

TRANSPORT FOR LONDON

GLA 2015 No. 11

THE GLA ROADS AND GLA SIDE ROADS (LONDON SAFER LORRY SCHEME) (RESTRICTION OF GOODS VEHICLES) TRAFFIC ORDER 2015

Made 29 January 2015

Coming into Force 1 September 2015

Transport for London, after consulting the Commissioner of City of London Police, the Commissioner of Police of the Metropolis, the Common Council of the City of London and the Councils of all the London Boroughs, in exercise of the powers conferred by Section 6 of the Road Traffic Regulation Act 1984, and of all other powers thereunto enabling hereby makes the following hereby makes the following Order.

1 COMMENCEMENT AND CITATION

This Order may be cited as The Borough Roads (London Safer Lorry Scheme) (Restriction of Goods Vehicles) Traffic Order 2015, and shall come into force on 1 September 2015.

2 INTERPRETATION

(1) In this Order –

- (a) "1986 Regulations" means the Road Vehicles (Construction and Use) Regulations 1986¹ as amended;
- (b) "class V mirror" (a close-proximity exterior mirror) has the meaning given in point 1.1.1.14 of Annex I to Community Directive 2003/97 and includes any corresponding provision in ECE Regulation 46 applicable at the time the mirror was fitted;
- (c) "class VI mirror" (a front mirror) has the meaning given in point 1.1.1.14 of Annex I to Community Directive 2003/97 and includes any corresponding provision in ECE Regulation 46 applicable at the time the mirror was fitted;

¹ SI 1986/1078

- (d) "Community Directive 89/297" has the same meaning as in regulation 3 of and Schedule 2 to the 1986 Regulations;
- (e) "Community Directive 2003/97" has the same meaning as in regulation 3 of and Schedule 2 to the 1986 Regulations;
- (f) "ECE Regulation 46" refers to the regulation of that title (including any revisions or amendments) agreed from time to time by the United Nations Economic Commission for Europe (UN ECE) and "Revision 5" of that Regulation refers to the agreement of the UN ECE dated 19 August 2013;
- (g) "exempted vehicle" means a vehicle listed or described in Part 1 (mirrors) or Part 2 (sideguards) of the Schedule to this Order or any other vehicle or class of vehicles approved by the order-making authority from time to time and published on its website as being an exempted vehicle for the purposes of this Order;
- (h) "first use" in relation to a vehicle shall be construed in accordance with regulation 3 (2) of the 1986 Regulations;
- (i) "goods vehicle" means a motor vehicle or trailer constructed or adapted for use for the carriage or haulage of goods or burden of any description;
- (j) "GLA Road" has the same meaning as in section 142(1) of the Road Traffic Regulation Act 1984;
- (k) "GLA Side Road" has the same meaning as in section 142(1) of the Road Traffic Regulation Act 1984;
- (l) "London Low Emission Zone" has the same meaning as in paragraph 1 (j) ("definition of the low emission zone") of the Schedule to the Greater London Low Emission Zone Charging Order 2006 (as amended);²
- (m) "mirror" has the meaning given in regulation 33 (7)(b) of the 1986 Regulations;
- (n) "order-making authority" means the Transport for London;
- (o) "registration" has the meaning given in respect of "registered" in the Table in regulation 3(2) of the 1986 Regulations;
- (p) "restricted street" means any GLA Road or any GLA Side Road within the area of the London Low Emission Zone;

² A copy of this order (as amended) can be found at:
<http://www.tfl.gov.uk/cdn/static/cms/documents/lez-annex-g.pdf>

- (q) "sideguard" has the same meaning as in regulation 51 of the 1986 Regulations and in Community Directive 89/ 297 for a device for lateral protection;
 - (r) "vehicle categories N2, N3, O3 and O4" refer to those categories defined as such in Annex II (Definition of vehicle categories and vehicle types) to Directive 2007/46/EC (as amended).
- (2) A reference in this Order to the fulfilling of the requirements for the fitting of class V and class VI mirrors under Community Directive 2003/ 97 includes reference to the corresponding requirements under ECE Regulation 46 (Revision 5) from the date on which that Directive is revoked.
 - (3) The prohibition and duties imposed by this Order are in addition to and not in derogation of any restriction, prohibition or requirement imposed by any other enactment.
 - (4) A reference to an article or schedule followed by a number is a reference to the article of, or the schedule to, this Order so numbered.
 - (5) The Interpretation Act 1978 applies to this Order as if it were an enactment.

