



# Haulage Permits and Trailer Registration Act 2018

CHAPTER 19

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understanding of this Act and are available separately

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# Haulage Permits and Trailer Registration Act 2018

## CHAPTER 19

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# Haulage Permits and Trailer Registration Act 2018

## 2018 CHAPTER 19

An Act to make provision about the international transport of goods by road; to make provision about the registration of trailers; and for connected purposes. [19th July 2018]

**B**E IT ENACTED by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

### PART 1

#### HAULAGE

##### *International road transport permits*

#### **1 International road transport permits**

- (1) Regulations may prohibit the operator of a goods vehicle from using it on a journey to, in or through a country outside the United Kingdom in relation to which there is a relevant international agreement unless—
  - (a) the use of that vehicle in that country is authorised by (and takes place in accordance with) a permit granted by the Secretary of State, and
  - (b) the permit is carried on the vehicle.
- (2) A permit granted by the Secretary of State for the purposes of regulations under subsection (1) (referred to in this Part as an “international road transport permit”)—
  - (a) may be in any form the Secretary of State considers appropriate;
  - (b) may be in any language the Secretary of State considers appropriate;

- (c) may be a document or other thing which was given to the Secretary of State by an authority in a country outside the United Kingdom.
- (3) A prohibition imposed by regulations under subsection (1) may be limited –
- (a) to journeys of a specified description,
  - (b) to vehicles of a specified description, or
  - (c) in any other way provided for by the regulations;
- for example, a prohibition relating to Ireland may be limited so that it does not prohibit journeys beginning in Northern Ireland.
- (4) In this section “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.
- (5) In this Part –
- “goods vehicle” means a motor vehicle registered under the Vehicle Excise and Registration Act 1994 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;
- “motor vehicle” means a mechanically-propelled vehicle which is intended or adapted for use on roads;
- “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;
- “regulations” means regulations made by the Secretary of State.

## 2 Number and allocation of permits etc

- (1) Regulations may make provision as to how it is to be decided whether to grant an international road transport permit, including provision –
- (a) for the number of permits available for a country to be determined in accordance with a relevant international agreement in relation to that country;
  - (b) for the number of permits available in respect of a class of applicants to be determined by the Secretary of State;
  - (c) as to how the Secretary of State is to decide whether to grant an application for a permit, including provision specifying criteria or other methods of selection (which may include first come, first served or an element of random selection);

- (d) for a number of permits determined by the Secretary of State to be available for grant in cases in which the Secretary of State considers it inappropriate for provision made under paragraph (c) to be applied, for example because of an emergency or other special need.
- (2) Regulations may make further provision about international road transport permits, including provision—
  - (a) authorising the Secretary of State to grant a permit subject to conditions determined by the Secretary of State;
  - (b) as to the consequences of failure to comply with a condition (for example, provision for the cancellation of a permit);
  - (c) about the duration, variation, renewal or cancellation of a permit;
  - (d) about the procedure in relation to an application for, or for the variation or renewal of, a permit, including provision specifying—
    - (i) when an application is to be made, or that the time when an application is to be made is to be determined by the Secretary of State;
    - (ii) how an application is to be made;
    - (iii) what an application is to contain.
- (3) In this section “relevant international agreement” has the meaning given by section 1(4).

### **3 Temporary exemptions**

- (1) Regulations may authorise the Secretary of State to grant a temporary exemption from a prohibition imposed by regulations under section 1(1), for the purpose of enabling an emergency or some other special need to be dealt with.
- (2) The regulations may provide for a temporary exemption to 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.
- (3) A notice given or published under subsection (2) must specify—
  - (a) the vehicle or class of vehicles to which it relates;
  - (b) the journeys to which it relates.

### **4 Appeals**

- (1) Regulations may make provision enabling a person to appeal against a decision of the Secretary of State—
  - (a) to vary or cancel an international road transport permit;
  - (b) as to the conditions subject to which an international road transport permit is granted.
- (2) The regulations may provide for an appeal to be made to a court or tribunal.

