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DRAFT STATUTORY INSTRUMENTS

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**2024 No.**

**The Goods Vehicles (International Road Transport Permits and Haulage Within the EU) Regulations 2024**

**PART 1**

Preliminary provisions

**Citation and commencement**

1. These Regulations—
  - (a) may be cited as the Goods Vehicles (International Road Transport Permits and Haulage Within the EU) Regulations 2024, and
  - (b) come into force on the 21st day after the day on which they are made.

**Extent**

2. These Regulations extend to England and Wales, Scotland and Northern Ireland.

**Interpretation**

- 3.—(1) In these Regulations—
  - “the 2018 Act” means the Haulage Permits and Trailer Registration Act 2018(1);
  - “agreement” means a relevant international agreement(2);
  - “application” means an application under regulation 8;
  - “application fee” has the meaning given in regulation 7(1);
  - “carriage” includes haulage;
  - “ECMT agreements” means—
    - (a) the Protocol concerning the European Conference of Ministers of Transport done at Brussels on 17th October 1953(3),
    - (b) Resolution No. 26 concerning the Actual Coming into Force of a Multilateral Quota for International Transport of Goods by Road done at The Hague on 14th June 1973(4), and

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(1) 2018 c. 19 (“the 2018 Act”).

(2) Section 1(4) of the 2018 Act provides that “relevant international agreement” means “(a) in relation to a country other than Ireland, an international agreement— (i) to which the United Kingdom is a party, and (ii) which relates to the transport of goods by road to, in or through the country; (b) in relation to Ireland, an international agreement— (i) to which the United Kingdom is a party, (ii) which the Secretary of State has certified as an agreement to which the Government of Ireland has consented, and (iii) which relates to the transport of goods by road to, in or through Ireland”.

(3) Treaty Series No. 32 (1954); also known as the Protocol to co-ordinate and rationalise European Inland Transport of international importance. A copy is published at [www.itf-oecd.org/lacquis-cemtprincipal-acts-ecmt-1953-2003](http://www.itf-oecd.org/lacquis-cemtprincipal-acts-ecmt-1953-2003).

(4) CM(73)5, as continued by CM(73)24. A copy is published at [www.itf-oecd.org/lacquis-cemtprincipal-acts-ecmt-1953-2003](http://www.itf-oecd.org/lacquis-cemtprincipal-acts-ecmt-1953-2003).

(c) Consolidated Resolution No. 2000/1 concerning the Rules to be Applied for International Freight Transport by Road done at Prague on 30th and 31st May 2000<sup>(5)</sup>;

“ECMT annual permit” has the meaning given in regulation 5;

“ECMT country” means a listed country in relation to which the Protocol concerning the European Conference of Ministers of Transport done at Brussels on 17th October 1953 is an agreement;

“ECMT international removal permit” has the meaning given in regulation 5;

“ECMT short-term permit” has the meaning given in regulation 5;

“goods” means goods or burden of any description;

“grant fee” has the meaning given in regulation 7(2);

“laden” means laden with goods;

“listed country” means a country<sup>(6)</sup> listed in Schedule 1;

“multiple-use permit” has the meaning given in regulation 5;

“operator’s licence” means a licence—

(a) issued to an operator<sup>(7)</sup> under—

(i) the Goods Vehicles (Licensing of Operators) Act 1995<sup>(8)</sup>, or

(ii) the Goods Vehicles (Licensing of Operators) Act (Northern Ireland) 2010<sup>(9)</sup>, and

(b) authorising the operator to use a goods vehicle<sup>(10)</sup> on a road for the carriage of goods to a country outside the United Kingdom;

“permit” means an international road transport permit<sup>(11)</sup>;

“relevant contract” means—

(a) a contract of service or apprenticeship, whether express or implied, and, if it is express, whether oral or in writing, or

(b) any other contract, whether express or implied and, if it is express, whether oral or in writing, whereby an individual undertakes to do or perform personally any work or services for another party to the contract whose status is not by virtue of the contract that of a client or customer of any profession or business undertaking carried on by the individual;

“single-use permit” has the meaning given in regulation 5;

“traffic commissioner” means a commissioner appointed under section 4 of the Public Passenger Vehicles Act 1981<sup>(12)</sup>;

“type of permit” means a type of permit described in regulation 5.

