

Draft Regulations laid before Parliament under section 25(3)(c) and (d) of the Haulage Permits and Trailer Registration Act 2018, for approval by resolution of each House of Parliament.

DRAFT STATUTORY INSTRUMENTS

2018 No. 0000

ROAD TRAFFIC

The Trailer Registration Regulations 2018

Made - - - - 2018

Coming into force in accordance with regulation 1(2)

The Secretary of State, in exercise of the powers conferred by sections 25(1) and 41(2)(a) of the Vehicles (Crime) Act 2001⁽¹⁾ and sections 13(1) and (2), 14(1), (2)(a) and (2)(d), 15(1) to (6), 17(1)(a), (1)(b), (1)(c) and (2), 18(1), (3) and (5), 19(1), 22(1) and 25(1) of the Haulage Permits and Trailer Registration Act 2018⁽²⁾, makes the following Regulations.

The Secretary of State has consulted such persons as thought fit before making these Regulations, as required by section 23(1) of the Haulage Permits and Trailer Registration Act 2018, and a draft of these Regulations has been approved by a resolution of each House of Parliament in accordance with section 25(3)(c) and (d) of that Act.

PART 1

INTRODUCTION

Citation, commencement and application

1.—(1) These Regulations may be cited as the Trailer Registration Regulations 2018.

(2) This regulation and Schedule 1 come into force on the day after the day on which these Regulations are made and all other provisions come into force as prescribed in Schedule 1.

(3) These Regulations apply to the United Kingdom, except for paragraph 1 of Schedule 3, which applies to Great Britain.

Interpretation

2.—(1) In these Regulations—

(1) 2001 c. 3; section 25 was extended to Scotland and Northern Ireland by the Road Safety Act 2006 (c. 49), section 46(1), which was commenced by S.I. 2008/1864, article 2.
(2) 2018 c. 19.

- “registered” means registered by the Secretary of State under these Regulations;
- “the Convention” means the Convention on Road Traffic of 8th November 1968⁽³⁾;
- “the permissible maximum mass” means the weight which the trailer⁽⁴⁾ is designed or adapted not to exceed when in normal use, travelling on a road⁽⁵⁾ and laden;
- “the register” means the register of trailers established and maintained by the Secretary of State; and
- “the registered keeper” means the person recorded in the register as the person who keeps the trailer.

(2) With the exception of regulation 16(3), references to the use of a trailer on a road are to the use of a trailer on a road while it is being drawn by a motor vehicle.

Review

- 3.—(1) The Secretary of State must from time to time—
- (a) carry out a review of the regulatory provision contained in these Regulations; and
 - (b) publish a report setting out the conclusions of the review.
- (2) The first report must be published before the end of the period of five years beginning with the date on which these Regulations come into force for any purpose.
- (3) Subsequent reports must be published at intervals not exceeding 5 years.
- (4) Section 30(4) of the Small Business, Enterprise and Employment Act 2015⁽⁶⁾ requires that a report published under this regulation must, in particular—
- (a) set out the objectives intended to be achieved by the regulatory provision referred to in paragraph (1)(a);
 - (b) assess the extent to which those objectives are achieved;
 - (c) assess whether those objectives remain appropriate; and
 - (d) if those objectives remain appropriate, assess the extent to which they could be achieved in another way which involves less onerous regulatory provision.
- (5) In this regulation, “regulatory provision” has the same meaning as in sections 28 to 32 of the Small Business, Enterprise and Employment Act 2015 (see section 32 of that Act).

PART 2

REGISTRATION AND INSPECTIONS

Applications for registration

- 4.—(1) A person may apply to the Secretary of State for the registration⁽⁷⁾ of a trailer kept or used on a road if the permissible maximum mass is more than 750 kilograms.
- (2) When making an application under paragraph (1), the applicant must provide—
- (a) payment of the registration fee of £26.00;
 - (b) a declaration that the applicant is—

(3) Command paper 9570; Miscellaneous Series No. 1 (2018). Further information is provided in the Explanatory Note.

(4) “Trailer” is defined in section 13(3) of the Haulage Permits and Trailer Registration Act 2018.

(5) “Road” is defined in section 22(2) of the Haulage Permits and Trailer Registration Act 2018.

(6) 2015 c. 26.

(7) “Registration” is defined in section 22(2) of the Haulage Permits and Trailer Registration Act 2018.

- (i) the person who keeps the trailer; or
- (ii) authorised by the person who keeps the trailer to make the application on their behalf;
- (c) a declaration that the person who keeps the trailer is—
 - (i) resident in the United Kingdom;
 - (ii) a company formed and registered under the Companies Act 2006⁽⁸⁾; or
 - (iii) a holder of a valid operator’s licence granted under section 4 of the Transport Act (Northern Ireland) 1967⁽⁹⁾, section 14 of the Public Passenger Vehicles Act 1981⁽¹⁰⁾, section 13 of the Goods Vehicles (Licensing of Operators) Act 1995⁽¹¹⁾ or section 12 of the Goods Vehicles (Licensing of Operators) Act (Northern Ireland) 2010⁽¹²⁾;
- and
- (d) the following particulars—
 - (i) the name of the person who keeps the trailer;
 - (ii) the address within the United Kingdom of the person who keeps the trailer;
 - (iii) the manufacturer of the trailer;
 - (iv) the chassis number of the trailer;
 - (v) the permissible maximum mass; and
 - (vi) the unladen mass of the trailer.