### **5 Fees**

- (1) Regulations may authorise the Secretary of State to charge a fee of an amount specified in the regulations in respect of—
  - (a) an application for an international road transport permit, or for the variation or renewal of an international road transport permit;

- (b) the grant, variation or renewal of an international road transport permit.
- (2) The regulations may –
- (a) provide that anything for which a fee is payable is conditional on payment of the fee;
  - (b) make provision about repayment of fees charged under the regulations, for example where an application for the grant, variation or renewal of a permit is unsuccessful.

## **6 Production of permits and inspection of vehicles**

- (1) An examiner may exercise the powers under this section in relation to a goods vehicle if it appears to the examiner –
- (a) that the vehicle is being used on a journey to which regulations under section 1(1) apply, or
  - (b) that –
    - (i) the vehicle is being used on a journey to a place outside the United Kingdom for the purpose of beginning another journey, and
    - (ii) regulations under section 1(1) would apply to that other journey.
- (2) The examiner may –
- (a) require the driver to produce any international road transport permit that is carried on the vehicle and allow the examiner to inspect and copy it;
  - (b) inspect the vehicle for the purpose of checking that the use of the vehicle on the relevant journey does not breach the regulations.
- (3) The examiner may detain the vehicle for the purpose of –
- (a) exercising powers under subsection (2), or
  - (b) taking other steps to check that the use of the vehicle on the relevant journey does not breach the regulations.
- (4) Before exercising a power under this section an examiner must, if requested to do so, produce evidence of the examiner’s authority.
- (5) In this section “relevant journey” –
- (a) in relation to a case within subsection (1)(a), means the journey on which the vehicle is being used;
  - (b) in relation to a case within subsection (1)(b), means the other journey.

## **7 Prohibition notices**

- (1) An examiner may prohibit a goods vehicle in the United Kingdom from being taken to a country if it appears to the examiner that –
- (a) the vehicle is being used on a journey that breaches regulations under section 1(1), and
  - (b) the breach arises because the journey is to the country or passes through it.
- (2) An examiner may prohibit a goods vehicle in the United Kingdom from being taken to a country if it appears to the examiner that –



- (a) the vehicle is being used on a journey to a place outside the United Kingdom for the purpose of beginning another journey, and
  - (b) that other journey would breach regulations under section 1(1) by reason of being a journey that is to, in or through the country.
- (3) A prohibition may apply –
  - (a) for a particular purpose or absolutely;
  - (b) for a particular period or indefinitely.
- (4) A prohibition is imposed by giving a notice to the driver of the vehicle.
- (5) The notice must specify –
  - (a) the country 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.
- (6) An examiner may remove a prohibition under this section by giving a notice to the driver or operator of the vehicle.
- (7) A notice under this section takes effect when it is given.
- (8) An examiner who gives a notice under this section 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).

## **8 Offences: breach of regulations etc**

- (1) The operator of a goods vehicle commits an offence if, without reasonable excuse, the operator uses the vehicle (whether in the United Kingdom or elsewhere) in breach of regulations under section 1(1).
- (2) The driver of a goods vehicle commits an offence if, without reasonable excuse, the driver breaches a requirement under section 6(2)(a).
- (3) A person commits an offence if the person wilfully obstructs an examiner in the exercise of powers under section 6.
- (4) A person commits an offence if the person, without reasonable excuse –
  - (a) breaches a prohibition under section 7, or
  - (b) causes or permits a breach of a prohibition under that section.
- (5) A person who commits an offence under subsection (1) or (4) is liable on summary conviction to a fine not exceeding level 4 on the standard scale.
- (6) A person who commits an offence under subsection (2) or (3) is liable on summary conviction to a fine not exceeding level 3 on the standard scale.

## **9 Report on effects of EU-related provisions**

- (1) After any year throughout which relevant restrictions apply, the Secretary of State must lay before Parliament a report assessing the effects of the restrictions on the haulage industry in the United Kingdom during that year.

