
EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations relate to the provisions of Part 3 of the Transport (Scotland) Act 2001 which enable road user charging schemes (“charging schemes”) to be made.

Section 53(1)(c) of the 2001 Act requires a charging scheme to specify the classes of motor vehicles in respect of which charges are imposed. Section 67(2) of the Act requires classes for these purposes to be described by regulations.

Regulation 2(1) provides for the classes of motor vehicles listed in the Schedule to the Regulations to be classes of motor vehicles for the purposes of Part 3 of the 2001 Act.

Regulation 2(2) and (3) provides that in relation to Parts IV and V of the Schedule, certain classes of motor vehicles (which are described by reference to their maximum mass) are not specified in relation to charging schemes which specify charges for certain classes of motor vehicles (which are described by reference to the number of their axles). The effect of these provisions is to ensure that a charging scheme cannot impose charges for classes of motor vehicles by reference to their maximum mass as well as the number of their axles.

The definitions of classes of motor vehicles in Part II of the Schedule are based on definitions in Article 1 of Council Directive [92/61/EEC](#) of 30th June 1992 relating to the type-approval of two or three-wheel motor vehicles (O.J. No. L 225, 10.08.92, p.72).

The definitions of classes of motor vehicles in Parts III, IV and V of the Schedule are based on the definitions in Annex II of Council Directive [70/156/EEC](#) of 6th February 1970 on the approximation of the laws of the Member States relating to the type-approval of motor vehicles and their trailers (O.J. L 42, 23.02.70, p.1) as last amended by Directive [98/91/EC](#) (O.J. L 11, 16.01.99, p.25).

Copies of the Directives referred to in this Explanatory Note can be obtained from the Stationery Office.