(3) For the purposes of this regulation, a person is resident in the United Kingdom unless that person has lived outside the United Kingdom for at least 185 days in the previous calendar year.

(4) Subject to paragraph (7), the Secretary of State must accept any application under paragraph (1) that complies with paragraph (2) and—

- (a) register the trailer; and
- (b) record the particulars referred to in paragraph (2)(d) in the register.

(5) The Secretary of State may record such other technical or administrative information in relation to a registered trailer⁽¹³⁾ as the Secretary of State sees fit.

(6) The Secretary of State must reject any application to register a trailer that is not made under paragraph (1) or not made in compliance with paragraph (2).

(7) If the Secretary of State has a reasonable belief that the information provided by the applicant is inaccurate or incomplete, the Secretary of State may—

- (a) take action to determine its accuracy or completeness, including conducting an inspection of the trailer under regulation 13 or requesting documentation or information from the person who keeps the trailer or the applicant; or
- (b) refuse to register the trailer.

Unregistered trailers in 1968 Convention territories

5.—(1) It is an offence for a person to keep or use a trailer on a road that is—

⁽⁸⁾ 2006 c.46.

⁽⁹⁾ 1967 c. 37 (N.I.); section 4 was amended by the Transport Act (Northern Ireland) 2011 (c. 11) (N.I.), section 18(1) and Schedule 1, paragraph 3, which were commenced by S.R. 2015/284, article 2.

⁽¹⁰⁾ 1981 c. 14; section 14 was substituted by S.I. 2011/2632, Schedule 1, paragraph 3.

⁽¹¹⁾ 1995 c. 23; section 13 was substituted by S.I. 2011/2632, Schedule 2, paragraph 5.

⁽¹²⁾ 2010 c. 2 (N.I.); section 12 was substituted by S.R. 2012/257, regulation 17(5).

⁽¹³⁾ “Registered trailer” is defined in section 22(2) of the Haulage Permits and Trailer Registration Act 2018.

- (a) being used on a journey that will involve, or has involved, entering a country outside the United Kingdom that is a contracting party to the Convention; and
 - (b) not registered.
- (2) Paragraph (1) does not apply if—
- (a) the trailer is kept by a person who is not—
 - (i) resident in the United Kingdom (as defined in regulation 4(3));
 - (ii) a company formed and registered under the Companies Act 2006; or
 - (iii) a holder of a valid operator’s licence granted under the provisions referred to in regulation 4(2)(c)(iii);
 - (b) the permissible maximum mass is 750 kilograms or less; or
 - (c) the permissible maximum mass is 3,500 kilograms or less and the trailer is not being used on that journey primarily—
 - (i) for the commercial transport of goods or passengers’ belongings, whether for hire or reward or any other purpose; or
 - (ii) in relation to another paid occupation.
- (3) In any proceedings for this offence, it is a defence for the defendant to prove that they—
- (a) were unaware and could not reasonably have been expected to be aware that the trailer would be so used; or
 - (b) held a reasonable belief that the trailer was registered at the time of the alleged offence.

Notice of registration

6.—(1) Upon registering a trailer, the Secretary of State must issue an electronic notice of registration (“the notice”) to the applicant as soon as practicable.

- (2) In the notice, the Secretary of State must specify—
- (a) the name of the registered keeper;
 - (b) the address of the registered keeper;
 - (c) the chassis number of the trailer; and
 - (d) the registration mark assigned to the trailer by the Secretary of State under regulation 15.

(3) The Secretary of State may include such other particulars in the notice relating to the registered keeper or the technical characteristics of the trailer as the Secretary of State sees fit.

(4) This regulation does not apply if the applicant, when making the registration application under regulation 4, did not provide supplementary information sufficient to enable the Secretary of State to contact the registered keeper electronically.

Registration documents

7.—(1) The Secretary of State must issue a registration document(**14**) to the registered keeper as soon as practicable after registering a trailer.

(2) The Secretary of State must send a registration document issued in accordance with paragraph (1) to the address of the registered keeper provided in pursuance of regulation 4(2)(d)(ii).

(3) The registration document must contain the particulars specified in regulation 4(2)(d) and be in such form, and contain any other particulars, as the Secretary of State sees fit.

(14) “Registration document” is defined in section 22(2) of the Haulage Permits and Trailer Registration Act 2018.

(4) A registration document issued by the Secretary of State, including a registration document issued under regulation 9(5), is valid for 10 years beginning with the date of issue.

(5) The registered keeper or the user of a registered trailer must not use it on a road, or cause or permit it to be so used, on a journey that will involve, or has involved, entering a country outside the United Kingdom that is a contracting party to the Convention if the registration document has expired.