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(5) CM(2000)10. A copy is published online at [www.itf-oecd.org/lacquis-cemtprincipal-acts-ecmt-1953-2003](http://www.itf-oecd.org/lacquis-cemtprincipal-acts-ecmt-1953-2003). The current position with regards to reservations to the categories of transport exempted from permit requirements can be found at page 15 of the ECMT multilateral quota user guide: [https://www.itf-oecd.org/sites/default/files/docs/guide\\_2022\\_0.pdf](https://www.itf-oecd.org/sites/default/files/docs/guide_2022_0.pdf). The user guide clarifies that it does not affect agreements between the United Kingdom and the European Union.

(6) Section 10 of the 2018 Act provides that “country” includes “territory”.

(7) Section 1(5) of the 2018 Act provides that “operator”, in relation to a goods vehicle, means “(a) the driver of the vehicle, if the vehicle belongs to the driver or is in the driver’s possession under an agreement for hire or hire-purchase, or a loan; (b) in any other case, the person whose employee or agent the driver is”.

(8) 1995 c. 23.

(9) 2010 c. 2 (N.I.).

(10) Section 1(5) of the 2018 Act defines “goods vehicle” as “a motor vehicle registered under the Vehicle Excise and Registration Act 1994 (c. 22) which (alone or in combination with one or more other vehicles drawn by it) is constructed or adapted to carry or to haul goods or burden of any description”.

(11) Section 1(2) of the 2018 Act provides that “international road transport permit” means a permit granted by the Secretary of State for the purposes of regulations under section 1(1).

(12) 1981 c. 14. Section 4 was substituted by section 3(2) of the Transport Act 1985 (c. 67) and amended by section 2 of the Local Transport Act 2008 (c. 26).

(2) In these Regulations, a goods vehicle is used on a commercial journey if any part of that journey is—

- (a) for hire or reward, or
- (b) for or in connection with any trade or business carried on by the operator of the vehicle.

(3) In these Regulations, the operator of a goods vehicle is using it for the carriage of goods if the journey is—

- (a) a laden journey undertaken for the carriage of goods, or
- (b) an unladen journey undertaken in conjunction with such a journey.

## PART 2

### Permits

#### **Permit requirement for commercial journey to, in or through listed country**

4.—(1) The operator of a goods vehicle is prohibited from using it on a journey for the carriage of goods to, in or through a listed country unless the use of that vehicle in that country is authorised by, and takes place in accordance with, a permit—

- (a) granted by the Secretary of State, and
- (b) carried on that vehicle.

(2) Paragraph (1) does not apply—

- (a) where the journey is not a commercial journey,
- (b) to the use of the vehicle by the operator on the part of the journey which—
  - (i) takes place in the listed country, and
  - (ii) is of a description in Schedule 2,
- (c) where a temporary exemption has been granted under regulation 14 that applies in relation to the journey by the operator using the vehicle, or
- (d) where a permit cannot be issued under these Regulations in relation to the use of the vehicle by the operator because one of the circumstances specified in paragraph (3) applies.

(3) The specified circumstances are—

- (a) the operator of the vehicle is subject to a ban on the entry of vehicles possessed or owned by the operator in a listed country to, in or through which the journey would take place<sup>(13)</sup>;
- (b) the use of the vehicle on the journey is one that, under all agreements that relate to the listed country to, in or through which the operator proposes to use a goods vehicle on a journey, is not permitted.

(4) For the avoidance of doubt, the fact that paragraph (1) does not apply to the use of a vehicle by virtue of paragraph (2)(d) does not constitute authorisation for the vehicle to be so used on a journey for the carriage of goods to, in or through a listed country.

#### **Types of permit**

5.—(1) The types of permit that may be granted by the Secretary of State under these Regulations are—

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<sup>(13)</sup> Certain bilateral agreements to which the United Kingdom is a party contain provisions excluding vehicles owned or operated by an operator from the territory of one of the parties where there has been an infringement of the agreement. The exclusion may be temporary or permanent.

