

EXPLANATORY MEMORANDUM TO
THE ROAD VEHICLES (CONSTRUCTION AND USE) (AMENDMENT)
REGULATIONS 2015

2015 No. 142

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

2. Purpose of the instrument

2.1 This instrument increases the maximum laden weight limit for most category T tractor (wheeled agricultural tractor) and wheeled agricultural trailer combinations from 24.39 to 31 tonnes (t). It also increases the maximum permitted speed for certain wheeled agricultural tractors and agricultural trailers on public roads in Great Britain from 20mph to 40km/h (approximately 25mph)¹.

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

3.1 None.

4. Legislative Context

4.1 This instrument amends the Road Vehicles (Construction and Use) Regulation 1986 (as amended) (the 1986 regulations).

4.2 The maximum laden weight for combinations of wheeled agricultural vehicles and wheeled trailers is set out in Items 2 and 3 of the table to regulation 76 of the 1986 regulations.

4.3 The 1986 regulations also set out technical requirements that vehicles and trailers must meet in order to be used lawfully on public roads (such as the type of braking system or the condition of the vehicle's tyres).

4.4 Section 86 and Schedule 6 of the Road Traffic Regulation Act 1984 (RTRA 1984) provide that the overarching speed limit applicable to wheeled agricultural motor vehicles (with or without a trailer) when using public roads in Great Britain is 40mph. This is subject to any more restrictive speed limit set out in the RTRA 1984, or a restricted road-specific speed limit.

4.5 In broad terms, the 1986 regulations prescribe two sets of technical standards for agricultural vehicles and agricultural trailers: basic standards and higher standards. The

¹ The maximum permitted speed is being set as 40km/h rather than 25mph, to match other pan-European requirements related to vehicle use.

1986 regulations impose a speed restriction (currently 20 mph) on agricultural vehicles and agricultural trailers that meet the basic set of standards but not the higher set. In consequence, those meeting the lower standard are restricted in speed by the 1986 regulations, while those meeting the higher standard are restricted by the Road Traffic Regulation Act 1984.

4.6 This instrument raises the maximum permitted speed in the 1986 regulations from 20mph to 40km/h for some agricultural vehicles and agricultural trailers. It also increases the maximum laden combination weight limit from 24.39t to 31t for some combinations of agricultural vehicles and trailers.

5. Territorial Extent and Application

5.1 This instrument applies to Great Britain.

6. European Convention on Human Rights

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

7. Policy background

- What is being done and why

7.1 Weight and speed limits are set by Government to balance private interests and social cost. Government intervention is necessary in order to change the limits.

7.2 The 20mph and 24.39t limits for agricultural tractors and trailers in Great Britain were set pre-1986 and regulations have not kept up to date. Since then vehicle technology has moved on considerably and, due to this and changes in farming practices, tractors have become heavier and larger. They have also benefitted from improved design and manufacturing standards – including better braking systems.

7.3 In 2011, the Independent Farming Regulation Task Force² recommended that the DfT should amend the 1986 regulations by making the following changes:

- *The maximum speed limits for tractors should be aligned with the rest of the EU at 40km/h;*
- *The maximum weights of trailers and combinations are increased from 18.29 tonnes and 24.39 tonnes to 21 tonnes and 31 tonnes respectively. We appreciate that, due to other legislation, any machinery of this weight would be required to be*

² https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/69201/pb13527-farm-reg-task-report.pdf

registered with an appropriate scheme to ensure roadworthiness. We understand that such a scheme is being developed by the industry in partnership with the DfT.

7.4 Modern tractors are designed to travel safely at speeds of up to, or above, 40km/h and in many EU countries tractors can travel at up to 40km/h. A 20mph speed restriction therefore unnecessarily restricts British farmers, adding time and cost on to their operations.

7.5 The outdated weight limit has created some unintended consequences. The 24.39t weight restriction to the total combined laden weight of tractors and trailers provides a perverse incentive to use smaller tractors to pull large trailers. This is because farmers want to maximise the amount of produce they can carry within the overall maximum weight allowed. Tractors matched to the size of trailer they are pulling will tend to have better handling and control, and so be safer. The new weight limit of 31t will also permit fewer journeys, as farmers using large tractors are able to carry slightly more produce per trip, and hence the risk of incidents will be lower.