- (2) Relevant restrictions apply when, in relation to at least one country which is a member State of the European Union, regulations under both section 1(1) and section 2(1)(a) apply (so that permits are required and only a certain number are available).
- (3) For the purposes of subsection (1), a year means any continuous period of twelve months (not including any period which already has to be reported on).

## 10 Interpretation

In this Part –

“country” includes territory;

“examiner” means –

- (a) an examiner appointed under section 66A of the Road Traffic Act 1988, or
- (b) an examiner appointed under Article 74 of the Road Traffic (Northern Ireland) Order 1995 (S.I. 1995/2994 (N.I. 18));

“goods vehicle” has the meaning given by section 1(5);

“international road transport permit” has the meaning given by section 1(2);

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

“regulations” has the meaning given by section 1(5).

*Licensing of operators of goods vehicles: temporary exemptions etc*

## 11 Licensing of operators in Great Britain

- (1) The Goods Vehicles (Licensing of Operators) Act 1995 is amended as follows.
- (2) In section 2(1) (obligation to hold operator’s licence), for “section 4” substitute “sections 3A and 4”.
- (3) In section 3(6) (offence relating to restricted licence), for “section 4” substitute “sections 3A and 4”.
- (4) After section 3 insert –

### “3A Temporary exemptions for international operators

- (1) The Secretary of State may grant an international operator a temporary exemption from any requirement to hold a standard licence which would otherwise be imposed by sections 2 and 3, for the purpose of –
  - (a) enabling an emergency to be dealt with, or
  - (b) enabling some other special need to be met.
- (2) A temporary exemption under subsection (1) may be granted –
  - (a) by giving a notice in writing to the operator to whom it relates, or
  - (b) by publishing a notice specifying the class of operators to whom it relates.
- (3) A notice under subsection (2) must specify –
  - (a) the vehicle or class of vehicles to which it relates;
  - (b) the transport operations to which it relates, or that it relates to all transport operations.

- (4) A temporary exemption under subsection (1) permits the person to whom it relates to use the specified vehicle or (as the case may be) any vehicle of the specified class for the carriage of goods for the purposes of the transport operations to which it relates.
  - (5) Accordingly, sections 2(1) and 3(6) do not to that extent apply to that person's use of goods vehicles.
  - (6) In this section "international operator" means a person who is not established in the United Kingdom.
  - (7) For the purposes of subsection (6) a person is established in the United Kingdom if the person has an effective and stable establishment in the United Kingdom (as determined in accordance with Article 5 of the 2009 Regulation)."
- (5) In section 4 (temporary exemptions relating to certain national transport operations) –
- (a) in the heading, at the beginning, insert "Other";
  - (b) after subsection (1) insert –  
    “(1A) Where the traffic commissioner considers it appropriate (for example because an exemption is to be granted to all persons falling within subsection (2)), an exemption under subsection (1) may be granted by publishing a notice in writing instead of by giving notice in writing to the persons to whom the exemption is granted.”
- (6) In section 46(3)(a) (provisions that may not be modified etc under section 46), after “3,” insert “3A,”.
- (7) In Schedule 2 (information about, and convictions of, applicants for and holders of operators' licences), in paragraph 5(g), for the words after “an offence under” substitute “section 8 of the Haulage Permits and Trailer Registration Act 2018 (offences relating to international road transport permits)”.

## **12 Licensing of operators in Northern Ireland**

- (1) The Goods Vehicles (Licensing of Operators) Act (Northern Ireland) 2010 (c. 2 (N.I.)) is amended as follows.
- (2) In section 1(1) (operator's licenses), for “section 3” substitute “sections 2A and 3”.
- (3) In section 2(6) (offence relating to restricted licence), for “section 3” substitute “sections 2A and 3”.
- (4) After section 2 insert –

### **“2A Temporary exemptions for international operators**

- (1) The Department for Infrastructure may grant an international operator a temporary exemption from any requirement to hold a standard licence which would otherwise be imposed by sections 1 and 2, for the purpose of –
  - (a) enabling an emergency to be dealt with, or
  - (b) enabling some other special need to be met.