- (a) a permit which allows the use of a goods vehicle on multiple journeys to, in or through ECMT countries in a period of up to one year in accordance with the ECMT Multilateral Quota User Guide published in January 2022(14) (an “ECMT annual permit”);
- (b) a permit granting permission to carry out international removals in the form set out in Annex 2 of the ECMT Multilateral Quota User Guide published in January 2022, for use on journeys to, in or through ECMT countries (an “ECMT international removal permit”);
- (c) a short-term ECMT licence valid for 30 calendar days in accordance with the ECMT Multilateral Quota User Guide published in January 2022, for use on journeys to, in or through ECMT countries (an “ECMT short-term permit”);
- (d) a permit which allows the use of a goods vehicle on multiple journeys to, in or through a specified listed country in a period of up to one year (a “multiple-use permit”);
- (e) a permit (a “single-use permit”) which allows the use of a goods vehicle—
  - (i) on a single journey to, in or through any one or more specified listed countries;
  - (ii) in the case of a specified listed country in relation to which an agreement makes such provision, on two journeys comprising one journey to a specified listed country followed by one journey from that specified listed country to the United Kingdom, whether or not either of those journeys are in or through any other specified listed country.

(2) In this regulation “specified listed country” means a listed country in relation to which there is an agreement, in addition to, or other than, the ECMT agreements, which provides for the issuing of permits.

### Number of permits

6. The number of permits available for the use of a goods vehicle on a journey to, in or through a listed country is to be determined in accordance with the agreement relating to that country.

### Fees payable for permits

7.—(1) The fee payable in respect of an application for a type of permit specified in the first column of the table in Part 1 of Schedule 3 is the amount specified in the corresponding entry in the second column of that table (the “application fee”).

(2) The fee payable in respect of the grant of a type of permit specified in the first column of the table in Part 2 of Schedule 3 is the amount specified in the corresponding entry in the second column of that table (the “grant fee”).

### Application for permit

- 8.—(1) To obtain a permit, an operator must—
- (a) make an application to the Secretary of State, and
  - (b) pay the application fee, if any such fee is payable.
- (2) The application must include the following—
- (a) the name of—
    - (i) the operator,

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(14) The ECMT Multilateral Quota User Guide is available at: [https://www.itf-oecd.org/sites/default/files/docs/guide\\_2022\\_0.pdf](https://www.itf-oecd.org/sites/default/files/docs/guide_2022_0.pdf). A hard copy can be obtained on request from the International Road Haulage Permit Office: emailirhp@dvs.gov.uk or telephone 020 8158 0250.

- (ii) any listed country to, in or through which the operator proposes to use a goods vehicle on a journey to which the application relates, and
- (iii) the type of permit applied for;
- (b) the address of the operator;
- (c) an explanation as to whether any journey to which the application relates is to, in or through each listed country named in accordance with paragraph (2)(a)(ii);
- (d) any request relating to the date on which the permit should take effect;
- (e) a description of the goods the operator intends to carry on any journey to which the application relates;
- (f) details of the goods vehicle the operator intends to use on any journey to which the application relates, including particulars of the gaseous and particulate pollutants emitted by the engine propelling the vehicle;
- (g) if the operator is required to hold an operator's licence for any journey to which the application relates<sup>(15)</sup>, the number of that licence;
- (h) if the application is for a type of permit under which the operator may make more than one journey, an estimate of the number and frequency of the journeys.

#### **Withdrawal of application for permit**

9.—(1) An operator may, by notifying the Secretary of State, withdraw their application at any time before the day on which the Secretary of State makes a decision on the application.

(2) The operator is not entitled to the return of the application fee.

#### **Grant of permit**

10. The Secretary of State may only decide whether to grant a permit to an operator after considering the following—

- (a) the number of permits available;
- (b) the information contained in the application;
- (c) the attachment of conditions;
- (d) the obligations of the United Kingdom as a party to the agreement that relates to the listed country to, in or through which the operator proposes to use a goods vehicle on a journey.

#### **Conditions**

11.—(1) The Secretary of State may grant a permit subject to—

- (a) the condition that the permit holder must pay the grant fee;
- (b) the condition that, for the duration of the permit, the permit holder must hold an operator's licence that is not suspended or curtailed;
- (c) the condition that the permit holder must—
  - (i) keep a record of each journey made under the permit, and
  - (ii) provide the record to the Secretary of State;
- (d) any other condition determined by the Secretary of State.

