EXPLANATORY MEMORANDUM TO

THE GOODS VEHICLES (TESTING, DRIVERS' HOURS AND TACHOGRAPHS ETC.) (AMENDMENT) REGULATIONS 2026

2026 No. 501

1. Introduction

1.1 This Explanatory Memorandum has been prepared by the Department for Transport and is laid before Parliament by Command of His Majesty.

1.2 This memorandum contains information for the Joint Committee on Statutory Instruments and the Secondary Legislation Scrutiny Committee.

2. Declaration

2.1 Keir Mather MP, Minister for Aviation, Maritime and Decarbonisation, Parliamentary Under-Secretary of State at the Department for Transport, confirms that this Explanatory Memorandum meets the required standard.

2.2 Hannah Tooze and Katherine Macdivitt, Deputy Directors for the Road Freight Division at the Department for Transport, confirm that this Explanatory Memorandum meets the required standard.

3. Contact

3.1 Angela Jones, Head of HGV Stakeholder Engagement and Future Strategies at the Department for Transport can be contacted by email at the following address: freight@dft.gov.uk or by telephone: 07970 336152 with any queries regarding the Instrument.

Part One: Explanation, and context, of the Instrument

4. Overview of the Instrument

What does the legislation do?

4.1 This instrument amends the regulatory framework for zero-emission goods vehicles ("ZEGVs") with a maximum authorised mass ("MAM") of over 3.5 tonnes ("t") and not exceeding 4.25t, in the areas of roadworthiness testing and drivers' hours and tachograph rules, to align them with goods vehicles with a MAM of 3.5t or less that are not ZEGVs, namely those powered by an internal combustion engine.

4.2 The Goods Vehicles (Plating and Testing) Regulations 1988[1] are amended to remove ZEGVs with a MAM of over 3.5t and not exceeding 4.25t from their scope. These vehicles are moved into scope of the Motor Vehicles (Tests) Regulations 1981[2]. The effect of this change is to shift these vehicles from the scope of heavy vehicle roadworthiness testing into the Class 7 MOT testing system and to alter the date of the first roadworthiness test from the current one year from first registration of the vehicle (and then annually) to three years from first registration (and then annually).

[1] https://www.legislation.gov.uk/uksi/1988/1478/contents
[2] https://www.legislation.gov.uk/uksi/1981/1694/contents

4.3 The Road Vehicles (Construction and Use) Regulations 1986[3] are amended to apply the Class 7 MOT tyre tread requirements to ZEGVs with a MAM of over 3.5t and not exceeding 4.25t, which have been moved into scope of the Class 7 MOT testing system, to ensure consistency in testing standards across vehicles undergoing Class 7 MOT testing.

4.4 The Community Drivers' Hours and Recording Equipment Regulations 2007[4] are amended to remove ZEGVs with a MAM of over 3.5t and not exceeding 4.25t from the scope of the assimilated drivers' hours and tachograph rules (Regulation (EC) 561/2006 and Regulation (EU) 165/2014), as they have effect in the United Kingdom ("UK")[5].

Where does the legislation extend to, and apply?

4.5 The extent of this instrument (that is, the jurisdiction(s) which the instrument forms part of the law of) is England and Wales and Scotland.

4.6 The territorial application of this instrument (that is, where the instrument produces a practical effect) is England and Wales and Scotland.

5. Policy Context

What is being done and why?

5.1 The UK Government has committed to reducing UK carbon emissions to net-zero by 2050. To achieve this target, all sectors of the economy will be required to decarbonise. To achieve the necessary reductions from road transport, the Government has confirmed that all new cars and vans will have to be zero-emission from 2035. The Zero Emission Vehicle Mandate sets targets for increasing proportions of cars and vans to be sold up to that point to be zero-emission, reaching 100% by 2035. Sales of petrol and diesel only cars and vans will be stopped by 2030, with only hybrid cars and vans sold between then and 2035.

5.2 Due to the weight of the zero-emission technology (for example, the battery in a battery electric vehicle), ZEGVs are generally heavier than their petrol and diesel equivalents, bringing their MAM over 3.5t. Despite this extra weight, these ZEGVs often perform the same functions and have the same appearance and load capacity as the 3.5t (or lighter) petrol and diesel fuelled goods vehicles they may replace. If the additional weight of the zero-emission technology pushes the weight of the ZEGV over 3.5t, it means these vehicles would come under scope of stricter annual testing and drivers' hours and tachograph requirements.

5.3 Stakeholders have said that the regulatory framework applying to ZEGVs with a MAM over 3.5t acts as a disincentive to use them, compared to equivalent petrol and diesel fuelled goods vehicles with a MAM of 3.5t or less. The differing regulatory framework introduces additional bureaucracy for users of ZEGVs, particularly where they form part of a mixed fleet which also includes petrol or diesel fuelled goods vehicles.

