

*Draft Order laid before Parliament under section 90E(4) of the Road Traffic Offenders Act 1988,
for approval by resolution of each House of Parliament.*

DRAFT STATUTORY INSTRUMENTS

2018 No.

ROAD TRAFFIC

**The Road Safety (Financial Penalty Deposit)
(Appropriate Amount) (Amendment) Order 2018**

*Made - - - - - ***
Coming into force in accordance with article 1(2), (3)
and (4)*

The Secretary of State, in exercise of the powers conferred by sections 90B(2) and 90E(3) of the Road Traffic Offenders Act 1988(1), makes the following Order.

The Secretary of State has consulted with such representative organisations as appeared appropriate, as required by section 90E(2) of the Road Traffic Offenders Act 1988, and a draft of this Order has been approved by a resolution of each House of Parliament in accordance with section 90E(4) of that Act.

Citation and commencement

1.—(1) This Order may be cited as the Road Safety (Financial Penalty Deposit) (Appropriate Amount) (Amendment) Order 2018.

(2) Articles 1, 2 and 4 come into force on 1st January 2019.

(3) Article 3 comes into force on 1st January 2019 or, if later, the day appointed by the Secretary of State under section 27(2) of the Haulage Permits and Trailer Registration Act 2018(2) for section 8 of that Act to come into force for all purposes.

(4) Article 5 comes into force on 28th March 2019.

Interpretation

2. In this Order, “the 2009 Order” means the Road Safety (Financial Penalty Deposit) (Appropriate Amount) Order 2009(3).

(1) 1988 c. 53; Part 3A, which includes sections 90B and 90E, was inserted by the Road Safety Act 2006 (c. 49), section 11.
(2) 2018 c. 19.
(3) S.I. 2009/492, amended by S.I. 2014/802; there are other amending instruments but none is relevant.

Amendments relating to appropriate amounts for financial penalty deposits

3. In Part 1 (primary legislation) of Schedule 1 to the 2009 Order, after Table 9 (The HGV Road User Levy Act 2013), insert—

“Table 10

Haulage Permits and Trailer Registration Act 2018

<i>(1) Provision creating offence</i>	<i>(2) General nature of offence</i>	<i>(3) Deposit</i>
1. Section 8(2)	Driver of a goods vehicle breaching a requirement under section 6(2)(a) of that Act to produce a permit without reasonable excuse	£300
2. Section 8(3)	Wilfully obstructing an examiner exercising powers under section 6 of that Act	£300
3. Section 8(4)(a)	Breaching a prohibition under section 7 of that Act on taking a vehicle to a country without reasonable excuse	£300
4. Section 8(4)(b)	Causing or permitting a breach of a prohibition under section 7 of that Act on taking a vehicle to a country without reasonable excuse	£300”

4. In Part 2 (secondary legislation) of Schedule 1 to the 2009 Order, after Table 5 (The Vehicle Drivers (Certificate of Professional Competence) Regulations 2007), insert—

“Table 6

The Goods Vehicles (Community Licences) Regulations 2011(4)

<i>(1) Provision creating offence</i>	<i>(2) General nature of offence</i>	<i>(3) Deposit</i>
1. Regulation 4	Using a vehicle in Great Britain in contravention of the requirement to possess a Community licence	£100”

5. In Part 2 (secondary legislation) of Schedule 1 to the 2009 Order, after Table 6 (The Goods Vehicles (Community Licences) Regulations 2011), insert—

“Table 7

The Trailer Registration Regulations 2018

<i>(1) Provision creating offence</i>	<i>(2) General nature of offence</i>	<i>(3) Deposit</i>
1. Regulation 5	Keeping or using a trailer that has not been registered under those Regulations on a journey to or through a foreign country that is a contracting party to the 1968 Vienna Convention on Road Traffic (“the 1968 Convention”)	£100
2. Regulation 19(1)(a)	Using a registered trailer with an expired registration document on a journey to or through a foreign country that is a contracting party to the 1968 Convention	£100
3. Regulation 19(1)(f)	Failing to produce a trailer registration document when required to do so	£100
4. Regulation 19(1)(g)	Failing to fix a registration plate on a registered trailer in accordance with those Regulations	£100
5. Regulation 19(1)(h)	Displaying a trailer registration mark on a trailer that is not assigned to that trailer	£100
6. Regulation 20	Keeping or using an incorrectly registered trailer on a road	£100
7. Regulation 21	Keeping or using a registered trailer on a road with a registration mark that is obscured	£100
8. Regulation 22(a)	Wilfully obstructing a person carrying out an inspection of a trailer under those Regulations	£300”

Draft Legislation: This is a draft item of legislation. This draft has since been made as a UK Statutory Instrument:
The Road Safety (Financial Penalty Deposit) (Appropriate Amount) (Amendment) Order 2018 No. 1233

Signed by authority of the Secretary of State

Date

Parliamentary Under Secretary of State
Department for Transport

EXPLANATORY NOTE

(This note is not part of the Order)

This Order amends the Road Safety (Financial Penalty Deposit) (Appropriate Amount) Order 2009 to set the amount of a financial penalty deposit that a constable or vehicle examiner may require from a person believed to have committed a specified offence under the Haulage Permits and Trailer Registration Act 2018, the Goods Vehicles (Community Licences) Regulations 2011 or the Trailer Registration Regulations 2018.

The specified offences were designated as offences for which a requirement to make a financial penalty deposit may be imposed by the Financial Penalty Deposit and Fixed Penalty Offences (Miscellaneous Provisions) Order 2018.

Article 3 relates to offences under section 8 of the Haulage Permits and Trailer Registration Act 2018; this section is expected to be commenced in late 2018. This article will come into force on 1st January 2019 or when section 8 of the Act is commenced if this is on later date. The coming into force of article 5, which relates to the Trailer Registration Regulations 2018, coincides with the beginning of the roadside enforcement regime under those Regulations on 28th March 2019.

A full impact assessment has not been produced for this instrument as no impact on the private or voluntary sectors is foreseen. An Explanatory Memorandum has been prepared for this instrument and is available alongside this instrument on the UK Legislation website www.legislation.gov.uk.