

SCHEDULES

SCHEDULE 4

Offences, penalties, enforcement and other matters

PART 1

Offences

Offences and defences

- 1.—(1) A person commits an offence if—
 - (a) that person supplies a recordable trailer,
 - (b) the trailer is supplied for use on a road, and
 - (c) none of the conditions specified in sub-paragraph (2) is met.
- [^{F1}(2) The specified conditions are that—
 - (a) where the trailer is to be kept or normally kept at a place in Great Britain, one of the following has effect with respect to the trailer—
 - (i) a certificate of conformity issued under regulation 16(7) relating to—
 - (aa) a GB small series type-approval,
 - (bb) a UK (NI) national small series type-approval, or
 - (cc) a national small series type-approval issued by the Secretary of State before IP completion,
 - (ii) an individual vehicle approval issued under regulation 27(10) of the Road Vehicle (Approval) Regulations 2009 or regulation 18(10) of these Regulations, whether that approval—
 - (aa) is an individual vehicle approval issued by the Secretary of State before IP completion day, or
 - (bb) is a GB individual vehicle approval or a UK (NI) national individual vehicle approval,
 - (iii) a GB certificate of conformity issued in relation to a GB type-approval,
 - (iv) an EU certificate of conformity issued in relation to an EU type-approval granted by the Secretary of State under the Road Vehicles (Approval) Regulations 2009 or under these Regulations,
 - (v) an EU certificate of conformity issued in relation to an EU type-approval granted by a member State under the EU Type Approval Regulation or [Directive 2007/46/EC](#) of the European Parliament and of the Council of 5 September 2007 establishing a framework for the approval of motor vehicles and their trailers, and of systems, components and separate technical units intended for such vehicles as implemented in the law of that member State, provided that the trailer to which the approval relates—

Changes to legislation: The Road Vehicles (Approval) Regulations 2020, Paragraph 1 is up to date with all changes known to be in force on or before 05 July 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

- (aa) was in the United Kingdom before 1st January 2023, or
- (bb) is a qualifying Northern Ireland good, or
- (vi) a certificate of conformity issued under section 57 of the Road Traffic Act 1988, or
- (b) where the trailer is to be kept, or normally kept at a place in Northern Ireland, one of the following has effect with respect to the trailer—
 - (i) a certificate referred to in sub-paragraph (a)(i)(bb) or (cc), (ii) (except for a GB individual vehicle approval), or (iv), or
 - (ii) an EU certificate of conformity issued in relation to an EU type-approval granted by a member State under the EU Type Approval Regulation or [Directive 2007/46/EC](#) as implemented in the law of that member State.]
- (3) A person commits an offence if, at a time when there is no relevant consent in effect with respect to a large trailer, that person—
 - (a) supplies that large trailer for use on a road,
 - (b) uses that large trailer on a road, or
 - (c) causes or permits that large trailer to be used on a road.
- (4) A person commits an offence if that person contravenes any requirement in paragraph (1) or (3) of regulation 25.
- (5) A person commits an offence if that person—
 - (a) contravenes any other prohibition in these Regulations, the Type Approval Regulation [^{F2}, the EU Type Approval Regulation] or the legislation listed in Schedule 5, or
 - (b) fails to comply with any requirement or obligation in these Regulations, the Type Approval Regulation [^{F3}, the EU Type Approval Regulation] or the legislation listed in Schedule 5.
- [^{F4}(5A) It is a defence for a person charged with an offence under sub-paragraph (1), to show that, at the time when the trailer was supplied—
 - (a) if the condition in sub-paragraph (2)(a) is not satisfied, there was reasonable cause to believe that the trailer would not be kept, or normally kept, at a place in Great Britain, or
 - (b) if the condition in sub-paragraph (2)(b) is not satisfied, there was reasonable cause to believe that the trailer would not be kept, or normally kept, at a place in Northern Ireland.
- (5B) It is a defence for a person charged with an offence under sub-paragraph (3), to show that, at the time when the trailer was supplied or used, as the case may be, a goods vehicle test certificate issued under the following Regulations was in force in relation to the trailer—
 - (a) the Goods Vehicle (Plating and Testing) Regulations 1988, in the case of a trailer being used in Great Britain without a relevant consent, or
 - (b) the Goods Vehicle (Testing) Regulations (Northern Ireland) 2003, in the case of a trailer being used in Northern Ireland without a relevant consent.]
- (6) It is a defence for a person charged with an offence under sub-paragraph (3)(b) or (c) to show that—
 - (a) the trailer is an incomplete vehicle, is not carrying goods and is being towed to a place where a further stage of manufacture is to take place,
 - (b) the trailer is to be exported and is being towed to a place from where it is to be taken out of the United Kingdom,
 - (c) the trailer is being used solely for the purpose of—
 - (i) submitting it (by previous arrangement at a specified time) for a statutory inspection or test, or