Accuracy of the register and information

8.—(1) If the Secretary of State has a reasonable belief that any information recorded in the register or any information, notification or application provided, given or made to the Secretary of State in pursuance of regulation 8(2), 9(1), 9(3), 10(1) or 10(4) is inaccurate or incomplete, the Secretary of State may—

- (a) take action to determine its accuracy or completeness, including conducting an inspection of the trailer under regulation 13 or requesting documentation or information from the registered keeper or the person who has made the application or notification;
- (b) refuse to record any provided particulars in the register;
- (c) require the registered keeper to destroy, or surrender to the Secretary of State, any registration documents;
- (d) refuse to issue a registration document, including a replacement or renewed registration document; or
- (e) withdraw a registration mark assigned to the trailer by the Secretary of State under regulation 15.

(2) The registered keeper must notify the Secretary of State if any of the particulars recorded in the register or shown on a registration document are inaccurate.

(3) A notification made under paragraph (2) must include the information necessary to correct any inaccuracies.

(4) Subject to paragraph (1), and following receipt of a notification under paragraph (2), the Secretary of State must—

- (a) record any amended particulars in the register as soon as practicable; and
- (b) issue a replacement registration document as soon as practicable if any of the amended particulars are shown on the registration document.

(5) Following the issuing of a replacement registration document in accordance with paragraph (4)(b)—

- (a) the Secretary of State must send the replacement registration document to the address of the registered keeper; and
- (b) the registered keeper must destroy, or surrender to the Secretary of State, any other registration document for the same trailer if required to do so by the Secretary of State.

Replacement and renewal of registration documents

9.—(1) The registered keeper must notify the Secretary of State if—

- (a) the registration document has been destroyed, lost or stolen; or
- (b) any of the particulars shown on the registration document have become illegible.

(2) A notification under paragraph (1) must be accompanied by payment of £10.00 and the Secretary of State may refuse to issue a replacement registration document if such payment is not made.

(3) The registered keeper may apply to the Secretary of State to renew a registration document up to one calendar year before the expiry of an existing registration document or at any time after its expiry.

(4) When making an application under paragraph (3), the registered keeper must provide all of the particulars specified in regulation 4(2)(d) to the Secretary of State.

(5) Subject to regulation 8(1) and following receipt of a notification or application in accordance with this regulation, the Secretary of State must—

- (a) record any amended particulars in the register as soon as practicable; and
- (b) issue a replacement or renewed registration document, as appropriate, as soon as practicable.

(6) Following the issuing of a replacement or renewed registration document in accordance with paragraph (5)(b)—

- (a) the Secretary of State must send the replacement or renewed registration document to the address of the registered keeper; and
- (b) the registered keeper must destroy, or surrender to the Secretary of State, any other registration document for the same trailer if required to do so by the Secretary of State.

Disposals of trailers and new keepers

10.—(1) Following the disposal of a registered trailer by the registered keeper, the registered keeper must—

- (a) notify the Secretary of State of the disposal; and
- (b) destroy, or surrender to the Secretary of State, its registration document if required to do so by the Secretary of State.

(2) A notification made under paragraph (1)(a) must—

- (a) specify the date of the disposal of the registered trailer; and
- (b) if applicable, specify the name and address of the person to whom the registered trailer has been supplied (“the new keeper”).

(3) Subject to regulation 8(1) and following receipt of a notification under paragraph (1), the Secretary of State must record in the register that the registered keeper has disposed of the trailer and is no longer the registered keeper.

(4) The new keeper, or a person authorised by the new keeper to act on their behalf, may apply to the Secretary of State for the new keeper to become the registered keeper.

(5) A person making an application under paragraph (4) must—

- (a) provide the declarations and particulars specified in regulation 4(2)(b), (c) and (d); and
- (b) pay a fee of £21.00 to the Secretary of State for the issue of a registration document.

(6) Subject to regulation 8(1), the Secretary of State must accept any application under paragraph (4) that complies with paragraph (5) and—

- (a) record the particulars referred to in regulation 4(2)(d) in the register; and
- (b) send a registration document to the address of the registered keeper, provided in pursuance of paragraph (5)(a), as soon as practicable.

(7) The Secretary of State must reject any application to record a person in the register as the keeper of a registered trailer that is not made under paragraph (4) or not in compliance with paragraph (5).

Provision of information, etc., to the Secretary of State

11.—(1) Any application, notification, information, particulars, declaration or other thing given or made to the Secretary of State in pursuance of these Regulations must be given or made via a digital service provided by (or on behalf of) the Secretary of State.

(2) Paragraph (1) does not apply in relation to—

- (a) the making of declarations in accordance with regulation 4(2)(b) and (c) and the giving of particulars in accordance with regulation 4(2)(d) via a telephone service provided by (or on behalf of) the Secretary of State;
- (b) a request by the Secretary of State under regulation 4(7) or 8(1) for documentation or information;
- (c) a requirement under regulation 8(1)(c), 8(5)(b), 9(6)(b), 10(1)(b) or 14(3) to surrender a registration document;
- (d) the provision of information to the Secretary of State by an examiner under regulation 14(1) or (2); or
- (e) a requirement under regulation 24 to provide information in relation to an offence.

Production of registration documents

12.—(1) The registered keeper or the user of a registered trailer must produce the registration document for that trailer for inspection if required to do so by an examiner or stopping officer⁽¹⁵⁾ carrying out any function under any enactment in relation to the same trailer or the motor vehicle⁽¹⁶⁾ that is drawing it.

