

**EXPLANATORY MEMORANDUM TO
THE ROAD TUNNEL SAFETY (AMENDMENT) REGULATIONS 2009**

2009 No. 64

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 Road Tunnel Safety (Amendment) Regulations 2009 amend the Road Tunnel Safety Regulations 2007 (“the 2007 Regulations”) in order to deal with drafting points most of which were reported by the Joint Committee on Statutory Instruments in their 22nd Report of Session 2006-7.

3. Matters of special interest to the [Joint Committee on Statutory Instruments *or* the Select Committee on Statutory Instruments]

3.1 None.

4. Legislative Context

4.1 The 2007 Regulations transpose Directive 2004/54/EC of the European Parliament and of the Council on minimum safety requirements for tunnels in the Trans-European Road Network (“the Directive”), published in the Official Journal of the European Union on 30th April 2004 into UK law. The Regulations came into force on 22nd June 2007.

4.2 These Amendment Regulations have been made to deal with errors most of which were reported by the JCSI in their 22nd Report of Session 2006-7.

5. Territorial Extent and Application

5.1 The Regulations apply to the whole United Kingdom.

6. European Convention on Human Rights

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

7. Policy background

7.1 These Regulations were made to correct drafting errors in the 2007 Regulations.

7.2 Regulation 3 and 4 remove, respectively, an unnecessary provision and an incorrect reference.

7.3 Regulation 5 amends regulation 12 of the 2007 Regulations to remove the provision for an administrative authority to undertake the role of inspection entity provided it complies with the criteria set out in regulation 12(2) as this was inappropriate.

7.4 Regulation 6 amends regulations 13 of the 2007 Regulations to ensure consistency in terminology.

7.5 Regulation 7 amends regulation 15(7) of the 2007 Regulations. The initial date for administrative authorities to provide their first implementation progress reports has been changed from 1st October 2006 to 1st October 2010.

7.6 Regulation 8 amends regulation 20 of the 2007 Regulations so as to expressly require a complete set of records to be produced in relation to each role where a person acts as more than one type of authority specified.

7.7 Regulation 9 amends the Schedule to the 2007 Regulations to correct the list of diagrams appearing in the Traffic Signs Regulations and General Directions 2002 which are referred to in the Schedule.

8. Consultation outcome

8.1 As these Regulations were made to correct drafting errors in the 2007 Regulations and the amendments do not impose any additional obligations or burdens, no consultation was considered necessary.

9. Guidance

9.1 As these Regulations were made to correct drafting errors in the 2007 Regulations, no separate guidance is considered necessary.

10. Impact

10.1 No Impact Assessment has been prepared because there is no regulatory impact on any part of the private or voluntary sector.

11. Regulating small businesses

11.1 The legislation does not apply to small businesses.

12. Monitoring & review

12.1 As these Regulations were made to correct drafting errors in the 2007 Regulations, no separate monitoring or review is considered necessary. The 2007 Regulations already require regular progress reports towards compliance with the Directive.

13. Contact

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