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<sup>(15)</sup> The operator of a goods vehicle may be obligated to hold an operator's licence, in Great Britain, under section 2 of the Goods Vehicles (Licensing of Operators) Act 1995 or, in Northern Ireland, under section 1 of the Goods Vehicles (Licensing of Operators) Act (Northern Ireland) 2010.

(2) A condition may be attached to a permit at any time before the permit has effect.

### Duration of permit

**12.** A permit has effect for the duration specified in the right-hand column of the table in relation to that type of permit.

<i>Type of permit</i>	<i>Duration</i>
ECMT annual permit	<p>The period:</p> <ul style="list-style-type: none"> <li>— beginning with: <ul style="list-style-type: none"> <li>• the day the permit is granted, or</li> <li>• the day requested in the application (if any), if that day is within the period of 60 days beginning with the day the permit is granted, and</li> </ul> </li> <li>— ending with 31st December of the year in which the period begins.</li> </ul>
ECMT international removal permit	<p>The period of one year beginning with:</p> <ul style="list-style-type: none"> <li>— the day the permit is granted, or</li> <li>— the day requested in the application (if any), if that day is within the period of 60 days beginning with the day the permit is granted.</li> </ul>
ECMT short-term permit	<p>The period of 30 days beginning with</p> <ul style="list-style-type: none"> <li>— the day the permit is granted, or</li> <li>— the day requested in the application (if any), if that day is within the period of 60 days beginning with the day the permit is granted.</li> </ul>
multiple-use permit; single-use permit	<p>The period:</p> <ul style="list-style-type: none"> <li>— beginning with: <ul style="list-style-type: none"> <li>• the day the permit is granted, or</li> <li>• the day requested in the application (if any), if that day is within the period of 60 days beginning with the day the permit is granted, and</li> </ul> </li> <li>— ending with: <ul style="list-style-type: none"> <li>• for a permit relating to Azerbaijan or Belarus, 31st January of the year following the year in which the period begins, or</li> <li>• for a permit relating to any other listed country, 31st December of the year in which the period begins.</li> </ul> </li> </ul>

### Refusal of permit

**13.—**(1) If the Secretary of State decides not to grant a permit, the Secretary of State must notify the operator who applied for it, within the period of 28 days beginning with the day after the day the decision is made, of the reasons for the decision.

(2) The operator is not entitled to the return of the application fee.

### Temporary exemption to deal with emergency or other special need

14.—(1) The Secretary of State may grant a temporary exemption from the prohibition imposed by regulation 4 for the purpose of enabling an emergency or some other special need to be dealt with.

(2) The temporary exemption may be created by—

- (a) giving a notice in writing to the operator to whom it relates, or
- (b) publishing a notice specifying the class of operators to whom it relates<sup>(16)</sup>.

## PART 3

### Enforcement of permit requirement

#### Direction to comply with permit condition

15.—(1) This regulation applies if an operator—

- (a) holds a permit to which a condition has been attached under regulation 11, and
- (b) breaches such a condition.

(2) The Secretary of State may—

- (a) notify the operator of the breach of the condition, and
- (b) direct the operator to remedy the breach within the period of 28 days beginning with the day after the day the operator is so notified.

#### Cancellation of permit

16.—(1) The Secretary of State may cancel a permit if the operator who holds it—

- (a) requests its cancellation,
- (b) breaches a condition attached to it under regulation 11, or
- (c) is guilty of an offence (relating to forgery, false statements, etc.) in respect of the permit, or an application for that permit, under any of the following—
  - (i) section 173(1) of the Road Traffic Act 1988<sup>(17)</sup>;
  - (ii) section 174(1)(e) of the Road Traffic Act 1988;
  - (iii) Article 174(1)(a)(iii) of the Road Traffic (Northern Ireland) Order 1981<sup>(18)</sup>;
  - (iv) Article 174(2) of the Road Traffic (Northern Ireland) Order 1981;
  - (v) section 36(1) of the Goods Vehicles (Licensing of Operators) Act (Northern Ireland) 2010<sup>(19)</sup>;
  - (vi) section 37(1)(e) of the Goods Vehicles (Licensing of Operators) Act (Northern Ireland) 2010.

