

## STATUTORY INSTRUMENTS

2021 No. 552

# EXITING THE EUROPEAN UNION

## HIGHWAYS

## TUNNELS

# The Road Tunnel Safety (Amendment) Regulations 2021

<i>Sift requirements satisfied</i>	<i>23th March 2021</i>
<i>Made</i> - - - - -	<i>at 8.48 a.m. on 6th May 2021</i>
<i>Laid before Parliament</i>	<i>at 1.00 p.m. on 6th May 2021</i>
<i>Coming into force</i> - -	<i>28th May 2021</i>

The Secretary of State makes the following Regulations in exercise of the powers conferred by section 8(1) of, and paragraph 21 of Schedule 7 to, the European Union (Withdrawal) Act 2018(a).

The requirements of paragraph 3(2) of Schedule 7 to that Act (relating to the appropriate Parliamentary procedure for these Regulations) have been satisfied.

## **Citation and commencement**

- 1.** These Regulations may be cited as the Road Tunnel Safety (Amendment) Regulations 2021 and come into force on the 22nd day after the day on which they are laid.

Amendment of the Road Tunnel Safety Regulations 2007

2. The Road Tunnel Safety Regulations 2007(b) are amended as follows.
  3. In regulation 2 (interpretation etc.), in paragraph (2), after “as set out in the Road Tunnel Directive” insert “and modified by regulation 2A”.
  4. In regulation 2 (interpretation etc.), in paragraph (3)—

    - (a) after the definition of “modification” insert—  
““national authority” means in relation to—
      - (i) England, the Secretary of State;
      - (ii) Wales, the Welsh Ministers;
      - (iii) Scotland, the Scottish Ministers;

- (a) 2018 c. 16; section 8 was amended by section 27 of the European Union (Withdrawal Agreement) Act 2020 (c. 1).
- (b) S.I. 2007/1520, amended by S.I. 2009/64.

“(10) The administrative authority must notify the Tunnel Manager in writing whether the request made under paragraph (1) has been granted or refused—

- (a) where there has been a deemed refusal pursuant to paragraph 1.2.1 of Annex I, within two weeks after the date of expiry of the three month period;
- (b) where there has been a deemed approval pursuant to paragraph 1.2.1 of Annex I, within two weeks after the date of receipt of the recommendation of the national authority;
- (c) where the national authority’s recommendation pursuant to paragraph 1.2.1 of Annex I was negative, within two weeks after the date of the decision of the administrative authority.”;
- (e) for paragraph (11) substitute—

“(11) For the purpose of this regulation “innovative” in relation to safety equipment and safety procedures means safety equipment or safety procedures that are not provided for in these Regulations.”.

**11.** In regulation 20 (application of Regulations where the same person undertakes functions of different authorities), for paragraph (2) substitute—

“(2) Those authorities are—

- (a) an administrative authority;
- (b) a Tunnel Manager; and
- (c) a national authority.”.

**12.** Omit regulation 21 (notification to the Commission).

Signed by authority of the Secretary of State for Transport

At 8.48 a.m. on 6th May 2021

*Rachel Maclean*  
Parliamentary Under Secretary of State  
Department for Transport

## **EXPLANATORY NOTE**

*(This note is not part of the Regulations)*

These Regulations are made in exercise of the powers conferred by section 8(1) of, and paragraph 21 of Schedule 7 to, the European Union (Withdrawal) Act 2018 (c. 16) in order to address failures of retained EU law to operate effectively and other deficiencies (in particular under section 8(2)(a) to (e) and (g)) arising from the withdrawal of the UK from the European Union.

These Regulations make amendments to legislation in the field of road tunnel safety and, in particular, amend legislation relating to derogations for innovative techniques.

Part 2 amends domestic subordinate legislation. It makes amendments to the Road Tunnel Safety Regulations 2007 (S.I. 2007/1520, as amended by S.I. 2009/64), which implemented the European Parliament and Council Directive 2004/54/EC on minimum safety requirements for tunnels in the trans-European road network (OJ No L 167, 30.4.24, p 39). A corrigendum to the Directive can be found in O.J. L.201, 7.6.2004, p. 56.

The amendments in these Regulations adjust language and references to recognise that the United Kingdom is no longer a member State of the European Union.

An impact assessment has not been produced for this instrument as no, or no significant, impact on the business or voluntary sector is foreseen.

An Explanatory Memorandum has been prepared and is available alongside this instrument at [www.legislation.gov.uk](http://www.legislation.gov.uk).

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