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STATUTORY INSTRUMENTS

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**2018 No. 1203**

**The Trailer Registration Regulations 2018**

**PART 4**

**OFFENCES AND LEGAL PROCEEDINGS**

**Breaches of specified regulations**

- 19.**—(1) It is an offence for a person to contravene or fail to comply with—
- (a) regulation 7(5) (prohibition on using an expired registration document on a journey to or through a Convention territory);
  - (b) regulation 8(5)(b), 9(6)(b) or 10(1)(b) or a requirement made under regulation 8(1)(c) or 14(3) (duty to destroy or surrender a registration document if required);
  - (c) regulation 8(2) (duty to notify the Secretary of State of inaccuracies);
  - (d) regulation 9(1) (duty to notify the Secretary of State in relation to registration documents);
  - (e) regulation 10(1)(a) (duty to notify the Secretary of State of the disposal of a trailer);
  - (f) regulation 12(1) (duty to produce a registration document if required);
  - (g) regulation 16(1) (duty to fix a registration plate on a registered trailer); or
  - (h) regulation 16(3) (prohibition on displaying an unassigned registration mark on a trailer).
- (2) In any proceedings for an offence of contravening or failing to comply with—
- (a) regulation 7(5), 16(1) or 16(3), it is a defence for the defendant to prove that they were unaware and could not reasonably have been expected to be aware that the trailer would be so used;
  - (b) regulation 7(5), it is a defence for the defendant to prove that they held a reasonable belief that the registration document for the trailer was valid at the time of the alleged offence;
  - (c) regulation 8(5)(b), 9(6)(b) or 10(1)(b) or a requirement made under regulation 8(1)(c) or 14(3), it is a defence for the defendant to prove that the registration document was not in their control at the time when they became aware of the requirement to destroy or surrender it or at any later time;
  - (d) regulation 8(2), 9(1) or 10(1)(a), it is a defence for the defendant to prove that there was no reasonable opportunity, before the time of the alleged offence, to make the required notification to the Secretary of State;
  - (e) regulation 8(2), it is a defence for the defendant to prove that there were reasonable grounds for believing, or that it was reasonable to expect, that the particulars recorded in the register or shown on the registration document were accurate;
  - (f) regulation 12(1) or 16(1), it is a defence for the defendant to prove that there were reasonable grounds for believing, or that it was reasonable to expect, that the trailer was not registered; or

- (g) regulation 16(3), it is a defence for the defendant to prove that there were reasonable grounds for believing, or that it was reasonable to expect, that the mark displayed on the fixed plate was assigned to the trailer at the time of the alleged offence.

### **Incorrectly registered trailers**

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

(2) In this regulation, a trailer is incorrectly registered if—

- (a) the register does not include all of the applicable information relating to the trailer that is specified in regulation 4(2)(d); or
- (b) the information relating to the trailer that is included in the register includes any incorrect information.

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

- (a) was no reasonable opportunity, before the time of the alleged offence, to provide information to the Secretary of State for the purpose of correcting the register; or
- (b) were reasonable grounds for believing, or that it was reasonable to expect, that the trailer was—

- (i) correctly registered; or

- (ii) not registered.

(4) Subject to paragraph (5), this regulation does not apply in relation to a registered trailer if a person is not recorded in the register as the person who keeps the trailer at the time of the alleged offence.

(5) Paragraph (4) does not apply if, at the time of the alleged offence, the trailer is 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.

(6) If paragraph (4) does not apply due to paragraph (5), it is also a defence in proceedings for this offence for the defendant to prove that—

- (a) they were unaware and could not reasonably have been expected to be aware that the trailer would be so used; or
- (b) they held a reasonable belief that a person was recorded in the register as the person who keeps the trailer at the time of the alleged offence.

### **Obscuring of registration marks**

**21.**—(1) It is an offence for a person to keep or use a registered trailer on a road if the registration mark is—

- (a) in any way obscured; or
- (b) caused or allowed to become not easily distinguishable.

(2) In any proceedings for this offence, it is a defence for the defendant to prove that they took all reasonable steps to prevent the mark being obscured or becoming not easily distinguishable.

(3) This regulation does not apply in relation to a registered trailer if a person is not recorded in the register as the person who keeps the trailer at the time of the alleged offence.

### **Obstruction of, or pretending to be, a person entitled to carry out an inspection**

**22.** It is an offence for a person to—

- (a) wilfully obstruct a person carrying out an inspection of a trailer under regulation 13; or
- (b) pretend, with intent to deceive, to be a person entitled to carry out an inspection of a trailer under regulation 13.

### **False or misleading information, documents or declarations**

**23.** It is an offence for a person to make a declaration, provide information or produce a document which is knowingly false or, in any material respect, knowingly misleading in relation to any notice, application or provision of information to the Secretary of State in pursuance of these Regulations.

### **Duty to provide information in relation to a suspected person**

**24.**—(1) If a person is suspected of committing an offence under regulation 5(1), 19(1)(g), 19(1)(h), 20(1) or 21(1), the relevant authority may require a person to—

- (a) identify the suspected person; or
- (b) provide any information which it is in the person's power to give that may lead to the identification of the suspected person.

(2) A requirement under paragraph (1) must be made by written notice served by post which specifies the form and manner of the required response.

(3) In this regulation “relevant authority” means—

- (a) a chief officer of police or, in Northern Ireland, the Chief Constable of the Police Service of Northern Ireland; or
- (b) the Secretary of State.

(4) It is an offence for a person to fail to identify a suspected person or provide information which it is in their power to give that may lead to the identification of a suspected person—

- (a) in the form and manner specified by the relevant authority in the written notice; and
- (b) within 28 days of service of the written notice.

(5) In any proceedings for an offence under paragraph (4), it is a defence for the defendant to prove that—

- (a) they did not know, and could not with reasonable diligence have ascertained, the identity of the suspected person; or
- (b) the information was given as soon as reasonably practicable after the end of the period specified in paragraph (4)(b) or that it was not reasonably practicable for it to be given.

### **Penalties**

**25.** A person who commits any offence under these Regulations is liable on summary conviction to a fine not exceeding level 3 on the standard scale.

### **Admissions**

**26.**—(1) This regulation applies if it is proved to the satisfaction of a court that—

- (a) a notice has been served in accordance with regulation 24(2) on a person in relation to an offence specified in regulation 24(1); and
- (b) a statement in writing is produced to the court, purporting to be signed by the accused, containing an admission that the accused was the person who kept the trailer or the user of the trailer at the time of the alleged offence.

(2) Where this regulation applies, the court may accept such a statement as evidence (or, in Scotland, sufficient evidence) that the accused was the person who kept the trailer or the user of the trailer (as appropriate) at the time of the alleged offence.

### **Records**

**27.**—(1) A record<sup>(1)</sup> to which this regulation applies is admissible in any proceedings as evidence (or, in Scotland, sufficient evidence) of any fact stated in it to the same extent as oral evidence of that fact is admissible in those proceedings, subject to paragraph (3).

(2) This regulation applies to a record maintained by the Secretary of State in connection with the Secretary of State's functions under these Regulations.

(3) A record is not admissible in accordance with this regulation unless the Secretary of State has authenticated it by providing a statement with the record that confirms it is or was held by the Secretary of State.

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(1) "Records" is defined in section 19(2) of the Haulage Permits and Trailer Registration Act 2018.