

## **EXPLANATORY MEMORANDUM TO**

### **THE MOTOR VEHICLES (AUTHORISED WEIGHT) AND (CONSTRUCTION AND USE) (AMENDMENT) REGULATIONS (NORTHERN IRELAND) 2017**

**2017 No. 191**

#### **1. Introduction**

- 1.1. This Explanatory Memorandum has been prepared by the Department for Infrastructure to accompany the Statutory Rule (details above) which is laid before the Northern Ireland Assembly.
- 1.2. The Statutory Rule is made under section 2(2) of the European Communities Act 1972 and Articles 55 and 110(2) 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 facilitate the implementation of Commission Directive 2015/719 of the European Parliament and of the Council of 29<sup>th</sup> April 2015 (“the Directive”) which amends Council Directive 96/53/EC on the maximum authorised dimensions in national and international traffic and the maximum authorised weights in international traffic.
- 2.2. Accordingly, the SR amends provisions in domestic legislation relating to the maximum authorised length, width and weight of certain vehicles. It 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. The SR also requires the shipper to supply the haulier with documentation stating the gross weight of any container or swap-body to be transported and the haulier to make all relevant information supplied by the shipper available to the enforcement authorities.
- 2.3. The SR will also allow certain hydrogen, compressed natural gas and liquified natural gas fuelled vehicles to operate without the requirement for a Vehicle Special Order (VSO). This will enable type-approved new vehicles powered by these fuels to be used on public roads without separate authorisation and will reduce the administrative burden on drivers of these vehicles.

#### **3. Background**

- 3.1. The objective of the Directive is to reduce greenhouse gas emissions, especially carbon dioxide (CO<sub>2</sub>), to respond to technological developments and changing market needs and to facilitate intermodal transport operations. In particular, it

encourages environmental and safety changes in the vehicle fleet by allowing an increase of both length and weight of heavy goods vehicles and buses.

- 3.2. The Directive requires Member States to allow up to one tonne extra weight for certain vehicles using certain alternative fuel technologies to account for their heavier powertrains when compared to more conventional engines such as petrol or diesel. The maximum weight of two-axle buses is also increased by one and a half tonnes. The Directive will also enable manufacturers to develop more aerodynamic, fuel efficient and safer lorries (without loss of 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 the vehicles. There is also extra length allowed for vehicles that are engaged in intermodal transport operations, that will facilitate the movement of 45 foot containers, which are slightly too long to be carried legally on vehicles.
- 3.3. The Directive therefore removes significant barriers to the uptake of low emission heavy duty vehicles that are powered by cleaner alternative fuels, such as electricity or natural gas (methane). Typically buses and lorries operating on alternative fuels suffer a reduction in payload due to the additional mass of components fitted (such as batteries or additional fuel tanks for gaseous fuels) when compared to conventionally fuelled power trains. The Commission's view is that this measure will help incentivise uptake of these less polluting technologies and help improve air quality.
- 3.4. The Directive also requires that Member States lay down legislation to the effect that shippers must provide an accurate statement of weight to hauliers to whom they entrust their containers or swap bodies. This is to ensure an appropriate shared legal liability exists between the haulier and shipper in the event of an overweight container being stopped by enforcement authorities.
- 3.5. The SR amends the Motor Vehicles (Authorised Weight) Regulations (Northern Ireland) 1999 in order to-
  - increase the maximum authorised weights permitted for certain buses and alternatively fuelled vehicles; and
  - require the shipper to supply the haulier with documentation stating the gross weight of any container or swap-body to be transported and to require the haulier to make all relevant information provided by the shipper available to the enforcement authorities.
- 3.6. The SR also amends the Motor Vehicles (Construction and Use) Regulations (Northern Ireland) 1999 in order to-
  - increase the maximum authorised length and width of various types of articulated vehicles engaged in intermodal transport operations;
  - permit, without the need for a VSO, 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; and

- permit certain two-axle buses to display a plate of 18000 kg where the maximum gross weight applicable exceeds 18000 kg;

3.7. A Transposition Note has been prepared and is published alongside this memorandum.

#### **4. Consultation**

4.1. A consultation exercise was carried out between November 2016 and January 2017. The Department consulted on options to allow the proposed increases of weight and dimensions to operate either-

- Option 1: in international traffic only (as per the requirement of the Directive); or
- Option 2: in both purely domestic traffic as well as international traffic.

Responses were received from the Road Haulage Association and the Freight Transport Association. There was overall support from both respondents for the Department's preferred option to allow weight and dimension increases for both international and domestic haulage. Respondents highlighted that the option to allow weight and dimension increases for international haulage only would give international hauliers a competitive advantage over domestic hauliers.

#### **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 implications for equality of opportunity. The measures will not affect any group disproportionately. In light of this the Department considers that an equality impact assessment is not necessary.

#### **6. Regulatory Impact**

6.1. A Regulatory Impact Assessment ("RIA") was carried out and is published alongside this memorandum. It concluded that businesses will not be adversely affected by the changes and will in fact benefit if they chose to make use of the new provisions.

#### **7. Financial Implications**

7.1. There are likely to be transitional and familiarisation costs for hauliers who wish to elect to run vehicles using alternative fuel sources. However this will not impact on those hauliers who do not chose to use alternative fuel technologies in their fleet.

7.2. There are no financial implications for the Department as a result of the introduction of the SR.

## **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 SR will ensure compliance with the requirements of the Directive.

## **10. Parity or replicatory measure**

10.1 The SR is based on similar provisions contained in the GB Statutory Instrument 2017 No. 881

## **11. Additional information**

11.1. The Statutory Rule will be supported by guidance which will be made available at <https://www.infrastructure-ni.gov.uk/publications>