

EXPLANATORY MEMORANDUM TO
THE ROAD VEHICLES (CONSTRUCTION AND USE) (AMENDMENT)
REGULATIONS 2022

2022 No. 59

1. Introduction

- 1.1 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 The purpose of this instrument is to allow for the fitment and use of elongated cabs and aerodynamic devices on heavy goods vehicles (HGVs) on roads in Great Britain.
- 2.2 Improving the aerodynamic performance of HGVs has been identified as one of the measures that can be introduced to reduce their CO₂ emissions and fuel consumption. Both the fitment of elongated cabs and aerodynamic rear devices can have a significant impact on the aerodynamic performance of HGVs and HGV/trailer combinations. In addition, the elongated cabs are designed to improve driver visibility, making their use safer for other road users.

3. Matters of special interest to Parliament

Matters of special interest to the Joint Committee on Statutory Instruments

- 3.1 None.

4. Extent and Territorial Application

- 4.1 The territorial extent of this instrument is England and Wales and Scotland.
- 4.2 The territorial application of this instrument is England and Wales and Scotland.

5. European Convention on Human Rights

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

6. Legislative Context

- 6.1 Although the retained EU regulation on type approval requirements for masses and dimensions of motor vehicles (Regulation (EU) 1230/2012, as amended)¹, allows for vehicles with aerodynamic devices and elongated cabs to be approved, the relevant domestic legislation that governs the dimensions of vehicles in circulation, the Road Vehicles (Construction and Use) Regulations 1986⁽²⁾, as amended (the “C&U Regulations”), would without amendment prohibit certain vehicles from using such aerodynamic devices and elongated cabs, as they would cause the overall vehicle dimensions to exceed the current limits contained in the C&U Regulations.

⁽¹⁾ The specifications that the elongated cabs and aerodynamic devices must comply with when new are contained in retained type approval [EUR 1230/2012](#). This has been amended by [S.I. 2020/1393](#), which removed the EU 4m height limit but otherwise does not affect this policy issue.

⁽²⁾ S.I. 1986/1078.

6.2 Therefore, this instrument is made under the powers of Section 41 (regulation of construction, weight, equipment and use of vehicles) of the Road Traffic Act 1988⁽³⁾ to make the necessary changes to the C&U Regulations that will allow these vehicles to be used on GB roads in compliance with the C&U Regulations, whether registered in the UK or overseas.

7. Policy background

What is being done and why?

- 7.1 Improving the aerodynamic performance of HGVs has been identified as one of the measures that can be introduced to reduce their CO₂ emissions and fuel consumption. Both the fitment of rear aerodynamic devices and elongated cabs can have a significant impact on the aerodynamic performance of HGVs/HGV trailer combinations. In addition, the elongated cabs are designed to improve driver visibility, making their use safer for other road users. However, legal restrictions on the maximum overall dimensions of these vehicles meant that the fitment of such aerodynamic improvements could only be achieved by compromising the vehicle's carrying capacity, i.e. reducing the length, width and/or height of the load compartment to keep the overall vehicle dimensions within the specified limits.
- 7.2 The decision to permit longer elongated cabs and rear aerodynamic devices was taken at EU level in 2015 and given effect by Directive (EU) 2015/719⁽⁴⁾ (the "Directive"). This was done by increasing the maximum authorised length of HGVs. The purpose of this extra length was to enable manufacturers to develop more aerodynamic and safer lorries without reducing the amount of space available in the vehicle for its load. The UK has consistently supported the introduction of these devices due to the environmental and road safety benefits.
- 7.3 Under the Directive, aerodynamic devices could only be used from the date that the European Commission developed technical requirements to allow them to be type approved and rules for their use in urban areas.
- 7.4 Under the Directive, elongated cabs could only be used from three years after the European Commission developed and published the technical requirements to allow them to be type approved.
- 7.5 When the government implemented the Directive in 2017, it did not implement the rear aerodynamic devices and elongated cabs aspects, as the EU had not made the necessary changes to allow them to be type approved.
- 7.6 In 2019, the EU put in place the technical requirements for both to be type approved, provided rules for the use of rear aerodynamic devices in urban areas, and removed the three-year standstill period on elongated cabs. This meant that rear aerodynamic devices were permitted from 6 December 2019 and elongated cabs were permitted from 1 September 2020. As part of this process, the European Commission permitted Member States to set their own rules for using rear aerodynamic devices in urban areas.
- 7.7 Due to the pressure on parliamentary time in the run up to EU exit, and the risk of severe real-life impacts being deemed low, it was decided to legislate to permit circulation of these vehicles after 31 December 2020.

⁽³⁾ 1988 c. 52.

⁽⁴⁾ OJ L 115, 6.5.2015, p. 1–10.

Explanations

What did any law do before the changes to be made by this instrument?

