STATUTORY INSTRUMENTS

2018 No. 1352

EXITING THE EUROPEAN UNION

ROAD TRAFFIC

The Heavy Goods Vehicles (Charging for the Use of Certain Infrastructure on the Trans-European Road Network) (Amendment) (EU Exit) Regulations 2018

Sift requirements satisfied	*13th November 2018*
Made - - - -	*11th December 2018*
Laid before Parliament	*14th December 2018*
Coming into force in accordance with regulation 1	

The requirements of paragraph 3(2) of Schedule 7 to the European Union (Withdrawal) Act 2018(**a**) (relating to the appropriate Parliamentary procedure for these Regulations) have been satisfied.

The Secretary of State makes these Regulations in exercise of the powers conferred by section 8(1) of that Act.

Citation and commencement

1. These Regulations may be cited as the Heavy Goods Vehicles (Charging for the Use of Certain Infrastructure on the Trans-European Road Network) (Amendment) (EU Exit) Regulations 2018 and come into force on exit day.

Amendment of the Heavy Goods Vehicles (Charging for the Use of Certain Infrastructure on the Trans-European Road Network) Regulations 2009

2.—(1) The Heavy Goods Vehicles (Charging for the Use of Certain Infrastructure on the Trans-European Road Network) Regulations 2009(**b**) are amended as follows.

(2) In regulation 2(2)(**c**)—

(a) in sub-paragraph (a)(i), before "Annex II" insert "Subject to sub-paragraph (d),";

(b) after sub-paragraph (c) insert—

"(d) Annex II to the 1999 Directive is to be read with the following modifications for the purposes of these Regulations—

(**a**) 2018 c. 16.
(**b**) S.I. 2009/1914.
(**c**) Sub-paragraph (a) of paragraph (2) was substituted by S.I. 2014/2437.

(i) Annex II has effect as if it were substituted as follows—

ANNEX II

MAXIMUM AMOUNTS IN POUNDS STERLING OF USER CHARGES, INCLUDING ADMINISTRATIVE COSTS

Annual

	maximum three axles	*minimum four axles*
EURO 0	1246	2089
EURO I	1084	1809
EURO II	943	1573
EURO III	820	1367
EURO IV and less polluting	746	1243

Monthly and weekly

1. Maximum monthly and weekly rates are in proportion to the duration of the use made of the infrastructure.

Daily

2. The maximum daily rate is equal for all vehicle categories and amounts to £10.

(ii) Annex IIIb has effect as if for Table 1 and Table 2 there were substituted—

Table 1

Maximum chargeable air pollution cost

pence/vehicle kilometre	*Suburban roads (including motorways)*	*Interurban roads (including motorways)*
EURO 0	15.0	11.3
EURO I	10.3	7.5
EURO II	8.5	6.6
EURO III	6.6	5.7
EURO IV	3.8	2.9
EURO V	0.0	0.0
after 31 December 2013	2.9	1.9
EURO VI	0.0	0.0
after 31 December 2017	1.9	1.0
Less polluting than EURO VI	0.0	0.0

Table 2

Maximum chargeable noise cost

pence/vehicle kilometre	*Day*	*Night*
Suburban roads (including motorways)	1.03	1.88
Interurban roads (including motorways)	0.19	0.29.”

(3) In regulation 4A—

(a) omit paragraph (4);

(b) omit paragraph (8).

(4) Omit regulation 8.

(5) In regulation 10(**a**) omit paragraph (2).

(6) In regulation 13(**b**) (Reductions and exemptions)—

(a) in paragraph (3);

(i) in sub-paragraph (a), for ", and" substitute ".";

(ii) omit sub-paragraph (b).

(7) In regulation 14—

(a) in paragraph (1) for "Subject to regulation 8, if an operator" substitute "If an operator";

(b) in paragraph (2), omit sub-paragraphs (a)(ii) and (iii).

(8) In regulation 15—

(a) in paragraph (1) omit "and avoid any mandatory controls or checks at the European Union's internal borders";

(b) in paragraph (2) omit "other".

(9) In regulation 17 (Information requirements where a concession toll is not involved)—

(a) in paragraph (1) for "(2) to (5)" substitute "(2) and (3)";

(b) omit paragraphs (4),(6) and (7).

(10) In regulation 18 omit paragraphs (4) and (5).

(11) In regulation 20(**c**)—

(a) in paragraph (1) for "(2) to (4)" substitute "(2) and (3)"; and

(b) omit paragraphs (4),(5),(6) and (7).

(12) Omit regulation 20A(**d**).

(13) In the heading of part 5, omit "other".

(14) In regulation 21—

(a) for "other EEA States", in each place it occurs, substitute "EEA States";

(b) in paragraph (3A), in sub-paragraph (b), omit ", other than the United Kingdom,";

(c) omit paragraph (4).

Amendment of the County of Merseyside Act 1980

3. In section 91(4) of the County of Merseyside Act 1980 (classification of vehicles, level and application of tolls), omit paragraph (a) and the "or" immediately after it(**e**).

Signed by authority of the Secretary of State for Transport

Jesse Norman
Minister of State
Department for Transport

11th December 2018

(**a**) Substituted by S.I. 2014/2437.
(**b**) As amended by S.I. 2012/1809 and S.I. 2014/2437. There are other amendments to this instrument which are not relevant to these Regulations.
(**c**) Substituted by S.I. 2014/2437.
(**d**) Added by S.I. 2014/2437.
(**e**) 1980 c. x; section 91 was substituted by Schedule 1, paragraph 1, and modified by Schedule 2, paragraph 7(a) of S.I. 1986/297.

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations are made in exercise of the powers conferred by section 8(1) of the European (Withdrawal) Act 2018 (c.16) in order to address failures of retained EU law to operate effectively and other deficiencies (in particular under section 8(2)(a),(b),(c),(d),(e) and (g) which apply to this instrument) arising from the withdrawal of the UK from the European Union.

These Regulations make amendments to legislation in the field of road tolling and user charging and in particular amend legislation relating to the HGV Levy and the Eurovignette Directive 1999/62/EC. Regulation 2 amends subordinate legislation and regulation 3 amends primary legislation.

An impact assessment has not been produced for this instrument as no, or no significant, impact on the private, voluntary or public sector is foreseen.

An Explanatory Memorandum has been published alongside these Regulations and is available with these Regulations on www.legislation.gov.uk.

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