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STATUTORY INSTRUMENTS

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**2018 No. 1236**

**ROAD TRAFFIC**

**The Financial Penalty Deposit and Fixed Penalty  
Offences (Miscellaneous Provisions) Order 2018**

*Made - - - - 26th November 2018*  
*Laid before Parliament 30th November 2018*  
*Coming into force in accordance with article 1(2), (3)*  
*and (4)*

The Secretary of State, in exercise of the powers conferred by sections 51(3), 53(1)(a) and 90A(2) (b) of the Road Traffic Offenders Act 1988(1), makes the following Order.

The Secretary of State has consulted with representative organisations before making this Order as required by sections 88(2) and 90E(2) of that Act.

**Citation and commencement**

1.—(1) This Order may be cited as the Financial Penalty Deposit and Fixed Penalty Offences (Miscellaneous Provisions) Order 2018.

(2) Articles 1 to 5 and 12 come into force on 1st January 2019.

(3) Articles 6 to 8 come 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) Articles 9 to 11 come into force on 28th March 2019.

**Interpretation**

2. In this Order—

“the 1988 Act” means the Road Traffic Offenders Act 1988;

“the 2000 Order” means the Fixed Penalty Order 2000(3); and

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(1) 1988 c. 53; section 53 was substituted by the Road Traffic Act 1991 (c. 40), Schedule 4, paragraph 102. There are amendments to the substituted section but none is relevant. Part 3A, which includes sections 90A and 90E, was inserted by the Road Safety Act 2006 (c. 49), section 11. Section 90A(2) was amended by S.I. 2018/24 and the Haulage Permits and Trailer Registration Act 2018 (c. 19), the Schedule, paragraph 5. There is another amendment to section 90A but it is not relevant.

(2) 2018 c. 19.

(3) S.I. 2000/2792, amended by S.I. 2009/488, 2013/1569, 2014/259; there are other amending instruments but none is relevant.

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“the 2009 Order” means the Road Safety (Financial Penalty Deposit) Order 2009(4).

### **Amendments relating to the Goods Vehicles (Community Licences) Regulations 2011**

3.—(1) Regulation 4 (use of goods vehicle without Community licence) of the Goods Vehicles (Community Licences) Regulations 2011(5) is a fixed penalty offence for the purposes of Part 3 of the 1988 Act.

(2) In Schedule 3 (fixed penalty offences) to the 1988 Act, after the entry for regulation 11(7) of the Vehicle Drivers (Certificates of Professional Competence) Regulations 2007, insert—

*“Offence under the Goods Vehicles (Community Licences) Regulations 2011 (S.I. 2011/2633)*

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Regulation 4 of the Goods Vehicles Using a vehicle in Great Britain in contravention (Community Licences) Regulations 2011 of the requirement to possess a Community licence.”

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4. In the table in Schedule 1 (fixed penalties) to the 2000 Order—

- (a) omit the entries for item numbers 28 and 29; and
- (b) after the entry for item number 27, insert—

“28	A fixed penalty offence under regulation 4 of the Goods Vehicles (Community Licences) Regulations 2011	£100”
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5. In Part 2 (secondary legislation) of the Schedule to the 2009 Order, after Table 6 (The Vehicle Drivers (Certificate of Professional Competence) Regulations 2007), insert—

**“Table 7**

### **The Goods Vehicles (Community Licences) Regulations 2011**

<i>Provision creating offence</i>	<i>General nature of offence</i>
Regulation 4	Using a vehicle in Great Britain in contravention of the requirement to possess a Community licence”

### **Amendments relating to the Haulage Permits and Trailer Registration Act 2018**

6.—(1) The following offences in the Haulage Permits and Trailer Registration Act 2018 are fixed penalty offences for the purposes of Part 3 of the 1988 Act—

- (a) section 8(1) (using a goods vehicle in breach of regulations);
- (b) section 8(2) (failing to produce a permit);
- (c) section 8(3) (wilfully obstructing an examiner); and
- (d) section 8(4)(a) (breaching a prohibition on taking a vehicle to a country).

(2) In Schedule 3 (fixed penalty offences) to the 1988 Act, insert at the appropriate place—

*“Offences under the Haulage Permits and Trailer Registration Act 2018 (c. 19)*

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(4) S.I. 2009/491, amended by S.I. 2014/267, 2018/24; there are other amending instruments but none is relevant.

(5) S.I. 2011/2633.

Section 8(1) of the Haulage Permits and Trailer Registration Act 2018	Operator using a goods vehicle in breach of regulations made under section 1(1) of that Act without reasonable excuse.
Section 8(2) of that Act	Driver of a goods vehicle breaching a requirement under section 6(2)(a) of that Act to produce a permit without reasonable excuse.
Section 8(3) of that Act	Wilfully obstructing an examiner exercising powers under section 6 of that Act.
Section 8(4)(a) of that Act	Breaching a prohibition under section 7 of that Act without reasonable excuse.”

