

2003 No. 282

ROAD TRAFFIC

**The Road User Charging (Classes of Motor Vehicles)
(Scotland) Regulations 2003**

Made 5th June 2003

Laid before the Scottish Parliament 6th June 2003

Coming into force 1st July 2003

The Scottish Ministers, in exercise of the powers conferred by sections 67(2) and 81(2) of the Transport (Scotland) Act 2001(a), and of all other powers enabling them in that behalf hereby make the following Regulations:

Citation and commencement

1.—(1) These Regulations may be cited as the Road User Charging (Classes of Motor Vehicles) (Scotland) Regulations 2003 and shall come into force on 1st July 2003.

(2) In these Regulations any reference to a numbered class shall be construed as a reference to the class bearing that number in the Schedule to these Regulations.

Classes of motor vehicles

2.—(1) Subject to paragraphs (2) and (3), the classes of motor vehicles listed in Parts II to V of the Schedule to these Regulations are hereby described for the purposes of section 67(2) of the Transport (Scotland) Act 2001 (road user charging).

(2) Classes 15 to 18 are not so described in the case of any charging scheme which specifies charges for any motor vehicle in classes 19 to 24.

(3) Classes 25 to 30 are not so described in the case of any charging scheme which specifies charges for any motor vehicle in classes 31 to 36.

NICOL STEPHEN
A member of the Scottish Executive

St Andrew's House,
Edinburgh
5th June 2003

SCHEDULE
CLASSES OF MOTOR VEHICLES

PART I
INTERPRETATION

In this Schedule—

“cm³” means cubic centimetres;

“kg” means kilograms;

“km/h” means kilometres per hour;

“kW” means kilowatts;

“maximum mass” means the technically permissible maximum laden mass as specified by the manufacturer;

“maximum speed” means the speed which the vehicle is incapable, by reason of its construction, of exceeding on the level under its own power when fully laden;

“quadricycle” means a motor vehicle as described in class 7 of this Schedule;

“trailer” means a vehicle drawn by a motor vehicle;

“semi-trailer” means a trailer which is constructed or adapted to form part of an articulated vehicle including (without prejudice to the generality of that) a vehicle which is not itself a motor vehicle but which has some or all of its wheels driven by the drawing vehicle; and

“unladen mass” excludes, in the case of a motor vehicle propelled wholly or partly by electricity, the mass of its batteries.

PART II
TWO OR THREE-WHEEL MOTOR VEHICLES AND QUADRICYCLES

Class 1

A two or three-wheel motor vehicle with or without a side-car which is fitted with an internal combustion engine having a cylinder capacity not exceeding 50 cm³ and a maximum speed of not more than 45 km/h.

Class 2

A motor vehicle as described in Class 1 which is drawing a trailer.

Class 3

A two-wheel motor vehicle (other than a moped) with or without a sidecar which—

- (a) is fitted with an internal combustion engine having a cylinder capacity of more than 50 cm³; or
- (b) has a maximum speed of more than 45 km/h.

Class 4

A motor vehicle as described in Class 3 which is drawing a trailer.

Class 5

A three wheel motor vehicle (other than a moped) with three symmetrically arranged wheels which—

- (a) is fitted with an internal combustion engine having a cylinder capacity of more than 50 cm³; or
- (b) has a maximum speed of more than 45 km/h.

Class 6

A motor vehicle as described in Class 5 which is drawing a trailer.

Class 7

A four-wheel motor vehicle having—

- (a) an unladen mass of less than 350 kg;
- (b) a maximum speed of not more than 45 km/h; and
- (c) in the case of—
 - (i) a vehicle with a spark ignition engine, an engine with a cylinder capacity not exceeding, 50 cm³; or
 - (ii) vehicles with other types of engine, an engine with a maximum net power not exceeding 4 kW.

Class 8

A motor vehicle as described in Class 7 which is drawing a trailer.

Class 9

A four wheel motor vehicle (other than a light quadricycle) which has—

- (a) an unladen mass of, in the case of vehicles intended for carrying goods, not more than 550 kg, and, in other cases, not more than 400 kg; and
- (b) an engine with a maximum net engine power not exceeding 15 kW.

Class 10

A motor vehicle as described in Class 9 which is drawing a trailer.

PART III**FOUR WHEEL MOTOR VEHICLES****Class 11**

A motor vehicle which—

- (a) has at least four wheels;
- (b) has an unladen mass exceeding 400 kg or an engine with a net power exceeding 15 kW;
- (c) is used for the carriage of passengers; and
- (d) is constructed to include living accommodation containing at least the following equipment:—
 - (i) seats and table;
 - (ii) sleeping accommodation which may be converted from the seats;
 - (iii) cooking facilities; and
 - (iv) storage facilities,all of which equipment is rigidly fixed to the living compartment notwithstanding that the table may be designed to be easily removable.

