
EXPLANATORY NOTE

(This note is not part of the Order)

The Heavy Commercial Vehicles in Kent (No. 1) Order 2019, the Heavy Commercial Vehicles in Kent (No. 2) Order 2019 and the Heavy Commercial Vehicles in Kent (No. 3) Order 2019 enable the movement of cross-Channel lorries in Kent to be controlled by regulating access to the road network, conferring new powers on traffic officers to allow for such vehicles to be detected and directed, and making ancillary provision relating to enforcement.

This Order:

- (a) makes access to the coastbound carriageway of the M20 Motorway between Junctions 9 and 13 (the primary route to the Channel Tunnel at Folkestone and the Port of Dover) conditional on producing border documents (to demonstrate readiness to bring goods into a foreign country) and displaying a permit (issued after using an approved route in Kent) (article 2);
- (b) prohibits cross-Channel lorries using a contraflow on the London-bound carriageway of the M20 Motorway between Junctions 8 and 9, which is reserved for other coastbound traffic (article 3(1) and (2));
- (c) requires the drivers of cross-Channel lorries to display a permit before entering the M20 Motorway queueing area between Junctions 8 and 9 of the coastbound carriageway if the M26 Motorway is also being used as a queueing area (article 3(3) and (4));
- (d) amends the Road Traffic Offenders Act 1988 to make evidence from prescribed devices relating to breaches of the new restrictions created by this Order and the No. 2 Order, or of a direction given by a traffic officer under the No. 1 Order, more readily admissible in court through the procedure established by section 20 of that Act (article 4(2));
- (e) designates the offence created by article 2(6) of the No. 1 Order of failing to comply with a direction given, or requirement imposed, by a traffic officer as a fixed penalty and financial penalty deposit offence (article 4(3) and (4) and article 6); and
- (f) sets the fixed penalty amount for the new offence referred to immediately above and for breaches of the restrictions created by this Order and the No. 2 Order at £300 (article 5).

The restrictions imposed by articles 2 and 3, which cannot have effect after 31st December 2020, are activated through the placing of traffic signs on the coastbound carriageway of the M20 Motorway between Junctions 7 and 8. This will also activate restrictions in the No. 2 Order affecting the local road network in Kent.

This Order also provides for the issuing of permits to the drivers of heavy commercial vehicles and to hauliers established in Kent, which are required to establish some of the exceptions to the restrictions imposed by this Order and the No. 2 Order (article 7).

A full Impact Assessment has not been produced for this instrument as it is not expected to have 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.