Draft Regulations laid before Parliament under paragraphs 2(1) to (3) and 5(1) of Schedule 5 to the Retained EU Law (Revocation and Reform) Act 2023 (c. 28), for approval by resolution of each House of Parliament.

DRAFT STATUTORY INSTRUMENTS

2026 No.

ROAD TRAFFIC

RETAINED EU LAW REFORM

The Goods Vehicles (Testing, Drivers' Hours and Tachographs etc.) (Amendment) Regulations 2026

Made - - - - ***

Coming into force

The Secretary of State makes these Regulations in exercise of the powers conferred by sections 41(1), (2) and (5), 45(1), (2) and (7), 46(7), 47(5), 49(1) and (2) and 51(1) of the Road Traffic Act 1988 ("the 1988 Act")(**a**) and section 14(3) of the Retained EU Law (Revocation and Reform) Act 2023 ("the 2023 Act")(**b**).

The Secretary of State has consulted with representative organisations in accordance with section 195(2) of the 1988 Act.

The Secretary of State is a relevant national authority for the purposes of section 14(3) of the 2023 Act(**c**).

In accordance with paragraphs 2(1) to (3) and 5(1) of Schedule 5 to the 2023 Act, a draft of this instrument has been laid before Parliament and approved by a resolution of each House of Parliament.

(**a**) 1988 c. 52; section 41(1) was amended by paragraphs 50(2) to (4) of Schedule 4, and paragraph 1 of Schedule 8, to the Road Traffic Act 1991 (c. 40) ("the 1991 Act") and section 43 of the Scotland Act 2016 (c. 11); section 45 was amended by paragraphs 52(2) and (3) of Schedule 4 to the 1991 Act, section 1 of the Road Traffic (Vehicle Testing) Act 1999 (c. 12) ("the 1999 Act"), paragraph 10(a) of Schedule 2 to the Road Traffic (Consequential Provisions) Act 1988 (c. 54) and S.I. 2016/248; section 46 was amended by section 2 of the 1999 Act and paragraphs 26(2) to (5) of Part 6 of Schedule 10 to the Deregulation Act 2015 (c. 20) ("the 2015 Act"); section 47 was amended by paragraph 24(2) of Schedule 3 to the Vehicle Excise and Registration Act 1994 (c. 22) and paragraph 25 of Schedule 2 to the Finance Act 1994 (c. 9); section 49 was amended by paragraphs 54(2) to (4) of Schedule 4 to the 1991 Act and by S.I. 2016/248; section 51 was amended by paragraph 1 of Schedule 8 to the 1991 Act and paragraphs 27(2) to (4) of Part 6 of Schedule 10 to the 2015 Act.

(**b**) 2023 c. 28.

(**c**) The term "relevant national authority" is defined in section 21(1) of the Retained EU Law (Revocation and Reform) Act 2023.

Citation, commencement and extent

1.—(1) These Regulations may be cited as the Goods Vehicles (Testing, Drivers' Hours and Tachographs etc.) (Amendment) Regulations 2026 and come into force on the twenty-first day after the day on which they are made.

(2) These Regulations extend to England and Wales and Scotland.

Amendment of the Motor Vehicles (Tests) Regulations 1981

2.—(1) The Motor Vehicles (Tests) Regulations 1981(**a**) are amended as follows.

(2) At the end of paragraph (1) of regulation 3 (interpretation), insert—

> ""zero-emission vehicle" means a vehicle without an internal combustion engine, or with an internal combustion engine that has emissions of CO_2 of zero grams per kilometre".

(3) In regulation 5 (classification of vehicles and application of Regulations)—

(a) in paragraph (1), for sub-paragraph (j), substitute—

> "(j) Class VII: Goods vehicles—
>
> (i) in EU category N1 of which the design gross weight exceeds 3,000 kilograms but does not exceed 3,500 kilograms; and
>
> (ii) in EU category N2—
>
> (aa) of which the design gross weight exceeds 3,500 kilograms but does not exceed 4,250 kilograms, and
>
> (bb) which are zero-emission vehicles;";

(b) in paragraph (6), in sub-paragraph (b), for "and N1" substitute "N1 and N2".

