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STATUTORY INSTRUMENTS

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**2018 No. 1203**

**The Trailer Registration Regulations 2018**

**PART 2**

**REGISTRATION AND INSPECTIONS**

**Applications for registration**

4.—(1) A person may apply to the Secretary of State for the registration<sup>(1)</sup> of a trailer kept or used on a road if the permissible maximum mass is more than 750 kilograms.

(2) When making an application under paragraph (1), the applicant must provide—

- (a) payment of the registration fee of £26.00;
- (b) a declaration that the applicant is—
  - (i) the person who keeps the trailer; or
  - (ii) authorised by the person who keeps the trailer to make the application on their behalf;
- (c) a declaration that the person who keeps the trailer is—
  - (i) resident in the United Kingdom;
  - (ii) a company formed and registered under the Companies Act 2006<sup>(2)</sup>; or
  - (iii) a holder of a valid operator's licence granted under section 4 of the Transport Act (Northern Ireland) 1967<sup>(3)</sup>, section 14 of the Public Passenger Vehicles Act 1981<sup>(4)</sup>, section 13 of the Goods Vehicles (Licensing of Operators) Act 1995<sup>(5)</sup> or section 12 of the Goods Vehicles (Licensing of Operators) Act (Northern Ireland) 2010<sup>(6)</sup>;

and

- (d) the following particulars—
  - (i) the name of the person who keeps the trailer;
  - (ii) the address within the United Kingdom of the person who keeps the trailer;
  - (iii) the manufacturer of the trailer;
  - (iv) the chassis number of the trailer;
  - (v) the permissible maximum mass; and
  - (vi) the unladen mass of the trailer.

(3) For the purposes of this regulation, a person is resident in the United Kingdom unless that person has lived outside the United Kingdom for at least 185 days in the previous calendar year.

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<sup>(1)</sup> “Registration” is defined in section 22(2) of the Haulage Permits and Trailer Registration Act 2018.

<sup>(2)</sup> 2006 c.46.

<sup>(3)</sup> 1967 c. 37 (N.I.); section 4 was amended by the Transport Act (Northern Ireland) 2011 (c. 11) (N.I.), section 18(1) and Schedule 1, paragraph 3, which were commenced by S.R. 2015/284, article 2.

<sup>(4)</sup> 1981 c. 14; section 14 was substituted by S.I. 2011/2632, Schedule 1, paragraph 3.

<sup>(5)</sup> 1995 c. 23; section 13 was substituted by S.I. 2011/2632, Schedule 2, paragraph 5.

<sup>(6)</sup> 2010 c. 2 (N.I.); section 12 was substituted by S.R. 2012/257, regulation 17(5).

(4) Subject to paragraph (7), the Secretary of State must accept any application under paragraph (1) that complies with paragraph (2) and—

- (a) register the trailer; and
- (b) record the particulars referred to in paragraph (2)(d) in the register.

(5) The Secretary of State may record such other technical or administrative information in relation to a registered trailer(7) as the Secretary of State sees fit.

(6) The Secretary of State must reject any application to register a trailer that is not made under paragraph (1) or not made in compliance with paragraph (2).

(7) If the Secretary of State has a reasonable belief that the information provided by the applicant is inaccurate or incomplete, the Secretary of State may—

- (a) take action to determine its accuracy or completeness, including conducting an inspection of the trailer under regulation 13 or requesting documentation or information from the person who keeps the trailer or the applicant; or
- (b) refuse to register the trailer.

#### **Unregistered trailers in 1968 Convention territories**

5.—(1) It is an offence for a person to keep or use a trailer on a road that is—

- (a) being used on a journey that will involve, or has involved, entering a country outside the United Kingdom that is a contracting party to the Convention; and
- (b) not registered.