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<sup>(16)</sup> Section 3(3) of the 2018 Act requires a notice under paragraph (2) to specify the vehicle or class of vehicles to which it relates and the journeys to which it relates.

<sup>(17)</sup> 1988 c. 52. Section 173(2)(l) has the effect that the offence in section 173(1) applies to any international road haulage permit and section 192(1), as amended by paragraph 3 of the Schedule to the 2018 Act, has the effect that “international road haulage permit” includes an international road transport permit within the meaning given by section 1(2) of the 2018 Act.

<sup>(18)</sup> S.I. 1981/154 (N.I. 1), amended by paragraph 2 of the Schedule to the 2018 Act and S.I. 2007/916 (N.I. 10); other amendments are not relevant. Article 174(2A)(c) has the effect that the offence in Article 174(2) applies to any international road haulage permit and Article 174(5A) has the effect that “international road haulage permit” includes an international road transport permit within the meaning given by section 1(2) of the 2018 Act.

<sup>(19)</sup> Section 36(2)(e) has the effect that the offence in section 36(1) applies to any international road haulage permit and section 58(1), as amended by paragraph 4 of the Schedule to the 2018 Act has the effect that “international road haulage permit” includes an international road transport permit within the meaning given by section 1(2) of the 2018 Act.

- (2) If the Secretary of State cancels a permit, the Secretary of State must notify the operator of—
- (a) the reason for cancelling it, and
  - (b) the date on which it ceases to have effect, which must not be before the end of the period of 28 days beginning with the day after the day the operator is so notified.
- (3) A permit may be cancelled for a breach of a condition attached to it regardless of whether the Secretary of State notifies the operator of the breach under regulation 15.
- (4) Unless the Secretary of State withdraws a cancellation notification, or there is a decision under regulation 18(2)(b) that the cancellation should be suspended pending an appeal, a permit ceases to have effect on the date specified in the notification.

### **Appeal against cancellation**

**17.**—(1) An operator who has a permit cancelled under regulation 16(1) may appeal against the decision to cancel the permit on the ground that the Secretary of State made an error of fact or law in making that decision.

- (2) An appeal under paragraph (1) may be made to—
- (a) a traffic commissioner if the operator has—
    - (i) a licence issued to an operator under the Goods Vehicles (Licensing of Operators) Act 1995, or
    - (ii) no operator’s licence, but has in Great Britain their principal place of business for which the permit was required, or
  - (b) the Upper Tribunal<sup>(20)</sup> if the operator has—
    - (i) a licence issued to an operator under the Goods Vehicles (Licensing of Operators) Act (Northern Ireland) 2010, or
    - (ii) no operator’s licence, but has in Northern Ireland their principal place of business for which the permit was required.
- (3) The traffic commissioner or the Upper Tribunal, as the case may be, may in relation to an appeal under paragraph (1)—
- (a) confirm the Secretary of State’s decision to cancel the permit, or
  - (b) quash the decision.

### **Appeal to traffic commissioner**

**18.**—(1) An appeal to a traffic commissioner against the cancellation of a permit must be brought within the period of 28 days beginning with the day after day the operator is notified of the cancellation.

- (2) The traffic commissioner deciding the appeal must—
- (a) consider any written representations made, and any evidence provided, by the appellant,
  - (b) if the appellant makes a written application for the cancellation to be suspended pending the appeal, decide whether the cancellation should be so suspended,
  - (c) decide the appeal and inform the appellant of the outcome of the appeal—
    - (i) within the period of 56 days beginning with the day after the day the appeal is brought, or

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<sup>(20)</sup> The Upper Tribunal was established by section 3(2) of the Tribunal, Courts and Enforcement Act 2007 (c. 15). Information on appealing to the Upper Tribunal is available at [www.gov.uk/administrative-appeals-tribunal](http://www.gov.uk/administrative-appeals-tribunal). The procedure for the Upper Tribunal is enacted in the Tribunal Procedure (Upper Tribunal) Rules 2008 (S.I. 2008/2698).