- 7.8 Prior to these amendments, the C&U Regulations would have limited the external dimensions of HGVs in circulation on the roads in GB in a way that would make it unfeasible to design, develop, manufacture, sell or use aerodynamic devices and elongated cabs on vehicles.
- 7.9 It should also be noted that the commitment to allow aerodynamic devices and elongated cabs onto UK roads is part of the EU-UK Trade and Cooperation Agreement (TCA), by virtue of TCA Annex 31 (*Transport of goods by road*), Part C (*Requirements for vehicles used for the transport of goods in accordance with Article 466 of this agreement*), Section 1 (*Weights and dimensions*), Articles 5 and 6.

Why is it being changed?

- 7.10 The law is being changed to allow aerodynamic devices and elongated cabs, that are already able to be type approved, to be used on GB roads. Additionally, although the general implementation power in Section 29 of the European Union (Future Relationship) Act 2020⁽⁵⁾ states that “Existing domestic law has effect on and after the relevant day with such modifications as are required for the purposes of implementing in that law the Trade and Cooperation Agreement...”, the changes being made by this instrument will formalise the relevant elements of the TCA into domestic law and provide legal clarity.

What will it now do?

- 7.11 These amendments mean that vehicles employing aerodynamic devices and/or elongated cabs can circulate on GB roads in accordance with the relevant dimension limits of the C&U Regulations.

8. European Union Withdrawal and Future Relationship

- 8.1 This instrument does not relate to withdrawal from the European Union / trigger the statement requirements under the European Union (Withdrawal) Act 2018⁽⁶⁾.

9. Consolidation

- 9.1 There are no current plans to consolidate the C&U Regulations.

10. Consultation outcome

- 10.1 There was no formal general public consultation, as the changes being made formalise current government policy and the commitments in the TCA to allow vehicles with approved aerodynamic devices and elongated cabs onto UK roads. It would also not have any impact on the general public.
- 10.2 The Department conducted a targeted consultation with the main industry representative organisations (i.e. the main trade associations representing transport operators and vehicle manufacturers, and the main trade unions representing drivers) via a letter and questionnaire. This asked for views on the proposed changes to the C&U Regulations and the intention to publish good practice guidance on the use of

⁽⁵⁾ 2020 c29.

⁽⁶⁾ 2018 c16.

aerodynamic rear devices in the in-use position when in urban areas and where vulnerable road users are likely to be present, as recommended in Commission Implementing Regulation (EU) 2019/1916⁽⁷⁾ (as retained in domestic law by the European Union (Withdrawal) Act 2018).

- 10.3 All those who responded agreed with the proposed changes to C&U Regulations to allow approved rear aerodynamic devices and elongated cabs to be used on GB roads, and also agreed on the introduction of good practice guidance on the use of aerodynamic rear devices in urban areas.

11. Guidance

- 11.1 Good practice guidance on the use of rear aerodynamic devices in urban areas will be published on gov.uk on 14 February 2022. This will advise that these devices are folded away in urban and built up areas. It should also be noted that these vehicles will still need to meet the turning circle rules and the loading length will not be increased.

12. Impact

- 12.1 There is no, or no significant, impact on business, charities or voluntary bodies.
- 12.2 There is no, or no significant, impact on the public sector.
- 12.3 A full Impact Assessment has not been prepared for this instrument because the use of these devices is not being made mandatory, and does not impose any costs on any operators, but rather allows for any potential benefits that these devices could bring, without the loss of load capacity. Therefore, the changes will have no negative impact on business or the public. However, these devices have the potential to have a positive impact on the environment by reducing a vehicles fuel consumption and CO2 emissions. In addition, the redesign of the cabin with a more rounded elongated front would improve driver vision and reduce blind spots for drivers, therefore reducing the risk and severity of accidents. A de minimis assessment has been prepared.

13. Regulating small business

- 13.1 The legislation applies to activities that are undertaken by small businesses.
- 13.2 As this instrument does not impose any further regulatory burdens on small businesses, no actions are needed to assist them.

14. Monitoring & review

- 14.1 The approach to monitoring of this legislation is that it will be monitored alongside the development of requirements in the C&U Regulations specifically in relation to any future design and use of approved aerodynamic devices and elongated cabs.
- 14.2 The instrument does not include a statutory review clause and, in line with the requirements of the Small Business, Enterprise and Employment Act 2015, Parliamentary Under Secretary of Baroness Vere of Norbiton has made the following statement:

“Having had regard to sections 28 to 32 of the Small Business Enterprise and Employment Act 2015 and the Statutory Review Guidance under s.31 of that Act, it is

⁽⁷⁾ EUR 2019/1916.

not appropriate to make provision for review in this instrument as there is not expected to be a significant annualised net impact on business (greater than +/- £5 million net annualised), and the use of aerodynamic devices and elongated cabs is not being made mandatory.”

15. Contact

- 15.1 Aran Sritharan, Head of Social and Safety Policy in the Road Freight Regulation Division at the Department for Transport Telephone: 07747 695 541 or email: aran.sritharan@dft.gov.uk can be contacted with any queries regarding the instrument.
- 15.2 Duncan Price, Divisional Manager of the Road Freight Regulation Division at the Department for Transport can confirm that this Explanatory Memorandum meets the required standard.
- 15.3 Baroness Vere, Parliamentary Under Secretary of State, can confirm that this Explanatory Memorandum meets the required standard.