
STATUTORY INSTRUMENTS

2009 No. 717

The Road Vehicles (Approval) Regulations 2009

PART 2

CONDITIONS FOR LICENSING OR ENTRY INTO SERVICE OF VEHICLES

Offences for breach of conditions

Trailers: offences

11.—(1) A person commits an offence if—

- (a) he supplies a recordable trailer,
- (b) the trailer is supplied for use on a road, and
- (c) none of the conditions specified in paragraph (2) is met.

(2) The specified conditions are that—

- (a) an EC certificate of conformity has effect with respect to the trailer;
- (b) a national small series certificate of conformity has effect with respect to the trailer;
- (c) an individual approval certificate has effect with respect to the trailer.

(3) A person commits an offence if he—

- (a) supplies, for use on a road, a recordable trailer which is a large trailer,
- (b) uses such a trailer on a road, or
- (c) causes or permits such a trailer to be used on a road,

at a time when there is no relevant consent in effect with respect to that trailer.

(4) A person commits an offence if he contravenes paragraph (1) or (3) of regulation 9.

(5) A person guilty of an offence under paragraph (1) is liable on summary conviction—

- (a) to a fine not exceeding level 5 on the standard scale if the offence is committed in respect of a large trailer, or
- (b) to a fine not exceeding level 4 on the standard scale if the offence is committed in respect of a small trailer.

(6) A person guilty of an offence under paragraph (3) is liable on summary conviction to a fine not exceeding level 4 on the standard scale.

(7) A person guilty of an offence under paragraph (4) is liable on summary conviction to a fine not exceeding level 3 on the standard scale.

(8) It is a defence for a person charged with an offence under 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
 - (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.
- (9) It is a defence for a person charged with an offence under 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 paragraph (8)(a), (b), or (c).
- (10) For the purposes of this regulation, a trailer is a recordable trailer if—
- (a) it is a relevant vehicle, and
 - (b) by virtue of Part 1 of Schedule 3, at the date when it is first supplied by a final supplier for use on a road (or put into service on a road for the final supplier’s own use), regulation 7 or 9 has effect with respect to it.
- (11) In this regulation—
- “relevant consent” means consent given under regulation 7(3);
- “statutory inspection or test” means an inspection or test carried out under or pursuant to—
- (a) the Framework Directive,
 - (b) these Regulations,
 - (c) the Goods Vehicles (Plating and Testing) Regulations 1988(1), or
 - (d) the Goods Vehicles (Testing) Regulations (Northern Ireland) 2003(2).

(1) S.I. 1988/1478.

(2) S.R. (N.I.) 2003 No. 304, amended by S.R. (N.I.) 2004 No 47 and 2006 No 495.