle that is fitted with a hydrogen fuel system or a natural gas fuel system must have been approved under the Road Vehicles (Approval) Regulations 2009 for that system at the time of registration.”.

(2) In regulation 94(2), after the words “liquefied petroleum gas” insert the words “or hydrogen or natural gas”.

Plates for Buses

14.—(1) Regulation 66 is amended as follows.

(2) after paragraph (7) insert—

“(8) A maximum gross weight in Great Britain of 18000 kg may be displayed on the plate of a motor vehicles with two axles which falls within paragraph 1(b) and is first used after 31st December 1998 where the maximum gross weight determined in accordance with the Motor Vehicles (Authorised Weight) Regulations 1998 exceeds 18000 kg.”.

Review

15. After Regulation 110 insert—

“Review

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

(a) carry out a review of those parts of the regulations which have been amended by regulation 2016/xxx,

(b) set out the conclusions of the review in a report, and

(c) publish the report.

(2) In carrying out the review the Secretary of State must, so far as is reasonable, have regard to how Directive 2015/719 is implemented in other member States and countries which are subject to the obligation.

(3) The report must in particular—

(a) set out the objectives intended to be achieved by the regulatory system established by these regulations,

(b) assess the extent to which those objectives are achieved, and

(c) assess whether those objectives remain appropriate and, if so, the extent to which they could be achieved with a system that imposes less regulation.

(4) The first report under this regulation must be published before the end of five years beginning with the day on which these regulations come into force.

(5) Reports under this regulation are afterwards to be published at intervals not exceeding five years.”

Exceptions relating to combined transport operations

16.—(1) Schedule 11A is amended as follows.

(2) In paragraphs (3) and (6)—

- (a) After the word “railhead”, wherever it occurs, insert the words “or water transport terminal”;
- (b) After the word “railway”, wherever it occurs, insert the words “or waterborne transport”.

(3) In paragraph 9(1)—

- (a) in the definition of “bi-modal vehicle”, after “vehicle” insert “or for waterborne transport”;
- (b) in the definition of “relevant contract”, after “railway” insert “or waterborne transport”;
- (c) in the definition of “relevant receptacle”, after “railway vehicles” insert “or waterborne transport”;
- (d) After the definition of “road semi-trailer” insert—

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

- (a) vehicles from the ground or from a railway vehicle onto a waterborne vessel, or
- (b) relevant receptacles from the ground or from road or rail vehicles onto waterborne vessels,
or
- (c) road-rail semi-trailers from the ground onto waterborne vessels,
or vice versa.”

(4) For paragraph 9(3) substitute—

“(3) In these Regulations, a reference to a combined 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 vehicle 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 suitable transport terminal.”.

Signed on authority of the Secretary of State

Parliamentary Under Secretary of State
Department for Transport

Date

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations, which come into force on [...], amend the Road Vehicles (Authorised Weight) Regulations 1998 (S.I. 1998/3111) and the Road Vehicles (Construction and Use) Regulations 1986 (S.I. 1986/1078) in relation to the maximum authorised dimensions in national and international traffic and the maximum authorised weights in international traffic within the European Community, in order to implement Commission Directive 2015/719 amending Council Directive 96/53/EC. These Regulations also amend the Road Vehicles (Construction and Use) Regulations 1986 to remove the need 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.

Regulations 5 and 6 increase the maximum authorised weights permitted by certain buses and alternatively fuelled vehicles.

Regulation 7 requires the shipper to supply the haulier with documentation stating the gross weight of any container or swap body to be transported. The haulier must make this information available to enforcement authorities.

Regulations 10 to 12 increases the maximum authorised length and width of various types of articulated vehicles engaged in an intermodal transport operation.

Regulation 13 permits the use of hydrogen-fuelled and natural gas-fuelled vehicles on public roads provided their fuel systems have been approved to the relevant EU or UN-ECE Regulations.

Regulation 14 permits a two axle bus to display a plate of 18000 kg.

Regulations 8 and 15 require the Secretary of State to review the operation and effect of these Regulations and publish a report within five years after they come into force and within every five years after that. Following a review it will fall to the Secretary of State to consider whether the Regulations should remain as they are, or be revoked or be amended. A further instrument would be needed to revoke the Regulations or to amend them.

A full regulatory impact assessment of the effect that this instrument will have on the costs of business is available from [...]