(2) If a registration document is produced in accordance with paragraph (1), it is immaterial whether or not that document has expired in accordance with regulation 7(4).

(3) A failure to produce a registration document when required to do so under paragraph (1) is not an offence under regulation 19(1)(f) if a person is not recorded in the register as the person who keeps the trailer at the time when the requirement is made.

Inspections of trailers

13.—(1) When an examiner is carrying out any function under any enactment in relation to a trailer or the motor vehicle that is drawing it, the examiner may inspect that trailer to determine—

- (a) whether it is registered; and
- (b) the accuracy of any particulars recorded in the register or shown on a registration document.

(2) The Secretary of State may require a trailer to be inspected by an examiner if the Secretary of State has a reasonable belief that information provided to the Secretary of State in pursuance of these Regulations or recorded in the register is inaccurate or incomplete.

(3) If the Secretary of State determines that an inspection under paragraph (2) is required, the Secretary of State must—

- (a) specify the time, date and place of the inspection; and
 - (b) notify the person who keeps the trailer or the registered keeper of the time, date and place of the inspection at least 72 hours before the inspection.
- (4) An inspection under paragraph (2) may only take place—
- (a) with the consent of the person who keeps the trailer;

⁽¹⁵⁾ “Examiner” and “stopping officer” are defined in section 14(3) of the Haulage Permits and Trailer Registration Act 2018.

⁽¹⁶⁾ “Motor vehicle” is defined in section 13(3) of the Haulage Permits and Trailer Registration Act 2018.

- (b) during normal working hours; and
- (c) for a trailer kept in—
 - (i) Great Britain, at a vehicle testing station provided by the Secretary of State under section 52(2)(a) of the Road Traffic Act 1988(17) or a premises designated for testing under section 52(2)(b) of that Act; or
 - (ii) Northern Ireland, at a vehicle testing centre provided by the Department for Infrastructure under article 73 of the Road Traffic (Northern Ireland) Order 1995(18).

Outcomes of inspections

14.—(1) If any particulars recorded in the register or shown on a registration document are found to be inaccurate or incomplete during an inspection under regulation 13(1), the examiner must record these findings and provide this record to the Secretary of State.

(2) The examiner must record the findings of an inspection under regulation 13(2) and provide this record to the Secretary of State.

(3) The Secretary of State may refuse to register a trailer, require the registered keeper to destroy, or surrender to the Secretary of State, any registration documents or withdraw a registration mark assigned to the trailer by the Secretary of State under regulation 15, as appropriate, if—

- (a) any of the trailer’s particulars specified in regulation 4(2)(d)(iii) to (vi) are determined as a result of an inspection under regulation 13(1) or (2) to differ from those recorded in the register or provided to the Secretary of State under these Regulations; or
- (b) a trailer is not made available for an inspection under regulation 13(2) at the time and place specified under regulation 13(3).

(4) A person who keeps a trailer or the registered keeper may request a further inspection of that trailer if the Secretary of State has taken action in relation to it under paragraph (3) and any such request must be accompanied by payment of £39.00 to the Secretary of State for the further inspection.

(5) The fee payable to the Secretary of State in accordance with paragraph (4) must be repaid in full by the Secretary of State to the person who keeps the trailer or the registered keeper if—

- (a) the examiner conducting a further inspection determines that the findings of a previous inspection were in error; and
- (b) the Secretary of State is satisfied that the action taken under paragraph (3) would not have been taken but for that error.

PART 3

REGISTRATION MARKS AND PLATES

Assigning of registration marks

15.—(1) The Secretary of State, upon registering a trailer, must as soon as practicable assign a registration mark of one letter followed by seven numbers to the trailer.

(2) The Secretary of State may—

(17) 1988 c. 52; section 52(2) was amended by the Deregulation Act 2015 (c. 20), Schedule 10, paragraph 25, subject to transitional provisions specified in S.I. 2015/9 94, the Schedule, paragraphs 22 to 24.

(18) S.I. 1995/2994 (N.I. 18). As enacted, the power to provide a vehicle testing centre was exercisable by the Department of the Environment. This function was transferred to the Department for Infrastructure by S.R. 2016/76, Schedule 5, Part 2.

- (a) assign a registration mark to a trailer to which another registration mark has previously been assigned;
- (b) withdraw a registration mark for the time being assigned to a trailer; or
- (c) re-assign to a trailer a registration mark previously assigned to it but subsequently withdrawn.

Display of registration marks

16.—(1) The registered keeper or the user of a registered trailer must not use it on a road, or cause or permit it to be so used, unless a registration plate⁽¹⁹⁾ (displaying its assigned registration mark) is fixed on the trailer in compliance with this regulation.

- (2) A registration plate is fixed on a trailer in compliance with this regulation only if—
 - (a) the specification of the registration mark displayed upon it is in accordance with paragraph 1 of Schedule 2;
 - (b) the specification of the registration plate is in accordance with paragraph 2 of Schedule 2; and
 - (c) the registration plate is fixed to the trailer in accordance with regulation 17.

