STATUTORY INSTRUMENTS

2021 No. 973

ROAD TRAFFIC

The Heavy Commercial Vehicles in Kent (No. 3) (Amendment) (No. 2) Order 2021

Made - - - - at 1.25 p.m. on 6th September 2021

Laid before Parliament at 3.00 p.m. on 6th September 2021

Coming into force in accordance with article 1

The Secretary of State makes the following Order in exercise of the powers conferred by section 17(2)(a), (c) and (d), (3) and (3ZB) of the Road Traffic Regulation Act 1984(**a**) ("the 1984 Act") and sections 20(3), 51(3) and 53(1)(a) and (2) of the Road Traffic Offenders Act 1988(**b**) ("the 1988 Act").

The Secretary of State has consulted such representative organisations as the Secretary of State thinks fit in accordance with section 134(2) of the 1984 Act(**c**) and section 88(2) of the 1988 Act.

Citation, commencement and extent

1.—(1) This Order may be cited as the Heavy Commercial Vehicles in Kent (No. 3) (Amendment) (No. 2) Order 2021 and comes into force at the same time as the Heavy Commercial Vehicles in Kent (No. 1) (Amendment) Order 2021(**d**).

(2) This Order extends to England and Wales and Scotland.

Amendment of the Heavy Commercial Vehicles in Kent (No. 3) Order 2019

2.—(1) The Heavy Commercial Vehicles in Kent (No. 3) Order 2019(**e**) is amended as follows.

(2) In article 1(2) (citation, commencement and interpretation)—

(a) omit the definition of "border documents", "critical food supply vehicle", "goods vehicle border readiness internet site", "groceries", "priority food supply permit", "priority goods" and "priority goods permit"; and

(**a**) 1984 c. 27. Section 17(2) was amended by the New Roads and Street Works Act 1991 (c. 22), section 168(1) and Schedule 8, paragraph 28(3), the Road Traffic Act 1991 (c. 40), section 48 and Schedule 4, paragraph 25 and the Scotland Act 2012 (c. 11) ("the 2012 Act"), section 21(3). Subsections (3ZA) to (3ZD) of section 17 were inserted by the 2012 Act, section 21(4).

(**b**) 1988 c. 53. Section 20 was substituted by the Road Traffic Act 1991 (c. 40) ("the 1991 Act"), section 23. Section 53 was substituted by the 1991 Act, section 48 and Schedule 4, paragraph 102, and subsection (2) was substituted by the Road Safety Act 2006 (c. 49), section 3.

(**c**) 1984 c. 27. Section 134(2) was amended by the Scotland Act 2016 (c. 11), Schedule 2, paragraph 12(3).

(**d**) S.I. 2021/***.

(**e**) S.I. 2019/1210, as amended by S.I.2020/1146 and S.I. 2021/109.

(b) in the definition of "traffic restriction period", for "M20 Motorway between Junction 7 (Maidstone) and Junction 8 (Maidstone (East))", substitute "M2 Motorway between Junction 4 and Junction 5 (Stockbury Roundabout)".

(3) Omit article 1A (restricted access to the M20 and M2 Motorways before and during a traffic restriction period).

(4) For article 2 (restricted access to M20 Motorway between Junctions 10a and 13) and the heading preceding it, substitute—

"**Restricted access to M2 Motorway between Junctions 5 and 7**

2.—(1) During a traffic restriction period, a relevant vehicle must not be used on the relevant length of carriageway unless—

(a) the vehicle is being used on the relevant length of carriageway—

(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(**a**); or

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

(b) the vehicle is being driven on the relevant length of carriageway 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 premises; or

(c) the vehicle is normally kept at an operating centre in East 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.

(2) In this article, "the relevant length of carriageway" means the coastbound carriageway of the M2 Motorway between the last point where the exit slip road at Junction 5 (Stockbury Roundabout) leaves the carriageway, as indicated by markings on the road, and the end of that carriageway at Junction 7 (Brenley Corner).".