5.4 The UK government has previously taken steps to help support the use of ZEGVs, in order to support the aims of decarbonising the transport system. For example, the UK government introduced the Motor Vehicles (Driving Licences) (Amendment) (No. 2)

[3] https://www.legislation.gov.uk/uksi/1986/1078/contents
[4] https://www.legislation.gov.uk/uksi/2007/1819/contents
[5] https://www.legislation.gov.uk/eur/2006/561/contents and https://www.legislation.gov.uk/eur/2014/165/contents

Regulations 2025. This allows holders of a category B (car and light van) licence to drive certain zero-emission vehicles with a MAM not exceeding 4.25t, or 5t for zero-emission vehicles fitted with specialist equipment for disabled passengers, in Great Britain ("GB") subject to certain conditions. Previously, additional training or a higher licence entitlement was required to drive these vehicles.

5.5 The reason for making these amendments to the regulatory framework for ZEGVs with a MAM over 3.5t and not exceeding 4.25t is to help remove barriers to their uptake, to support transport decarbonisation. If zero-emission vehicles are unattractive compared to petrol and diesel fuelled alternatives, operators are less likely to use them and the operators that do are subject to disadvantage.

5.6 This instrument removes two further potential barriers to the use of ZEGVs with a MAM over 3.5t and not exceeding 4.25t, relating to annual roadworthiness testing, drivers' hours and tachograph rules. The 4.25t upper limit has been chosen as it represents the likely additional weight of a zero-emission powertrain, compared to a petrol or diesel fuelled one. It is also the upper limit of the driving licence flexibility provided by the Motor Vehicles (Driving Licences) (Amendment) (No. 2) Regulations 2025, providing regulatory consistency.

5.7 This instrument shifts ZEGVs with a MAM over 3.5t and not exceeding 4.25t from the heavy vehicle testing system, into the Class 7 MOT testing system. Before this change, Class 7 MOT testing was used for goods vehicles with a MAM over 3t and not exceeding 3.5t. This instrument also changes the date that the first test is required from one year from the first registration of the vehicle (and then annually) to three years from the first registration of the vehicle (and then annually). This will mean testing intervals for ZEGVs with a MAM over 3.5t and not exceeding 4.25t will be the same as other vehicles in the MOT testing system. This instrument also changes the tyre tread depth requirement for ZEGVs with a MAM over 3.5t and not exceeding 4.25t, from 1.0mm to 1.6mm, to match other vehicles within scope of the Class 7 MOT testing system.

5.8 This instrument amends the applicable drivers' hours rules for ZEGVs with a MAM of over 3.5t and not exceeding 4.25t. Previously, the assimilated drivers' hours rules applied to most of these vehicles. The assimilated drivers' hours rules apply to goods vehicles "where the maximum permissible mass of the vehicle, including any trailer, or semi-trailer, exceeds 3,5 tonnes". Vehicles in scope of these assimilated rules also need to comply with the assimilated tachograph rules. Tachographs are devices used to record a driver's compliance with the assimilated drivers' hours rules and to therefore enable the effective enforcement of the rules.

5.9 There are, however, a number of national derogations to the assimilated drivers' hours rules (contained in the Community Drivers' Hours and Recording Equipment Regulations 2007). These include a national derogation for "Vehicles used for the carriage of goods within a 100 km radius from the base of the undertaking and propelled by means of natural or liquefied gas or electricity, the maximum permissible mass of which, including the mass of a trailer or semi-trailer, does not exceed 7.5 tonnes." This means that in practice some ZEGVs with a MAM over 3.5t and not exceeding 7.5t are out of scope of the assimilated rules, when driven within a 100 km radius from their base and therefore do not need to use a tachograph.

5.10 This change takes ZEGVs with a MAM over 3.5t and not exceeding 4.25t out of scope of the assimilated rules (and therefore the requirement to use a tachograph) with no limit on distance travelled. ZEGVs over 4.25t can use the derogation mentioned above, where applicable. Any vehicle out of scope of the assimilated rules would

come within scope of the GB domestic drivers' hours rules (contained in Part 6 of the Transport Act 1968).

What was the previous policy, how is this different?

5.11 Previously, ZEGVs with a MAM over 3.5t and not exceeding 4.25t were required to undergo roadworthiness testing at authorised testing facilities ("ATFs"), performed by staff from the Driver and Vehicle Standards Agency ("DVSA"). The first test was required one year from the date of first registration of the vehicle and annually thereafter. The minimum tyre tread depth required to pass the test was 1.0mm. Now, ZEGVs with a MAM over 3.5t and not exceeding 4.25t will be tested in the Class 7 MOT testing system, with a first test required three years from the date of first registration of the vehicle and annually thereafter. The minimum tyre tread depth required to pass the test is 1.6mm.