- (ii) within any further period the traffic commissioner considers necessary for the appeal to be dealt with fairly and justly, and
  - (d) provide reasons for any decision made under this regulation.
- (3) The traffic commissioner may include in any decision made under this regulation any directions the traffic commissioner considers appropriate to give effect to it.

## PART 4

### Haulage between two points in the EU

#### Part 4 – Interpretation

##### 19. In this Part—

“between member States” means, in relation to a journey, the journey from a location in a member State to a location in any other member State regardless of whether the journey is through any other country;

“copy” means a copy in electronic or paper form;

“country” includes territory;

“EU Market Information System” means the Internal Market Information System mentioned in [Regulation \(EU\) No 1024/2012](#) of the European Parliament and of the Council of 25 October 2012 on administrative cooperation through the Internal Market Information System and repealing Commission [Decision 2008/49/EC](#)(**21**) as it has effect in EU law;

“examiner” means—

- (a) an examiner appointed under section 66A of the Road Traffic Act 1988(**22**), or
- (b) an examiner appointed under Article 74 of the Road Traffic (Northern Ireland) Order 1995(**23**);

“goods vehicle” has the meaning given by section 1(5) of the 2018 Act(**24**);

“operator” has the meaning given by section 1(5) of the 2018 Act;

“posting declaration” has the meaning given in regulation 22(2);

“within a member State” means, in relation to a journey, the journey from a location in a member State to a location in the same member State regardless of whether the journey is through any other country.

#### Requirements for commercial journey within or between EU member States

**20.**—(1) The operator of a goods vehicle is prohibited from using it on a commercial journey for the carriage of goods between member States or within a member State unless the operator complies with the limit on journeys set out in regulation 21.

(2) The operator of a goods vehicle is prohibited from using it on a commercial journey for the carriage of goods between member States or within a member State unless the conditions specified in regulation 22 are satisfied in relation to the use of that vehicle in that manner.

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(21) OJ No. L 316, 14.11.2012, p. 1, amended by OJ No. L 295, 21.11.2018, p. 1 and OJ No. L 249, 31.7.2020, p. 9; other amendments are not relevant. The Internal Market Information System may be accessed via [https://ec.europa.eu/internal\\_market/imi-net/about/index\\_en.htm](https://ec.europa.eu/internal_market/imi-net/about/index_en.htm).

(22) Section 66A was inserted by section 9(1) of the Road Traffic Act 1991 (c. 40).

(23) [S.I. 1995/2994 \(N.I. 18\)](#). There are amending instruments, but none are relevant.

(24) Part 4 is made under the European Union (Future Relationship) Act 2020 (c. 29) so terms defined in the 2018 Act do automatically attract the meaning from that Act.

(3) Paragraphs (1) and (2) do not apply where the use of the vehicle on a commercial journey for the carriage of goods between member States is authorised by, and takes place in accordance with, an ECMT annual permit or an ECMT short-term permit.

(4) Paragraph (2) does not apply unless—

- (a) the journey is conducted under a contract concluded between the operator of the vehicle and another party for the carriage of goods, and
- (b) there is a relevant contract between the person driving the vehicle on that journey and the operator of the vehicle for the duration of the journey.

### **Limit on number of journeys within the EU**

**21.**—(1) The operator of a goods vehicle must not use it to make any laden journey between or within member States (“member State journey”) unless—

- (a) the member State journey follows a laden journey from the United Kingdom to a member State,
- (b) the member State journey is of a type listed in paragraph (2), and
- (c) the vehicle has not left the territory of the European Union, except as part of a member State journey of a type listed in paragraph (2).

(2) The listed member State journeys are—

- (a) if—
  - (i) the operator is a Northern Ireland operator, and
  - (ii) the laden journey from the United Kingdom to a member State is from Northern Ireland to Ireland,

up to two laden journeys within Ireland that occur within the period of seven days beginning with the day after the day on which the last unloading of goods on the laden journey from Northern Ireland to Ireland occurs;

- (b) in the case of a use other than that mentioned in sub-paragraph (a), one laden journey within the member State that occurs within the period of seven days beginning with the day after the day on which the last unloading of goods on the laden journey from the United Kingdom to that member State occurs;
- (c) if the vehicle has been used for one laden journey within the member State as mentioned in sub-paragraph (a) or (b), one laden journey between member States;
- (d) if the vehicle has not been used for one laden journey within the member State as mentioned in sub-paragraph (a) or (b), up to two laden journeys between member States.

