EXPLANATORY MEMORANDUM TO

THE DARTFORD-THURROCK CROSSING (AMENDMENT) REGULATIONS 2014

2014 No. 2949

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

The Instrument amends the Dartford-Thurrock Crossing Regulations 1998 (SI 1998/1908) (the "1998 Regulations") to address the way that vehicles that exceed certain dimensions or which are carrying certain dangerous loads are controlled at the crossing consequent upon the introduction of free-flow road user charging. It also updates the version of the European Agreement Concerning the International Carriage of Dangerous Goods by Road, which is used to categorise dangerous loads, from the 2009 to the 2013 edition.

3. Matters of special interest to the Joint Committee on Statutory Instruments

3.1 None.

4. Legislative Context

4.1 This instrument, which amends the 1998 Regulations, is made under sections 25(1) and (2) and 44 of the Dartford-Thurrock Crossing Act 1988 (the "1988 Act").

4.2 Section 25(1)(a) of the 1988 Act allows regulations to be made for the regulation of the use of the crossing by vehicles exceeding such dimensions or weight as may be prescribed.

4.3 Section 25(1)(b) of the 1988 Act allows regulations to be made for the prohibition or regulation of the conveyance through the tunnels at the crossing of any goods, substances or other things which are dangerous.

4.4 Section 29(c) of the 1988 Act provides that any person who contravenes or fails to comply with the 1998 Regulations (apart from regulations made under section 25(1)(b) of the 1988 Act (dangerous loads) contravention of which is a separate offence under section 25(3) of the 1998 Act) shall be guilty of an offence.

5. Territorial Extent and Application

5.1 This instrument applies to England and Wales.

6. European Convention on Human Rights

6.1 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 amend the 1998 Regulations to:

(a) modify the prohibitions and charges imposed on the use of the crossing by vehicles (including any load carried or trailer drawn) that exceed certain dimensions;

(b) modify the prohibitions imposed on the use of the tunnels by vehicles carrying certain dangerous loads; and

(c) update the reference to Table A of Chapter 3.2 of Part 3 of Annex A to the European Agreement Concerning the International Carriage of Dangerous Goods by Road (which defines dangerous loads including for the purposes of the 1998 Regulations) from the 1st January 2009 to the 1st January 2013 edition.

7.2 Amendment of the 1998 Regulations is necessary as a consequence of the introduction of free-flow road user charging at the Dartford-Thurrock crossing. Prior to free-flow, vehicles using the crossing were required to stop at physical barriers and pay the road user charge. With free-flow the barriers are removed and replaced with automatic number plate recognition technology, allowing users of the crossing to pay the road user charge remotely. The removal of the barriers facilitates improved traffic flow at the crossing but has implications for the control of abnormal or dangerous loads.

7.3 Regulation 4 of these regulations amends regulation 2(1) of the 1998 Regulations which prohibits vehicles exceeding specified dimensions from using the tunnels and the Queen Elizabeth II Bridge at the crossing without the permission of the crossing operator. Pursuant to sections 46(1) and 12(4) of the 1988 Act, as a road user charge under Part 3 the Transport Act 2000 superseded the tolls at the crossing with effect from 1st April 2003, the crossing operator is the Secretary of State.

7.4 Regulation 4 of these regulations extends the lengths of road over which the prohibitions in regulation 2(1) of the 1998 Regulations apply, this with reference to the schedule inserted by regulation 9. Previously vehicles that were too large for the tunnels, or which had to be accompanied through them because of their need to straddle traffic lanes, were identified at one of the toll booths and asked to wait or turn back. Free-flow charging will see the toll booths removed, and such vehicles will be controlled using a “traffic management cell”, operation of which will mean that all lanes of northbound traffic will need to be held whilst the

vehicle in question is marshalled. To allow such vehicles to prepare for or avoid the crossing, thereby minimising disruption, the prohibitions need to begin at the last point on the road network where it is possible to take an alternative route, these points identified with reference to Parts I and II of the Schedule. The length of road described in paragraph (b) of Part II of the Schedule refers to the east tunnel and its approaches on the occasions it is used to convey south bound traffic when the bridge is closed. For the bridge a prohibition is imposed by regulation 2(1) of the 1998 Regulations requiring vehicles that may have to straddle lanes due to their width or length to seek the permission of the crossing operator before crossing. Part III of the Schedule (inserted by regulation 9 of these regulations) describes the length of road over which that prohibition applies.

