

EXPLANATORY MEMORANDUM TO
THE ROAD VEHICLES (CONSTRUCTION AND USE)(AMENDMENT)(NO. 2)
REGULATIONS 2010

2010 No. 964

1. This explanatory memorandum has been prepared by the Department for Transport and is laid before Parliament by Command of Her Majesty.

2. Purpose of the instrument

2.1 This amendment replaces the 2.3 metre maximum width limit, imposed on trailers towed by cars and goods vehicles with a maximum laden weight not exceeding 3500 kg, with a maximum width 2.55 metres, thereby providing harmonisation with European wide construction rules for trailers.

3. Matters of special interest to the Joint Committee on Statutory Instruments

3.1 None

4. Legislative Context

4.1 In Great Britain national rules (Regulation 8 of the Road Vehicles (Construction and Use) Regulations 1986) (C&U) prohibit most classes of vehicle with a maximum gross weight of 3500kg or less (cars and light goods vehicles) from towing trailers with a maximum width exceeding 2.3 metres. The C&U Regulations do permit the use of a trailer wider than 2.3 metres , but not more than 2.55 metres, providing it is towed by a vehicle which when laden has a weight greater than 3500kg.

4.2 The relevant European legislation (Directive 1997/27/EC) specifies masses and dimensions requirements for certain vehicles in order to provide harmonisation of technical requirements in all Member States and to support the internal market. The Directive does not generally permit Member States to prohibit the registration, sale, entry into service or use of vehicles which satisfy the requirements relating to the dimensions set out in its first annex. It permits the approval and therefore use (in EU member states) of trailers with a maximum width of 2.55 metres, although the Directive does not apply to trailers drawn by a two or three wheeled vehicle.

4.3 Compliance with our European obligations concerning the free movement of goods within the EU is mandatory. There is a *prima facie* obligation to amend conflicting National legislation on the maximum widths of trailers and allow trailers with a maximum width of 2.55 metres to be towed by vehicles with a laden weight not exceeding 3500kg. We accept that the safety considerations of extending the current limit by 25 centimetres, to provide European harmonisation as required under EU law are not significant. The UK can therefore no longer safely rely on the public interest exemption of protecting human health specified in article 36 of the Treaty on the functioning of the European Union.

5. Territorial Extent and Application

5.1 This instrument applies to Great Britain only. Northern Ireland is engaged in a parallel process to amend its legislation.

6. European Convention on Human Rights

6.1 As the instrument is subject to the negative resolution procedure and does not amend primary legislation, no statement is required.

7. Policy background

7.1 In Great Britain trailer construction and use is regulated under C&U and Road Vehicle Lighting Regulations 1989 as both amended. However harmonised European construction rules (Directive 2007/46/EC) for vehicles and trailers came into effect on 29 April 2009. European legislation generally permits the approval and therefore use (in EU member states) of trailers with a maximum width of 2.55 metres.

7.2 The restrictions on the use of trailers above 2.3 metres were imposed for reasons of road safety. This limit was set prior to the introduction of EU harmonised rules and the need to meet EU law.

7.3 The objective of this amendment to permit a small increase (25cm) in the width of trailers towed by cars and goods vehicles with a maximum laden weight of 3500kg or less is to align with harmonised European construction rules. The effect of this de-regulatory measure will be to offer consumers a greater choice of trailers, including caravans, which can be towed by cars and light goods vehicles. It will also ensure that we comply with our European obligations to permit EU approved vehicles on our roads.

7.4 This amendment does open up our market and domestic manufacturers might initially face increased competition from existing EU products and depending on consumer demand they may need to increase their range to include wider caravans. If they choose to do so, in the long term this might allow UK manufacturers to directly compete with their EU counterparts.

8. Consultation outcome

8.1 The normal procedure for introducing regulatory amendments requires a 12 week consultation in accordance with Cabinet Office guidelines. However, in this instance a balance was needed between the need to make the harmonising regulations as soon as possible and our obligation to consult on any proposed regulatory changes. Therefore, this consultation ran for 7 weeks.

8.2 The Department consulted on a draft of these Regulations in early 2010. A total of 38 responses were received and, generally, the responses were in support of the proposed width increase. However, there were some individuals who were concerned that the extra width of trailers could affect cyclists, horse riders and possibly pedestrians when used on narrow roads. These comments, however, do not take into account that wider trailers are already being towed by heavier vehicles.