3 PROHIBITION OF GOODS VEHICLES IN RESTRICTED STREETS WITHOUT REQUIRED MIRRORS AND SIDEGUARDS

- (1) Subject to the remainder of this Article and to Article 4 below, no person shall use, drive or cause or permit to be used or driven in any restricted street: -
 - (a) a goods vehicle falling in vehicle categories N2 or N3 which is not fitted with both –
 - (i) a class V mirror on the passenger side; and
 - (ii) a class VI mirror to the front of the vehicle;fulfilling the requirements for the fitting of such mirrors contained in either regulation 33 of the 1986 Regulations or Community Directive 2003/ 97; or
 - (b) a goods vehicle falling in vehicle categories N2, N3, O3 or O4 which is not fitted with sideguards fulfilling the requirements for the fitting of such devices contained in regulation 51 of the 1986 Regulations or in the Annex to Community Directive 89/ 297;

unless the vehicle is an exempted vehicle.

- (2) Paragraph (1)(a) above shall be deemed to be satisfied by a mirror which fulfils the requirements for a class V mirror under any of the

following:

- (a) Community Directive 2003/ 97 whenever fitted;
 - (b) ECE Regulation 46 whenever fitted; or
 - (c) any combination of direct view and/or indirect vision devices fulfilling the requirements of paragraphs 15.2.4.5.10 or 15.2.4.5.11 of Regulation 46 at the time of fitting which were permitted under that Regulation as an alternative to fitting a class V mirror.
- (3) The prohibition imposed by paragraph (1) above shall apply notwithstanding that a vehicle would, apart from the requirements of this Order, be exempt or excepted from the obligation to fit:-
- (a) class V or VI mirrors under the 1986 Regulations or Community Directive 2003/ 97 solely on the basis of the vehicle's date of manufacture, first use or registration; or
 - (b) sideguards under the 1986 Regulations (regulations 51(1) and (2) in particular) or Community Directive 89/ 297 (paragraph 1.1 and paragraph 3 of the Annex in particular) or (under either) solely on the basis of the vehicle's date of manufacture, first use or registration.
- (4) In any proceedings relating to paragraph (1) above where it is shown that either: -
- (a) a person was the registered keeper of a vehicle at any date; or
 - (b) a person was a hirer or hire purchaser or lessee or conditional purchaser or owner of a vehicle at any date;

it shall be presumed that that person was the user of the vehicle at that date unless that person shows on the balance of probabilities that he was not the user of the said vehicle at the said date and for the avoidance of doubt the existence or otherwise of any such agreement as mentioned in sub-paragraph (b) above shall not of itself mean that the registered keeper is not also a user of that vehicle.

4 EXEMPTIONS FROM REQUIREMENTS OF ARTICLE 3

Nothing in Article 3 of this Order shall apply to:-

- (1) An exempted vehicle;
- (2) A vehicle constructed before 1 January 1983;
- (3) A vehicle being used for fire brigade, ambulance or police purposes;

- (4) A vehicle which or whose load is required for the purposes of dealing with any actual or apprehended emergency affecting the safety of persons or property;
- (5) A vehicle to which no bodywork has been fitted and which is being driven or towed—
 - (a) for the purpose of a quality or safety check by its manufacturer or a dealer in, or distributor of, such vehicles;
 - (b) to a place where, by previous arrangement, bodywork is to be fitted or work preparatory to the fitting of bodywork is to be carried out; or
 - (c) by previous arrangement to premises of a dealer in, or distributor of, such vehicles;
- (6) A vehicle which is being driven or towed to a place where by previous arrangement a sideguard or mirror is to be fitted so that it complies with the requirements of this Order;
- (7) A vehicle owned by or used for the purposes of the Secretary of State for Defence and used for naval, military or air force purposes;
- (8) A vehicle in the service of a visiting force or of a headquarters as described in Article 8(6) of the Visiting Forces and International Headquarters (Application of Law) Order 1999³;
- (9) Anything done with the permission or at the direction of a police constable in uniform;
- (10) In exceptional circumstances, anything done with the written consent of the order-making authority.

Dated this 29 day of January 2015

Name:

Title:]

Department: Surface Transport

Transport for London

197, Blackfriars Road

³ SI 1999/ 1736

London

SE1 8NJ

SCHEDULE
EXEMPTED VEHICLES

Article 3(1)

Part 1: Vehicles exempted from the requirement to fit Class V and VI Mirrors

1. The following models of vehicle:

- Iveco Daily;
- All types of compact sweepers (including the Johnston Sweepers 5000 series);
- Mercedes Chassis Cab Vario with two wheel drive and all Sprinter models;
- Mitsubishi Fuso Canter;
- Nissan Cabstar;
- Isuzu N Series (any up to 7500 kg);
- Renault Mascott and Maxity;
- Volkswagen LT and Crafter.

2. A vehicle not listed above where it is impossible to mount a class V mirror or a class VI mirror in a way that ensures that the following conditions are fulfilled: (i) no part of the mirror is less than 2 m (a tolerance of + 10 cm may be applied) from the ground, regardless of the adjustment position, when the vehicle is under a load corresponding to its maximum technically permissible weight; and (ii) the mirror is fully visible from the driving position.

Part 2: Vehicles exempted from the requirement to fit Sideguards

(A reference in column 2 of the Table to complying with requirements as to the fitting of sideguards is in particular a reference to the requirements set out in paragraph 2 of the Annex to Community Directive 89/ 297.)