7.5 Regulation 4 of these regulations amends the table in regulation 2(1) of the 1998 Regulations and distinguishes between the height restrictions that apply to the east and west tunnels. The east tunnel is able to accommodate slightly taller vehicles than the west tunnel. The previous height restriction that applied to both tunnels was 4.87 metres and this is replaced with a restriction of 4.80 metres for the west tunnel and 5.03 metres for the east tunnel. The restriction on the west tunnel has been rounded down because of the requirement in paragraph 7.11 of Chapter 4 of the Department for Transport's Traffic Signs Manual for road signs that display measurements in imperial as well as metric units to provide for safe headroom and then round the imperial measurement down to the nearest multiple of three inches. The substituted table in regulation 2(1) also provides that both of the tunnels and the bridge can accommodate vehicles having a maximum permitted total weight of 44,000 kilogrammes. This weight is consistent with the maximum authorised permitted provided for by the Road Vehicles (Authorised Weight) (Amendment) Regulations 2000 (SI 2000/3224). Contravention of regulation 2 of the 1998 Regulations is an offence under section 29(c) of the 1988 Act.

7.6 Regulation 5 of these regulations substitutes regulation 4(1) of the 1998 Regulations which requires vehicles that exceed the dimensions in regulation 2(1) of the 1998 Regulations to pay a charge to the crossing operator (in addition to the road user charge) where permission to cross is given. These regulations abolish such charges for the use of the bridge as vehicles seldom need to be accompanied once permission from the crossing operator has been obtained.

7.7 Regulation 6(a) of these regulations amends regulation 5(1) of the 1998 Regulations. It applies the prohibition on vehicles carrying dangerous goods to the lengths of road described in Parts I and II of the Schedule, thereby allowing drivers of such vehicles needing to avoid the tunnels to take an alternative route or to make arrangements to ensure that the permission of the crossing operator to proceed has been obtained. Contravention of regulation 5(1) of the 1998 Regulations is an offence under section 25(3) of the 1988 Act.

7.8 Regulations 6(b) and 7 of these regulations amend regulations 5(3) and 6 of the 1998 Regulations respectively to update the reference to Table A of Chapter 3.2 of

Part 3 of Annex A to the European Agreement Concerning the International Carriage of Dangerous Goods by Road from the 1st January 2009 to the 1st January 2013 edition.

7.9 Regulation 8 of these regulations omits regulation 11 of the 1998 Regulations, its provisions being spent.

7.10 Regulation 9 of these regulations substitutes the Schedule in the 1998 Regulations, this now used to designate the lengths of road made subject to the restrictions and prohibitions set out in regulations 2(1) and 5(1) of the 1998 Regulations (as amended by these regulations).

8. Consultation outcome

8.1 No consultation was carried out on these regulations.

9. Guidance

9.1 The Department for Transport does not intend to issue any additional guidance alongside these regulations.

10. Impact

10.1 A regulatory impact assessment has not been prepared for these regulations as they have no additional impact on business, charities or voluntary bodies.

11. Regulating small business

11.1 These regulations do not add to or significantly alter the regulation of those small businesses that operate vehicles using the crossing.

12. Monitoring & review

12.1 As these regulations do not themselves impose an additional regulatory burden on business no provisions for monitoring or review have been included.

13. Contact

13.1 Paul Robinson at the Highways Agency Tel: 01306 878235 or email: paul.robinson@highways.gsi.gov.uk can answer any queries regarding the instrument.