STATUTORY INSTRUMENTS

2015 No. 59

ROAD TRAFFIC, ENGLAND

ROAD TRAFFIC, SCOTLAND

The Use of Invalid Carriages on Highways (Amendment) (England and Scotland) Regulations 2015

Made - - - -	*23rd January 2015*
Laid before Parliament	*2nd February 2015*
Coming into force - -	*9th March 2015*

The Secretary of State makes these Regulations in exercise of the powers conferred by section 20(1), (2) and (3) of the Chronically Sick and Disabled Persons Act 1970(**a**) now vested in him(**b**).

Citation, commencement and application

1. These Regulations—

(a) may be cited as the Use of Invalid Carriages on Highways (Amendment) (England and Scotland) Regulations 2014;

(b) come into force on 9th March 2015; and

(c) apply in relation to England and Scotland only.

(**a**) 1970 c.44; section 20 has been amended by the Road Traffic Act 1972 (c.20), Schedule 7; the Highways Act 1980 (c.66), Schedule 24, paragraph 19; the Road Traffic Regulation Act 1984 (c.27), Schedule 13, paragraph 10; the Road Traffic (Consequential Provisions) Act 1988 (c.54), Schedule 3, paragraph 7(a) and 7(b); the Road Traffic Act 1991 (c.40), Schedule 4, paragraph 3(a) and 3(b); the Countryside and Rights of Way Act 2000 (c.37), Schedule 7, paragraph 3; and the Restricted Byways (Application and Consequential Amendment of Provisions) Regulations 2006 (S.I. 2006/1177), Schedule, Part I.

(**b**) The Secretary of State for the Environment Order 1970, SI 1970/1681 abolished the Ministry of Transport and, subject to limited exceptions not relevant to this Act, transferred to the Secretary of State (in effect the Secretary of State for the Environment) the functions of the Minister of Transport. The Secretary of State for Transport Order 1976, SI 1976/1775 created a separate Department of Transport and all the transport functions of the Secretary of State for the Environment were transferred to the Secretary of State for Transport. In 1979, by virtue of the Minister of Transport Order 1979, SI 1979/571, a Ministry of Transport was again formed and the functions of the Secretary of State for Transport were transferred to the Minister of Transport. This situation continued until 1981, when, by virtue of the Transfer of Functions (Transport) Order 1981, SI 1981/238, the functions of the Minister of Transport were again transferred to the Secretary of State for Transport. The Secretary of State for the Environment, Transport and the Regions Order 1997, SI 1997/2971, articles 3-6, transferred the functions of the Secretary of State for Transport to the Secretary of State for the Environment, Transport and the Regions. The functions of the Secretary of State under section 20(1) and (3) of the Chronically Sick and Disabled Persons Act 1970 (c.44) ("the 1970 Act") are, so far as exercisable in relation to Wales, vested in the Welsh Ministers. Those functions were transferred to the National Assembly for Wales constituted by the Government of Wales Act 1998 (c.38) by the National Assembly for Wales (Transfer of Functions) Order 1999 (S.I. 1999/672), article 2; see the entry in Schedule 1 for the 1970 Act. By virtue of paragraphs 30 and 32 of Schedule 11 to the Government of Wales Act 2006 (c.32), they were transferred to the Welsh Ministers immediately after the end of the initial period as defined by section 161(5) of that Act.

Amendment of the Use of Invalid Carriages on Highways Regulations 1988

2.—(1) The Use of Invalid Carriages on Highways Regulations 1988(**a**) are amended as follows.

(2) For regulation 7 (Unladen Weight), substitute—

"**7.**—(1) Subject to paragraph (2), the unladen weight of an invalid carriage must not exceed—

(a) in the case of a Class 1 or Class 2 invalid carriage, 113.4 kilograms; and

(b) in the case of a Class 3 invalid carriage, 150 kilograms.

(2) The unladen weight of an invalid carriage which satisfies the conditions in paragraph (3) must not exceed 200 kilograms.

(3) The conditions are that—

(a) the invalid carriage includes necessary user equipment; and

(b) the unladen weight of the invalid carriage, excluding the weight of necessary user equipment, does not exceed the weight limit for its Class as set out in paragraph (1).

(4) In this regulation—

(a) "necessary user equipment" means equipment that—

(i) forms part of, or is attached to, the invalid carriage upon construction or adaptation; and

(ii) is necessary for the specific clinical, postural, hygienic, caring or nursing requirement of the usual user.

(b) "unladen weight" means the weight of the invalid carriage—

(i) inclusive of the weight of water, fuel or accumulators used for the purpose of the supply of power for propulsion of the invalid carriage, loose tools, and any necessary user equipment; but

(ii) exclusive of any other load and the weight of the person carried by the invalid carriage.".

Signed by authority of the Secretary of State for Transport

Kramer
Minister of State
Department for Transport

23rd January 2015

(**a**) S.I. 1988/2268.

EXPLANATORY NOTE

(This note is not part of the Regulations)

The Use of Invalid Carriages on Highways Regulations 1988 ("the 1988 Regulations") make provision regarding the requirements with which invalid carriages must comply, and the conditions in accordance with which invalid carriages must be used, in order to benefit from certain exemptions from road traffic legislation which are set out in section 20(1) of the Chronically Sick and Disabled Persons Act 1970.

These Regulations substitute regulation 7 of the 1988 Regulations to introduce a new requirement which relates to invalid carriages which include necessary user equipment. Necessary user equipment is part of, or is attached to, an invalid carriage upon construction or adaption and is necessary to satisfy a clinical, postural, hygienic, caring or nursing requirement of the usual user. An invalid carriage which includes necessary user equipment but does not exceed the unladen weight limit for its Class when the weight of the necessary user equipment is not included must satisfy the requirement that its unladen weight must not exceed 200 kilograms.

An impact assessment of the effect that this instrument will have on the costs to business and the voluntary sector is available from the website of the Department for Transport (www.gov.uk/government/organisations/department-for-transport). It is also annexed to the Explanatory Memorandum for this instrument available alongside this instrument on the legislation.gov.uk website.

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