EXPLANATORY MEMORANDUM TO

THE MOTOR VEHICLES (VARIATION OF SPEED LIMITS FOR NAVAL, MILITARY AND AIR FORCE VEHICLES) (ENGLAND AND WALES) REGULATIONS 2015

2015 No. 1653

1. This explanatory memorandum has been prepared by the Department for Transport and is laid before Parliament by Command of Her Majesty.

2. Purpose of the instrument

2.1 The maximum speed at which track laying vehicles fitted with springs or resilient material can travel on public roads is set out in the Road Traffic Regulation Act 1984 and is currently fixed at 20 miles per hour. For operational, environmental and safety reasons it is necessary to increase this speed limit for naval, military and air force armoured track laying vehicles. These Regulations amend the provisions in the Act so that such vehicles can travel at a maximum speed of 40 miles per hour on public roads when the driver is following the orders of a member of the Armed Forces.

3. Matters of special interest to the Joint Committee on Statutory Instruments

3.1 None

4. Legislative Context

4.1 The table in Part III of Schedule 6 to the Road Traffic Regulation Act 1984 sets out the speed limits that apply to track-laying vehicles used on public roads. This instrument amends that table so that a higher limit of 40 mph can be applied to naval, military and air force track laying vehicles in England and Wales. A consequential amendment is also Part IV of Schedule 6 to make sure that the new provision is consistently applied.

5. Territorial Extent and Application

5.1 The Road Traffic Regulation Act 1984 applies to Great Britain. In general, the setting of maximum vehicle speed limits is a devolved matter in Scotland. Although, speed limits in relation to vehicles used for naval, military or air force purposes can be set by the Secretary of State for the whole of Great Britain this instrument will apply to England and Wales only.

6. European Convention on Human Rights

The Parliamentary Under-Secretary of State for Transport, Andrew Jones MP has made the following statement regarding Human Rights:

"In my view the provisions of the Motor Vehicles (Variation of Speed Limits for Naval, Military and Air Force Vehicles) (England and Wales) Regulations 2015 are compatible with the Convention rights."

7. Policy background

- What is being done and why

7.1 Since 1977, military armoured track laying vehicles (generally tanks and armoured personnel carriers referred to as "AVT's") have been operated on UK public roads under a perceived dispensation from the 20mph restriction for such track laying vehicles. Consequently, when travelling to and from training areas and during driver training, some vehicles were operating at speeds of up to 40 mph if they weighed less than 40 tonnes and up to 30mph for those over 40 tonnes, in accordance with Ministry of Defence (MoD) Armoured Vehicle Standing Orders. In October 2013, it became apparent that military AVTs were not exempt from the 20mph speed limit for track laying vehicles that applied under Part III of Schedule 6 to the Road Traffic Regulation Act 1984. The MOD subsequently amended the Armoured Vehicle Standing Orders to impose a 20mph restriction for military AVTs in the UK.

7.2 There is an operational need for military AVT crews to be competent and experienced in driving and manoeuvring their vehicles on public roads at the speed of traffic and amongst civilian drivers when on operations both at home and worldwide. This is not possible when restricted to a maximum 20 mph. There are also environmental benefits if AVTs travel at their optimum speed because engine revolutions, fuel consumption and exhaust emissions are all reduced. Additionally, it is also likely to be safer for other road users and the crews of AVTs if such vehicles are permitted to travel at speeds in excess of 20 mph as this would reduce the hazard caused by large slow moving vehicles travelling on fast-flowing public roads and help reduce tailbacks.

7.3 These Regulations amend the speed limit so that AVTs are lawfully permitted to travel at a maximum speed limit of up to 40 miles per hour when the driver is following the orders of a member of the Armed Forces. Any local 30 or 20 miles per hour speed limits would still take precedence over the limits provided for under these Regulations and it is not the case that AVTs will be able to travel at faster speeds than other road traffic on public roads. The increase will apply to military AVTs only. Non MoD track laying vehicles will continue to be restricted to the existing 20mph maximum speed limit.

- Consolidation

7.4 No consolidation is currently planned by the Department.

8. Consultation outcome

8.1 The Department for Transport carried out the consultation titled 'Examining the Speed Limit for Military Armoured Track Laying Vehicles on Public Roads in England and Wales' between 13 March and 24 April 2015. The consultation invited views and evidence, on the impact of the 20mph speed limit on AVT crew training, road safety, traffic congestion, fuel consumption and emissions, road maintenance and ill health effects.

8.2 DfT received 347 responses in total and a very large majority (95%) supported increasing the speed limit to 40mph. 240 respondents indicated that they lived and/or used public roads in the vicinity of one or more of the seven key training areas in England and Wales. Support for an increase was split roughly equally between MoD/members of the armed forces (51.5%) and other respondents (48.5%) and included two out of the three road safety groups and the three identified police forces responding to the consultation.

8.3 The primary reason for the speed limit increase is operational need. The majority of respondents, 95%, thought that an increase in speed limit was necessary to enable crews of AVT vehicle to be properly trained to a level of competence to operate these vehicles safely on public roads at operational speeds.

8.4 Eleven respondents (3% of the total) including one road safety organisation and one parish council supported retaining the 20mph limit. The main reasons given were road safety and road maintenance concerns. Six respondents (2% of the total) suggested other options including a higher speed limit than that proposed and to increase the speed limit to 30mph or have local speed limits to suit the roads in particular areas. The most frequently cited reason for opposing the proposal was road safety.

8.5 Copies of the consultation document and the Government response found at https://www.gov.uk/government/consultations/military-armoured-track-laying-vehicles-increasing-speed-limits.

9. Guidance

9.1 None

10. Impact

10.1 There is no impact on business, or charities/voluntary bodies.

10.2 The impact on the public sector is the benefit to the MoD of being able to operate AVT vehicles at higher speed limit along with a small saving achieved through lower running costs.

10.3 The final Impact Assessment is attached to this memorandum and will be published alongside the Explanatory Memorandum on www.legislation.gov.uk.

11. Regulating small business

11.1 The legislation does not apply to small business.

12. Monitoring & review

12.1 This measure does not regulate/deregulate business or charities and voluntary bodies. There are no other costs associated with these Regulations and the increase in AVT speed limits essentially represents a return to the situation that prevailed for over thirty years when military AVTs were regularly travelling on public roads at speeds of up to 40mph with no serious accidents reported where speed was a causal factor. A formal review requirement is therefore disproportionate and the Department has not included one in the Regulations.

13. Contact

Mr Tony L Smith (at the Department for Transport Tel: 0207 944 5875 or email: tonyl.smith@dft.gsi.gov.uk) can answer any queries regarding the instrument.