



STATUTORY INSTRUMENTS.

S.I. No. 320 of 2017



ROAD TRAFFIC (CONSTRUCTION AND USE OF VEHICLES)
(AMENDMENT) REGULATIONS 2017

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I, SHANE ROSS, Minister for Transport, Tourism and Sport, in exercise of the powers conferred on me by sections 5, 11 and 12 of the Road Traffic Act 1961 (No. 24 of 1961), sections 10 and 11 of the Road Traffic Act 1968 (No. 25 of 1968) and section 2 of the Road Traffic Act 2006 (No. 23 of 2006) (as adapted by the Transport (Alteration of Name of Department and Title of Minister) Order 2011 (S.I. No. 141 of 2011)), and for the purpose of giving effect to Directive (EU) 2015/719 of 29 April 2015¹ and further effect to Directive 96/53/EC of 25 July 1996, hereby make the following regulations:

Citation

1. These Regulations may be cited as the Road Traffic (Construction and Use of Vehicles) (Amendment) Regulations 2017.

Commencement

2. These Regulations come into operation on 14th July 2017.

Interpretation

3. In these Regulations, “Principal Regulations” means the Road Traffic (Construction and Use of Vehicles) Regulations 2003 (S.I. No. 5 of 2003).

Amendment of Regulation 2 of the Principal Regulations

4. The Principal Regulations are amended in regulation 2(1):

(a) by inserting the following definitions:

“ ‘alternative fuels’ means fuels or power sources which serve, at least partly, as a substitute for fossil oil sources in the energy supply to transport and which have the potential to contribute to its decarbonisation and enhance the environmental performance of the transport sector, consisting of:

(a) electricity consumed in all types of electric vehicles;

(b) hydrogen;

(c) natural gas, including biomethane, in gaseous form (compressed natural gas, also known as CNG) and liquefied form (liquefied natural gas, also known as LNG);

(d) liquefied petroleum gas (also known as LPG);

¹OJ No. L 115, 6.5.2015, p. 1.

*Notice of the making of this Statutory Instrument was published in
“Iris Oifigiúil” of 18th July, 2017.*

- (e) mechanical energy from on-board storage/on-board sources, including waste heat;

‘alternatively fuelled vehicle’ means a motor vehicle powered wholly or in part by an alternative fuel and which has been approved under the framework of the European Communities (Road Vehicles: Type-Approval) Regulations 2009 (S.I. No. 158 of 2009) or, in the case of a vehicle registered in a Member State other than the State, Directive 2007/46/EC;

‘Directive 92/106/EEC’ means Council Directive 92/106/EEC of 7 December 1992 on the establishment of common rules for certain types of combined transport of goods between Member States²;

‘Directive 2007/46/EC’ means Directive 2007/46/EC of the European Parliament and of the Council of 5 September 2007 establishing a framework for the approval of motor vehicles and their trailers, and of systems, components and separate technical units intended for such vehicles³;

‘intermodal transport operation’ means:

- (a) the combined transport operations as defined in Article 1 of Directive 92/106/EEC, namely those comprising the transport of goods between Member States where the lorry, trailer, semi-trailer, with or without tractor unit, swap body or container of 20 feet or more, uses the road on the initial or final leg of the journey and, on the other leg, rail or inland waterway or maritime services where this section exceeds 100 km as the crow flies, and makes the initial or final road transport leg of the journey:
 - (i) between the point where the goods are loaded and the nearest suitable rail loading station for the initial leg, and between the nearest suitable rail unloading station and the point where the goods are unloaded for the final leg, or
 - (ii) within a radius not exceeding 150 km as the crow flies from the inland waterway port or seaport of loading or unloading,

where engaged in the transport of one or more containers or swap bodies, up to a total maximum length of 45 feet; or

- (b) transport operations engaged in the transport of one or more containers or swap bodies, up to a total maximum length of 45 feet, using waterborne transport, provided that the length

²OJ No. L 368, 17.12.1992, p. 38.

³OJ No. L 263, 9.10.2007, p. 1.

of the initial or the final road leg does not exceed 150 km in the territory of the European Union.