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- (ii) bringing it away from any such inspection or test, or
 - (d) the trailer is operated from a base in a country outside the United Kingdom and either—
 - (i) the trailer is registered in that country, or
 - (ii) it is shown that the trailer has its principal base there.
- (7) It is a defence for a person charged with an offence under sub-paragraph (1) or (3)(a) to show that, at the time when the trailer was supplied, there was reasonable cause to believe that the trailer would not be used on a road otherwise than in circumstances specified in sub-paragraph (6) (a), (b), or (c).
- (8) For the purposes of this paragraph, a trailer is a recordable trailer if it is a relevant vehicle other than—
- (a) a trailer falling within regulation 25(2)(a) or (b), or
 - (b) a trailer to which the alternative conditions in Schedule 3 apply.
- (9) In this paragraph—
- “relevant consent” means consent given under regulation 23(3);
 - “relevant vehicle” has the meaning given in regulation 23(8);
 - “statutory inspection or test” means an inspection or test carried out under or pursuant to—
 - (a) the Type Approval Regulation,
 - (ab) [^{F5}the EU Type Approval Regulation,]
 - (b) these Regulations,
 - (c) the Goods Vehicles (Plating and Testing) Regulations 1988, or
 - (d) the Goods Vehicles (Testing) Regulations (Northern Ireland) 2003.

Textual Amendments

- F1** Sch. 4 para. 1(2) substituted (31.12.2022 at 11.00 p.m.) by [The Road Vehicles and Non-Road Mobile Machinery \(Type-Approval\) \(Amendment and Transitional Provisions\) \(EU Exit\) Regulations 2022 \(S.I. 2022/1273\)](#), regs. 1(2), **20(a)**
- F2** Words in Sch. 4 para. 1(5)(a) inserted (31.12.2022 at 11.00 p.m.) by [The Road Vehicles and Non-Road Mobile Machinery \(Type-Approval\) \(Amendment and Transitional Provisions\) \(EU Exit\) Regulations 2022 \(S.I. 2022/1273\)](#), regs. 1(2), **20(b)**
- F3** Words in Sch. 4 para. 1(5)(b) inserted (31.12.2022 at 11.00 p.m.) by [The Road Vehicles and Non-Road Mobile Machinery \(Type-Approval\) \(Amendment and Transitional Provisions\) \(EU Exit\) Regulations 2022 \(S.I. 2022/1273\)](#), regs. 1(2), **20(b)**
- F4** Sch. 4 para. 1(5A)(5B) inserted (31.12.2022 at 11.00 p.m.) by [The Road Vehicles and Non-Road Mobile Machinery \(Type-Approval\) \(Amendment and Transitional Provisions\) \(EU Exit\) Regulations 2022 \(S.I. 2022/1273\)](#), regs. 1(2), **20(c)**
- F5** Words in Sch. 4 para. 1(9) inserted (31.12.2022 at 11.00 p.m.) by [The Road Vehicles and Non-Road Mobile Machinery \(Type-Approval\) \(Amendment and Transitional Provisions\) \(EU Exit\) Regulations 2022 \(S.I. 2022/1273\)](#), regs. 1(2), **20(d)**

Commencement Information

- I1** Sch. 4 para. 1 in force at 1.9.2020, see [reg. 1\(b\)](#)

Changes to legislation:

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Changes and effects yet to be applied to :

- Regulations power to amend conferred by [2024 c. 10 s. 91](#)