- 
- (2) A temporary exemption under subsection (1) may be granted –
    - (a) by giving a notice in writing to the operator to whom it relates, or
    - (b) by publishing a notice specifying the class of operators to whom it relates.
  - (3) A notice under subsection (2) must specify –
    - (a) the vehicle or class of vehicles to which it relates;
    - (b) the transport operations to which it relates, or that it relates to all transport operations.
  - (4) A temporary exemption under subsection (1) permits the person to whom it relates to use the specified vehicle or (as the case may be) any vehicle of the specified class for the carriage of goods for the purposes of the transport operations to which it relates.
  - (5) Accordingly, sections 1(1) and 2(6) do not to that extent apply to that person’s use of goods vehicles.
  - (6) In this section “international operator” means a person who is not established in the United Kingdom.
  - (7) For the purposes of subsection (6) a person is established in the United Kingdom if the person has an effective and stable establishment in the United Kingdom (as determined in accordance with Article 5 of the 2009 Regulation).”
  - (5) In section 3 (temporary exemptions relating to certain national transport operations) –
    - (a) in the heading, at the beginning, insert “Other”;
    - (b) after subsection (1) insert –
      - “(1A) Where the Department for Infrastructure considers it appropriate (for example because an exemption is to be granted to all persons falling within subsection (2)), an exemption under subsection (1) may be granted by publishing a notice in writing instead of by giving notice in writing to the persons to whom the exemption is granted.”

## PART 2

### TRAILERS

#### *Trailer registration*

### 13 Trailer registration

- (1) Regulations may provide for the compulsory or voluntary registration of trailers kept or used on roads in a register kept by the Secretary of State.
- (2) The regulations may –
  - (a) require or permit the keeper of a trailer to apply to the Secretary of State for its registration;
  - (b) make provision about the procedure for applications;
  - (c) make provision for the purpose of ensuring that each registered trailer has a number which is recorded in the register;

- (d) make provision about the form of the register and the information to be included in it;
  - (e) provide for the giving of registration documents;
  - (f) provide for the transfer, surrender or production of registration documents;
  - (g) provide for the expiry of registration documents;
  - (h) require the destruction of a registration document in specified circumstances;
  - (i) make other provision in connection with—
    - (i) the registration of a trailer,
    - (ii) the transfer of a registered trailer to a new keeper,
    - (iii) the accuracy of information included in the register, or
    - (iv) the enforcement of provisions of the regulations.
- (3) In this Part—
- “motor vehicle” means a mechanically-propelled vehicle which is intended or adapted for use on roads;
  - “trailer” means anything on wheels which is intended or adapted to be drawn by a motor vehicle;
  - “regulations” means regulations made by the Secretary of State.

#### **14 Inspections and information**

- (1) Regulations may, in connection with any provision of regulations under section 13—
- (a) provide for the inspection of trailers or registration documents by examiners or stopping officers, or
  - (b) require a person to provide information or things to the Secretary of State or another person, or to make declarations.
- (2) Regulations under subsection (1)(a) may, in particular, make provision about—
- (a) notification of inspections;
  - (b) inspection of a trailer in the absence of its owner or keeper;
  - (c) certificates as to the outcome of inspections;
  - (d) record-keeping in relation to inspections;
  - (e) the giving of duplicates or copies of certificates.
- (3) In this section—
- “examiner” means—
    - (a) an examiner appointed under section 66A of the Road Traffic Act 1988, or
    - (b) an examiner appointed under Article 74 of the Road Traffic (Northern Ireland) Order 1995 (S.I. 1995/2994 (N.I. 18));
  - “stopping officer” means an officer appointed under section 66B of the Road Traffic Act 1988.

#### **15 Registration marks and registration plates**

- (1) Regulations may require or authorise the Secretary of State, when registering a trailer, to assign a mark (a “registration mark”) to the trailer.