Provided that:

(i) in the case of:

- (I) vehicles complying with point 2.2.2(a) or (b) of Annex I of the Council Directive, and
- (II) vehicles complying with point 2.2.2(c) or (d) of Annex I of the Council Directive (in cases in which such distances are permitted in the State),

the distance of 150 km referred to in paragraph (b) may be exceeded in order to reach the nearest suitable transport terminal for the envisaged service; and

- (ii) the nearest suitable transport terminal providing a service may be located in a Member State other than the Member State in which the shipment was loaded or unloaded;

‘shipper’ means a legal entity or a natural or legal person:

- (a) who is named on the bill of lading or on an equivalent transport document (such as a ‘through’ bill of lading) as the shipper, or
- (b) in whose name or on whose behalf a contract of carriage has been concluded with the transport company,

or both of the circumstances in (a) and (b);

‘swap body’ means a part of a vehicle which is intended to bear the load, has supports and, by means of a device which is part of the vehicle, may be detached from the vehicle and re-incorporated therein, and ‘swap bodies’ shall be construed accordingly;” and

(b) by substituting for the definition of “Council Directive” the following:

“ ‘Council Directive’ means Council Directive 96/53/EC of 25 July 1996 laying down for certain road vehicles circulating within the Community the maximum authorised dimensions in national and international traffic and the maximum authorised weights in international traffic⁴, as amended by Directive 2002/7/EC of the European Parliament and of the Council of 18 February 2002⁵ and Directive (EU) 2015/719 of the European Parliament and of the Council of 29 April 2015⁶;

⁴OJ No. L 235, 17.9.1996, p. 59.

⁵OJ No. L 67, 9.3.2003, p. 47.

⁶OJ No. L 115, 6.5.2015, p. 1.

Insertion of Regulation 2A into the Principal Regulations

5. The Principal Regulations are amended by inserting after Regulation 2, and at the end of Part 1, the following:

“2A In these Regulations, every maximum authorised dimension that is specified in Annex I of the Council Directive shall be measured in accordance with Annex I to Directive 2007/46/EC, without any positive tolerances.”

Insertion of Regulation 3A into the Principal Regulations

6. The Principal Regulations are amended by inserting after Regulation 3, the following:

“3A The national contact point that is designated for the State for the purposes of Article 18 of Regulation (EC) No 1071/2009 of the European Parliament and of the Council of 21 October 2009 establishing common rules concerning the conditions to be complied with to pursue the occupation of road transport operator and repealing Council Directive 96/26/EC⁷ shall, in accordance with Regulation (EC) No 1071/2009, exchange with the competent authorities of the other Member States information about infringements and penalties relating to Article 10d of the Council Directive.”

Substitution of Regulation 9 of the Principal Regulations

7. The Principal Regulations are amended by substituting for Regulation 9 (substituted by Regulation 10 of the Road Traffic (Construction and Use of Vehicles) (Amendment) (No. 2) Regulations 2014 (S.I. No. 253 of 2014)) the following:

“(1) Subject to this Regulation and to Regulation 22A, the weight laden of a 2-axle vehicle, other than an agricultural tractor or a rigid drawbar agricultural trailer having 2 axles, shall not exceed:

- (a) if the distance between the front and rear axles is less than 3 metres, 16 tonnes, or
- (b) if the distance between the front and rear axles is not less than 3 metres, 18 tonnes.

(2) The weight laden of an agricultural tractor having two axles shall not exceed 18 tonnes.

(3) The weight laden of a 2-axle bus may exceed 18 tonnes but shall not exceed 19.5 tonnes.

(4) In the case of a 2-axle alternatively fuelled vehicle other than a bus, the maximum permitted weight laden of 18 tonnes is increased by the additional weight that is required for the vehicle’s alternative fuel technology, subject to a maximum of one additional tonne.

⁷OJ No. L 300, 14.11.2009, p. 51.

(5) A vehicle to which paragraph (1), (3) or (4) applies shall be equipped with, as appropriate, a manufacturer's plate or an authorisation plate, or a combination of such plates, complying with either:

- (a) the requirements of the European Communities (Proof of Compliance) Regulations 2000 (S.I. No. 223 of 2000) and the Road Traffic (Construction, Equipment and Use of Vehicles) (Amendment) Regulations 2000 (S.I. No. 224 of 2000); or
- (b) in the case of a vehicle registered in a Member State other than the State, the requirements of Article 6(1) of the Council Directive."

