

Draft Regulations laid before Parliament under paragraph 13(1) of Schedule 8 to the European Union (Withdrawal) Act 2018, for approval by resolution of each House of Parliament.

DRAFT STATUTORY INSTRUMENTS

2023 No. 0000

ROAD TRAFFIC

**The Road Vehicles (Authorised Weight)
(Amendment) Regulations 2023**

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| <i>Made</i> | - - - - | 2023 |
| <i>Coming into force</i> | - - | 2023 |

The Secretary of State makes the following Regulations in exercise of the powers conferred by section 41(1), (2)(d), (3) and (5) of the Road Traffic Act 1988 (the “1988 Act”)(1).

Representative organisations have been consulted in accordance with section 195(2) of the 1988 Act. In accordance with paragraph 13(1) of Schedule 8 to the European Union (Withdrawal) Act 2018(2), a draft of this instrument has been laid before Parliament and approved by a resolution of each House of Parliament.

Citation, commencement and extent

1.—(1) These Regulations may be cited as the Road Vehicles (Authorised Weight) (Amendment) Regulations 2023.

(2) These Regulations come into force on the day after the day on which they are made.

(3) These Regulations extend to England and Wales and Scotland.

Amendment of the Road Vehicles (Authorised Weight) Regulations 1998

2. The Road Vehicles (Authorised Weight) Regulations 1998(3) are amended as follows.

Interpretation

3. In regulation 2 (interpretation), in paragraph (1), after the definition of “wheel”, insert—

(1) 1988 c. 52; section 41 was amended by the Scotland Act 2016 (c. 11), Part 4, section 43, the Road Traffic Act 2006 (c. 49), sections 18(1) and 56, and the Road Traffic Act 1991 (c. 40), Schedule 4, paragraph 50 and Schedule 8.
(2) 2018 c. 16; paragraph 13(1) was amended by the European Union (Withdrawal Agreement) Act 2020 (c. 1), section 41(4), Schedule 5, paragraph 54(1) and (8)(a).
(3) S.I. 1998/3111, amended by: S.I. 2000/3224, S.I. 2001/1125; S.I. 2017/881, S.I. 2020/818; there are other amending instruments but none is relevant.

““zero-emission vehicle” means a vehicle without an internal combustion engine, or with an internal combustion engine that emits less than 1g CO₂/kWh as determined in accordance with Regulation (EC) No 595/2009 of the European Parliament and of the Council(4) and its implementing measures(5) (as that law had effect immediately before IP completion day), or that emits less than 1g CO₂/km as determined in accordance with Regulation (EC) No 715/2007 of the European Parliament and of the Council(6) and its implementing measures(7) (as that law had effect immediately before IP completion day);”.

Maximum authorised weights

4. In regulation 4 (maximum authorised weights)—

- (a) in paragraph (1), for “paragraphs (2) and (3)”, substitute “paragraphs (2), (3), (5), (7) and (9)”;
- (b) in paragraph (3)—
 - (i) after “is increased by”, insert “the additional weight of the alternative fuel power train with”; and
 - (ii) in sub-paragraph (b), omit “or train”;
- (c) in paragraph (4)—
 - (i) after “items 1,” insert “2,”; and
 - (ii) after “6” insert “, 7, 8”;
- (d) after paragraph (4), insert—

“(5) The maximum authorised weight of a relevant alternatively fuelled vehicle combination is increased by the additional weight of the alternative fuel power train with a maximum of 1000kg where—

- (a) a type or individual approval has been granted to the towing vehicle under the Type Approval Regulation or Road Vehicles (Approval) Regulations 2020 which provides evidence that the weight of the alternative fuel power train exceeds the weight of a conventional power train by a specified amount, and
- (b) the weight of the alternative fuel power train is included in the maximum permitted gross train weight specified on any plates required by regulation 66 (plates for goods vehicles and buses) or regulation 70 (ministry plates) of the 1986 Regulations.

(6) A “relevant alternatively fuelled vehicle combination” means a vehicle combination of a type described in items 4, 8, 9, 11 or 12 of Table 3 in Schedule 2 that includes an alternatively fuelled vehicle.

(7) The maximum authorised weight of a relevant zero-emission vehicle is increased by 2000kg where—

- (a) a type or individual approval has been granted to the vehicle under the Type Approval Regulation or Road Vehicles (Approval) Regulations 2020 which

(4) Regulation (EC) No 595/2009 of the European Parliament and of the Council of 18 June 2009 on type-approval of motor vehicles and engines with respect to emissions from heavy duty vehicles (Euro VI) and amending Regulation (EC) No 715/2007 and Directive 2007/46/EC and repealing Directives 80/1269/EEC, 2005/55/EC and 2005/78/EC (OJ L 188 18.7.2009, p. 1).

(5) EUR 2017/1151.

(6) Regulation (EC) No 715/2007 of the European Parliament and of the Council of 20 June 2007 on type-approval of motor vehicles with respect to emissions from light passenger and commercial vehicles (Euro 5 and Euro 6) and on access to vehicle repair and maintenance information (OJ L 171, 29.6.2007, p. 1).

(7) EUR 2011/582; EUR 2017/2400.

provides evidence that the weight of the alternative fuel power train exceeds the weight of a conventional power train by a specified amount, and

- (b) the weight of the alternative fuel power train is included in the maximum permitted gross weight specified on any plates required by regulation 66 (plates for goods vehicles and buses) or regulation 70 (ministry plates) of the 1986 Regulations.

