



Haulage Permits and Trailer Registration Act 2018

2018 CHAPTER 19

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.

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- (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.

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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.

Annotations:

Commencement Information

II S. 6 in force at 1.1.2019 by S.I. 2018/1343, reg. 2(a)

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;

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- (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).

Annotations:

Commencement Information

I2 [S. 7](#) in force at 1.1.2019 by [S.I. 2018/1343](#), [reg. 2\(b\)](#)

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.

Annotations:

Commencement Information

I3 [S. 8](#) in force at 1.1.2019 by [S.I. 2018/1343](#), [reg. 2\(c\)](#)

Changes to legislation: There are currently no known outstanding effects for the Haulage Permits and Trailer Registration Act 2018, PART 1. (See end of Document for details)

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.

Changes to legislation: There are currently no known outstanding effects for the Haulage Permits and Trailer Registration Act 2018, PART 1. (See end of Document for details)

- (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—

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“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.”

Changes to legislation:

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