(2) Paragraph (1) does not apply if—

- (a) the trailer is kept by a person who is not—
  - (i) resident in the United Kingdom (as defined in regulation 4(3));
  - (ii) a company formed and registered under the Companies Act 2006; or
  - (iii) a holder of a valid operator’s licence granted under the provisions referred to in regulation 4(2)(c)(iii);
- (b) the permissible maximum mass is 750 kilograms or less; or
- (c) the permissible maximum mass is 3,500 kilograms or less and the trailer is not being used on that journey primarily—
  - (i) for the commercial transport of goods or passengers’ belongings, whether for hire or reward or any other purpose; or
  - (ii) in relation to another paid occupation.

(3) In any proceedings for this offence, it is a defence for the defendant to prove that they—

- (a) were unaware and could not reasonably have been expected to be aware that the trailer would be so used; or
- (b) held a reasonable belief that the trailer was registered at the time of the alleged offence.

#### **Notice of registration**

6.—(1) Upon registering a trailer, the Secretary of State must issue an electronic notice of registration (“the notice”) to the applicant as soon as practicable.

(2) In the notice, the Secretary of State must specify—

- (a) the name of the registered keeper;

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(7) “Registered trailer” is defined in section 22(2) of the Haulage Permits and Trailer Registration Act 2018.

- (b) the address of the registered keeper;
- (c) the chassis number of the trailer; and
- (d) the registration mark assigned to the trailer by the Secretary of State under regulation 15.

(3) The Secretary of State may include such other particulars in the notice relating to the registered keeper or the technical characteristics of the trailer as the Secretary of State sees fit.

(4) This regulation does not apply if the applicant, when making the registration application under regulation 4, did not provide supplementary information sufficient to enable the Secretary of State to contact the registered keeper electronically.

### **Registration documents**

7.—(1) The Secretary of State must issue a registration document<sup>(8)</sup> to the registered keeper as soon as practicable after registering a trailer.

(2) The Secretary of State must send a registration document issued in accordance with paragraph (1) to the address of the registered keeper provided in pursuance of regulation 4(2)(d)(ii).

(3) The registration document must contain the particulars specified in regulation 4(2)(d) and be in such form, and contain any other particulars, as the Secretary of State sees fit.

(4) A registration document issued by the Secretary of State, including a registration document issued under regulation 9(5), is valid for 10 years beginning with the date of issue.

(5) The registered keeper or the user of a registered trailer must not use it on a road, or cause or permit it to be so used, on a journey that will involve, or has involved, entering a country outside the United Kingdom that is a contracting party to the Convention if the registration document has expired.

### **Accuracy of the register and information**

8.—(1) If the Secretary of State has a reasonable belief that any information recorded in the register or any information, notification or application provided, given or made to the Secretary of State in pursuance of regulation 8(2), 9(1), 9(3), 10(1) or 10(4) is inaccurate or incomplete, the Secretary of State may—

- (a) take action to determine its accuracy or completeness, including conducting an inspection of the trailer under regulation 13 or requesting documentation or information from the registered keeper or the person who has made the application or notification;
- (b) refuse to record any provided particulars in the register;
- (c) require the registered keeper to destroy, or surrender to the Secretary of State, any registration documents;
- (d) refuse to issue a registration document, including a replacement or renewed registration document; or
- (e) withdraw a registration mark assigned to the trailer by the Secretary of State under regulation 15.

(2) The registered keeper must notify the Secretary of State if any of the particulars recorded in the register or shown on a registration document are inaccurate.

(3) A notification made under paragraph (2) must include the information necessary to correct any inaccuracies.

(4) Subject to paragraph (1), and following receipt of a notification under paragraph (2), the Secretary of State must—

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(8) “Registration document” is defined in section 22(2) of the Haulage Permits and Trailer Registration Act 2018.

- (a) record any amended particulars in the register as soon as practicable; and
  - (b) issue a replacement registration document as soon as practicable if any of the amended particulars are shown on the registration document.
- (5) Following the issuing of a replacement registration document in accordance with paragraph (4)(b)—
- (a) the Secretary of State must send the replacement registration document to the address of the registered keeper; and
  - (b) the registered keeper must destroy, or surrender to the Secretary of State, any other registration document for the same trailer if required to do so by the Secretary of State.

