STATUTORY INSTRUMENTS

2020 No. 1155

ROAD TRAFFIC

The Heavy Commercial Vehicles in Kent (No. 2) (Amendment) Order 2020

Approved by both Houses of Parliament

Made - - - - *21st October 2020*

Laid before Parliament *22nd October 2020*

Coming into force in accordance with article 1(b)

The Secretary of State, being satisfied that it is desirable to do so, makes the following Order in exercise of the powers conferred by section 20(1) and (2) of the Road Traffic Regulation Act 1984(**a**).

This Order does not have effect unless and until it has been approved by a resolution of each House of Parliament(**b**).

Citation and commencement

1. This Order—

(a) may be cited as the Heavy Commercial Vehicles in Kent (No. 2) (Amendment) Order 2020; and

(b) comes into force on the day after the day on which it is approved by a resolution of the second House of Parliament to approve it or at the same time as the Heavy Commercial Vehicles in Kent (No. 1) (Amendment) Order 2020(**c**), whichever is later.

Amendment of the Heavy Commercial Vehicles in Kent (No. 2) Order 2019

2.—(1) The Heavy Commercial Vehicles in Kent (No. 2) Order 2019(**d**) is amended as follows.

(2) In article 1 (citation, commencement and expiry), in sub-paragraph (c), for "31st December 2020", substitute "31st October 2021".

(**a**) 1984 c. 27. Section 20(3) was substituted by section 168(1) and Schedule 8, paragraph 32 of the New Roads and Street Works Act 1991 (c. 22).
(**b**) See section 20(4) of the Road Traffic Regulation Act 1984.
(**c**) S.I. 2020/[ ].
(**d**) S.I. 2019/1394.

(3) In article 3 (restricted access to local roads in Kent)—

(a) before paragraph (1), insert—

"(A1) At any time when the restriction imposed by virtue of article 1A(2) of the Heavy Commercial Vehicles in Kent (No.3) Order 2019(**a**) applies, a relevant vehicle must not be driven on a road in the relevant class of road unless a valid Kent Access Permit has been issued in respect of it. ";

(b) in paragraph (1)—

(i) in the opening words for "may be driven on a road in the relevant class of road only if", substitute "must not be driven on a road in the relevant class of road unless";

(ii) in sub-paragraph (f) before "Kent", insert "East";

(c) in paragraph (2)—

(i) after the definition of "cross-Channel permit", insert—

""East Kent" has the meaning given by article 1(2) of the Heavy Commercial Vehicles in Kent (No. 3) Order 2019; ";

(ii) after the definition of "Kent" insert—

""Kent Access Permit" means a permit issued in accordance with article 7(A1) of the Heavy Commercial Vehicles in Kent (No. 3) Order 2019; ";

(iii) in the definition of "the relevant class of road", omit sub-paragraph (a);

(d) in paragraph (3)—

(i) after sub-paragraph (e), omit "and"; and

(ii) at the end of sub-paragraph (f), insert—

"; and

(g) the eastbound carriageway of the A2070 link road from its junction with the A2070 (Bad Munstereifel Road) to the entry slip road to the coastbound carriageway of the M20 Motorway at Junction 10a ".

Signed by authority of the Secretary of State for Transport

Rachel Maclean
Parliamentary Under Secretary of State
Department for Transport

21st October 2020

(**a**) S.I. 2019/1210.

EXPLANATORY NOTE

(This note is not part of the Order)

This Order amends the Heavy Commercial Vehicles in Kent (No. 2) Order 2019 ("the 2019 Order").

Article 2(2) amends article 1(c) of the 2019 Order to postpone the date on which the 2019 Order will cease to have effect from 31st December 2020 to 31st October 2021.

Article 2(3) amends article 3 of the 2019 Order as follows:

(a) sub-paragraph (a) amends article 3 to create a restriction on the driving of a cross-Channel lorry on the local road network in Kent (i.e. most roads in Kent except the motorway network) without a Kent Access Permit. This restriction applies at any time when the restriction on driving a cross-Channel lorry on the motorway network in Kent without a Kent Access Permit applies;

(b) sub-paragraph (b) amends the opening words of article 3(1) to make it clear that where applicable, the new requirement to have a Kent Access Permit, introduced by sub-paragraph (a), is separate from and additional to the restriction imposed by article 3(1) during a traffic restriction period. It also amends article 3(1)(f) to provide that the driver of a cross-Channel lorry normally kept at an operating centre in East Kent and in possession of a valid local haulier permit which bears the address of that operating centre in East Kent is not subject to the restriction on driving on the local road network set out in article 3(1);

(c) sub-paragraph (c)(i) and (ii) amend article 3(2) to add definitions of "East Kent" and "Kent Access Permit";

(d) sub-paragraph (c)(iii) amends article 3(2) by omitting from the list of local roads in Kent not falling within the definition of "the relevant class of road" a section of the A2 road. This has the effect that that section of road falls within the class of local roads in Kent the use of which is subject to the restrictions set out in the 2019 Order;

(e) sub-paragraph (d) amends article 3(3) to add a section of the A2070 road to the list of local roads in Kent that are specified roads. This has the effect that a cross-Channel permit is required to use this section of road.

A full Impact Assessment has not been produced for this instrument as it is not expected to have a significant impact on the private, public or voluntary sectors. An Explanatory Memorandum has been prepared for this Order and is available alongside this instrument on the UK Legislation website www.legislation.gov.uk.

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