(3) A person who keeps a trailer or a user of a trailer must not use it on a road, or cause or permit it to be so used, with a plate fixed on the trailer that displays a mark which is—

- (a) consistent with the specification of a registration mark in paragraph 1 of Schedule 2; and
- (b) not assigned to that trailer by the Secretary of State under regulation 15.

(4) Paragraphs (1) and (2) do not apply in relation to a registered trailer if a person is not recorded in the register as the person who keeps the trailer at the time of an alleged offence under regulation 19(1)(g).

Fixing of registration plates

17.—(1) Subject to paragraph (2), the registration plate must be fixed—

- (a) on the rear of the trailer;
- (b) vertically or, where that is not reasonably practicable, in a position as close to the vertical as is reasonably practicable;
- (c) in a position that is as far as reasonably practicable from the position of any plate that is required to be fixed to the trailer by the Road Vehicles (Display of Registration Marks) Regulations 2001⁽²⁰⁾; and
- (d) in such a position that in normal daylight the characters of the registration mark are easily distinguishable from behind the trailer.

(2) If it is not possible to fix a registration plate on the rear of the trailer, a registration plate must be fixed to both sides of the trailer and in such positions that in normal daylight the characters of the registration mark are easily distinguishable from either side of the trailer.

(3) The registration plate must not be fixed to the trailer by means of a screw, bolt or other fixing device of any type or colour placed in any position or in any other manner which—

- (a) has the effect of changing the appearance or legibility of any of the characters of the registration mark;
- (b) renders the characters of the registration mark less easily distinguishable to the eye; or

⁽¹⁹⁾ “Registration plate” is defined in section 15(3) of the Haulage Permits and Trailer Registration Act 2018.

⁽²⁰⁾ S.I. 2001/561, to which there are amendments not relevant to these Regulations.

- (c) prevents or impairs the making of a true photographic image of the plate through any device.

Amendments relating to registration plates

- 18.** The amendments in Schedule 3 have effect.

PART 4

OFFENCES AND LEGAL PROCEEDINGS

Breaches of specified regulations

- 19.**—(1) It is an offence for a person to contravene or fail to comply with—
- (a) regulation 7(5) (prohibition on using an expired registration document on a journey to or through a Convention territory);
 - (b) regulation 8(5)(b), 9(6)(b) or 10(1)(b) or a requirement made under regulation 8(1)(c) or 14(3) (duty to destroy or surrender a registration document if required);
 - (c) regulation 8(2) (duty to notify the Secretary of State of inaccuracies);
 - (d) regulation 9(1) (duty to notify the Secretary of State in relation to registration documents);
 - (e) regulation 10(1)(a) (duty to notify the Secretary of State of the disposal of a trailer);
 - (f) regulation 12(1) (duty to produce a registration document if required);
 - (g) regulation 16(1) (duty to fix a registration plate on a registered trailer); or
 - (h) regulation 16(3) (prohibition on displaying an unassigned registration mark on a trailer).
- (2) In any proceedings for an offence of contravening or failing to comply with—
- (a) regulation 7(5), 16(1) or 16(3), it is a defence for the defendant to prove that they were unaware and could not reasonably have been expected to be aware that the trailer would be so used;
 - (b) regulation 7(5), it is a defence for the defendant to prove that they held a reasonable belief that the registration document for the trailer was valid at the time of the alleged offence;
 - (c) regulation 8(5)(b), 9(6)(b) or 10(1)(b) or a requirement made under regulation 8(1)(c) or 14(3), it is a defence for the defendant to prove that the registration document was not in their control at the time when they became aware of the requirement to destroy or surrender it or at any later time;
 - (d) regulation 8(2), 9(1) or 10(1)(a), it is a defence for the defendant to prove that there was no reasonable opportunity, before the time of the alleged offence, to make the required notification to the Secretary of State;
 - (e) regulation 8(2), it is a defence for the defendant to prove that there were reasonable grounds for believing, or that it was reasonable to expect, that the particulars recorded in the register or shown on the registration document were accurate;
 - (f) regulation 12(1) or 16(1), it is a defence for the defendant to prove that there were reasonable grounds for believing, or that it was reasonable to expect, that the trailer was not registered; or
 - (g) regulation 16(3), it is a defence for the defendant to prove that there were reasonable grounds for believing, or that it was reasonable to expect, that the mark displayed on the fixed plate was assigned to the trailer at the time of the alleged offence.

Incorrectly registered trailers

20.—(1) It is an offence for a person to keep or use a registered trailer on a road that is incorrectly registered.

(2) In this regulation, a trailer is incorrectly registered if—

- (a) the register does not include all of the applicable information relating to the trailer that is specified in regulation 4(2)(d); or
- (b) the information relating to the trailer that is included in the register includes any incorrect information.

(3) In any proceedings for this offence, it is a defence for the defendant to prove that there—

- (a) was no reasonable opportunity, before the time of the alleged offence, to provide information to the Secretary of State for the purpose of correcting the register; or
- (b) were reasonable grounds for believing, or that it was reasonable to expect, that the trailer was—
 - (i) correctly registered; or
 - (ii) not registered.