### **Replacement and renewal of registration documents**

- 9.—(1) The registered keeper must notify the Secretary of State if—
- (a) the registration document has been destroyed, lost or stolen; or
  - (b) any of the particulars shown on the registration document have become illegible.
- (2) A notification under paragraph (1) must be accompanied by payment of £10.00 and the Secretary of State may refuse to issue a replacement registration document if such payment is not made.
- (3) The registered keeper may apply to the Secretary of State to renew a registration document up to one calendar year before the expiry of an existing registration document or at any time after its expiry.
- (4) When making an application under paragraph (3), the registered keeper must provide all of the particulars specified in regulation 4(2)(d) to the Secretary of State.
- (5) Subject to regulation 8(1) and following receipt of a notification or application in accordance with this regulation, the Secretary of State must—
- (a) record any amended particulars in the register as soon as practicable; and
  - (b) issue a replacement or renewed registration document, as appropriate, as soon as practicable.
- (6) Following the issuing of a replacement or renewed registration document in accordance with paragraph (5)(b)—
- (a) the Secretary of State must send the replacement or renewed registration document to the address of the registered keeper; and
  - (b) the registered keeper must destroy, or surrender to the Secretary of State, any other registration document for the same trailer if required to do so by the Secretary of State.

### **Disposals of trailers and new keepers**

- 10.—(1) Following the disposal of a registered trailer by the registered keeper, the registered keeper must—
- (a) notify the Secretary of State of the disposal; and
  - (b) destroy, or surrender to the Secretary of State, its registration document if required to do so by the Secretary of State.
- (2) A notification made under paragraph (1)(a) must—
- (a) specify the date of the disposal of the registered trailer; and
  - (b) if applicable, specify the name and address of the person to whom the registered trailer has been supplied (“the new keeper”).

(3) Subject to regulation 8(1) and following receipt of a notification under paragraph (1), the Secretary of State must record in the register that the registered keeper has disposed of the trailer and is no longer the registered keeper.

(4) The new keeper, or a person authorised by the new keeper to act on their behalf, may apply to the Secretary of State for the new keeper to become the registered keeper.

(5) A person making an application under paragraph (4) must—

- (a) provide the declarations and particulars specified in regulation 4(2)(b), (c) and (d); and
- (b) pay a fee of £21.00 to the Secretary of State for the issue of a registration document.

(6) Subject to regulation 8(1), the Secretary of State must accept any application under paragraph (4) that complies with paragraph (5) and—

- (a) record the particulars referred to in regulation 4(2)(d) in the register; and
- (b) send a registration document to the address of the registered keeper, provided in pursuance of paragraph (5)(a), as soon as practicable.

(7) The Secretary of State must reject any application to record a person in the register as the keeper of a registered trailer that is not made under paragraph (4) or not in compliance with paragraph (5).

#### **Provision of information, etc., to the Secretary of State**

**11.**—(1) Any application, notification, information, particulars, declaration or other thing given or made to the Secretary of State in pursuance of these Regulations must be given or made via a digital service provided by (or on behalf of) the Secretary of State.

(2) Paragraph (1) does not apply in relation to—

- (a) the making of declarations in accordance with regulation 4(2)(b) and (c) and the giving of particulars in accordance with regulation 4(2)(d) via a telephone service provided by (or on behalf of) the Secretary of State;
- (b) a request by the Secretary of State under regulation 4(7) or 8(1) for documentation or information;
- (c) a requirement under regulation 8(1)(c), 8(5)(b), 9(6)(b), 10(1)(b) or 14(3) to surrender a registration document;
- (d) the provision of information to the Secretary of State by an examiner under regulation 14(1) or (2); or
- (e) a requirement under regulation 24 to provide information in relation to an offence.

#### **Production of registration documents**

**12.**—(1) The registered keeper or the user of a registered trailer must produce the registration document for that trailer for inspection if required to do so by an examiner or stopping officer<sup>(9)</sup> carrying out any function under any enactment in relation to the same trailer or the motor vehicle<sup>(10)</sup> that is drawing it.