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- (2) Regulations under subsection (1) may make further provision about the assignment of registration marks, for example, provision authorising the Secretary of State to—
    - (a) assign a registration mark to a trailer to which another registration mark has previously been assigned;
    - (b) assign to a trailer (on its first registration or later) a registration mark previously assigned to another trailer;
    - (c) withdraw a registration mark for the time being assigned to a trailer;
    - (d) re-assign to a trailer a registration mark previously assigned to it but subsequently withdrawn.
  - (3) Regulations may prohibit a person from keeping or using a registered trailer unless a plate displaying the registration mark assigned to the trailer (a “registration plate”) is fixed on it.
  - (4) Regulations under subsection (3) may—
    - (a) specify the size, shape, material of manufacture or other characteristics of a registration plate;
    - (b) specify the size, shape and character of a registration mark;
    - (c) make provision for the purpose of ensuring that registration marks are easily distinguishable (by day or by night);
    - (d) make other provision about—
      - (i) the display of registration marks, or
      - (ii) the fixing of registration plates.
  - (5) Regulations may prohibit a person from keeping or using a trailer on a road where a plate fixed on the trailer displays a mark which—
    - (a) is not assigned to the trailer under regulations under subsection (1), and
    - (b) is of a size, shape and character specified in regulations made by virtue of subsection (4)(b).
  - (6) Regulations may permit or require registration plates to contain or display information other than registration marks.
  - (7) In this section “plate” includes any other device.

## **16 Marking of trailers**

- (1) Regulations may make provision for the marking of registered trailers (otherwise than under section 15) or of trailers in respect of which an application for registration has been made.
- (2) The regulations may include provision—
  - (a) as to the persons by whom and the times at which trailers are to be marked;
  - (b) as to the form of any mark and the manner and position in which it is to be made;
  - (c) requiring information about marks made under the regulations to be provided to the Secretary of State.

## 17 Fees

- (1) Regulations may authorise the Secretary of State to charge a fee of a specified amount in respect of –
  - (a) the registration of a trailer;
  - (b) the giving of registration documents;
  - (c) the inspection of a trailer;
  - (d) the giving of a certificate as to the outcome of an inspection of a trailer;
  - (e) the correction of an error in such a certificate;
  - (f) the giving of a duplicate of such a certificate.
- (2) The regulations may –
  - (a) provide that anything for which a fee is payable is conditional on payment of the fee;
  - (b) make provision about repayment of fees charged under the regulations, including provision –
    - (i) that repayment is to be made only if a specified person is satisfied that specified conditions are met or in other specified circumstances;
    - (ii) that only partial repayment is to be made;
    - (iii) specifying the amount of any partial repayment, or providing for the manner in which that amount is to be determined.

## 18 Offences

- (1) Regulations may create offences relating to –
  - (a) keeping or using an unregistered or incorrectly registered trailer on a road;
  - (b) the breach of a specified provision of regulations under any of sections 13 to 17;
  - (c) obscuring a registration mark, or causing or allowing a registration mark to become not easily distinguishable;
  - (d) the provision of false or misleading information, documents or declarations under regulations under any of sections 13 to 17;
  - (e) the keeping or use of a trailer whose registration document has expired without being replaced;
  - (f) obstructing a person carrying out an inspection of a trailer;
  - (g) pretending to be entitled to carry out inspections of trailers.
- (2) If regulations under subsection (1)(a) create an offence of keeping or using an incorrectly registered trailer on a road, the regulations must provide for it to be a defence for a person charged with the offence to prove –
  - (a) that there was no reasonable opportunity, before the material time, to provide information to the Secretary of State for the purpose of correcting the register, or
  - (b) that the person had reasonable grounds for believing, or that it was reasonable for the person to expect, that the trailer was correctly registered.
- (3) Regulations may –
  - (a) require a person to provide information to a specified person on request about the identity of someone who is alleged to have