(4) Subject to paragraph (5), this regulation does not apply in relation to a registered trailer if a person is not recorded in the register as the person who keeps the trailer at the time of the alleged offence.

(5) Paragraph (4) does not apply if, at the time of the alleged offence, the trailer is being used on a journey that will involve, or has involved, entering a country outside the United Kingdom that is a contracting party to the Convention.

(6) If paragraph (4) does not apply due to paragraph (5), it is also a defence in proceedings for this offence for the defendant to prove that—

- (a) they were unaware and could not reasonably have been expected to be aware that the trailer would be so used; or
- (b) they held a reasonable belief that a person was recorded in the register as the person who keeps the trailer at the time of the alleged offence.

Obscuring of registration marks

21.—(1) It is an offence for a person to keep or use a registered trailer on a road if the registration mark is—

- (a) in any way obscured; or
- (b) caused or allowed to become not easily distinguishable.

(2) In any proceedings for this offence, it is a defence for the defendant to prove that they took all reasonable steps to prevent the mark being obscured or becoming not easily distinguishable.

(3) This regulation does not apply in relation to a registered trailer if a person is not recorded in the register as the person who keeps the trailer at the time of the alleged offence.

Obstruction of, or pretending to be, a person entitled to carry out an inspection

22. It is an offence for a person to—

- (a) wilfully obstruct a person carrying out an inspection of a trailer under regulation 13; or
- (b) pretend, with intent to deceive, to be a person entitled to carry out an inspection of a trailer under regulation 13.

False or misleading information, documents or declarations

23. It is an offence for a person to make a declaration, provide information or produce a document which is knowingly false or, in any material respect, knowingly misleading in relation to any notice, application or provision of information to the Secretary of State in pursuance of these Regulations.

Duty to provide information in relation to a suspected person

24.—(1) If a person is suspected of committing an offence under regulation 5(1), 19(1)(g), 19(1)(h), 20(1) or 21(1), the relevant authority may require a person to—

- (a) identify the suspected person; or
- (b) provide any information which it is in the person's power to give that may lead to the identification of the suspected person.

(2) A requirement under paragraph (1) must be made by written notice served by post which specifies the form and manner of the required response.

(3) In this regulation "relevant authority" means—

- (a) a chief officer of police or, in Northern Ireland, the Chief Constable of the Police Service of Northern Ireland; or
- (b) the Secretary of State.

(4) It is an offence for a person to fail to identify a suspected person or provide information which it is in their power to give that may lead to the identification of a suspected person—

- (a) in the form and manner specified by the relevant authority in the written notice; and
- (b) within 28 days of service of the written notice.

(5) In any proceedings for an offence under paragraph (4), it is a defence for the defendant to prove that—

- (a) they did not know, and could not with reasonable diligence have ascertained, the identity of the suspected person; or
- (b) the information was given as soon as reasonably practicable after the end of the period specified in paragraph (4)(b) or that it was not reasonably practicable for it to be given.

Penalties

25. A person who commits any offence under these Regulations is liable on summary conviction to a fine not exceeding level 3 on the standard scale.

Admissions

26.—(1) This regulation applies if it is proved to the satisfaction of a court that—

- (a) a notice has been served in accordance with regulation 24(2) on a person in relation to an offence specified in regulation 24(1); and
- (b) a statement in writing is produced to the court, purporting to be signed by the accused, containing an admission that the accused was the person who kept the trailer or the user of the trailer at the time of the alleged offence.

(2) Where this regulation applies, the court may accept such a statement as evidence (or, in Scotland, sufficient evidence) that the accused was the person who kept the trailer or the user of the trailer (as appropriate) at the time of the alleged offence.

Records

27.—(1) A record(21) to which this regulation applies is admissible in any proceedings as evidence (or, in Scotland, sufficient evidence) of any fact stated in it to the same extent as oral evidence of that fact is admissible in those proceedings, subject to paragraph (3).

(2) This regulation applies to a record maintained by the Secretary of State in connection with the Secretary of State’s functions under these Regulations.

(3) A record is not admissible in accordance with this regulation unless the Secretary of State has authenticated it by providing a statement with the record that confirms it is or was held by the Secretary of State.

Signed by authority of the Secretary of State for Transport

Date

Name
Parliamentary Under Secretary of State
Department for Transport

(21) “Records” is defined in section 19(2) of the Haulage Permits and Trailer Registration Act 2018.

SCHEDULE 1

Regulation 1

COMMENCEMENT

1. The following provisions come into force on the day after the day on which these Regulations are made—

- (a) regulation 2;
- (b) regulation 3;
- (c) regulation 4;
- (d) regulation 6;
- (e) regulation 7 except for paragraph (5);
- (f) regulation 8(1) except for sub-paragraph (c);
- (g) regulation 11;
- (h) regulation 13;
- (i) regulation 14 except for the power of the Secretary of State under paragraph (3) to require a registered keeper to destroy or surrender a registration document;
- (j) regulation 15;
- (k) regulation 18; and
- (l) Schedule 3.