7.6 Wheeled agricultural tractors and agricultural trailers which currently meet the technical standards under the 1986 regulations to travel at 20mph will be able to travel at 40km/h without changes to their construction. For other agricultural motor vehicles (such as combine harvesters) or combinations of vehicles, including agricultural trailed appliances or agricultural trailed appliance conveyors, the existing requirements and restrictions will continue to apply. Wheeled agricultural tractors and agricultural trailers travelling at speeds above 40km/h will still be required to meet the higher technical standards set out in the 1986 regulations, and to comply with additional regulatory requirements as at present.

7.7 The weight limit increase applies only to combinations of wheeled agricultural tractors towing one wheeled agricultural trailer. For other combinations including those with other agricultural motor vehicles, multiple trailers or combinations including agricultural trailed appliances or agricultural trailed appliance conveyors the existing limits will apply.

7.8 Increasing the speed and weight limits for tractors and trailers will:

- better reflect the capabilities of modern agricultural machinery
 - improve the efficiency of the farming sector
 - boost the economy
- Consolidation

7.9 DfT has no current plans to consolidate the instrument amended by this instrument, and does not consider it would be proportionate to do so now.

8. Consultation outcomes

8.1 DfT carried out two separate consultations on 'Examining the Maximum Weights of Agricultural Trailers and Combinations' and 'Examining the Maximum Speed Limit for Tractors on Public Roads'. The consultations were launched on 7 November 2013 and closed 30 January 2014 with the aim of seeking views and evidence on issues including possible effects on safety, emissions, noise, road maintenance and modal shift.

8.2 DfT received 611 responses in total to the two consultations – 304 on weights and 307 on speeds. A broad range of stakeholders responded to the consultations including a number of trade organisations representing the agricultural industry, engineers, manufacturers and the logistics industry; local authorities and parish councils; safety interest groups; individuals and police.

8.3 Respondents generally expressed the view that current regulations on weight and speed limits are out of date and do not reflect the current technological capabilities of modern tractors and trailers. However, many also considered that if the limits were to be increased, it would be important to ensure provisions related to road safety were also considered.

Weights

8.4 The majority of respondents (73%) supported an increase in the laden weight limits of agricultural tractor and trailer combinations. Many respondents felt that the weight limits proposed by DfT within the consultation did not go far enough. Most supported the industry option of 33t maximum train weight for a tandem axle trailer with an axle spacing of greater than or equal to 1.8 metres, and 37t train weight for a tri axle trailer with road friendly suspension.

8.5 The majority of those who were opposed to higher weight limits were concerned that: (a) the increased weight limits would give farmers using tractors a competitive advantage over commercial road haulage operators; and, (b) the use of larger and heavier vehicles might have a detrimental impact on rural road maintenance.

8.6 Some respondents were supportive of additional provisions, on top of the roadworthiness test, including higher technical requirements for vehicles or additional training for tractor drivers or changes to the licensing requirements. DfT considered whether other regulatory measures are needed by examining the characteristics of accidents involving tractors and has decided not to proceed at this stage.

8.7 Over 100 responses provided views on a testing regime for these vehicles, with 92% of respondents (including 90% of farming related responses) being in favour of an annual roadworthiness test, with some calling for all vehicles to be tested and others suggesting that testing should only be obligatory for those operating at higher limits.

Speed

8.8 Around 85% of respondents were in favour of increasing the speed limits for tractors. The majority of these supported an increase beyond 40km/h. DfT does not intend to raise the speed limit beyond 40km/h at this stage, despite the support to do so in the consultation. Some tractors are already allowed to travel at 40mph, because they comply with more stringent requirements.

Road safety

8.9 On weights, 34% of respondents thought that increasing weight limits would not increase the risk of collisions on the road with 23% of respondents expecting the testing of tractors/trailers and training of operators to be a positive contribution to safety. Increasing the combination weight limit will allow farmers to use tractor and trailer combinations that are better matched in terms of their relative weights. DfT consider this should result in better control of the trailer and improved handling of the combination, and thus less likelihood of overturning. The new combination weight limit will also mean farmers can more fully utilise the capacity of larger trailers, encouraging their use. The use of larger trailers should reduce the number of 'overloaded or poorly loaded' agricultural vehicles – a contributory factor in a number of accidents involving tractors.

8.10 Road safety was the main concern for those who opposed an increase in the speed limit. 10% of respondents thought that the increase would have a negative impact on road safety. Very few respondents thought accidents were caused or exacerbated by tractors going too fast, and this is also reflected in the statistics. There were views that tractor accidents related to speed are mainly caused because tractors drive too slowly and this is reflected in the statistics on the cause of accidents. A slightly faster speed could avert some of these accidents. The predicted change in speed is very small, and therefore DfT considers that the impact of the speed limit change on road safety is likely to be very small.

