

2014 No. 264

ROAD TRAFFIC

**The Road Vehicles (Construction and Use) (Amendment)
Regulations 2014**

<i>Made</i> - - - -	<i>10th February 2014</i>
<i>Laid before Parliament</i>	<i>18th February 2014</i>
<i>Coming into force</i> - -	<i>1st April 2014</i>

The Secretary of State for Transport makes the following Regulations in exercise of the powers conferred by section 41(1) and (2) of the Road Traffic Act 1988(a).

Representative organisations have been consulted in accordance with section 195(2) of that Act.

Citation and commencement

1. These Regulations may be cited as the Road Vehicles (Construction and Use) (Amendment) Regulations 2014 and come into force on 1st April 2014.

Amendment of Regulations

2.—(1) The Road Vehicles (Construction and Use) Regulations 1986(b) are amended as follows.

(2) In regulation 80 (over-riding weight restrictions)—

- (a) in paragraphs (1), (2), (2A) and (3), before each instance of the word “exceeded”, insert “equalled or”; and
- (b) in paragraph (2B), before the word “exceed”, insert “equal or”.

Signed by authority of the Secretary of State for Transport

10th February 2014

Robert Goodwill
Parliamentary Under Secretary of State
Department for Transport

(a) 1988 c.52, section 41 was amended by the Road Traffic Act 1991 (c.40), section 48 and Schedule 4, paragraph 50, and section 83 and Schedule 8.
(b) S.I. 1986/1078; relevant amending instruments are S.I. 1994/329 and 1997/1096.

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend regulation 80 of the Road Vehicles (Construction and Use) Regulations 1986 in order to comply with restrictions placed on the level of Vehicle Excise Duty (“VED”) on heavy goods vehicles by Directive 1999/62/EC (OJ L187, 20.7.1997, p. 42). The Directive sets minimum amounts of VED for vehicles according to their weight in bands, but a historical difference in the way that the band limits for VED are set in the Directive and in the UK has created a difficulty for vehicles falling on a band limit. The band limits in Annex I of the Directive start at “not less than” a specified weight and end at “less than” a greater specified weight, as opposed to band limits in the UK, which start at “not over” a specified weight and end at “not over” a greater specified weight.

As a result of the way bands are set in the UK, vehicles tend to be plated voluntarily at the top of their respective bands. For example, a three-axle vehicle plated at exactly 21,000kg will fall into VED B* in the UK costing £200 per year. Under the Directive the same vehicle will fall within the band spanning not less than 21,000kg to less than 23,000kg, which sets a minimum VED rate of €222.

The HGV Road User Levy Act 2013 will introduce a levy for using or keeping a heavy goods vehicle weighing 12 tonnes or more on a road in the UK. The levy applies to both UK and foreign registered vehicles. In order to ensure that UK registered vehicles do not pay more than their foreign counterparts VED is being reduced to its minimum level as set out in Annex I of the Directive. The amendments made by these Regulations in conjunction with amendments made to the Vehicle Excise and Registration Act 1994 (“VERA 1994”) will mean that UK vehicles whose plated weight is on a band limit as described above will fall into a lower band in the Directive, enabling VED to be reduced by a greater amount.

In the above example, the three-axle vehicle plated at exactly 21,000kg will not be able to be used on a road legally if it equals or exceeds that weight, and along with the changes to VERA 1994, this means that it will fall within the band spanning not less than 19,000kg to less than 21,000kg in the Directive, resulting a lower minimum rate of €144. This means that VED can be lowered further.

A full impact assessment has not been produced for this instrument as no impact on the private or voluntary sectors is foreseen. An Explanatory Memorandum has been prepared and is available alongside this instrument on the website, www.legislation.gov.uk.

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