Amendment of Regulation 10 of the Principal Regulations

8. Regulation 10 of the Principal Regulations is amended:

- (a) by substituting for paragraph (1) the following paragraphs:

"(1) Subject to this Regulation and to Regulation 22A, the weight laden of a vehicle having 3 axles shall not exceed 25 tonnes.

(1A) In the case of a 3-axle alternatively fuelled vehicle to which paragraph (1) applies, the maximum permitted weight laden of 25 tonnes is increased by the additional weight that is required for the vehicle's alternative fuel technology, subject to a maximum of one additional tonne.";

- (b) by inserting after paragraph (2) the following paragraph:

"(2A) In the case of a 3-axle alternatively fuelled vehicle to which paragraph (2) applies, the maximum permitted weight laden of 26 tonnes is increased by the additional weight that is required for the vehicle's alternative fuel technology, subject to a maximum of one additional tonne.";

- (c) by inserting after paragraph (3) the following paragraphs:

"(3A) Subject to paragraph (3B), the weight laden of a 3-axle articulated bus may exceed 25 tonnes but shall not exceed 28 tonnes.

(3B) In the case of a 3-axle articulated bus that is an alternatively fuelled vehicle, the maximum permitted weight laden of 28 tonnes is increased by the additional weight that is required for the vehicle's alternative fuel technology, subject to a maximum of one additional tonne."; and

(d) by inserting after paragraph (8) the following paragraph:

“(9) A vehicle to which this Regulation (other than paragraph (7)) applies shall be equipped with, as appropriate, a manufacturer’s plate or an authorisation plate, or a combination of such plates, complying with either:

- (a) the requirements of the European Communities (Proof of Compliance) Regulations 2000 (S.I. No. 223 of 2000) and the Road Traffic (Construction, Equipment and Use of Vehicles) (Amendment) Regulations 2000 (S.I. No. 224 of 2000); or
- (b) in the case of a vehicle registered in a Member State other than the State, the requirements of Article 6(1) of the Council Directive.”

Amendment of Regulation 18 of the Principal Regulations

9. Regulation 18 of the Principal Regulations is amended by inserting after paragraph (5) the following paragraphs:

“(6) The weight laden of 2-axle motor vehicle with a 3-axle semi-trailer carrying, in intermodal transport operations, one or more containers or swap bodies, up to a total maximum length of 45 feet, may exceed 34 tonnes but shall not exceed 42 tonnes.

(7) The weight laden of 3-axle motor vehicle with a 2-axle semi-trailer carrying, in intermodal transport operations, one or more containers or swap bodies, up to a total maximum length of 45 feet, may exceed 34 tonnes but shall not exceed 44 tonnes.

(8) A vehicle to which this Regulation applies shall be equipped with, as appropriate, a manufacturer’s plate or an authorisation plate, or a combination of such plates, complying with either:

- (a) the requirements of the European Communities (Proof of Compliance) Regulations 2000 (S.I. No. 223 of 2000) and the Road Traffic (Construction, Equipment and Use of Vehicles) (Amendment) Regulations 2000 (S.I. No. 224 of 2000); or
- (b) in the case of a vehicle registered in a Member State other than the State, the requirements of Article 6(1) of the Council Directive.”

Amendment of Regulation 19 of the Principal Regulations

10. Regulation 19 of the Principal Regulations is amended by inserting after paragraph (3) the following paragraph:

“(3A) The weight laden of 3-axle motor vehicle with a 3-axle semi-trailer carrying, in intermodal transport operations, one or more containers or swap bodies, up to a total maximum length of 45 feet, may exceed 34 tonnes

but shall not exceed 44 tonnes. Such a vehicle shall be equipped with, as appropriate, a manufacturer's plate or an authorisation plate, or a combination of such plates, complying with either:

- (a) the requirements of the European Communities (Proof of Compliance) Regulations 2000 (S.I. No. 223 of 2000) and the Road Traffic (Construction, Equipment and Use of Vehicles) (Amendment) Regulations 2000 (S.I. No. 224 of 2000); or
- (b) in the case of a vehicle registered in a Member State other than the State, the requirements of Article 6(1) of the Council Directive."