(3) In this regulation—

“Northern Ireland operator” means an operator who has—

- (a) a licence issued to the operator under the Goods Vehicles (Licensing of Operators) Act (Northern Ireland) 2010, or
- (b) no such licence, but has in Northern Ireland their principal place of business;

“within Ireland” means, in relation to a journey, the journey from a location in Ireland to another location in Ireland regardless of whether the journey is through Northern Ireland.

### **Posting requirements for journeys within the EU**

**22.**—(1) The conditions specified for the purposes of regulation 20(2) are that—

- (a) the operator submits a posting declaration at or before the time the journey commences, and
  - (b) during the journey the driver of the vehicle carries a copy of the posting declaration.
- (2) In this regulation “posting declaration” means a declaration—
- (a) made using the EU Market Information System, and
  - (b) declaring—
    - (i) the identity of the operator making the declaration;
    - (ii) the contact details of an individual located in the United Kingdom who is able to correspond with a representative of a member State on behalf of the operator;
    - (iii) the name, residential address and driving licence number of the driver of the vehicle on the journey for which the declaration is required;
    - (iv) the expected duration of the journey;
    - (v) the registration plate of the vehicle;
    - (vi) the start date of, and the law applicable to, the driver’s relevant contract with the operator.

### **Requirement to comply with posting enquiries**

**23.**—(1) In this regulation—

“posting enquiry” means a request for information relating to a journey to or in a member State made by, or on behalf of, the member State using the EU Market Information System;

“relevant date” means the last day of the period of one year beginning with the day after the day the journey to which the posting enquiry relates finishes;

“relevant enquiry” means a posting enquiry that is made within the period beginning with the day the journey commences and ending with the relevant date.

(2) Where regulation 20(2) applies, the operator of a goods vehicle which is used at any time on a commercial journey for the carriage of goods between member States or within a member State must, in accordance with paragraph (3), comply with any relevant enquiry.

(3) The operator must comply with a relevant enquiry within the period of 56 days beginning with the day after the day the enquiry is made.

### **Power to stop**

**24.**—(1) Paragraph (2) applies if it appears to—

- (a) in Great Britain, a stopping officer, or
- (b) in Northern Ireland, an examiner appointed under Article 74 of the Road Traffic (Northern Ireland) Order 1995,

that a goods vehicle is being used on a journey between member States or within a member State.

(2) In Great Britain, the stopping officer or, in Northern Ireland, the examiner may direct the driver to stop the vehicle for the purpose of enabling an examiner to exercise the power under regulation 25(2)(a).

(3) In this regulation “stopping officer” means an officer appointed under section 66B of the Road Traffic Act 1988(25).

### **Production of posting declaration and inspection of vehicles**

**25.**—(1) An examiner may exercise the powers under this regulation in relation to a goods vehicle if it appears to the examiner that—

- (a) the vehicle has been used on a journey to which regulation 20(1) applies and that the limit on journeys set out in regulation 21 has not been complied with,
- (b) the vehicle has been used on a journey to which regulation 20(2) applies and that the condition in regulation 22(1)(a) has not been satisfied, or
- (c) the vehicle is being used on a relevant journey.

(2) The examiner may—

- (a) inspect the vehicle for the purpose of checking that the use of the vehicle on the relevant journey does not, or did not, breach regulation 20(1) or (2);
- (b) require the driver of a vehicle being used on a journey to which regulation 20(2) applies to produce a copy of the posting declaration that is carried on the vehicle and allow the examiner to inspect and copy it.

(3) The examiner may detain the vehicle for the purpose of—

- (a) exercising powers under paragraph (2), or
- (b) taking other steps to check that the use of the vehicle on the relevant journey does not, or did not, breach regulation 20(1) or (2).

(4) Before exercising a power under this regulation an examiner must, if requested to do so, produce evidence of the examiner's authority.

(5) In this regulation "relevant journey" means a journey to which regulation 20(1) applies.

