

**2D4**

**ORDER No. P228/2021**

**ROAD TRAFFIC ACT 1988**

**ORDER OF THE SECRETARY OF STATE UNDER SECTION 44**

The Secretary of State in exercise of his powers under section 44 of the Road Traffic Act 1988 hereby authorises the use on roads of a trailer which is so constructed as to be capable of carrying an abnormal indivisible load (within the meaning of article 3 of the Road Vehicles (Authorisation of Special Types) (General) Order 2003 ("the 2003 Order") being a TBM which by reason of its length/width cannot be carried on roads under that Order, notwithstanding that such a trailer does not comply in all respects with the requirements of the Road Vehicles (Construction and Use) Regulations 1986 ("the 1986 Regulations") subject to conditions and restrictions as follows :-

1. A trailer shall be used under this Order only -
  - (a) if it is the trailer described in the Schedule to this Order;
  - (b) if it meets the requirements specified in relation to that trailer in the Schedule to this Order;
  - (c) by or on behalf of Hales Freight Ltd, Unit 7 Moorcroft 9, Patent Drive, Wednesbury, West Midlands, WS10 7XD, England
  - (d) for the purpose of two journeys, (each of) which shall take place before the 20th April 2022; and
  - (e) for the carriage of such a TBM from Weoley Castle to Alvechurch by such route as may previously have been authorised by the Secretary of State.
2. (1) The conditions specified in -
  - (a) Schedule 1 - paragraph 5, 6, 17(2), 20, 25, 35 - 37;
  - (b) Schedule 6;
  - (c) Article 18(1) and (2); and
  - (d) Schedule 8 and article 16of the 2003 Order shall apply to the use of a trailer authorised by this Order as they apply to the use of a trailer authorised by Part 2 and Part 4 articles 28 to 31 and Schedule 1 to that Order.
- (2) Schedule 1 Part 3 of the 2003 Order shall apply to the use of a trailer authorised by this Order as it applies to the use of a vehicle in Category 3 authorised by Part 2 and Part 4 articles 28 to 31 and Schedule 1 to that Order.

4. The trailer and its load shall not travel on any road at a speed exceeding 12 miles per hour.
5. Notwithstanding article 3, the trailer and its load may travel at a speed not exceeding 20mph on motorways and dual carriageway roads provided:
  - (a) the trailer and its load does not exceed the load/speed restrictions specified on any plate required by article 2(2) of this Order; and
  - (b) the trailer is equipped with a braking system that complies with the construction, fitting and performance requirements set out in Schedule 1, Part 2, paragraphs 8 to 12 of the 2003 Order as they apply to a vehicle falling within Category 3.
6. Nothing in this article is to be taken to authorise travel at any speed in excess of any speed restriction imposed by or under any other enactment.
7. Every load bearing tyre shall be designed and manufactured to support the maximum permitted weight of the axle for the speed at which the trailer is drawn.
8. The overall length of the trailer and its load shall not exceed 49.814 metres.
9. The overall width of the trailer and its load shall not exceed 6.2 metres.
10. The trailer shall be equipped with an efficient braking system; the braking system shall not be rendered ineffective by the non-rotation of the engine of the drawing vehicle; the brakes of a trailer shall come into operation automatically on its overrun or the driver of, or some other person on, the drawing vehicle or on the trailer shall be able to apply the brakes on the trailer; the brakes of the trailer shall apply in the case of a wheeled vehicle to at least 2 wheels if the vehicle has no more than 4 wheels and to at least half the wheels if the vehicle has more than 4 wheels; and the parking brake shall be capable of being set so as effectively to prevent at least two of the wheels from revolving when the trailer is not being drawn. The requirements of this article do not apply to a trailer authorised to travel at a speed exceeding 12 miles per hour by article 4 of this Order and is equipped with a braking system meeting the requirements of article 4(b).
11. Notwithstanding paragraph 37 of Schedule 1 to the 2003 Order, regulation 7 of the 1986 Regulations shall not apply in the case of:
  - (a) an articulated vehicle, or a motor vehicle and a trailer, where the semi trailer or the trailer is constructed such that the major part of the load platform does not extend over or between the wheels and is at a height that is below the height of the top most point of the tyres of those wheels, measured on level ground and with any adjustable suspension at the normal travelling height,

and where the height or stability of the load being carried necessitates the use of such a trailer; or

- (b) a vehicle or combination of vehicles unable to comply with that regulation because of the requirements of paragraph 30 or paragraph 32 of Schedule 1 to the 2003 Order.