8.3 A response raised concern about the impact of the change on the UK caravan industry if larger European caravans were permitted to be used here without sufficient time for UK industry to design new products to compete. The respondent offered only anecdotal evidence to support this view and we cannot confirm the substance either way. We accept that the short notice for the proposed introduction, as a result of EU infringement, might not provide UK manufacturers with sufficient time to design and develop wider products to compete with European industry immediately. However, we cannot retain a national restriction on width for the purpose of protecting UK manufacturers from competition from manufacturers based in other Member States.

8.4 Consultation responses also raised concerns about Regulation 33 (mirrors) of the Road Vehicles (Construction and Use) Regulations 1986 and whether it may need amending to permit wider mirrors to be fitted to the towing vehicle affording adequate view to the rear. The Department does not believe that amendments are necessary, as the current mirror legislation has sufficient provisions to permit the fitting of wider mirrors to the towing vehicle.

9. Guidance

9.1 The Department will liaise closely with interested parties to ensure this instrument is correctly implemented.

10. Impact

10.1 The impact on business, charities or voluntary bodies is set out in the attached impact assessment. This instrument is effectively deregulatory and harmonising with European regulations. If there is market demand for wider trailers, producers may need to introduce additions to their model range should they wish to compete in the wider trailer market. However, given that regulation already allows wider specifications for larger vehicles this will be at their discretion, and they may already produce for the UK or wider EU market.

10.2 An Impact Assessment is attached to this memorandum.

11. Regulating small business

11.1 The legislation applies to small business.

11.2 This change to legislation is minimal on firms employing up to 20 people and they can continue to operate as they do today because it does not impose any additional burdens unless they wish to expand into the larger trailer (and caravan) market.

11.3 The basis for the final decision on what action to take to assist small business is based on the statutory consultation responses, which support a change to permit wider trailers to be towed by vehicles with a laden weight of 3500kg or less.

12. Monitoring & review

12.1 This amendment is primarily a deregulatory measure and a review is not necessary.

13. Contact

13.1 For enquiries contact - Lawrence Thatcher at the Department for Transport
Tel: 020 7944 2072 or email: lawrence.thatcher@dft.gsi.gov.uk

Summary: Intervention & Options

Department /Agency: Department for Transport	Title: Impact Assessment of increasing the permitted width of certain trailers towed by vehicles with a maximum gross weight of 3500kg or less.	
Stage: Implementation	Version: 1	Date: 16 March 2010
Related Publications: None		

Available to view or download at:

Contact for enquiries: Lawrence Thatcher

Telephone: 02079442072

What is the problem under consideration? Why is government intervention necessary?

In Great Britain national rules prohibit most classes of vehicle with a maximum gross weight of 3500kg or less (cars and light goods vehicles) from towing trailers with a maximum width exceeding 2.3 metres. However, European legislation generally permits the approval and therefore use (in EU member states) of trailers with a maximum width of 2.55 metres. To address this disparity and comply with our European obligations concerning the free movement of goods within the EU, we must amend our National legislation on trailer width. Not doing so could risk infraction proceedings and possible fines from the European Court.

What are the policy objectives and the intended effects?

The objective is to permit a small increase (25cm) in the width of trailers towed by cars and goods vehicles with a maximum gross weight of 3500kg or less. The effect of this de-regulatory measure will be to achieve harmonised rules on trailer width and to offer consumers a greater choice of trailers, including caravans, which can be towed by cars and light goods vehicles. It will also ensure that we comply with our European obligations to accept EU approved vehicles to enter service on our roads.

What policy options have been considered? Please justify any preferred option.

1. (Do Minimum) No change to legislation.
2. Harmonise GB Legislation with the EU. We are obliged to harmonise our UK rules with the EU, this is the preferred option.

When will the policy be reviewed to establish the actual costs and benefits and the achievement of the desired effects?

Ministerial Sign-off For Implementation Impact Assessments:

I have read the impact assessment and I am satisfied that, given the available evidence, it represents a reasonable view of the likely costs, benefits and impact of the leading options.