2. The following provisions come into force 21 days after the day on which these Regulations are made—

- (a) regulation 8(1)(c) and (2) to (5);
- (b) regulation 9;
- (c) regulation 10;
- (d) regulation 14(3) for all purposes;
- (e) regulation 16(3);
- (f) regulation 19(1)(b) to (1)(e), (1)(h), (2)(a), (2)(c) to (2)(e) and (2)(g);
- (g) regulation 22;
- (h) regulation 23;
- (i) regulation 25;
- (j) regulation 27; and
- (k) Schedule 2.

3. The following provisions come into force on 28th March 2019—

- (a) regulation 5;
- (b) regulation 7(5);
- (c) regulation 12;
- (d) regulation 16(1), (2) and (4);
- (e) regulation 17;
- (f) regulation 19(1)(a), (1)(f), (1)(g), (2)(b) and (2)(f);
- (g) regulation 20;
- (h) regulation 21;
- (i) regulation 24; and

(j) regulation 26.

SCHEDULE 2

Regulation 16

DISPLAY OF REGISTRATION MARKS

Registration mark - specification

1.—(1) A registration mark must be displayed as a group consisting of one letter and three numbers followed by a group consisting of four numbers (for example A123 4567) in this layout—



(2) This font must be used to display a registration mark—

A B C D E F G H I J
K L M N O P Q R S T
U V W X Y Z
1 2 3 4 5 6 7 8 9 0

(3) The characters used to display a registration mark must—

- (a) be 64 millimetres in height;
 - (b) have a width of 44 millimetres, except for the character representing the number “1” and letter “I”, which must have a width of 10 millimetres;
 - (c) have a stroke width of 10 millimetres; and
 - (d) be separated by 10 millimetres from any other characters within a group.
- (4) A group of characters in a registration mark must be separated from another group of characters in the same registration mark by a space of 5 millimetres vertically.
- (5) The width of the margin between the top or lateral edges of the registration plate and any part of a character used to display a registration mark on it must be at least 5 millimetres.
- (6) The width of the margin between the bottom edge of the registration plate and any part of a character used to display a registration mark on it must be at least 13 millimetres.
- (7) The measurements specified in this paragraph must be made—
- (a) in the case of a horizontal spacing requirement, between vertical lines passing through the extreme edges of each character or between the lateral edge of the plate and a vertical line passing through the closest extreme edge of a character to that edge; and
 - (b) in the case of a vertical spacing requirement, between horizontal lines passing through the extreme edges of each group of characters or between the top or bottom edge of the plate and a horizontal line passing through the closest extreme edge of a character to that edge.
- (8) The measurements specified in this paragraph are complied with if—
- (a) the height of the character is not more than 1 millimetre more or less than the specified height; and
 - (b) any other dimension of the character or the space in question is not more than 0.5 millimetres more or less than the specified measurement.

Registration plate - specification

- 2.—(1) A registration plate must have solid black characters on a white background.
- (2) The surface of a registration plate must not comprise or incorporate any design, pattern or texture, or be treated in any way which gives to any part of the plate the appearance of a design, pattern or texture.
- (3) A registration plate must not be treated in any other way which—
- (a) renders the characters of the registration mark less easily distinguishable to the eye; or
 - (b) would prevent or impair the making of a true photographic image of the plate through any device.
- (4) The corners of a registration plate may be rounded off provided that the requirements of subparagraphs (5) and (6) (margins around registration marks) of paragraph 1 are not infringed.
- (5) No material, other than a registration mark, may be displayed on a registration plate except for information that identifies the manufacturer of the registration plate.

SCHEDULE 3

Regulation 18

AMENDMENTS TO RELEVANT REGULATIONS

- 1.—(1) The Road Vehicles Lighting Regulations 1989⁽²²⁾ are amended as follows.
 - (2) In regulation 11(2), after sub-paragraph (sa), insert—
 - “(sb) reflected light from a registration plate fixed to the rear of a trailer displaying a registration mark assigned to that trailer in accordance with regulations made under section 15 of the Haulage Permits and Trailer Registration Act 2018 (c. 19);”.
 - (3) In Schedule 15, after paragraph 12, insert—
 - “13. In this Schedule, references to a rear registration plate do not include a registration plate fixed to the rear of a trailer displaying a registration mark assigned to that trailer in accordance with regulations made under section 15 of the Haulage Permits and Trailer Registration Act 2018 (c. 19).”.
- 2.—(1) The Vehicles Crime (Registration of Registration Plate Suppliers) Regulations 2008⁽²³⁾ are amended as follows.
 - (2) In regulation 2(1)—
 - (a) in the definition of “fixed”, after the words “the 1994 Act”, insert “or section 15(3) of the 2018 Act”; and
 - (b) in the definition of “registration document”, after the words “the 1994 Act”, insert “or a registration document issued in accordance with regulations made under section 13(1) of the 2018 Act”.
 - (3) In paragraph 4 of Part 2 of the Schedule—
 - (a) in sub-paragraph (f), omit “or” at the end; and
 - (b) after sub-paragraph (g) insert—
 - “or
 - (h) a notice of registration issued by the Secretary of State in accordance with regulations made under section 13(1) of the 2018 Act.”.

