



# Haulage Permits and Trailer Registration Act 2018

## 2018 CHAPTER 19

### PART 2

#### TRAILERS

##### *Trailer registration*

### 13 Trailer registration

- (1) Regulations may provide for the compulsory or voluntary registration of trailers kept or used on roads in a register kept by the Secretary of State.
- (2) The regulations may—
  - (a) require or permit the keeper of a trailer to apply to the Secretary of State for its registration;
  - (b) make provision about the procedure for applications;
  - (c) make provision for the purpose of ensuring that each registered trailer has a number which is recorded in the register;
  - (d) make provision about the form of the register and the information to be included in it;
  - (e) provide for the giving of registration documents;
  - (f) provide for the transfer, surrender or production of registration documents;
  - (g) provide for the expiry of registration documents;
  - (h) require the destruction of a registration document in specified circumstances;
  - (i) make other provision in connection with—
    - (i) the registration of a trailer,
    - (ii) the transfer of a registered trailer to a new keeper,
    - (iii) the accuracy of information included in the register, or
    - (iv) the enforcement of provisions of the regulations.

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(3) In this Part—

“motor vehicle” means a mechanically-propelled vehicle which is intended or adapted for use on roads;

“trailer” means anything on wheels which is intended or adapted to be drawn by a motor vehicle;

“regulations” means regulations made by the Secretary of State.

## 14 Inspections and information

(1) Regulations may, in connection with any provision of regulations under section 13—

- (a) provide for the inspection of trailers or registration documents by examiners or stopping officers, or
- (b) require a person to provide information or things to the Secretary of State or another person, or to make declarations.

(2) Regulations under subsection (1)(a) may, in particular, make provision about—

- (a) notification of inspections;
- (b) inspection of a trailer in the absence of its owner or keeper;
- (c) certificates as to the outcome of inspections;
- (d) record-keeping in relation to inspections;
- (e) the giving of duplicates or copies of certificates.

(3) In this section—

“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));

“stopping officer” means an officer appointed under section 66B of the Road Traffic Act 1988.

## 15 Registration marks and registration plates

(1) Regulations may require or authorise the Secretary of State, when registering a trailer, to assign a mark (a “registration mark”) to the trailer.

(2) Regulations under subsection (1) may make further provision about the assignment of registration marks, for example, provision authorising the Secretary of State to—

- (a) assign a registration mark to a trailer to which another registration mark has previously been assigned;
- (b) assign to a trailer (on its first registration or later) a registration mark previously assigned to another trailer;
- (c) withdraw a registration mark for the time being assigned to a trailer;
- (d) re-assign to a trailer a registration mark previously assigned to it but subsequently withdrawn.

(3) Regulations may prohibit a person from keeping or using a registered trailer unless a plate displaying the registration mark assigned to the trailer (a “registration plate”) is fixed on it.

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- (4) Regulations under subsection (3) may—
- (a) specify the size, shape, material of manufacture or other characteristics of a registration plate;
  - (b) specify the size, shape and character of a registration mark;
  - (c) make provision for the purpose of ensuring that registration marks are easily distinguishable (by day or by night);
  - (d) make other provision about—
    - (i) the display of registration marks, or
    - (ii) the fixing of registration plates.
- (5) Regulations may prohibit a person from keeping or using a trailer on a road where a plate fixed on the trailer displays a mark which—
- (a) is not assigned to the trailer under regulations under subsection (1), and
  - (b) is of a size, shape and character specified in regulations made by virtue of subsection (4)(b).
- (6) Regulations may permit or require registration plates to contain or display information other than registration marks.
- (7) In this section “plate” includes any other device.

## 16 Marking of trailers

- (1) Regulations may make provision for the marking of registered trailers (otherwise than under section 15) or of trailers in respect of which an application for registration has been made.
- (2) The regulations may include provision—
- (a) as to the persons by whom and the times at which trailers are to be marked;
  - (b) as to the form of any mark and the manner and position in which it is to be made;
  - (c) requiring information about marks made under the regulations to be provided to the Secretary of State.

## 17 Fees

- (1) Regulations may authorise the Secretary of State to charge a fee of a specified amount in respect of—
- (a) the registration of a trailer;
  - (b) the giving of registration documents;
  - (c) the inspection of a trailer;
  - (d) the giving of a certificate as to the outcome of an inspection of a trailer;
  - (e) the correction of an error in such a certificate;
  - (f) the giving of a duplicate of such a certificate.
- (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, including provision—

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- (i) that repayment is to be made only if a specified person is satisfied that specified conditions are met or in other specified circumstances;
- (ii) that only partial repayment is to be made;
- (iii) specifying the amount of any partial repayment, or providing for the manner in which that amount is to be determined.

## 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.

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- (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.

## **19 Records**

- (1) Regulations may provide for records maintained by the Secretary of State in connection with the Secretary of State's functions under regulations under any of sections 13 to 17 to be admissible in proceedings as evidence (or, in Scotland, sufficient evidence) of facts stated in them, subject to specified conditions as to authentication and any other specified conditions.
- (2) For the purposes of this section “records” includes—
  - (a) a copy of any records, and
  - (b) a note or other representation of any information contained in records.

**Changes to legislation:**

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