



Haulage Permits and Trailer Registration Act 2018

2018 CHAPTER 19

PART 2

TRAILERS

Trailer registration

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.