Shift to haulage

8.11 On concerns around a shift away from using haulage firms towards using tractors and trailers for transport of goods, DfT considered the views of respondents – the majority of respondents thought that there would be no shift. DfT considers that tractors' low speed and high fuel consumption mean that they do not present significant competition to haulage - over long distances, a lorry will always be a more efficient and cost effective mode of transport. The majority of tractor journeys are over short distances from field to farm, where it would not be possible to use lorries. The proposed speed limit increase is too small to materially change the relative attractiveness of tractors and lorries as haulage modes.

Road maintenance

8.12 43% of respondents thought that wear and tear would increase as a result of higher weight, and the majority believed that a speed increase would reduce wear and tear or have a minimal impact on it. DfT has further considered this in the impact assessment and considers that the impact of heavier tractor / trailer combinations for the initial increase to 31t combination weight will be small.

Environmental and noise impacts

8.13 The majority of respondents considered that weight limit and speed increases would lead to fuel savings, as farmers would need to make fewer trips to transport produce. However, there were also views that these vehicles will use more fuel per mile as they are more heavily laden. It was therefore not possible to quantify the costs or benefits.

8.14 The majority of respondents considered there would be no significant increase in noise levels.

Compliance and enforcement

8.15 There was an even split from respondents about whether enforcement practices need to change. Respondents to both the weight and speed limit consultations indicated that they thought there was widespread non-compliance with the current limits, reflecting that they are not fit for purpose - the main reason given for non-compliance related to the fact that the current limits were so out of date it is difficult not to exceed them. Respondents provided little actual evidence of this, however. DfT considers that additional enforcement of the current limits is unlikely to be a proportionate use of enforcement officer resource.

Impact on small firms

8.16 Views on how the proposals would impact on small businesses were mixed, with hauliers expressing concern about the impact on small haulage firms, as they predict significant modal shift. As discussed above, DfT does not consider this a likely outcome.

Way forward

8.17 DfT considered all the views provided during the consultation before reaching a decision on the way forward. DfT decided to increase the weight and speed limits of agricultural tractors and trailers and to develop detailed proposals for a roadworthiness test for these vehicles. This statutory instrument provides for moderate increases in speed and weight limits and DfT intends to follow this with further provisions in due course.

8.18 The summary of consultations responses for ‘Examining the Maximum Weights of Agricultural Trailers and Combinations’ can be found:

https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/364561/consultation-response-summary-weights.pdf

8.19 The summary of consultation responses for ‘Examining the Maximum Speed Limit for Tractors on Public Roads’ can be found:

https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/364565/consultation-response-summary-tractor-speeds.pdf

8.20 The Government response report covering both weights and speeds can be found:

https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/364559/government-response-tractor-weights-speeds.pdf

9. Guidance

9.1 DfT will work with stakeholders to ensure the changes are made known. The DfT has factsheets on agricultural tractors and agricultural trailer construction standards, which will be updated to reflect the new requirements and made available.

10. Impact

10.1 The impact on business, charities and voluntary bodies is deregulatory.

10.2 The best estimate of net benefit (present value) associated with these increases is £591.96 (2015 prices over 10 years). This is the sum of benefits and costs related to the value of time savings and wider costs to road maintenance.

10.3 Some potential effects have not been included in the quantified net benefit figure, primarily because they are difficult to quantify. These include fuel and wider environment impacts and safety impacts.

10.4 The impacts on the public sector are likely to be relatively small, although it was not possible to quantify. There may be implementation costs (such as publicity costs) to Government, local authorities and information providers.

10.5 An Impact Assessment is attached to this memorandum and will be published alongside the Explanatory Memorandum on www.legislation.gov.uk.

11. Regulating small business

11.1 This instrument does apply to small businesses, however as this instrument is deregulatory there is no requirement to minimise the impact on firms employing up to 20 people.

12. Monitoring & review

12.1 These regulations are deregulatory so a sunset clause has not been included.

12.2 These regulations do not implement EU legislation so a statutory review clause has not been included. However, DfT will keep these measures under review.

13. Contact

Nicola Collins (at the Department for Transport Tel: 0207 944 2799 or email: nicola.collins@dft.gsi.gov.uk) can answer any queries regarding the instrument.