- 
- committed an offence under regulations under subsection (1)(a), (b) or (c), and
- (b) provide for it to be an offence to fail to provide the information.
- (4) Regulations under subsection (3)(b) must provide for it to be a defence to prove that the person did not know, and could not with reasonable diligence have ascertained, the identity of the person concerned.
- (5) Regulations may –
- (a) authorise a court to accept as evidence (or, in Scotland, sufficient evidence) that a person is someone alleged to have committed an offence under regulations under subsection (1)(a), (b) or (c), any admission of that fact which is proved to have been made by the person in information provided under regulations under subsection (3)(a), and
- (b) make provision as to the manner in which it is to be proved that an admission was made in information provided under regulations under subsection (3)(a).
- (6) Regulations under this section which create an offence must provide for the offence to be triable only summarily.
- (7) Regulations under this section may not provide for an offence to be punishable with imprisonment or with a fine exceeding level 3 on the standard scale.
- (8) For the purposes of this section a trailer is “incorrectly registered” if –
- (a) the register kept under regulations under section 13 does not include all of the information relating to the trailer that is required by regulations under section 13(2)(d), or
- (b) the information relating to the trailer that is included in that register includes any incorrect information.

## **19 Records**

- (1) Regulations may provide for records maintained by the Secretary of State in connection with the Secretary of State’s functions under regulations under any of sections 13 to 17 to be admissible in proceedings as evidence (or, in Scotland, sufficient evidence) of facts stated in them, subject to specified conditions as to authentication and any other specified conditions.
- (2) For the purposes of this section “records” includes –
- (a) a copy of any records, and
- (b) a note or other representation of any information contained in records.

### *Trailer safety*

## **20 Trailer safety: report**

- (1) The Secretary of State must prepare a report on the number and causes of road traffic accidents occurring in England, Wales or Scotland during the reporting period which –
- (a) involved trailers, and
- (b) caused injury or death to any person.
- (2) The report must contain an assessment of whether –



- (a) regulations under section 13 should provide for the compulsory registration of relevant trailers;
  - (b) regulations under section 21 should be made.
- (3) The report must be laid before Parliament within the period of one year beginning with the day on which this section comes into force.
- (4) In this section –
- “relevant trailers” means trailers which are kept or used on roads and –
    - (a) if constructed or adapted to carry a load, weigh more than 750 kilograms when laden with the heaviest such load;
    - (b) otherwise, weigh more than 750 kilograms;
  - “reporting period” means a period determined by the Secretary of State, which must be a continuous period of at least 12 months ending no earlier than 18 months before the day on which this section comes into force.

## **21 Trailer safety: testing regulations**

- (1) Regulations may provide for periodic testing of the construction, condition or safety of relevant trailers.
- (2) The regulations may amend provision made by or under Part 2 of the Road Traffic Act 1988.
- (3) The regulations may, in making consequential or other provision as mentioned in section 25(1)(a), amend any Act (whenever passed or made).
- (4) No regulations under this section may be made before the report is laid before Parliament under section 20.
- (5) In this section, “relevant trailers” has the meaning given by section 20(4).

### *Supplementary and interpretation*

## **22 Supplementary and interpretation**

- (1) The provision made by regulations under this Part may be limited in any way provided for by the regulations, for example –
  - (a) to trailers of a specified description;
  - (b) to trailers kept or used in specified circumstances;
  - (c) to trailers kept or used by a person of a specified description.
- (2) In this Part –
  - “inspection”, in relation to a trailer, means an inspection under regulations under section 14(1)(a);
  - “registered trailer” means a trailer registered under regulations under section 13;
  - “registration”, in relation to a trailer, means registration under regulations under section 13;
  - “registration document” means a registration document given in accordance with regulations under section 13(2)(e);
  - “registration mark” has the meaning given by section 15(1);
  - “regulations” has the meaning given by section 13(3);

“road” –

- (a) in relation to a trailer kept or used in England, Wales or Scotland, has the meaning given by section 192(1) of the Road Traffic Act 1988;
- (b) in relation to a trailer kept or used in Northern Ireland, has the meaning given by Article 2(1) of the Road Traffic (Northern Ireland) Order 1981 (S.I. 1981/154 (N.I. 1));

“specified” means specified in regulations;

“trailer” has the meaning given by section 13(3).

