Order made by the Secretary of State, laid before Parliament under section 20(4) of the Road Traffic Regulation Act 1984, for approval by resolution of each House of Parliament.

STATUTORY INSTRUMENTS

2019 No.

ROAD TRAFFIC

The Heavy Commercial Vehicles in Kent (No. 2) Order 2019

Made - - - -	*3rd September 2019*
Laid before Parliament	*4th September 2019*
Coming into force in accordance with article 1	

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, commencement and expiry

1. This Order—

(a) may be cited as the Heavy Commercial Vehicles in Kent (No. 2) Order 2019;

(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) Order 2019(**c**), whichever is later; and

(c) ceases to have effect at the end of 31st December 2020.

Interpretation

2. In this Order—

"relevant vehicle" means a heavy commercial vehicle(**d**)—

(a) subject to a direction given by a traffic officer under article 2(3) of the Heavy Commercial Vehicles in Kent (No. 1) Order 2019; or

(b) on a journey to a place outside the United Kingdom—

(i) via the Channel Tunnel at Folkestone; or

(ii) which involves embarking from the Port of Dover;

(**a**) 1984 c. 27; section 20(3) was substituted by the New Roads and Street Works Act 1991 (c. 22), section 168(1) and Schedule 8, paragraph 32.
(**b**) See section 20(4) of the Road Traffic Regulation Act 1984.
(**c**) S.I. 2019/***.
(**d**) See section 138 of the Road Traffic Regulation Act 1984 for the meaning of "heavy commercial vehicle".

"specified person" means a constable or traffic officer;

"traffic officer" means an individual designated as a traffic officer under section 2 of the Traffic Management Act 2004(**a**);

"traffic restriction period" means a period of time when a restriction imposed by article 2(1) of the Heavy Commercial Vehicles in Kent (No. 3) Order 2019(**b**) applies.

Restricted access to local roads in Kent

3.—(1) During a traffic restriction period, a relevant vehicle may be driven on a road in the relevant class of road only if—

(a) the vehicle was on such a road or nearby premises at the beginning of a traffic restriction period; and

(i) less than two hours have elapsed since the beginning of that traffic restriction period; or

(ii) the vehicle is proceeding directly to the nearest road outside the relevant class of road;

(b) the following conditions are satisfied—

(i) the road is specified in paragraph (3);

(ii) the driver of the vehicle has complied with any request or requirement, made during that journey by a traffic officer or a person employed by a company or body that is providing services to the Secretary of State or to Highways England Company Limited(**c**), to produce border documents carried on the vehicle or by the driver; and

(iii) a valid cross-Channel permit is displayed in or on the vehicle while it is being used on that road and in such a position that in normal daylight the permit is easily visible from a position in front of the vehicle;

(c) the vehicle is being driven on such a road—

(i) at the direction, or with the permission, of a specified person or an examiner appointed under section 66A of the Road Traffic Act 1988(**d**); or

(ii) in compliance with a direction displayed on a traffic sign placed on or near a road;

(d) the vehicle is being driven on such a road to collect goods from, or deliver goods to, premises in Kent and the driver, when requested by a specified person, provides information sufficient to satisfy the specified person that the vehicle is being driven on that road solely for the purpose of proceeding to or from such a premises;

(e) the following conditions are satisfied—

(i) the vehicle is being driven on such a road only for a purpose that is incidental to the journey and necessary to continue it, such as refuelling the vehicle or the taking of a required rest period; and

(ii) the vehicle is not driven farther than is reasonably required to fulfil that purpose from the road outside the relevant class of road on which the vehicle was being driven immediately prior to entering a road in the relevant class of road;

or

(f) the vehicle is normally kept at an operating centre in Kent and the driver of the vehicle, when requested by a specified person, produces an operator's licence and a valid local haulier permit, which both bear the address of that operating centre.

(**a**) 2004 c. 18.
(**b**) S.I. 2019/***.
(**c**) Company no. 09346363. Registered Office: Bridge House, Walnut Tree Close, Guildford, Surrey, GU1 4LZ.
(**d**) 1988 c. 52; section 66A was inserted by the Road Traffic Act 1991 (c. 40), section 9(1), and amended by the Goods Vehicles (Licensing of Operators) Act 1995 (c. 23), section 60(1) and Schedule 7, paragraph 11.

(2) In this article—

"border documents" means documents relating to goods that are being exported on a vehicle from the United Kingdom to any other country;

"cross-Channel permit" and "local haulier permit" have the meaning given in article 7(1) of the Heavy Commercial Vehicles in Kent (No. 3) Order 2019;

"Kent" means the geographical area comprised of the areas of Kent County Council and Medway Council;

"operating centre" has the meaning given in section 7(3) of the Goods Vehicles (Licensing of Operators) Act 1995(**a**) ("the 1995 Act");

"operator's licence" means a licence granted under section 13 of the 1995 Act(**b**);

"the relevant class of road" means all roads in Kent(**c**) for which Highways England Company Limited, Kent County Council or Medway Council is the traffic authority under section 121A of the Road Traffic Regulation Act 1984(**d**) other than—

(a) the A2 between Greater London's boundary with Kent (approximately 300 metres west of the exit slip road from the coastbound carriageway of the A2 to Old Bexley Lane) and the beginning of the M2 Motorway (Junction 1 near Strood);

(b) the A20 between Greater London's boundary with Kent (adjacent to the point where the B2173 joins the London-bound carriageway of the A20) and the beginning of the M20 Motorway (Junction 1 near Swanley);

(c) the A249 between Newnham Court Roundabout (Junction 7 of the M20 Motorway) and Stockbury Roundabout (Junction 5 of the M2 Motorway);

(d) the A299 between Brenley Corner (the end of the eastbound carriageway of the M2 Motorway at Junction 7) and Minster Roundabout (Mount Pleasant, Ramsgate); and

(e) the B2190 between Minster Roundabout (Mount Pleasant, Ramsgate) and a point on Spitfire Way 100 metres west of its junction with Bell Davies Drive.