Class 12

A motor vehicle as described in Class 11 which is drawing a trailer.

PART IV**MOTOR VEHICLES WITH AT LEAST FOUR WHEELS USED FOR THE CARRIAGE OF PASSENGERS**

In this Part, references to a “motor vehicle” are to a motor vehicle with or without a semi-trailer which—

- (a) has at least four wheels;
- (b) has an unladen mass exceeding 400 kg or an engine with net power exceeding 15 kW;
- (c) is used for the carriage of passengers; and
- (d) is not a motor vehicle described in Class 11 or Class 12.

Class 13

A motor vehicle which comprises no more than eight seats in addition to the driver’s seat.

Class 14

A motor vehicle as described in Class 13 which is drawing a trailer.

Class 15

A motor vehicle which comprises more than eight seats in addition to the driver’s seat, and has a maximum mass not exceeding 5 tonnes.

Class 16

A motor vehicle as described in Class 15 which is drawing a trailer.

Class 17

A motor vehicle which comprises more than eight seats in addition to the driver’s seat, and has a maximum mass exceeding 5 tonnes.

Class 18

A motor vehicle as described in Class 17 which is drawing a trailer.

Class 19

A motor vehicle which comprises more than eight seats in addition to the driver's seat and has two axles.

Class 20

A motor vehicle as described in Class 19 which is drawing a trailer.

Class 21

A motor vehicle which comprises more than eight seats in addition to the driver's seat and has three axles.

Class 22

A motor vehicle as described in Class 21 which is drawing a trailer.

Class 23

A motor vehicle which comprises more than eight seats in addition to the driver's seat and has more than three axles.

Class 24

A motor vehicle as described in Class 23 which is drawing a trailer.

PART V**MOTOR VEHICLES WITH AT LEAST FOUR WHEELS USED FOR THE CARRIAGE OF GOODS**

In this Part references to a "motor vehicle" are to a motor vehicle with or without a semi-trailer which—

- (a) has at least four wheels;
- (b) has an unladen mass exceeding 550 kg or an engine with power exceeding 25 kW; and
- (c) is used for the carriage of goods.

Class 25

A motor vehicle which has a maximum mass not exceeding 3.5 tonnes.

Class 26

A motor vehicle as described in Class 25 which is drawing a trailer.

Class 27

A motor vehicle which has a maximum mass exceeding 3.5 tonnes but not exceeding 12 tonnes.

Class 28

A motor vehicle as described in Class 27 which is drawing a trailer.

Class 29

A motor vehicle which has a maximum mass exceeding 12 tonnes.

Class 30

A motor vehicle as described in Class 29 which is drawing a trailer.

Class 31

A motor vehicle which has two axles.

Class 32

A motor vehicle as described in Class 31 which is drawing a trailer.

Class 33

A motor vehicle which has three axles.

Class 34

A motor vehicle as described in Class 33 which is drawing a trailer.

Class 35

A motor vehicle which has more than three axles.

Class 36

A motor vehicle as described in Class 35 which is drawing a trailer.

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations relate to the provisions of Part 3 of the Transport (Scotland) Act 2001 which enable road user charging schemes (“charging schemes”) to be made.

Section 53(1)(c) of the 2001 Act requires a charging scheme to specify the classes of motor vehicles in respect of which charges are imposed. Section 67(2) of the Act requires classes for these purposes to be described by regulations.

Regulation 2(1) provides for the classes of motor vehicles listed in the Schedule to the Regulations to be classes of motor vehicles for the purposes of Part 3 of the 2001 Act.

Regulation 2(2) and (3) provides that in relation to Parts IV and V of the Schedule, certain classes of motor vehicles (which are described by reference to their maximum mass) are not specified in relation to charging schemes which specify charges for certain classes of motor vehicles (which are described by reference to the number of their axles). The effect of these provisions is to ensure that a charging scheme cannot impose charges for classes of motor vehicles by reference to their maximum mass as well as the number of their axles.

The definitions of classes of motor vehicles in Part II of the Schedule are based on definitions in Article 1 of Council Directive 92/61/EEC of 30th June 1992 relating to the type-approval of two or three-wheel motor vehicles (O.J. No. L 225, 10.08.92, p.72).

The definitions of classes of motor vehicles in Parts III, IV and V of the Schedule are based on the definitions in Annex II of Council Directive 70/156/EEC of 6th February 1970 on the approximation of the laws of the Member States relating to the type-approval of motor vehicles and their trailers (O.J. L 42, 23.02.70, p.1) as last amended by Directive 98/91/EC (O.J. L 11, 16.01.99, p.25).

Copies of the Directives referred to in this Explanatory Note can be obtained from the Stationery Office.

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