### **PART 3**

#### **GENERAL**

#### **23 Consultation**

- (1) Before making regulations under Part 1 or Part 2, the Secretary of State must consult such persons as the Secretary of State thinks fit.
- (2) The requirement to consult under subsection (1) may be satisfied by consultation that took place wholly or partly before the passing of this Act.

#### **24 Consequential amendments**

The Schedule makes amendments consequential on this Act.

#### **25 Regulations**

- (1) Regulations under this Act may make –
  - (a) consequential, supplementary, incidental, transitional, transitory or saving provision;
  - (b) different provision for different purposes.
- (2) Regulations under this Act are to be made by statutory instrument.
- (3) A statutory instrument containing any of the following (with or without other provision) may not be made unless a draft of the instrument has been laid before and approved by a resolution of each House of Parliament –
  - (a) the first regulations under section 1;
  - (b) the first regulations under section 2;
  - (c) the first regulations under section 13;
  - (d) the first regulations under section 18;
  - (e) the first regulations under section 21;
  - (f) other regulations under section 21 which amend an Act.
- (4) Any other statutory instrument containing regulations under this Act is subject to annulment in pursuance of a resolution of either House of Parliament.
- (5) This section does not apply to a statutory instrument that contains only regulations under section 27.

## **26 Extent**

- (1) This Act extends to England and Wales, Scotland and Northern Ireland, subject to subsections (2) to (4).
- (2) Sections 11, 20 and 21 extend to England and Wales and Scotland.
- (3) Section 12 extends to Northern Ireland
- (4) An amendment or repeal made by the Schedule has the same extent as the provision to which it relates.

## **27 Commencement and transitional provision**

- (1) This Act comes into force on the day on which it is passed, subject to subsection (2).
- (2) Sections 6, 7 and 8 come into force on such day as the Secretary of State may by regulations appoint.
- (3) The Secretary of State may by regulations make transitional, transitory or saving provision in connection with the coming into force of any provision of this Act.
- (4) Regulations under this section –
  - (a) may make different provision for different purposes;
  - (b) are to be made by statutory instrument.

## **28 Short title**

This Act may be cited as the Haulage Permits and Trailer Registration Act 2018.

## SCHEDULE

Section 24

### CONSEQUENTIAL AMENDMENTS

#### PART 1

##### AMENDMENTS RELATING TO PART 1

- 1 The International Road Haulage Permits Act 1975 is repealed.
- 2 In Article 174 of the Road Traffic (Northern Ireland) Order 1981 (S.I. 1981/154 (N.I. 1)), after paragraph (5) insert –
  - “(5A) In this Article “international road haulage permit” means –
    - (a) a licence, permit, authorisation or other document issued in pursuance of an EU instrument relating to the carriage of goods by road between member States or an international agreement to which the United Kingdom is a party and which relates to the international carriage of goods by road, or
    - (b) an international road transport permit, within the meaning given by section 1(2) of the Haulage Permits and Trailer Registration Act 2018.”
- 3 In section 192(1) of the Road Traffic Act 1988 (interpretation), in the definition of “international road haulage permit” –
  - (a) the words after “means” become paragraph (a);
  - (b) at the end of that paragraph insert “, or
    - (b) an international road transport permit, within the meaning given by section 1(2) of the Haulage Permits and Trailer Registration Act 2018”.
- 4 In section 58 of the Goods Vehicles (Licensing of Operators) Act (Northern Ireland) 2010 (c. 2 (N.I.)), in the definition of “international road haulage permit” –
  - (a) the words after “means” become paragraph (a);
  - (b) at the end of that paragraph insert “, or
    - (b) an international road transport permit, within the meaning given by section 1(2) of the Haulage Permits and Trailer Registration Act 2018”.