7. In the table in Schedule 1 (fixed penalties) to the 2000 Order, after the entry for item number 28, insert—

“29	A fixed penalty offence under section 8(1) of the Haulage Permits and Trailer Registration Act 2018	£300
30	A fixed penalty offence under section 8(2) of the Haulage Permits and Trailer Registration Act 2018	£300
31	A fixed penalty offence under section 8(3) of the Haulage Permits and Trailer Registration Act 2018	£300
32	A fixed penalty offence under section 8(4)(a) of the Haulage Permits and Trailer Registration Act 2018	£300”

8. In Part 1 (Acts of Parliament) of the Schedule to the 2009 Order, after Table 10 (HGV Road User Levy Act 2013), insert—

“Table 11

**Haulage Permits and Trailer Registration Act 2018**

<i>Provision creating offence</i>	<i>General nature of offence</i>
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
Section 8(3)	Wilfully obstructing an examiner exercising powers under section 6 of that Act
Section 8(4)(a)	Breaching a prohibition under section 7 of that Act without reasonable excuse
Section 8(4)(b)	Causing or permitting a breach of a prohibition under section 7 of that Act without reasonable excuse”

### Amendments relating to the Trailer Registration Regulations 2018

9.—(1) The following offences in the Trailer Registration Regulations 2018(6) are fixed penalty offences for the purposes of Part 3 of the 1988 Act—

- (a) regulation 5 (keeping or using an unregistered trailer on a journey to or through a 1968 Convention territory);
- (b) regulation 19(1)(a) (using a registered trailer on a journey to or through a 1968 Convention territory with an expired registration document);
- (c) regulation 19(1)(f) (failing to produce a registration document);
- (d) regulation 19(1)(g) (failing to fix a registration plate on a registered trailer);
- (e) regulation 19(1)(h) (displaying an unassigned registration mark on a trailer);
- (f) regulation 20 (keeping or using an incorrectly registered trailer);
- (g) regulation 21 (obscuring of registration mark); and
- (h) regulation 22(a) (wilfully obstructing a person carrying out an inspection).

(2) In Schedule 3 (fixed penalty offences) to the 1988 Act, insert at the appropriate place—

*“Offences under the Trailer Registration Regulations 2018 (S.I. 2018/1203)*

Regulation 5 of the Trailer Registration Regulations 2018	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”).
Regulation 19(1)(a) of those Regulations	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.
Regulation 19(1)(f) of those Regulations	Failing to produce a trailer registration document when required to do so.
Regulation 19(1)(g) of those Regulations	Failing to fix a registration plate on a registered trailer in accordance with those Regulations.
Regulation 19(1)(h) of those Regulations	Displaying a trailer registration mark on a trailer that is not assigned to that trailer.
Regulation 20 of those Regulations	Keeping or using an incorrectly registered trailer on a road.
Regulation 21 of those Regulations	Keeping or using a registered trailer on a road with a registration mark that is obscured.
Regulation 22(a) of those Regulations	Wilfully obstructing a person carrying out an inspection of a trailer under those Regulations.”

10. In the table in Schedule 1 (fixed penalties) to the 2000 Order, after the entry for item number 32, insert—

“33	A fixed penalty offence under regulation 5 of the Trailer Registration Regulations 2018	£100
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(6) S.I. 2018/1203.

34	A fixed penalty offence under regulation 19(1)(a) of the Trailer Registration Regulations 2018	£100
35	A fixed penalty offence under regulation 19(1)(f) of the Trailer Registration Regulations 2018	£100
36	A fixed penalty offence under regulation 19(1)(g) of the Trailer Registration Regulations 2018	£100
37	A fixed penalty offence under regulation 19(1)(h) of the Trailer Registration Regulations 2018	£100
38	A fixed penalty offence under regulation 20 of the Trailer Registration Regulations 2018	£100
39	A fixed penalty offence under regulation 21 of the Trailer Registration Regulations 2018	£100
40	A fixed penalty offence under regulation 22(a) of the Trailer Registration Regulations 2018	£300

**11.** In the 2009 Order—

- (a) after “vehicle” in paragraph (a) of article 3, insert “or trailer”; and
- (b) after Table 7 (The Goods Vehicles (Community Licences) Regulations 2011) in Part 2 (secondary legislation) of the Schedule, insert—

**“Table 8**

**The Trailer Registration Regulations 2018**

<i>Provision creating offence</i>	<i>General nature of offence</i>
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”)
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
Regulation 19(1)(f)	Failing to produce a trailer registration document when required to do so
Regulation 19(1)(g)	Failing to fix a registration plate on a registered trailer in accordance with those Regulations
Regulation 19(1)(h)	Displaying a trailer registration mark on a trailer that is not assigned to that trailer
Regulation 20	Keeping or using an incorrectly registered trailer on a road

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<i>Provision creating offence</i>	<i>General nature of offence</i>
Regulation 21	Keeping or using a registered trailer on a road with a registration mark that is obscured
Regulation 22(a)	Wilfully obstructing a person carrying out an inspection of a trailer under those Regulations”

#### **Further amendment to the 2000 Order**

**12.** In the table in Schedule 1 (fixed penalties) to the 2000 Order, after the entry for item number 40, insert—

“41	Any other fixed penalty offence except for a fixed penalty parking offence	£50
42	Any other fixed penalty parking offence	£30”

Signed by authority of the Secretary of State for Transport

26th November 2018

*Jesse Norman*  
 Minister of State  
 Department for Transport

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## EXPLANATORY NOTE

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

This Order applies to the Road Traffic Offenders Act 1988, the Fixed Penalty Order 2000 and the Road Safety (Financial Penalty Deposit) Order 2009. It—

- (a) designates specified offences in the Goods Vehicles (Community Licences) Regulations 2011, the Haulage Permits and Trailer Registration Act 2018 and the Trailer Registration Regulations 2018 as fixed penalty offences (articles 3, 6 and 9);
- (b) sets the penalty amounts for fixed penalty offences (articles 4, 7, 10 and 12); and
- (c) designates specified offences as offences for which a requirement to make a financial penalty deposit may be imposed (articles 5, 8 and 11).

The amount of the financial penalty deposit is set in the Road Safety (Financial Penalty Deposit) (Appropriate Amount) (Amendment) Order 2018.

Articles 6, 7 and 8 relate to offences under section 8 of the Haulage Permits and Trailer Registration Act 2018; this section is expected to be commenced in late 2018. These articles will come into force on 1st January 2019 or when section 8 is commenced if this is on a later date. The coming into force of articles 9, 10 and 11, which relate 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](http://www.legislation.gov.uk).