Insertion of Regulations 22A and 22B into the Principal Regulations

11. The Principal Regulations are amended by inserting after Regulation 22, and at the end of Part 2, the following:

"22A (1) In addition to any other limit imposed by these Regulations, an alternatively fuelled vehicle shall comply with the maximum authorised axle weight limits set out in point 3 of Annex I of the Council Directive.

- (2) The additional weight required by an alternatively fuelled vehicle:
 - (a) shall be defined on the basis of the documentation provided by the manufacturer when the vehicle in question is approved; and
 - (b) shall be recorded on the authorisation plate, within the meaning of either:
 - (i) the European Communities (Proof of Compliance) Regulations 2000 (S.I. No. 223 of 2000) and the Road Traffic (Construction, Equipment and Use of Vehicles) (Amendment) Regulations 2000 (S.I. No. 224 of 2000)), or
 - (ii) in the case of a vehicle registered in a Member State other than the State, Article 6(1) of the Council Directive,

in respect of that vehicle.

22B (1) This Regulation applies to the transport of a container or swap body by a vehicle or a vehicle combination to which Article 1(1)(a) of the Council Directive applies.

(2) Not later than the time at which the shipper of a container or swap body entrusts that container or swap body to a haulier, the shipper must give to the relevant haulier a statement (which may be in digital form) indicating the weight of the container or swap body that is to be transported.

- (3) (a) The haulier of a container or swap body must record, and must for a period of at least two years retain in a durable form (which

may be in digital form), all relevant documentation provided by the shipper under paragraph (2).

- (b) A haulier to whom a shipper has, pursuant to paragraph (2), provided prescribed information, must produce that information to a member of An Garda Síochána and to a transport officer (within the meaning of section 15 of the Road Transport Act 1986 (No. 16 of 1986)), upon request.”

Amendment of Regulation 26 of the Principal Regulations

12. Regulation 26 of the Principal Regulations is amended by substituting for paragraphs (4) and (5) (substituted by Regulation 6 of the Road Traffic (Construction and Use of Vehicles) (Amendment) (No. 2) Regulations 2015 (S.I. No. 354 of 2015)) the following paragraphs:

“(4) Subject to this Regulation, the overall width of:

- (a) a goods vehicle or a goods trailer with a design gross vehicle weight in excess of 3.5 tonnes, and
- (b) a vehicle to which paragraph (6) applies,

may exceed 2.50 metres but shall not exceed 2.55 metres.

(5) In the case of a vehicle to which paragraph (6) applies, the overall width of the superstructure of a conditioned vehicle or conditioned container or swap body transported by the vehicle may exceed 2.50 metres but shall not exceed 2.60 metres.

(6) This paragraph applies to vehicles to which Article 1(1)(a) of the Council Directive applies, namely motor vehicles in Categories M2 and M3 and their trailers in Category O and motor vehicles in Categories N2 and N3 and their trailers in Categories O3 and O4, each as defined in Annex II to Directive 2007/46/EC.”

Amendment of Regulation 28 of the Principal Regulations

13. Regulation 28 of the Principal Regulations (substituted by Regulation 2 of the Road Traffic (Construction and Use of Vehicles) (Amendment) Regulations 2004 (S.I. No. 99 of 2004)) is amended by substituting “Subject to Regulations 28A, 28B and 28C, the overall length of:” for “The overall length of:”.

Insertion of Regulations 28A to 28C into the Principal Regulations

14. The Principal Regulations are amended by inserting after Regulation 28 the following:

“28A Subject to Regulations 28B and 28C, in the case of a vehicle or vehicle combination to which Article 1(1)(a) of the Council Directive applies and which is engaged in the transport of 45-foot containers or 45-foot swap bodies, empty or loaded:

- (a) the maximum length laid down in Regulation 28 and in point 1.1 of Annex I of the Council Directive, and
- (b) the maximum distance laid down in Regulation 30 and in point 1.6 of Annex I of the Council Directive,

and which is applicable to that vehicle or vehicle combination, may each be exceeded by 15 cm, provided that the road transport of the relevant container or swap body is part of an intermodal transport operation.

28B (1) This Regulation applies to a vehicle to which Article 1(1)(a) of the Council Directive applies.