(4) In regulation 6 (exemptions), in paragraph (1), in sub-paragraph (v), for "3500 kilograms" substitute "3,500 kilograms, excluding a zero-emission vehicle the design gross weight of which exceeds 3,500 kilograms but does not exceed 4,250 kilograms".

Amendment of the Road Vehicles (Construction and Use) Regulations 1986

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

(2) In regulation 3 (interpretation), in paragraph (2), in the table, after the definition of "works truck" insert—

"zero-emission vehicle	a vehicle without an internal combustion engine, or with an internal combustion engine that has emissions of CO_2 of zero grams per kilometre.".

(3) In regulation 27 (condition and maintenance of tyres)—

(a) in paragraph (1A), in sub-paragraph (c), for paragraph (ii), substitute—

> "(ii) goods vehicles—
>
> (aa) which are not zero-emission vehicles, with a maximum gross weight exceeding 3,500 kg, or

(**a**) S.I. 1981/1694; relevant amending instruments are S.I. 1991/253, 1991/2229, 2017/850 and 2020/818.
(**b**) S.I. 1986/1078, amended by S.I. 1990/1981, 1991/2710, 2015/152 and 2020/1178; there are other amending instruments but none is relevant.

(bb) which are zero-emission vehicles, with a maximum gross weight exceeding 4,250 kg.";

(b) in paragraph (4), in sub-paragraph (e), for paragraph (ii), substitute—

"(ii) goods vehicles—

(aa) with a maximum gross weight which does not exceed 3,500 kg, or

(bb) which are zero-emission vehicles with a maximum gross weight over 3,500 kg but not exceeding 4,250 kg; and";

(c) in paragraph (4), in sub-paragraph (e), in paragraph (iii), for "sub-paragraph (ii)" substitute "sub-paragraph (ii)(aa)".

Amendment of the Goods Vehicles (Plating and Testing) Regulations 1988

4.—(1) The Goods Vehicles (Plating and Testing) Regulations 1988(**a**) are amended as follows.

(2) At the end of paragraph (1) of regulation 3 (interpretation), insert—

""zero-emission vehicle" means a goods vehicle without an internal combustion engine, or with an internal combustion engine that has emissions of CO_2 of zero grams per kilometre".

(3) In Schedule 2, after paragraph 40, insert—

"41. Zero-emission vehicles the design gross weight of which exceeds 3,500 kilograms but does not exceed 4,250 kilograms.".

Amendment of the Community Drivers' Hours and Recording Equipment Regulations 2007

5.—(1) The Community Drivers' Hours and Recording Equipment Regulations 2007(**b**) are amended as follows.

(2) In the Schedule (exempted vehicles)(**c**), for paragraph 6, substitute—

"6.—(1) Any zero-emission vehicle which is used by an undertaking for the carriage of goods and has a maximum permissible mass, including the mass of any trailer or semi-trailer drawn by it, exceeding 3.5 tonnes but not exceeding 4.25 tonnes.

(2) Any vehicle, not being a zero-emission vehicle to which paragraph 6(1) applies, which—

(a) is used by an undertaking for the carriage of goods within a 100 kilometre radius from where the undertaking is based,

(b) is propelled by means of natural or liquefied gas or electricity, and

(c) has a maximum permissible mass, including the mass of any trailer or semi-trailer drawn by it, not exceeding 7.5 tonnes.

(3) For the purposes of this paragraph, "zero-emission vehicle" means a vehicle without an internal combustion engine, or with an internal combustion engine that has emissions of CO_2 of zero grams per kilometre.".

(**a**) S.I. 1988/1478; relevant amending instruments are S.I. 1989/1693, 1990/448, 1991/252, 1993/2048, 1993/3013, 1997/82, 1997/263, 2000/1433, 2003/1816, 2008/1460, 2010/448, 2014/480, 2014/2115, 2015/971 and 2017/849.

(**b**) S.I. 2007/1819; relevant amending instruments are S.I. 2016/248 and 2019/453.

(**c**) There are amendments to the Schedule which are not relevant to these Regulations.

