

*This Statutory Instrument has been made in consequence of a defect in [S.I. 2021/988](#) and is being issued free of charge to all known recipients of that Statutory Instrument.*

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## STATUTORY INSTRUMENTS

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# 2021 No. 1402

## ROAD TRAFFIC

### The Heavy Commercial Vehicles in Kent (No. 2) (Amendment) (No. 2) Order 2021

*Approved by both Houses of Parliament*

<i>Made</i>	- - - -	<i>at 2.42 p.m. on 15th November 2021</i>
<i>Laid before Parliament</i>		<i>at 5.00 p.m. on 15th November 2021</i>
<i>Coming into force in accordance with article 1</i>		

The Secretary of State, being satisfied that it is desirable to do so, makes the following Order in exercise of the powers conferred by section 20(1) and 20(2) of the Road Traffic Regulation Act 1984<sup>(1)</sup>.

This Order does not have effect unless and until it has been approved by a resolution of each House of Parliament<sup>(2)</sup>.

#### **Citation, commencement and extent**

**1.** This Order—

- (a) may be cited as the Heavy Commercial Vehicles in Kent (No. 2) (Amendment) (No. 2) Order 2021;
- (b) comes into force on the day after the day on which it is approved by a resolution of the second House of Parliament to approve it; and
- (c) extends to England and Wales and Scotland.

#### **Amendment of the Heavy Commercial Vehicles in Kent (No. 2) Order 2019**

**2.—**(1) The Heavy Commercial Vehicles in Kent (No. 2) Order 2019<sup>(3)</sup> is amended as follows.

(2) In paragraph (2) of article 3 (restricted access to local roads in Kent), for the text after the definition of “operator’s licence” to the end, substitute—

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(1) [1984 c. 27](#); section 20(3) was substituted by the New Roads and Street Works Act [1991 \(c. 22\)](#), section 168(1) and Schedule 8, paragraph 32.  
(2) See section 20(4) of the Road Traffic Regulation Act 1984.  
(3) [S.I. 2019/1394](#), as amended by [S.I. 2020/1155](#) and [S.I. 2021/988](#).

““the relevant class of road” means all roads in Kent(4) for which National Highways Limited(5), Kent County Council or Medway Council is the traffic authority under section 121A of the Road Traffic Regulation Act 1984(6) other than—

- (a) the A2070 link road from its junction with the A2070 (Bad Munstereifel Road) to Junction 10a of the M20 Motorway;
- (b) the A20 between Greater London’s boundary with Kent (adjacent to the point where the B2173 joins the London-bound carriageway of the A20) and the beginning of the M20 Motorway (Junction 1 near Swanley);
- (c) the A249 between Stockbury Roundabout (Junction 5 of the M2 Motorway) and Newnham Court Roundabout (Junction 7 of the M20 Motorway);
- (d) the A2 between Greater London’s boundary with Kent (approximately 300 metres west of the exit slip road from the coastbound carriageway of the A2 to Old Bexley Lane) and the beginning of the M2 Motorway (Junction 1 near Strood); and
- (e) the A20 between the end of the M20 Motorway (Junction 13) and the end of the A20 (Eastern Docks Roundabout).”.

Signed by authority of the Secretary of State

*Robert Courts*  
Parliamentary Under Secretary of State  
Department for Transport

At 2.42 p.m. on 15th November 2021

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(4) Orders made under section 20 of the Road Traffic Regulation Act 1984 cannot apply to special roads (section 20(3)). Special roads in Kent include the M2, M20, M25 and M26 Motorways.

(5) Company number 09346363.

(6) Section 121A was inserted by the New Roads and Street Works Act 1991 (c. 22), section 168(1) and Schedule 8, paragraph 70, and amended by the Infrastructure Act 2015 (c. 7), section 1(6) and Schedule 1, paragraph 95, to provide for a strategic highways company (i.e. National Highways) to be a traffic authority. There are other amendments but none is relevant.

## EXPLANATORY NOTE

*(This note is not part of the Order)*

This Order amends the Heavy Commercial Vehicles in Kent (No. 2) Order 2019 (“the 2019 Order”). The 2019 Order is one of a series of Orders which enable the movement of cross-Channel lorries in Kent to be controlled by, amongst other things, regulating access to the road network.

The 2019 Order was amended by the Heavy Commercial Vehicles in Kent (No. 2) Amendment Order 2021 (“the First 2021 Order”). In addition to other amendments, the First 2021 Order sought to amend the definition of “the relevant class of road” in the 2019 Order to remove roads leading to Manston Airfield and to include roads providing access to the Channel Tunnel at Folkestone and the Port of Dover and to the Sevington and Ebbsfleet Inland Border Facilities. However, the amendment to the definition of “the relevant class of road” was not made correctly. This Order therefore corrects that error by deleting the relevant wording from the 2019 Order and inserting the correct definition of “the relevant class of road”.

A full Impact Assessment has not been produced for this instrument as it is not expected to have a significant impact on the private, public or voluntary sectors. An Explanatory Memorandum has been prepared for this Order and is available alongside this instrument on the UK Legislation website [www.legislation.gov.uk](http://www.legislation.gov.uk).