12. Unless specifically directed in writing by or on behalf of the chief officer of police of every police area through which the journey is to be made, the trailer shall not be used under this Order during any of the following periods:-

from noon 26th December 2021 to noon 29th December 2021

from noon 2nd January 2022 to noon 4th January 2022

from noon 14th April 2022 to noon 16th April 2022

from noon 17th April 2022 to noon 19th April 2022

13. Before the trailer is used under the terms of this Order:

- (a) an indemnity in the form set out in Part 2 of Schedule 9 to the 2003 Order shall be given by or on behalf of Hales Freight Ltd to every road authority and every bridge authority responsible for the maintenance and repair of any road or bridge over which it is proposed that the trailer shall pass; and
- (b) on each occasion before the trailer is used under the terms of this Order notice of the intended use shall be given to each such authority in accordance with Part 1 of Schedule 9 to the 2003 Order and to the chief officer of police of every police area through which the journey is to be made in accordance with Schedule 5 to the 2003 Order except that in every case five clear days notice shall be given.

14. Any direction in respect of time, date or route given by the chief officer of police of any police area through which the journey is to be made shall be complied with, provided that if any such direction involves making a deviation from the route for the journey previously authorised by the Secretary of State pursuant to article 1 of this Order the deviation shall not be made without the prior approval of the Secretary of State.

15. Before the trailer crosses any automatic half-barrier railway level crossing or any other railway level crossing, equipped with a telephone, the driver of the towing vehicle shall telephone the railway signaller of the intention to cross the railway with the trailer. The trailer and the vehicles used with it shall not cross except with the permission of and in accordance with the instructions of the railway signaller. After crossing the driver shall again telephone the signaller to inform him that the crossing is clear.

16. The overall height of the trailer inclusive of its load or of any motor vehicle used in combination with the trailer travelling under any overhead cable or wire shall in no circumstances exceed the headroom specified on any traffic sign or notice relating to such cable or wire except with the prior approval of the owner of the cable or wire.
17. (1) Subject to the provisions of paragraph (2) below, where the trailer (or any vehicles used in combination with it) is caused to stop for any reason while it is on a bridge, it shall, as soon as practical, be moved clear of the bridge by appropriate action, without applying any concentrated load to the surface of the part of the road carried by the bridge. -
- (2) If the action described in paragraph (1) above is not practicable and it becomes necessary to apply any concentrated load to the surface by means of jacks, rollers or other similar means, then the person in charge of the vehicle shall -
- (a) before any such load is applied to that surface, seek the advice of the bridge authority for that bridge or any other person responsible for the maintenance and repair of the bridge pursuant to an agreement with that authority about the use of spreader plates to reduce the possibility of any damage caused by the application of any such load; and
  - (b) arrange that no such load shall be applied without using such spreader plates as the bridge authority or such other person may have advised.
18. A copy of the Special Order must be carried in the cab of the drawing vehicle each time a vehicle combination is used under the terms of the Order.

Signed by authority of the Secretary of State on the 20th October 2021

Fidelma Byrne,  
Abnormal Loads Team Leader  
Ref: HALE/2

## Schedule

The weight shown in this Schedule is the safe gross load only in so far as the route capacity is concerned. Owing to varying loading conditions this weight does not purport to represent the safe capacity of this trailer. It is the hauliers' responsibility to check with the trailer manufacturer that the load and its method of loading is within the safe structural and mechanical limits specified by the manufacturer.