(8) A “relevant zero-emission vehicle” means a zero-emission vehicle of a type described in items 1, 2, 5, 6, 7, 8 or 9 of Table 1 in Schedule 1.

(9) The maximum authorised weight of a relevant zero-emission vehicle combination is increased by 2000kg where—

- (a) a type or individual approval has been granted to the towing vehicle under the Type Approval Regulation or Road Vehicles (Approval) Regulations 2020 which provides evidence that the weight of the alternative fuel power train exceeds the weight of a conventional power train by a specified amount, and
- (b) the weight of the alternative fuel power train is included in the maximum permitted gross train weight specified on any plates required by regulation 66 (plates for goods vehicles and buses) or regulation 70 (ministry plates) of the 1986 Regulations.

(10) A “relevant zero-emission vehicle combination” means a vehicle combination of a type described in items 4, 8, 9, 11 or 12 of Table 3 in Schedule 2 that includes a zero-emission vehicle.”

Schedule 1 (maximum authorised weights for vehicles)

5. In Schedule 1—

- (a) in paragraph 1(1), for “paragraphs 1A and 2”, substitute “paragraphs 1A, 1B and 2”;
- (b) in paragraph 1A—
 - (i) after “items 1,” insert “2,”;
 - (ii) after “6” insert “, 7, 8”;
- (c) after paragraph 1A, insert—

“Maximum authorised weight of a relevant zero-emission vehicle

1B. The vehicles described in items 1, 2, 5, 6, 7, 8 and 9 of Table 1 may exceed the weight specified in column 4 by 2000 kg where the requirements of regulation 4(7) are fulfilled.”

Schedule 2 (maximum authorised weights for vehicle combinations)

6. In Schedule 2—

- (a) in paragraph 1(1), for “paragraph 2”, substitute “paragraphs 1A, 1B and 2”;
- (b) after paragraph 1(5), insert—

“Maximum authorised weight of a relevant alternatively fuelled vehicle combination

1A. The vehicles described in items 4, 8, 9, 11 and 12 of Table 3 may exceed the weight specified in column 4 by 1000 kg where the requirements of regulation 4(5) are fulfilled.

Maximum authorised weight of a relevant zero-emission vehicle combination

1B. The vehicles described in items 4, 8, 9, 11 and 12 of Table 3 may exceed the weight specified in column 4 by 2000 kg where the requirements of regulation 4(9) are fulfilled.”.

Review

- 7.—(1) The Secretary of State must from time to time—
- (a) carry out a review of the regulatory provision contained in these Regulations; and
 - (b) publish a report setting out the conclusions of the review.
- (2) The first report must be published before the end of the period of five years beginning with the date on which these Regulations come into force.
- (3) Subsequent reports must be published at intervals not exceeding five years.
- (4) Section 30(4) of the Small Business, Enterprise and Employment Act 2015⁽⁸⁾ requires that a report published under this regulation must, in particular—
- (a) set out the objectives intended to be achieved by the regulatory provision referred to in paragraph (1)(a);
 - (b) assess the extent to which those objectives are achieved;
 - (c) assess whether those objectives remain appropriate;
 - (d) if those objectives remain appropriate, assess the extent to which they could be achieved in another way which involves less onerous regulatory provision.
- (5) In this regulation, “regulatory provision” has the same meaning as in sections 28 to 32 of the Small Business, Enterprise and Employment Act 2015 (see section 32 of that Act).

Signed by authority of the Secretary of State for Transport

Date

Name
Parliamentary Under Secretary of State
Department for Transport

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend the Road Vehicles (Authorised Weight) Regulations 1998 ([S.I. 1998/3111](#)) (the “1998 Regulations”) by making provision to increase the maximum authorised weights in domestic traffic for certain alternatively fuelled vehicles and certain zero emission vehicles, to support their uptake as part of the move to a net-zero target. Provision already exists to permit similar increases in international traffic.

Regulation 3 amends regulation 2 of the 1998 Regulations to add a definition of “zero-emission vehicle” for the purposes of these Regulations. Definitions and some provisions relevant to alternatively fuelled vehicles had already been inserted into the 1998 Regulations by the Road Vehicles (Authorised Weight) and (Construction and Use) (Amendment) Regulations 2017 ([S.I. 2017/881](#)).

Regulation 4 amends regulation 4 of the 1998 Regulations to replace reference to “maximum permitted gross or train weight” with “maximum permitted gross weight”, and to increase the maximum authorised weights for—

- (a) relevant alternatively fuelled vehicle combinations: with the increase equivalent to the additional weight of the particular alternative fuel power train in excess of a comparable fossil fuel vehicle’s power train, to a maximum of an additional one tonne; and
- (b) relevant zero-emission vehicles and relevant zero-emission vehicle combinations: with the increase of an additional two tonnes in all instances.

Regulation 5 amends Schedule 1 to the 1998 Regulations to increase the maximum authorised weight of a relevant zero-emission vehicle when the relevant requirements are fulfilled.

Regulation 6 amends Schedule 2 to the 1998 Regulations to increase the maximum authorised weight of a relevant alternatively fuelled vehicle combination or a relevant zero-emission vehicle combination when the relevant requirements are fulfilled.

Regulation 7 provides for the Secretary of State to undertake a review of the regulatory provision contained in these Regulations on a five yearly basis.

A full impact assessment has not been produced for this instrument as no, or no significant, impact on the private, voluntary or public sectors is foreseen. An Explanatory Memorandum and a De Minimis Assessment have been produced for this instrument and have been published alongside these Regulations at www.legislation.gov.uk.