### **Prohibition notices**

**26.**—(1) An examiner may prohibit a goods vehicle in the United Kingdom from being taken to a member State if it appears to the examiner that—

- (a) the vehicle is being used on a journey between member States or within a member State,
- (b) the condition in regulation 22(1)(a) has not been satisfied, and
- (c) a breach of regulation 20(2) arises because the journey is to the member State or passes through it.

(2) A prohibition may apply—

- (a) for a particular purpose or absolutely;
- (b) for a particular period or indefinitely.

(3) A prohibition is imposed by giving a notice to the driver of the vehicle.

(4) The notice must specify—

- (a) the member State to which the prohibition relates;
- (b) the circumstances as a result of which the prohibition is imposed;
- (c) the purpose for which the prohibition applies or that it applies absolutely;
- (d) the period for which the prohibition applies or that it applies indefinitely.

(5) An examiner may remove a prohibition under this regulation by giving a notice to the driver or operator of the vehicle.

(6) A notice under this regulation takes effect when it is given.

(7) An examiner who gives a notice under this regulation to a driver of a vehicle must, as soon as practicable after the notice is given, take steps to bring the contents of the notice to the attention of the operator of the vehicle unless the driver is the operator.

**Offences: breach of regulations etc.**

- 27.—(1) The operator of a goods vehicle commits an offence if, without reasonable excuse—
- (a) the operator uses the vehicle, whether in the United Kingdom or elsewhere, in breach of regulation 20(1) or (2), or
  - (b) the operator does not comply with the requirement in regulation 23(2).
- (2) Any person who wilfully fails to comply with a direction given by an examiner in the exercise of the power conferred under regulation 24(2) is guilty of an offence.
- (3) The driver of a goods vehicle commits an offence if, without reasonable excuse, the driver breaches a requirement under regulation 25(2)(b).
- (4) A person commits an offence if the person wilfully obstructs an examiner in the exercise of powers under regulation 25.
- (5) A person commits an offence if the person, without reasonable excuse—
- (a) breaches a prohibition under regulation 26, or
  - (b) causes or permits a breach of a prohibition under that regulation.
- (6) A person who commits an offence under paragraph (1) or (5) is liable on summary conviction to a fine not exceeding level 4 on the standard scale.
- (7) A person who commits an offence under paragraph (2), (3) or (4) is liable on summary conviction to a fine not exceeding level 3 on the standard scale.

## PART 5

### Miscellaneous provisions

**Periodic review of regulatory provision**

- 28.—(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.
- (3) Subsequent reports must be published at intervals not exceeding five years.
- (4) A review carried out under this regulation must, so far as is reasonable, have regard to how the international obligations of the United Kingdom implemented in these Regulations are implemented in other countries which are subject to the obligations.
- (5) 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 that involves less onerous regulatory provision.

(6) In this regulation, “regulatory provision” has the same meaning as in sections 28 to 32 of the Small Business, Enterprise and Employment Act 2015<sup>(26)</sup> (see section 32 of that Act).

### **Revocation of the International Road Transport Permits (EU Exit) Regulations 2018**

**29.** The International Road Transport Permits (EU Exit) Regulations 2018<sup>(27)</sup> are revoked.

### **Amendment of the Drivers’ Hours and Tachographs (Amendment) (EU Exit) (No. 2) Regulations 2019**

**30.**—(1) The Drivers’ Hours and Tachographs (Amendment) (EU Exit) (No. 2) Regulations 2019<sup>(28)</sup> are amended in accordance with paragraphs (2) and (3).

(2) In regulation 1(4) (citation, commencement and extent) for “Parts 1 and 4 extend” substitute “Part 1 extends”.

(3) Omit Part 4 (amendment of the International Road Transport Permits (EU Exit) Regulations 2018).

Signed by authority of the Secretary of State for Transport

Date

*Name*  
Parliamentary Under Secretary of State  
Department for Transport

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<sup>(26)</sup> 2015 c. 26. Section 30(3) was amended by section 19 of the Enterprise Act 2016 (c. 12) and paragraph 36 of Schedule 8 to the European Union (Withdrawal) Act 2018 (c. 16).

<sup>(27)</sup> S.I. 2018/1204.

<sup>(28)</sup> S.I. 2019/596.