(2) If a registration document is produced in accordance with paragraph (1), it is immaterial whether or not that document has expired in accordance with regulation 7(4).

(3) A failure to produce a registration document when required to do so under paragraph (1) is not an offence under regulation 19(1)(f) if a person is not recorded in the register as the person who keeps the trailer at the time when the requirement is made.

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<sup>(9)</sup> “Examiner” and “stopping officer” are defined in section 14(3) of the Haulage Permits and Trailer Registration Act 2018.

<sup>(10)</sup> “Motor vehicle” is defined in section 13(3) of the Haulage Permits and Trailer Registration Act 2018.

**Inspections of trailers**

**13.**—(1) When an examiner is carrying out any function under any enactment in relation to a trailer or the motor vehicle that is drawing it, the examiner may inspect that trailer to determine—

- (a) whether it is registered; and
- (b) the accuracy of any particulars recorded in the register or shown on a registration document.

(2) The Secretary of State may require a trailer to be inspected by an examiner if the Secretary of State has a reasonable belief that information provided to the Secretary of State in pursuance of these Regulations or recorded in the register is inaccurate or incomplete.

(3) If the Secretary of State determines that an inspection under paragraph (2) is required, the Secretary of State must—

- (a) specify the time, date and place of the inspection; and
  - (b) notify the person who keeps the trailer or the registered keeper of the time, date and place of the inspection at least 72 hours before the inspection.
- (4) An inspection under paragraph (2) may only take place—
- (a) with the consent of the person who keeps the trailer;
  - (b) during normal working hours; and
  - (c) for a trailer kept in—
    - (i) Great Britain, at a vehicle testing station provided by the Secretary of State under section 52(2)(a) of the Road Traffic Act 1988<sup>(11)</sup> or a premises designated for testing under section 52(2)(b) of that Act; or
    - (ii) Northern Ireland, at a vehicle testing centre provided by the Department for Infrastructure under article 73 of the Road Traffic (Northern Ireland) Order 1995<sup>(12)</sup>.

**Outcomes of inspections**

**14.**—(1) If any particulars recorded in the register or shown on a registration document are found to be inaccurate or incomplete during an inspection under regulation 13(1), the examiner must record these findings and provide this record to the Secretary of State.

(2) The examiner must record the findings of an inspection under regulation 13(2) and provide this record to the Secretary of State.

(3) The Secretary of State may refuse to register a trailer, require the registered keeper to destroy, or surrender to the Secretary of State, any registration documents or withdraw a registration mark assigned to the trailer by the Secretary of State under regulation 15, as appropriate, if—

- (a) any of the trailer's particulars specified in regulation 4(2)(d)(iii) to (vi) are determined as a result of an inspection under regulation 13(1) or (2) to differ from those recorded in the register or provided to the Secretary of State under these Regulations; or
- (b) a trailer is not made available for an inspection under regulation 13(2) at the time and place specified under regulation 13(3).

(4) A person who keeps a trailer or the registered keeper may request a further inspection of that trailer if the Secretary of State has taken action in relation to it under paragraph (3) and any

<sup>(11)</sup> 1988 c. 52; section 52(2) was amended by the Deregulation Act 2015 (c. 20), Schedule 10, paragraph 25, subject to transitional provisions specified in S.I. 2015/994, the Schedule, paragraphs 22 to 24.

<sup>(12)</sup> S.I. 1995/2994 (N.I. 18). As enacted, the power to provide a vehicle testing centre was exercisable by the Department of the Environment. This function was transferred to the Department for Infrastructure by S.R. 2016/76, Schedule 5, Part 2.

such request must be accompanied by payment of £39.00 to the Secretary of State for the further inspection.

(5) The fee payable to the Secretary of State in accordance with paragraph (4) must be repaid in full by the Secretary of State to the person who keeps the trailer or the registered keeper if—

- (a) the examiner conducting a further inspection determines that the findings of a previous inspection were in error; and
- (b) the Secretary of State is satisfied that the action taken under paragraph (3) would not have been taken but for that error.