#### PART 2

##### AMENDMENTS RELATING TO PART 2

- 5 In section 90A(2) of the Road Traffic Offenders Act 1988 (offences in relation to which a financial penalty deposit requirement may be imposed), in paragraph (a)(i), after “vehicle” insert “or trailer”.

- 6 In section 22(2) of the Vehicle Excise and Registration Act 1994 (power to extend registration provisions to trailers etc), in the words after paragraph (b) –
  - (a) for “exempt vehicles,” substitute “exempt vehicles or”;
  - (b) omit the words from “or any trailers” to the end.
- 7 In Article 91B(2) of the Road Traffic Offenders (Northern Ireland) Order 1996 (S.I. 1996/1320 (N.I. 10)) (offences in relation to which a financial penalty deposit requirement may be imposed), in sub-paragraph (a), after “vehicle” insert “or trailer”.
- 8 (1) The Vehicles (Crime) Act 2001 is amended as follows.
  - (2) Section 28 (offences relating to plates) is amended as follows.
  - (3) In subsection (1), before “registration plate”, in each place it occurs, insert “vehicle”.
  - (4) After subsection (1) insert –

“(1ZA) A person who sells a plate or other device which is not a trailer registration plate as a trailer registration plate knowing that it is not a trailer registration plate or being reckless as to whether it is a trailer registration plate shall be guilty of an offence.”
  - (5) In subsection (1A), in the words before paragraph (a), after “not a” insert “vehicle”.
  - (6) After subsection (1A) insert –

“(1AA) A person who sells a plate or other device which is not a trailer registration plate only because the registration mark displayed by it –
    - (a) does not comply with regulations made by virtue of paragraph (b) of subsection (4) of section 15 of the 2018 Act, or
    - (b) is displayed otherwise than in accordance with regulations made by virtue of paragraph (c) and (d)(i) of that subsection, (or both) shall be guilty of an offence.”
  - (7) In subsection (1B), after “(1A)” insert “or (1AA)”.
  - (8) In subsection (2)(a) for “or (1A)” substitute “, (1ZA), (1A) or (1AA)”.
  - (9) Section 31(1) (interpretation of provisions relating to plates) is amended as follows.
  - (10) At the appropriate places insert –

““the 2018 Act” means the Haulage Permits and Trailer Registration Act 2018;”;

““trailer registration plate” means a plate or other device which –
    - (a) displays (whether alone or in conjunction with other information) in accordance with regulations made by virtue of section 15(4)(c) and (d)(i) of the 2018 Act a registration mark which complies with regulations made by virtue of section 15(4)(b) of that Act;

- (b) complies with requirements imposed by regulations made by virtue of section 15(4)(a) of the 2018 Act; and
- (c) is designed to be fixed to a trailer in accordance with regulations made by virtue of section 15(4)(d)(ii) of the 2018 Act;”;

““vehicle registration plate” means a plate or other device which—

- (a) displays (whether alone or in conjunction with other information) in accordance with regulations under paragraph (b) of subsection (4) of section 23 of the 1994 Act a registration mark which complies with regulations under paragraph (a) of that subsection;
- (b) complies with requirements imposed by regulations made under section 27A(1)(a) of the 1994 Act; and
- (c) is designed to be fixed to a vehicle or trailer in accordance with regulations made under section 22(2) or 23(3) of that Act.”

(11) In the definition of “registration mark”, for the words from “has the meaning” to the end substitute “means a registration mark within the meaning given by section 23(1) of the 1994 Act or section 15(1) of the 2018 Act”.

(12) In the definition of “registration plate”, for the words from “means” to the end substitute “means a trailer registration plate or a vehicle registration plate”.



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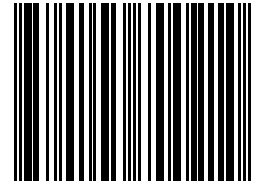
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