

EXPLANATORY MEMORANDUM TO
THE MOTOR VEHICLES (CONSTRUCTION AND USE) (AMENDMENT)
REGULATIONS (NORTHERN IRELAND) 2016

2016 No. 160

1. Introduction

- 1.1. This Explanatory Memorandum has been prepared by the Department of the Environment to accompany the Statutory Rule (details above) which is laid before the Northern Ireland Assembly.
- 1.2. The Statutory Rule is made under Articles 55 and 110 of the Road Traffic (Northern Ireland) Order 1995 and is subject to the negative resolution procedure.

2. Purpose

- 2.1. The purpose of the Statutory Rule (“SR”) covered by this Memorandum is to amend the Motor Vehicles (Construction and Use) Regulations (Northern Ireland) 1999 (“the 1999 Regulations”) to increase the maximum permitted speed for wheeled agricultural tractors (“category T tractors”) from 20 mph to 40 km/h. It also increases the maximum laden weight for certain category T tractor and wheeled agricultural trailer combinations from 24,390 kg to 31,000 kg.

3. Background

- 3.1. The maximum speed limit for category T tractors with or without a trailer is currently set at 40 mph by the Motor Vehicles (Speed Limits) Regulations (Northern Ireland) 1989. However the 1999 Regulations set out certain technical requirements for tractors and require those that are driven above 20 mph to meet certain higher requirements. Most tractors did not meet the higher requirements and so could legally only be driven at speeds up to 20 mph.
- 3.2. The maximum authorised laden weight for most category T tractor and trailer combinations had been set at 24,390 kg by the 1999 Regulations.
- 3.3. However, since the introduction of the 1999 Regulations vehicle technology has moved on considerably and as a result tractors have become heavier and larger. They have also benefitted from improved design and manufacturing standards, including better braking systems.
- 3.4. In 2011 a report from the Independent Farming Regulation Taskforce recommended that the Government examine the maximum speed limits for category T tractors and the maximum weights of category T tractor and trailer combinations with a view to reflecting the current capabilities of modern agricultural vehicles.

- 3.5. Modern tractors are designed to travel safely at speeds of up to, or above, 40 km/h and in many EU countries can travel at up to 40 km/h. A 20 mph speed restriction therefore unnecessarily restricts farmers in Northern Ireland, adding time and cost on to their business.
- 3.6. Accordingly, these Regulations allow category T tractors and trailers which meet the technical standards set by the 1999 Regulations to travel at 20 mph, to now travel at 40 km/h without changes to their construction. For other agricultural vehicles the existing requirements and restrictions will continue to apply.
- 3.7. The previous 24,390 kg weight restriction on tractor and trailer combinations encouraged the use of smaller tractors to pull large trailers in order to maximise the amount of produce that could be carried within the overall maximum permitted weight. However tractors matched to the size of trailer they are pulling will tend to have better handling and control, and be safer.
- 3.8. These Regulations provide for a new weight restriction of 31,000 kg which will permit fewer journeys, as using large tractors will enable more produce to be carried per journey and hence the risk of incidents will be lower. It will only apply to category T tractors towing a wheeled agricultural trailer. For other combinations including those with other agricultural motor vehicles, multiple trailers or combinations, the existing restrictions will continue to apply.

4. Consultation Outcome

- 4.1. A consultation exercise was carried out by the Department from 26th May 2015 to 7th July 2015 and five responses were received. Overall the respondents supported the proposals.

5. Equality Impact

- 5.1. In accordance with its duty under section 75 of the Northern Ireland Act 1998, the Department conducted a screening exercise on the proposals and concluded that they do not have significant implications for equality of opportunity.

6. Regulatory Impact

- 6.1. A Regulatory Impact Assessment was not considered necessary following the significant regulatory impact assessment carried out by the Department for Transport (“DFT”). The Department is content that these changes will have the same positive impact in Northern Ireland in terms of road safety and infrastructure, efficiency and competitiveness in the agricultural sector and reduced emissions that were suggested by the DFT assessments.

7. Financial Implications

7.1. The Department has considered the financial implications and concluded that there will be no adverse impact in terms of costs to the industry.

8. Section 24 of the Northern Ireland Act 1998

8.1. The Department has considered the matter of Convention Rights and Community Law and is satisfied that the proposed legislation is compatible with section 24 of the Northern Ireland Act 1998.

9. EU Implications

9.1. The Regulations were notified to the European Commission as technical Regulations under Directive 98/34/EC. The Commission confirmed that no comments or detailed opinions were submitted on the notification.

10. Parity or replicatory measure

10.1 The Rule replicates the corresponding Great Britain Statutory Instrument, The Road Vehicles (Construction and Use) (Amendment) Regulations 2015 (SI 2015 No. 142).

11. Additional information

11.1. Not applicable.