Review

6.—(1) The Secretary of State must from time to time—

(a) carry out a review of the regulatory provision contained in these Regulations, and

(b) publish a report setting out the conclusions of the review.

(2) The first report must be published before the end of five years beginning with the date on which these Regulations come into force.

(3) Subsequent reports must be published at intervals not exceeding five years.

(4) Section 30(4) of the Small Business, Enterprise and Employment Act 2015(**a**) requires that a report published under this regulation must, in particular—

(a) set out the objectives intended to be achieved by the regulatory provision referred to in paragraph (1)(a);

(b) assess the extent to which those objectives are achieved;

(c) assess whether those objectives remain appropriate;

(d) if those objectives remain appropriate, assess the extent to which they could be achieved in another way which involves less onerous regulatory provision.

(5) In this regulation, "regulatory provision" has the same meaning as in sections 28 to 32 of the Small Business, Enterprise and Employment Act 2015 (see section 32 of that Act).

Signed by authority of the Secretary of State for Transport

Name
Parliamentary Under Secretary of State
Department for Transport

(**a**) 2015 c. 26.

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations are made under sections 41(1), (2) and (5), 45(1), (2) and (7), 46(7), 47(5), 49(1) and (2) and 51(1) of the Road Traffic Act 1988 (c. 52) ("the 1988 Act") and section 14(3) of the Retained EU Law (Revocation and Reform) Act 2023 (c. 28) ("the 2023 Act"). These Regulations amend the regulatory framework in respect of goods vehicles in the areas of roadworthiness testing and drivers' hours and tachographs. The effect of these amendments is, firstly, to extend the regulatory framework that applies to goods vehicles with a design gross weight or maximum permissible mass not exceeding 3,500 kilograms to zero-emissions goods vehicles ("ZEGVs") with a design gross weight or maximum permissible mass of more than 3,500 kilograms but not exceeding 4,250 kilograms ("the affected vehicles"), and, secondly, to remove the affected vehicles from scope of the regulatory framework that would otherwise have applied by virtue of their weight exceeding 3,500 kilograms.

Regulations 2, 3 and 4 amend the Motor Vehicles (Tests) Regulations 1981 ("the 1981 Regulations"), the Road Vehicles (Construction and Use) Regulations 1986 ("the 1986 Regulations") and the Goods Vehicles (Plating and Testing) Regulations 1988 ("the 1988 Regulations"). Regulations 2 and 4 move the affected vehicles into the Class 7 MOT testing system under the 1981 Regulations and take them out of the scope of heavy vehicle roadworthiness testing under the 1988 Regulations. Regulation 3 amends regulation 27 of the 1986 Regulations to apply the tyre tread requirements applicable to Class 7 MOT testing to the affected vehicles.

Regulation 5 revokes and replaces with alternative provision the existing discretionary national derogation to the assimilated drivers' hours rules (Regulation (EC) No 561/2006 of the European Parliament and of the Council of 15 March 2006 on the harmonisation of certain social legislation relating to road transport, as it has effect in the UK) which is contained in paragraph 6 of the Schedule to the Community Drivers' Hours and Recording Equipment Regulations 2007 ("the 2007 Regulations"). Paragraph 6 of the Schedule to the 2007 Regulations is secondary assimilated law within the meaning of section 11(2) of the 2023 Act. The alternative provision made additionally exempts the affected vehicles from the assimilated drivers' hours rules and the associated tachograph rules (Regulation (EU) 165/2014 of the European Parliament and of the Council of 4 February 2014 on tachographs in road transport, as it has effect in the UK) with no limit on the distance travelled.

Regulation 6 requires the Secretary of State to review the regulatory provision in these Regulations at least once every five years.

A full impact assessment has not been produced for this instrument as no, or no significant, impact on the private, voluntary or public sector is foreseen. A de minimis assessment covering the amendments to drivers' hours and tachograph rules and a de minimis assessment covering the amendments to roadworthiness testing have been prepared for this instrument and are published on legislation.gov.uk alongside this instrument.

An Explanatory Memorandum for this instrument has been published alongside these Regulations at www.legislation.gov.uk.

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