Signed by the responsible Minister:

Signed by the Parliamentary Under Secretary of State for Transport (Paul Clark)

Paul Clark Date: 23rd March 2010

Summary: Analysis & Evidence

Policy Option: 2	Description: Amend regulations
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ANNUAL COSTS			
ANNUAL BENEFITS			
One-off	Yrs		
£ 0	0		
Average Annual Benefit (excluding one-off)			
£ 0		Total Benefit (PV)	£ 0
<p>Other key non-monetised benefits by 'main affected groups'</p> <p>The amendment would create greater consumer choice, but we do not anticipate any significant change in purchasing patterns with many consumers continuing to purchase existing trailers and caravans.</p>			
One-off (Transition)	Yrs		
£ 0	0		
Average Annual Cost (excluding one-off)			
£ 0		Total Cost (PV)	£ 0
<p>Other key non-monetised costs by 'main affected groups' UK manufacturers, may not immediately be in a position to offer for sale larger "European" trailers and may need time to redesign their product range. However, we do not anticipate any significant change in purchasing patterns and existing products are likely to still be in demand.</p>			

Key Assumptions/Sensitivities/Risks. We have an obligation under the EC Treaty to harmonise our legislation. If we choose to disregard this, we could face infraction proceedings including possible fines. The likely popularity of slightly larger trailers and caravans has not been quantified.

Price Base Year 2009	Time Period Years	Net Benefit Range (NPV) £ 0	NET BENEFIT (NPV Best estimate) £ 0
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What is the geographic coverage of the policy/option?		GB		
On what date will the policy be implemented?		March 2010		
Which organisation(s) will enforce the policy?		VOSA and Police		
What is the total annual cost of enforcement for these organisations?		£ 0		
Does enforcement comply with Hampton principles?		Yes		
Will implementation go beyond minimum EU requirements?		No		
What is the value of the proposed offsetting measure per year?		£ 0		
What is the value of changes in greenhouse gas emissions?		£ 0		
Will the proposal have a significant impact on competition?		No		
Annual cost (£-£) per organisation (excluding one-off)	Micro NQ	Small NQ	Medium NQ	Large NQ
Are any of these organisations exempt?	No	No	No	No

Impact on Admin Burdens Baseline (2005 Prices)		(Increase - Decrease)	
Increase of £ 0	Decrease of £ 0	Net Impact	£ 0

Key: Annual costs and benefits: (Net) Present

Evidence Base (for summary sheets)

1. Introduction

The legislation covering Great Britain (GB) is the “Road Vehicles (Construction and Use) Regulations 1986 (SI 1986/1078) as amended – hereafter known as C&U (GB).

This legislation prohibits motor vehicles (other than motor cycles) with a maximum gross weight which does not exceed 3500kg from towing a trailer with an overall width exceeding 2.3 metres.

The specific legislation which sets out requirements for motor vehicle and trailer overall widths are prescribed in Regulation 8 of C&U (GB). One of the provisions within this Regulation does not permit trailers (incl. caravans) with an overall width exceeding 2.3 metres to be towed by any vehicle (other than a motor cycle) with a maximum gross weight which does not exceed 3500kg. (See annex 1 for definitions of overall width and maximum gross weight).

1.2. Issue

The issue is that the maximum width of trailers is set by our National Regulations. These Regulations prohibit cars and goods vehicles with a maximum weight not exceeding 3500kg (including visiting vehicles) from towing trailers and caravans with an overall width greater than 2.3 metres and conflicts with European “type approval” requirements on trailer construction.

1.3. Rational for government intervention

Under its European obligations the Government must not have disproportionate rules which restrict use of trailers lawfully manufactured and or marketed elsewhere within the internal market. Therefore, we propose to amend National Regulations and harmonise our legislation on trailer width with that of the European Community.

2. Consultation

Stakeholders and interested parties will be invited to comment on our proposal to increase the width of certain trailers to meet our European obligations resulting from Directive 97/27/EC.

Possible benefits and dis-benefits

At this stage, it is very difficult to estimate the likely costs and benefits from the adoption of the EU specifications. This is because there is uncertainty on what effects the change in legislation will have on domestic manufacturers and retailers and their target markets. No quantitative evidence was provided during the consultation

Option 1: No Action – retain non harmonised national rules on trailer width

Costs

The UK government is likely to face financial penalties for non-compliance.

Non-adoption is effectively a barrier to entry. This reduces the variety of products available to the consumer as well as reducing competition in GB market. Manufacturers of larger trailers (built to EU specifications and sold across the EU) face restrictions as their product cannot legally be towed on UK roads by cars and light vans.

Benefits

The European market for 2.3m wide trailers and caravans is likely to be small (limited to products intended for the UK market although this has not been quantified). Domestic manufacturers/retailers may be more dominant in this market.

Option 2: Adoption of EU Specifications.

Costs

Depending upon market demand for wider trailers, producers may need to introduce additions to their stock to be competitive. However, given that the regulation allows wider specification trailers to be towed by heavier vehicles, this will be at their discretion, and they may already produce wider products for the EU market, in which case they will already have goods to the current stock.