5.12 Drivers of goods vehicles with a MAM over 3.5t are in scope of the assimilated drivers' hours and tachograph rules. The assimilated drivers' hours rules specify maximum driving times and minimum break and rest periods for drivers of in-scope vehicles. For example, drivers are limited to a maximum daily driving limit of 9 hours (that can be extended to 10 hours, no more than twice a week); a minimum break of 45 minutes, after driving for a period of 4.5 hours and a minimum daily rest of 11 continuous hours (which can be reduced to 9 hours up to three times a week). The assimilated tachograph rules specify the rules relating to the construction, installation and use of tachographs, which are devices used to record a driver's compliance with the assimilated drivers' hours rules.

5.13 The Community Drivers' Hours and Recording Equipment Regulations 2007 introduced a number of national derogations from the assimilated drivers' hours rules (see paragraph 5.9 for details), meaning some ZEGVs were already exempt from the assimilated rules and came under scope of the GB domestic drivers' hours rules. Under these domestic rules drivers are limited to a maximum daily driving limit of 10 hours and a maximum daily duty time of 11 hours. Duty includes all periods of work and driving but does not include rest or breaks. There are no specific break or rest requirements that apply to goods vehicles under these rules, or a requirement to keep a record. This instrument has altered the scope of the national derogation mentioned in paragraph 5.9, so that ZEGVs with a MAM over 3.5t and not exceeding 4.25t are exempt from the assimilated drivers' hours and tachograph rules and come within scope of the GB domestic drivers' hours rules.

5.14 Both of the changes to the regulatory regime for ZEGVs with a MAM over 3.5t and not exceeding 4.25t were made to align roadworthiness testing and drivers' hours requirements of these vehicles with equivalent petrol and diesel fuelled goods vehicles with a MAM of 3.5t or less, supporting the transition to zero-emission transport and reaching the 2050 net zero target.

6. Legislative and Legal Context

How has the law changed?

6.1 This instrument was made using powers in 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 1998 to exempt ZEGVs with a MAM over 3.5t and not exceeding 4.25t from the requirement for annual roadworthiness testing (with a first test one year from first registration and annually thereafter) in the Goods Vehicles (Plating and Testing) Regulations 1988 and to amend the tyre tread depth requirement in the Road Vehicles (Construction and

Use) Regulations 1986. Instead, these vehicles are added into the scope of the Motor Vehicles (Tests) Regulations 1981, which specify that vehicles within scope must undergo MOT testing annually (with a first test three years from first registration and annually thereafter) and are required to have the same minimum tyre tread depth as other vehicles within scope of Class 7 MOT testing.

6.2 This instrument was also made using powers in section 14(3) of the Retained EU Law (Revocation and Reform) Act 2023 ("the 2023 Act")[6] which provides that a relevant national authority may revoke secondary retained EU law and make such alternative provision as the relevant national authority considers appropriate. This instrument revokes the existing national derogation to the assimilated drivers' hours rules contained in paragraph 6 of the Schedule to the Community Drivers' Hours and Recording Equipment Regulations 2007 and replaces it with an altered national derogation which widens the scope of vehicles it applies to, so that ZEGVs with a MAM over 3.5t and not exceeding 4.25t are exempt from the assimilated drivers' hours and tachograph rules.

Why was this approach taken to change the law?

6.3 This approach has been taken as it is the only possible way to make the necessary changes to achieve the policy intent around the regulatory regime that should apply to ZEGVs with a MAM over 3.5t and not exceeding 4.25t for roadworthiness testing and applicable drivers' hours and tachograph rules.

6.4 Use of the 2023 Act is the only possible approach to make the necessary changes that relate to drivers' hours.

7. Consultation

Summary of consultation outcome and methodology

7.1 From December 2024 to March 2025, the Department for Transport conducted a public consultation[7], seeking views on the policy changes being implemented by this instrument. 179 responses were received to the consultation, of which 105 were from organisations and 74 were from individuals. Respondents included individual drivers, vehicle operators, Class 7 MOT test centres, ATFs and vehicle manufacturers.

7.2 The majority of respondents were supportive of the changes as they would lead to greater regulatory consistency for ZEGVs with a MAM over 3.5t and not exceeding 4.25t with petrol and diesel fuelled counterparts. The policy change was expected to reduce bureaucracy for operators of these vehicles and reduce barriers to their use. Some responses noted general concerns about road safety, but no clear evidence as to the likelihood or magnitude of this effect was provided. Some operators noted that their heavier electric vans are no more likely than petrol and diesel equivalents to be involved in collisions.

7.3 The full consultation response is available online[8].

[6] https://www.legislation.gov.uk/ukpga/2023/28/contents

[7] https://www.gov.uk/government/consultations/zero-emission-vans-regulatory-flexibility/zero-emission-vans-regulatory-flexibility

[8] https://www.gov.uk/government/consultations/zero-emission-vans-regulatory-flexibility. Copies can also be obtained free of charge on request from the Department for Transport, Great Minster House, 33 Horseferry Road, London SW1P 4DR, from freight@dft.gov.uk, or by calling 0300 330 3000.