	<i>Description of goods vehicle</i>	<i>Extent or circumstances of exemption provided</i>
Vehicles of categories N2 and N3		
1.	Tractors for articulated vehicles	Wholly exempt
2.	Road sweepers	Wholly exempt
3.	Gully emptiers/ suckers	Exempt if the fitment of a sideguard would prevent the use of the suction tube (not merely hinder its operation).

4.	Vehicles mounted with cranes and/ or access working platforms.	<p>Exempt:</p> <p>(1) from the forward point of the vehicle stabiliser legs; or</p> <p>(2) otherwise where it is not fully practicable to comply with requirements as to the fitting of sideguards.</p>
5.	Vehicles fitted with items in the area where a side guard would otherwise be required to be fitted, such as fuel tanks and equipment boxes.	Exempt where the shape and characteristics of such items or components would provide lateral under-run protection equal to that of a sideguard provided that the spaces between component items providing lateral under-run protection shall not exceed 300mm.
6.	Vehicles designed and constructed for special purposes.	Exempt if it is not possible for practical reasons to comply with requirements as to the fitting of sideguards because to do so would prevent the use of the vehicle or equipment fitted to the vehicle (not merely hinder its operation).
7.	Any showman's vehicle permanently fitted with a special type of body or superstructure forming part of the equipment of the show of the person in whose name the vehicle is registered.	Wholly exempted.
8.	Tank-vehicles (that is, a vehicle designed solely for the carriage of fluid substances in a closed tank permanently fitted to the vehicle and provided with hose or pipe connections for loading or unloading).	Exempt if it is not possible for practical reasons to comply with requirements as to the fitting of sideguards because to do so would prevent (not merely hinder) the operation of the vehicle's hose or pipe connections.
9.	Vehicle transporters (that, is a vehicle specially designed and constructed, and not merely adapted, to carry other vehicles loaded onto it from the front or the rear).	Exempt if the chassis rails are located on the extremities of the vehicle.

10.	Vehicles equipped with anchorage points for ro-ro transport.	Exempt to the extent that there are gaps within the sideguard to accept the passage and tensioning of fixings or lashings.
11.	Other category N2 or N3 vehicles not mentioned above.	Exempt where the sides of the vehicle are so designed and/or equipped that by their shape and characteristics their component parts together meet the requirements as to the fitting of sideguards or provision of lateral under-run protection.
<i>Trailers of categories O3 and O4</i>		
12.	Semi-trailers.	Exempt if the distance from the king pin to the foremost axle centre is less than 4.5 metres.
13.	Vehicle transporter trailers (that is, a trailer specially designed and constructed, and not merely adapted, to carry other vehicles loaded onto it from the front or the rear).	Exempt if the chassis rails are located on the extremities of the trailer.
14.	Low platform trailers or low loaders (that is, a trailer where the upper surface of the load platform is less than 750 mm above ground level).	Wholly exempt.
15.	Gully-emptiers/ suckers.	Exempt if the fitment of a sideguard would prevent the use of the suction tube (not merely hinder its operation).
16.	Trailers mounted with cranes and/ or access working platforms.	Exempt: (1) from the forward point of the vehicle stabiliser legs; or (2) otherwise where it is not fully practicable to comply with requirements as to the fitting of sideguards.

17.	A trailer specially designed and constructed, and not merely adapted, to carry round timber, beams or girders, being items of exceptional length.	Wholly exempt.
18.	Trailers with sliding bogies.	Exempt if it is not possible for practical reasons to comply with requirements as to the fitting of sideguards when the trailer is in the extended position. (Full compliance is only required in the fully closed position.)
19.	Tank-trailers (that is, a trailer designed solely for the carriage of fluid substances in a closed tank permanently fitted to the vehicle and provided with hose or pipe connections for loading or unloading).	Exempt if it is not possible for practical reasons to comply with requirements as to the fitting of sideguards because to do so would prevent (not merely hinder) the operation of the vehicle's hose or pipe connections.
20.	Trailers designed and constructed for special purposes.	Exempt if it is not possible for practical reasons to comply with requirements as to the fitting of sideguards because to do so would prevent the use of the trailer or equipment fitted to the trailer (not merely hinder its operation).
21.	Any trailer to a showman's vehicle where that trailer is permanently fitted with a special type of body or superstructure forming part of the equipment of the show of the person in whose name the vehicle is registered.	Wholly exempt.
22.	Trailers equipped with anchorage points for ro-ro transport.	Exempt to the extent that there are gaps within the sideguard to accept the passage and tensioning of fixings or lashings.
23.	Other category O3 and O4 trailers (not mentioned above).	Exempt where the sides of the trailer are so designed and/or equipped that by their shape and characteristics their component parts

		together meet the requirements as to the fitting of sideguards or provision of lateral under-run protection.
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