Domestic retailers and manufactures potentially face increased competition as trailers built to EU specifications will be allowed to enter the domestic market. Depending on the availability and demand this could impact on domestic manufacturers/retailers.

The safety risk is considered to be low as the increase in size is small (25cm) and is unlikely to be hazardous given that the specifications are permitted and in use throughout the EU. The provision of updated guidance on towing will be considered.

Benefits

- **Harmonised market** - Harmonisation will lead to an increase of products for consumers. Retailers and manufacturers who had sold/produced the products to the EU specification up to the change in legislation now have an increase in their potential market. This can lead to increased sales and orders for domestic firms that are able to compete on this scale of market, leading to expansion and job creation.
- **Consumer choice** - Consumers will benefit from a wider choice of products, being unconstrained by specification they can now choose between domestic and EU produced trailers. Greater competition should drive prices downwards leading to even greater consumer gain.
- **Risk mitigation** - The disparity between domestic and EU regulations effectively served as a barrier to entry of larger EU specification trailers entering the domestic market. Harmonisation will lead to an increase in competition.

Value for Money

Implementing the EU directive is not expected to impose any direct costs to the UK government. At this stage however, the evidence base and analysis of impacts is not considered to be sufficient to allow a firm assessment of the Value for Money of this policy. Broadly, the proposed legislation will have the effect of harmonising GB rules regarding trailer width with the current EU standard.

Adopting the EU standards for trailers will remove a barrier to competition; this could benefit UK producers and consumers. Harmonisation means that those UK retailers and manufacturers that target both the domestic and EU markets will face reduced costs as they can now specialise in selling/producing a single standard product to a single rather than segmented market. There could be some impact on national industry if they don't currently build larger products and wish to extend their range to include such items - this may result in additional costs to bring larger trailers to market. Manufacturers/retailers may also face increased competition from EU counterparts who can now sell their existing products in the UK market.

The costs and benefits that are likely to arise as a result of the legislation are dependent on the market for trailers and to what extent EU trailers may or may not be already be present on UK

roads. While it is quite likely that some positive benefits are to be gained from the legislation, we cannot fully quantify these benefits.

For the policy to provide net benefits overall one would have to assume that the legislation will allow UK retailers and manufacturers to expand their businesses due to the removal of a barrier to trade, and that consumers will benefit from more choice at lower prices. However, given the uncertainties regarding the market structure and without evidence the value for money for the change in legislation is difficult to quantify.

Will the proposal have a significant effect on competition?

The proposal to remove the current national restriction, placed on some vehicles to tow wider trailers, will enable the sale and “use” in GB of products currently manufactured and available in other European Member States. This will increase the range of products available to UK consumers and might increase competition in the market place for wider products.

The extent to which this proposal impacts on UK manufacturers will depend upon a number of factors including, the demand for wider products, the current product range (which might already include wider trailers), and existing exports to Europe.

We are not aware of any quantitative evidence to enable us to provide a definitive view.

Equality Impacts

There is no disability, age, ethnicity/race, gender, sexual orientation or transgender implications resulting from these considerations.

Specific Impact Tests: Checklist

Use the table below to demonstrate how broadly you have considered the potential impacts of your policy options.

Ensure that the results of any tests that impact on the cost-benefit analysis are contained within the main evidence base; other results may be annexed.

Type of testing undertaken	<i>Results in Evidence Base?</i>	<i>Results annexed?</i>
Competition Assessment	Yes	No
Small Firms Impact Test	No	No
Legal Aid	No	No
Sustainable Development	No	No
Carbon Assessment	No	No
Other Environment	No	No
Health Impact Assessment	No	No
Race Equality	Yes	No
Disability Equality	Yes	No
Gender Equality	Yes	No
Human Rights	No	No
Rural Proofing	No	No

ANNEX 1

Definitions (Overall width and Maximum Gross Weight):

Overall width means-

the distance between longitudinal planes passing through the extreme lateral projecting points of the vehicle inclusive of all parts of the vehicle, of any receptacle which is of permanent character and accordingly strong enough for repeated use, and any fitting on, or attached to, the vehicle except—

