

**EXPLANATORY MEMORANDUM TO**  
**THE ROAD TRAFFIC OFFENDERS (ADDITIONAL OFFENCES) ORDER 2014**

**2014 No. 260**

**1.** This explanatory memorandum has been prepared by the Department for Transport and laid before Parliament by Command of Her Majesty.

**2. Purpose of the instrument**

2.1 This instrument adds a new offence to the list of offences for which records from a prescribed device (i.e. an Automatic Number Plate Recognition (“ANPR”) camera) can be used as evidence in proceedings for the commission of such an offence. The new offence is using or keeping a heavy goods vehicle (“HGV”) of 12 tonnes or more on a road in the UK without paying the appropriate HGV Road User Levy in accordance with section 11 of the HGV Road User Levy Act 2013 (“the 2013 Act”).

**3. Matters of special interest to the Joint Committee on Statutory Instruments**

3.1 None

**4. Legislative Context**

4.1 Section 20 of the Road Traffic Offenders Act 1988 (“the 1988 Act”) enables records from a prescribed device to be used as evidence in proceedings for certain offences. The prescribed devices for the purposes of section 20 are set out in a series of orders, and include ANPR cameras, which were prescribed by the Road Traffic Offenders (Additional Offences and Prescribed Devices) Order 2001 (S.I. 2001/1814). The offences for which records from prescribed devices may be used in proceedings are set out in section 20(2) of the 1988 Act.

**5. Territorial Extent and Application**

5.1 This instrument applies to Great Britain.

**6. European Convention on Human Rights**

6.1 Robert Goodwill, Parliamentary Under Secretary of State for Transport, has made the following statement regarding Human Rights:

“In my view the provisions of the Road Traffic Offenders (Additional Offences) Order 2014 are compatible with the Convention rights.”

## **7. Policy background**

- What is being done and why

7.1 The 2013 Act introduces a levy for using or keeping an HGV of 12 tonnes (12,000 kg) or more on public roads in the UK. The amount of the levy is determined in accordance with the weight and number of axles of the vehicle, and applies equally to UK and non-UK registered vehicles.

7.2 A person using or keeping an HGV registered in the UK will pay the levy on an annual or six-monthly basis at the same time as their vehicle excise duty. A person using or keeping an HGV registered outside the UK will pay the levy for the amount of time he or she intends to use or keep their vehicle on a public road in the UK (i.e. they may pay on a daily, weekly, monthly or annual basis).

7.3 It is an offence to use or keep an HGV on a public road in the UK without paying the appropriate levy, and on summary conviction, a fine of up to level 5 on the standard scale may be imposed.

7.4 This Order enables the use of records from a prescribed device, i.e. an ANPR camera, to be used as evidence in proceedings brought by enforcement authorities in Great Britain for using or keeping an HGV on a public road without paying the levy.

- Consolidation

7.5 None required.

## **8. Consultation outcome**

8.1 There is no statutory requirement to consult on these regulations. On that basis and because the Minister discussed these matters during the Parliamentary passage of the 2013 Act, we did not consult on the use of evidence from prescribed devices (i.e. an ANPR camera) in terms of enforcing the 2013 Act.

## **9. Guidance**

9.1 None.

## **10. Impact**

10.1 There is no impact on business, charities and the voluntary sector.

10.2 There will be an unquantifiable benefit to the public sector in terms of enforcement, as targeted enforcement will be a more efficient way of enforcing the HGV road user levy.

## **11. Regulating small business**

11.1 The legislation applies to any person who keeps or uses a HGV of 12 tonnes or more on a public road in the UK, irrespective of whether they are large or small businesses. However, this legislation will only affect those who fail to comply with their legal obligations.

## **12. Monitoring & review**

12.1 The Department will keep the use and effectiveness of evidence from prescribed devices under review for this new offence.

## **13. Contact**

13.1 Peter Steele at the Department for Transport, Great Minster House, 33 Horseferry Road, London, SW1P 4DR Tel: 020 7944 8177 or email: [HGVCharging@dft.gsi.gov.uk](mailto:HGVCharging@dft.gsi.gov.uk) can answer queries regarding this instrument or the policy area.