(2) A vehicle or a vehicle combination that meets the requirements of this paragraph and which complies with Directive 2007/46/EC may exceed the maximum lengths laid down in Regulations 28 and 29 and in point 1.1 of Annex I of the Council Directive, provided that:

- (a) the cab of the vehicle or vehicle combination delivers improved aerodynamic performance, energy efficiency and safety performance;
- (b) the vehicle or vehicle combination complies with point 1.5 of Annex I of the Council Directive;
- (c) any exceeding of the maximum length for that vehicle or vehicle combination does not result in an increase in the load capacity of the vehicle or vehicle combination; and
- (d) before being placed on the market, a vehicle or vehicle combination to which this Regulation applies has been approved in accordance with the rules on type-approval within the framework of Directive 2007/46/EC.

28C (1) This Regulation applies to a vehicle to which Article 1(1)(a) of the Council Directive applies.

(2) A vehicle or a vehicle combination the rear of which is fitted with an aerodynamic device that meets the requirements of this paragraph and of paragraph (3), and which aerodynamic device complies with Directive 2007/46/EC, may, to allow the addition of such devices to the rear of a vehicle or vehicle combination, exceed the maximum lengths laid down in Regulations 28 and 29 and in point 1.1 of Annex I of the Council Directive, provided that:

- (a) the vehicle or vehicle combination complies with point 1.5 of Annex I of the Council Directive;
- (b) any exceeding of the maximum length for that vehicle or vehicle combination does not result in an increase in the load capacity of the vehicle; and

- (c) before being placed on the market, an aerodynamic device that exceeds 500mm in length has been approved in accordance with the rules on type-approval within the framework of Directive 2007/46/EC.

(3) An aerodynamic device to which this paragraph applies must meet the following operational conditions:

- (a) in circumstances in which the safety of other road users or of the driver is at risk, the aerodynamic device must be folded, retracted or removed by the driver;
- (b) the use of the aerodynamic device on urban and inter urban road infrastructure must take into account the special characteristics of areas where the speed limit is less than or equal to 50 km/h and where vulnerable road users are more likely to be present; and
- (c) the use of the aerodynamic device shall be compatible with intermodal transport operations and, in particular, when retracted/folded, it must not exceed the maximum authorised length by more than 20 cm.”

Amendment of Regulation 29 of the Principal Regulations

15. Regulation 29 of the Principal Regulations is amended in paragraph (1) by inserting “and to Regulations 28A to 28C” after “Subject to this Regulation”.

Amendment of Regulation 30 of the Principal Regulations

16. Regulation 30 of the Principal Regulations is amended in paragraph (1) by inserting “and to Regulations 28A to 28C” after “Subject to this Regulation”.

Amendment of Regulation 45 of the Principal Regulations

17. Regulation 45 of the Principal Regulations is amended:

- (a) in paragraph (1), by substituting “A” for “Subject to this Regulation, a”;
- (b) in paragraph (1), by deleting the number of that paragraph; and
- (c) by deleting paragraph (2).



GIVEN under my Official Seal,
14 July 2017.

SHANE ROSS,
Minister for Transport, Tourism and Sport.

EXPLANATORY NOTE

(This note is not part of the Instrument and does not purport to be a legal interpretation.)

These Regulations give effect in Irish law to Directive (EU) 2015/719 of the European Parliament and of the Council of 29 April 2015 amending Council Directive 96/53/EC of 25 July 1996 laying down for certain road vehicles circulating within the EU the maximum authorised dimensions in national and international traffic and the maximum authorised weights in international traffic, including with regard to the intermodal transport of goods between the State and other EU Member States.

In particular, in pursuit of the Directive's objectives of improving road safety and reducing greenhouse gas emissions from relevant vehicles, these Regulations increase slightly the maximum permitted weights and dimensions of relevant types of vehicle in specified circumstances, in order to facilitate:

- the fitting of retractable or foldable aerodynamic devices,
- the use of more aerodynamic cabs (which also leads to improved visibility of pedestrians and other road users),
- the fitting and use of alternative powertrains,
- the use of alternatively fuelled vehicles, and
- the use of longer (45-foot) standardised containers and swap bodies in intermodal transport operations (as defined).

In the case of containers and swap bodies, these Regulations require shippers to provide hauliers with weight-related information concerning that cargo and require hauliers to provide access to that information when it is provided by the shipper.

These Regulations amend the Road Traffic (Construction and Use of Vehicles) Regulations 2003 (S.I. No. 5 of 2003) extensively.

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