- (a) any driving mirror;
 - (b) any snow-plough fixed in front of the vehicle;
 - (c) so much of the distortion of any tyre as is caused by the weight of the vehicle;
 - (d) any receptacle specially designed to hold and keep secure a seal issued for the purposes of customs clearance;
 - (e) any lamp or reflector fitted to the vehicle in accordance with the Lighting Regulations;
 - (f) any sideboard which is let down while the vehicle is stationary in order to facilitate its loading or unloading;
 - (g) any fitting attached to part of, or to a receptacle on, a vehicle which does not increase the carrying capacity of the part or receptacle but which enables it to be
 - transferred from a road vehicle to a railway vehicle or from a railway vehicle to a road vehicle;
 - secured to a railway vehicle by a locking device; and
 - carried on a railway vehicle by the use of stanchions;
 - (h) any sheeting or other readily flexible means of covering or securing a load;
 - (i) any receptacle with an external width, measured at right angles to the longitudinal axis of the vehicle, which does not exceed 2.5 m;
 - (j) any empty receptacle which itself forms a load;
 - (k) any receptacle which contains an indivisible load of exceptional width;
 - (l) any receptacle manufactured before 30th October 1985, not being a maritime container (namely a container designed primarily for carriage on sea transport without an accompanying road vehicle)
 - (m) any special appliance or apparatus as described in regulation 81(c) which does not itself increase the carrying capacity of the vehicle; or
 - (n) any apparatus fitted to a bus which enables it to be guided wholly or mainly by means of wheels bearing outwards against fixed apparatus, provided that no part of the apparatus projects more than 75 mm beyond the side of the bus when the wheels of the bus are parallel to its longitudinal axis;
- and the reference in paragraph (n) above to the side of a bus is a reference to the longitudinal plane passing through the extreme lateral projecting points of the vehicle inclusive of all parts of the vehicle, of any receptacle which is of permanent character and accordingly strong enough for repeated use, and any fitting on, or attached to, the vehicle except those items referred to in paragraphs (a) to (n).

Maximum Gross Weight means-

The sum of the weights to be transmitted to the road surface by all the wheels of the motor vehicle (including any load imposed by a trailer, whether forming part of an articulated vehicle or not, on the motor vehicle).

TRANSPOSITION NOTE

This Transposition Note is produced to accompany The Road Vehicles (Construction and Use) (Amendment)(No. 2) Regulations 2010 and shows how the Department has transposed:

Section 7.3.2.1. of Annex I referred to in Article 2 of the Directive 97/27/EC.

For the purpose of this note:-

“Directive 96/53/EC” means Council Directive 96/53/EC of 25 July 1996 laying down for certain road vehicles circulating within the Community the maximum authorised dimensions in national and international traffic and the maximum authorised weights in international traffic.

“Directive 97/27/EC” means Directive 97/27/EC of the European Parliament and of the Council of 22 July 1997 relating to the masses and dimensions of certain categories of motor vehicles and their trailers and amending Directive 70/156/EEC

“Directive 2001/85/EC” means Directive 2001/85/EC of the European Parliament and of the Council of 20 November 2001 relating to special provisions for vehicles used for the carriage of passengers comprising more than eight seats in addition to the driver's seat, and amending Directives 70/156/EEC and 97/27/EC

“Directive 2003/19/EC” means Commission Directive 2003/19/EC of 21 March 2003 amending, for the purposes of adapting to technical progress, Directive 97/27/EC of the European Parliament and of the Council relating to the masses and dimensions of certain categories of motor vehicles and their trailers

“1986 Regulations” means The Road Vehicle (Construction and Use) Regulations 1986, SI 1986/1078, as amended by SI 1988/1871 and 1995/3051.

“2010 Regulations” means The Road Vehicles (Construction and Use) (Amendment)(No. 2) Regulations 2010.

These Regulations do what further is necessary to implement section 7.3.2.1. of Annex I referred to in Article 2 of the Directive 97/27/EC.

Responsibility for the measures described in this transposition note taken to implement part of Directive 97/27/EC as amended by Directives 2001/85/EC and 2003/19/EC lies with the Department for Transport.

Directive 97/27/EC as amended by Directives 2001/85/EC and 2003/19/EC

Article	Objectives	Implementation
Article 2	Article 2 states (amongst other things) that no Member State may refuse entry into service or use of a vehicle on grounds relating to its dimensions if these satisfy the requirements set out in Annex I. The requirements contained in Annex I include a maximum width of 2.55 metres, that being the width for vehicles specified in section 1.2 of Annex I to Directive 96/53/EC.	Regulation 8 (1) of the 1986 Regulations provides for maximum widths for different types of vehicle. This provision is amended by regulation 2 of the 2010 Regulations. This amendment permits trailers up to a maximum width of 2.55 metres to be towed by all motor vehicles apart from those with two and three wheels, as these have their own specific EU requirements.