(3) For the purposes of paragraph (1)(b)(i), the specified roads are—

(a) the coastbound carriageway of the A2 (Jubilee Way) between the entry slip road from the northern roundabout of the Whitfield Interchange (Whitfield Bypass) and the end of the coastbound carriageway of the A2 (Eastern Docks Roundabout);

(b) the coastbound carriageway of the A20 between the end of the coastbound carriageway of the M20 Motorway (Junction 13) and the end of the coastbound carriageway of the A20 (Eastern Docks Roundabout);

(c) the southbound carriageway of the A256 between Sevenscore Roundabout (Cliffsend) and its roundabout junction with Monk's Way (Sandwich);

(d) the A256 between its roundabout junction with Monk's Way (Sandwich) and its roundabout junction with Cater Road and Dover Road (Eastry);

(e) the southbound carriageway of the A256 between its roundabout junction with Cater Road and Dover Road (Eastry) and the entry slip road to the coastbound carriageway of the A2 at the northern roundabout of the Whitfield Interchange (Whitfield Bypass); and

(f) the eastbound carriageway of the A299 between Minster Roundabout (Mount Pleasant, Ramsgate) and Sevenscore Roundabout (Cliffsend).

(**a**) 1995 c. 23.

(**b**) Section 13 was substituted by S.I. 2011/2632, regulation 8(1) and Schedule 2, paragraph 5.

(**c**) Orders made under section 20 of the Road Traffic Regulation Act 1984 cannot apply to special roads (section 20(3)). Special roads in Kent include the M2, M20, M25 and M26 Motorways.

(**d**) Section 121A was inserted by the New Roads and Street Works Act 1991 (c. 22), section 168(1) and Schedule 8, paragraph 70, and amended by the Infrastructure Act 2015 (c. 7), section 1(6) and Schedule 1, paragraph 95, to provide for a strategic highways company (i.e. Highways England) to be a traffic authority. There are other amendments but none is relevant.

Restricted use of specified dual carriageways

4.—(1) During a traffic restriction period, a relevant vehicle may be driven only in the nearside (left-hand) lane of a road in the relevant class of road.

(2) In this article, "the relevant class of road" means the following roads—

(a) the northbound carriageway of the A249 between Newnham Court Roundabout (Junction 7 of the M20 Motorway) and Stockbury Roundabout (Junction 5 of the M2 Motorway);

(b) the southbound carriageway of the A256 between Sevenscore Roundabout (Cliffsend) and its roundabout junction with Monk's Way (Sandwich);

(c) the southbound carriageway of the A256 between its roundabout junction with Cater Road and Dover Road (Eastry) and the entry slip road to the coastbound carriageway of the A2 at the northern roundabout of the Whitfield Interchange (Whitfield Bypass);

(d) the eastbound carriageway of the A299 between Brenley Corner (the end of the eastbound carriageway of the M2 Motorway at Junction 7) and Minster Roundabout (Mount Pleasant, Ramsgate); and

(e) the southbound carriageway of the A299 between Cliffsend Roundabout (Cliffsend) and Sevenscore Roundabout (Cliffsend).

(3) The restriction in paragraph (1) does not apply if the vehicle is being driven—

(a) on a roundabout junction; or

(b) on a lane other than the nearside lane—

(i) at the direction, or with the permission, of a specified person; or

(ii) in compliance with a direction displayed on a traffic sign placed on or near a road.

Signed by the authority of the Secretary of State for Transport

Chris Heaton-Harris
Minister of State
Department for Transport

3rd September 2019

EXPLANATORY NOTE

(This note is not part of the Order)

The Heavy Commercial Vehicles in Kent (No. 1) Order 2019, the Heavy Commercial Vehicles in Kent (No. 2) Order 2019 and the Heavy Commercial Vehicles in Kent (No. 3) Order 2019 enable the movement of cross-Channel lorries in Kent to be controlled by regulating access to the road network, conferring new powers on traffic officers to allow for such vehicles to be detected and directed, and making ancillary provision relating to enforcement.

This Order regulates the use of the local road network in Kent – i.e. those roads maintained by traffic authorities except for the motorway network (the No. 3 Order regulates the use of the M20 Motorway, the primary route to the Channel Tunnel at Folkestone and the Port of Dover).

In particular, heavy commercial vehicles that are leaving the United Kingdom via the Channel Tunnel or the Port of Dover are not permitted to use local roads in Kent (article 3). This restriction does not apply to vehicles—

(a) already on a local road or nearby premises when the restriction is activated;

(b) being used on an approved route between the motorway network and Manston Airfield;

(c) being used on an approved route between Manston Airfield and the Port of Dover while displaying a permit (issued to demonstrate compliance with the traffic management scheme known as Operation Brock);

(d) if the driver is acting at the direction, or with the permission, of officials or in compliance with a traffic sign;

(e) making local collections or deliveries of goods;

(f) during incidental and necessary tasks, such as refuelling the vehicle; or

(g) operated by local hauliers.

Where the use of local roads is permitted, cross-Channel lorries must remain in the nearside (left-hand) lane of specified dual carriageways so the other lane is reserved for other traffic (article 4).

These restrictions will apply at the same time as a restriction on the use of the M20 Motorway imposed by article 2 of the No. 3 Order and cannot have effect after 31st December 2020.

A full Impact Assessment has not been produced for this instrument as it is not expected to have 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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