8. Applicable Guidance

8.1 Detailed guidance on the drivers' hours and tachograph rules applicable to drivers of goods and passenger vehicles is published on the gov.uk website. This guidance will be updated once this instrument comes into force.

8.2 The MOT inspection manual[9] will be updated to reflect that ZEGVs with a MAM over 3.5t and not exceeding 4.25t have been moved into scope of Class 7 MOT testing.

Part Two: Impact and the Better Regulation Framework

9. Impact Assessment

9.1 A full Impact Assessment has not been prepared for this instrument because the impacts of this intervention are de minimis and fall below the threshold of £10 million Equivalent Annual Net Direct Cost to Business ("EANDCB"), making it a non-qualifying regulatory provision. Therefore, two separate De Minimis Assessments have been produced in respect of this instrument and will be published alongside these Regulations on www.legislation.gov.uk. The EANDCB of the changes to roadworthiness testing requirements is -£2.9 million. The EANDCB of the changes to drivers' hours and tachograph requirements is -£6.59 million.

Impact on businesses, charities and voluntary bodies

9.2 The impact on business, charities or voluntary bodies is expected to be positive, due to the removal of the additional barriers they face when using ZEGVs with a MAM over 3.5t and not exceeding 4.25t in place of equivalent petrol and diesel fuelled goods vehicles.

9.3 The legislation does impact small or micro businesses, as rules related to roadworthiness testing and drivers' hours apply to all vehicles, regardless of the size of the business that owns them.

9.4 No actions will be taken to minimise the impact on small or micro businesses, as the impact on them is expected to be positive.

9.5 There is no, or no significant, impact on the public sector because no additional costs are imposed on public sector organisations. They are expected to benefit from the removal of disincentives to use zero-emission vehicles similarly to businesses and have the choice to do so if they wish to.

10. Monitoring and review

What is the approach to monitoring and reviewing this legislation?

10.1 The approach to monitoring this legislation will be to review data on the proportion of new registrations of ZEGVs with a MAM over 3.5t and not exceeding 4.25t pre and post implementation, along with monitoring changes in vehicle collision rates for ZEGVs with a MAM over 3.5t and not exceeding 4.25t pre and post implementation.

10.2 A statutory review clause is included in the instrument.

[9] https://www.gov.uk/guidance/mot-inspection-manual-for-private-passenger-and-light-commercial-vehicles

Part Three: Statements and Matters of Particular Interest to Parliament

11. Matters of special interest to Parliament

11.1 Section 14 of the 2023 Act contains powers to revoke and replace secondary assimilated law with the caveat, under section 14(5) of that Act, that no provision may be made "in relation to a particular subject area unless the relevant national authority considers the overall effect of the changes made… does not increase the regulatory burden". The 2023 Act defines "burden" as including a financial cost, and administrative inconvenience, an obstacle to trade or innovation, an obstacle to efficiency, productivity, or profitability.

11.2 This instrument reduces the regulatory burden for users of ZEGVs with a MAM over 3.5t and not exceeding 4.25t. The alteration to roadworthiness testing means that the vehicle is not tested until three years from first registration rather than one, removing both an administrative and a financial burden, this is expected to outweigh any additional burden caused by the greater minimum tyre tread depth requirement.

11.3 Moving ZEGVs with a MAM over 3.5t and not exceeding 4.25t from the scope of the assimilated drivers' hours rules (with the requirement to use a tachograph) into the GB rules removes both an administrative and a financial burden. The reduction in administrative burden is likely to be particularly felt by operators with a mixed fleet of ZEGVs with a MAM over 3.5t and not exceeding 4.25t and their equivalent petrol and diesel fuelled goods vehicles, as they will now be subject to the same set of drivers' hours rules.

12. European Convention on Human Rights

12.1 The Parliamentary Under-Secretary of State, Keir Mather MP, has made the following statement regarding Human Rights:

"In my view the provisions of the Goods Vehicles (Testing, Drivers' Hours and Tachographs etc.) (Amendment) Regulations 2026 are compatible with the Convention rights."

13. The Relevant European Union Acts

13.1 This instrument is made, in part, under section 14(3) of the 2023 Act and therefore relates to the reform of assimilated law. Section 14(3) has been used to amend the Community Drivers' Hours and Recording Equipment Regulations 2007 (secondary assimilated law) to revoke the national derogation in paragraph 6 of the Schedule to replace it with an alternative provision, which widens the scope of vehicles it applies to, so that ZEGVs with a MAM over 3.5t and not exceeding 4.25t are exempt from the assimilated drivers' hours rules.