(5) In article 3 (restricted access to M20 Motorway between Junctions 8 and 9)—

(a) for paragraph (2), substitute—

"(2) Where this paragraph applies, a relevant vehicle proceeding in a coastbound direction must not be driven on any part of the carriageway referred to in paragraph (1)(b) unless the driver of the vehicle is acting—

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

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

(b) omit paragraphs (3), (4) and (5).

(6) For article 7, substitute—

"**Permits**

7.—(1) Kent County Council may issue a permit to the holder of an operator's licence with an operating centre in East Kent ("local haulier permit").

(2) A permit issued under paragraph (1) must be in writing, specify the address of the holder's operating centre in East Kent and is valid until withdrawn by Kent County Council in writing.".

(**a**) 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.

(7) Omit article 8 (cessation).

Amendment of the Road Traffic Offenders Act 1988

3.—(1) Section 20(2) (speeding offences etc: admissibility of certain evidence)(**a**) of the Road Traffic Offenders 1988 is amended as follows—

(2) in paragraph (bb), for "1A(2), 2(1), 3(2) or 3(4)", substitute "2(1) or 3(2)"; and

(3) in paragraph (bc), omit "3(A1), ".

Amendment of the Fixed Penalty Order 2000

4.—(1) The Fixed Penalty Order 2000(**b**) is amended as follows.

(2) In Schedule 2 (graduated fixed penalties)—

(a) in paragraph 7 in column (1) of the table, for "1A(2), 2(1), 3(2) or 3(4)", substitute "2(1) or 3(2)"; and

(b) in paragraph 8 in column (1) of the table, omit "3(A1), ".

Signed by authority of the Secretary of State for Transport

Rachel Maclean
Parliamentary Under Secretary of State
Department for Transport

At 1.25 p.m. on 6th September 2021

EXPLANATORY NOTE

(This note is not part of the Order)

This Order amends the Heavy Commercial Vehicles in Kent (No. 3) Order 2019 (S.I. 2019/1210) ("the 2019 Order").

The Order omits:

(a) the ability to impose a requirement for lorry drivers and people travelling with them to have had a negative Covid-19 result as a condition of access to the coastbound carriageways of the motorway network in Kent;

(b) the ability to impose a requirement for a valid Kent Access Permit to have been issued in respect of a cross-Channel lorry for it to be used on the coastbound carriageway of motorways in Kent;

(c) the ability to require the production of border documents and display of a permit as a condition on access for cross-Channel lorries to the coastbound carriageway of the M20 Motorway between Junctions 9 and 13;

(d) the exception from the prohibition on cross-Channel lorries using the contraflow on the London-bound carriageway of the M20 between Junctions 8 and 9 for those lorries displaying a priority goods permit or a priority food supply permit;

(e) the ability to impose the requirement for cross-Channel lorries to display a permit before entering the M20 Motorway queueing area between Junctions 8 and 9 of the coastbound carriageway if the M26 Motorway is also being used as a queueing area;

(f) provisions relating to the issue of permits, other than the local haulier permit; and

(g) article 8 of the 2019 Order which provided that the 2019 Order would cease to have effect at the end of 31st October 2021. The 2019 Order therefore continues in force beyond that date.

(**a**) Section 20(2) has been amended by S.I. 1997/384, 2001/1814, 2014/260, 2017/294, 2019/1210 and 2020/1146.
(**b**) S.I. 2000/2792; relevant amending instruments are S.I. 2019/1210 and 2020/1146.

It also provides that during a traffic restriction period, the use of cross-Channel lorries on the M2 Motorway between Junctions 5 and 7 is restricted.

The Order amends the procedure to make evidence from prescribed devices relating to breaches of certain restrictions more readily admissible in court in the Road Traffic Offenders Act 1988 (1988 c. 53) to reflect the removal of restrictions imposed by the 2019 Order and the Heavy Commercial Vehicles in Kent (No. 2) Order 2019(**a**).

The Order amends the Fixed Penalty Order 2000 (S.I. 2000/2792) to omit references to those restrictions which are being omitted from the 2019 Order by this Order, and which are being omitted from the Heavy Commercial Vehicles in Kent (No. 2) Order 2019 by a related instrument from the list of prescribed penalties.

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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(**a**) S.I. 2019/1394, as amended by S.I. 2020/1155 and S.I. 2021/988.

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