EXPLANATORY NOTE

(This note is not part of the Regulations)

The Haulage Permits and Trailer Registration Act 2018 conferred powers on the Secretary of State to establish a registration scheme for trailers kept or used on roads and create offences relating to that scheme. These Regulations—

⁽²²⁾ S.I. 1989/1796, amended by S.I. 2001/560; there are other amending instruments but none is relevant.

⁽²³⁾ S.I. 2008/1715, to which there is an amendment not relevant to these Regulations. The definition of “the 2018 Act” was inserted into the Vehicles (Crime) Act 2001 (c. 3), section 31(1) (interpretation of provisions relating to plates) by the Haulage Permits and Trailer Registration Act 2018, the Schedule, paragraph 8.

- (a) specify the criteria and procedure for registration, the particulars to be provided and the registration fee (regulation 4);
- (b) prohibit the keeping or use of unregistered trailers in certain categories on journeys to or through countries outside the United Kingdom that have ratified the 1968 Convention on Road Traffic (regulation 5);
- (c) govern the issue, expiry, replacement and renewal of documents relating to the registration of a trailer (regulations 6, 7 and 9);
- (d) specify the Secretary of State's powers to ensure the accuracy of the register and impose a duty on registered keepers to notify the Secretary of State of inaccuracies (regulation 8);
- (e) impose a duty on registered keepers to notify the Secretary of State of the disposal of a registered trailer and set out how a new/subsequent keeper may become the registered keeper (regulation 10);
- (f) require that information, etc., provided to the Secretary of State in pursuance of these Regulations is provided via a digital service, with specified exceptions (regulation 11);
- (g) authorise examiners and stopping officers to require the production of a trailer registration document (regulation 12);
- (h) provide for inspections of trailers and matters related to the outcomes of such inspections (regulations 13 and 14);
- (i) require the Secretary of State to assign a registration mark (more commonly known as a registration number) to a registered trailer and allow for marks to be reassigned or withdrawn (regulation 15);
- (j) specify the shape, size and spacing of the characters in the registration mark and the physical characteristics and placement of the registration plate that bears the mark, and impose a duty to fix a plate on a registered trailer (regulations 16 and 17 and Schedule 2);
- (k) amend the Road Vehicles Lighting Regulations 1989 and the Vehicles Crime (Registration of Registration Plate Suppliers) Regulations 2008 to accommodate the introduction of the trailer registration scheme (regulation 18 and Schedule 3);
- (l) create offences and provide appropriate defences relating to breaches of specified regulations (regulation 19), the keeping or use of an incorrectly registered trailer (regulation 20), the obscuring of registration marks (regulation 21), the obstruction or impersonation of a person entitled to carry out an inspection of a trailer (regulation 22) and providing false or misleading information, documents or declarations (regulation 23);
- (m) permit a chief officer of police or the Secretary of State to require a person to identify a person suspected of a specified offence relating to the keeping or use of a trailer, or provide information that may lead to the identification of the suspected person, and create an offence of failing to do so (regulation 24);
- (n) provide that any offence created under these Regulations is punishable by a maximum of a level 3 fine on summary conviction (regulation 25);
- (o) allow for admissions and records held by the Secretary of State in relation to these Regulations to be admissible in legal proceedings (regulations 26 and 27); and
- (p) require the Secretary of State to carry out a review of these Regulations from time to time (regulation 3).

The 1968 Vienna Convention on Road Traffic established common standards and rules for drivers and vehicles in international road traffic. Among other things, it permits a contracting party to refuse to admit an unregistered trailer to its territory. The Convention was ratified by the United Kingdom in March 2018 and comes into force for the United Kingdom on 28th March 2019. It is available at <https://www.gov.uk/government/publications/ms-no12018-convention-on-road-traffic->

as-amended and can be viewed by appointment at the Parliamentary Archives, Houses of Parliament, London, SW1A 0PW (archives@parliament.uk; 020 7219 3074).

Regulation 1(2) and Schedule 1 provide for the provisions in these Regulations to come into force on different dates. The provisions that are necessary to process registration applications and issue registration documents, along with closely related matters, will come into force on the day after these Regulations are made. The duties on registered keepers, such as notifying the Secretary of State of inaccuracies in the register, will come into force 21 days after the day on which these Regulations are made. This will enable registration applications to begin as soon as possible while providing those potentially affected with a reasonable period of time to adjust to the new duties.

The provisions relating to the roadside enforcement of the registration scheme will come into force on 28th March 2019, the same date as the Convention comes into force for the United Kingdom. From this date, using unregistered trailers in certain categories on journeys to or through foreign countries that have ratified the Convention will be prohibited, registration marks must be displayed on registered trailers and the users of registered trailers may be required to produce registration documents.

Part 3 (registration marks and plates) of this instrument and Schedule 2 contain technical standards as defined by the Technical Standards and Regulations Directive (2015/1535/EU; OJNo. L 241, 17.9.2015, p.1). The appropriate notification was sent to the European Commission in May 2018 and no comments were made during the three month standstill period.

A full impact assessment of the effect that this instrument will have on the costs of business and the voluntary sector is published with the Explanatory Memorandum alongside this instrument on the UK Legislation website www.legislation.gov.uk. The impact assessment is also available from the Department for Transport, Great Minster House, 33 Horseferry Road, London, SW1P 4DR (0300 330 3000).