

**EXPLANATORY MEMORANDUM TO**  
**THE TRAILER REGISTRATION (AMENDMENT) REGULATIONS 2021**  
**2021 No. 1043**

**1. Introduction**

- 1.1 This explanatory memorandum has been prepared by the Department for Transport and is laid before Parliament by Command of Her Majesty.
- 1.2 This memorandum contains information for the Joint Committee on Statutory Instruments.

**2. Purpose of the instrument**

- 2.1 The purpose of this instrument is to make six small, technical amendments to the Trailer Registration Regulations 2018. These changes are principally designed to address some issues that have become apparent since the scheme came into practical operation.
- 2.2 The trailer registration scheme is principally designed to cater to the haulage industry. The scheme has a mandatory requirement that trailers being used for commercial purposes outside of the UK, in countries that are party to the 1968 Vienna Convention on Road Traffic<sup>1</sup> (“the 1968 Convention”) and that weigh 750kg or more to be registered under the scheme. Non-commercial trailers weighing 3.5tonnes or more must also be registered.
- 2.3 There is a voluntary scheme for non-commercial trailers which are outside the scope of the mandatory scheme and weigh between 750kg and 3.5 tonnes. Trailers that fall into this category, may also be registered by their keepers on a voluntary basis. This instrument does not alter this basic premise under which the trailer registration scheme (including the voluntary scheme within it) operates.
- 2.4 The scheme is not applicable to trailers which are used solely on a domestic basis within Great Britain and Northern Ireland. Further information on the policy intent can be found in section 7 of this document.

**3. Matters of special interest to Parliament**

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

- 3.1 None.

**4. Extent and Territorial Application**

- 4.1 The territorial extent of this instrument is the United Kingdom.
- 4.2 The territorial application of this instrument is the United Kingdom.

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<sup>1</sup> The 1968 Vienna Convention on Road Traffic:  
[https://treaties.un.org/Pages/ViewDetailsIII.aspx?src=TREATY&mtdsg\\_no=XI-B-19&chapter=11&Temp=mtdsg3&lang=en](https://treaties.un.org/Pages/ViewDetailsIII.aspx?src=TREATY&mtdsg_no=XI-B-19&chapter=11&Temp=mtdsg3&lang=en)

## **5. European Convention on Human Rights**

- 5.1 As the instrument is subject to negative resolution procedure and does not amend primary legislation no statement is required.

## **6. Legislative Context**

- 6.1 The provisions of Part 2 of the Haulage Permits and Trailer Registration Act 2018 (“the 2018 Act”) confer powers on the Secretary of State to make Regulations concerning the registration of trailers. This is the second instrument made under those powers and it makes some amendments to the Trailer Registration Regulations 2018. (“the 2018 Regulations”)

## **7. Policy background**

### *What is being done and why?*

- 7.1 This instrument amends the 2018 Regulations which introduced a trailer registration scheme to the United Kingdom as part of the requirements for the ratification of the 1968 Vienna Convention on Road Traffic, which took place on 28 March 2018. This instrument makes six minor amendments to the scheme to address issues associated with the operation of the scheme that have become apparent since its introduction.

### *What did any law do before the changes to be made by this instrument?*

- 7.2 The purpose of the registration scheme introduced by the legislation was to enable the users of trailers that are kept in the United Kingdom, and which were unregistered, to avoid potential enforcement action in relation to the registration of the trailer whilst it was being used abroad when travelling to or through a country which is party to the 1968 Convention.
- 7.3 Trailers are not required to be registered if they are being used solely within the United Kingdom, or in countries that are party to the earlier 1949 Geneva Convention on Road Traffic<sup>2</sup> (“the 1949 Convention”) as this Convention does not require a trailer to be registered.
- 7.4 Registration under the scheme is mandatory for trailers that weigh more than 750kg and that are used on a commercial basis, or non-commercial trailers that weigh more than 3.5 tonnes that are used outside of the United Kingdom in a fellow contracting party to the 1968 Convention.<sup>3</sup>
- 7.5 Trailers that weigh more than 750kg but less than 3.5 tonnes and that are not used on a commercial basis, e.g., a caravan or an animal trailer can also be registered on a voluntary basis within the scheme.

### *Why is it being changed?*

- 7.6 The changes being made to the 2018 Regulations are principally technical in nature and designed to address some issues that have become apparent as to the way in which the scheme operates in practice. The purpose of each change is set out for each of the six amendments listed below.

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<sup>2</sup> The 1949 Geneva Convention on Road Traffic:  
[https://treaties.un.org/Pages/ViewDetailsV.aspx?src=IND&mtdsg\\_no=XI-B-1&chapter=11&Temp=mtdsg5&clang=en](https://treaties.un.org/Pages/ViewDetailsV.aspx?src=IND&mtdsg_no=XI-B-1&chapter=11&Temp=mtdsg5&clang=en)

<sup>3</sup> At the time of laying, Ireland, Malta, Cyprus, and Spain were bound by the 1949 Convention.

What will it now do?

- 7.7 The effect of the amendments being made are principally to clarify elements of the 2018 Regulations and to streamline their application. This is set out in each of the six amendments listed below:
- 7.8 **Amendment 1:** Amending paragraph 1 of Schedule 2 to change the font used on a registration plate to one that is readily available to Registered Number Plate Suppliers.
- 7.9 To reduce the impact on trailer keepers, we are ensuring that existing plates will remain valid, as the difference between the two fonts is very minor.
- 7.10 **Amendment 2:** Amending regulation 13(4)(c)(i) to permit trailer inspections to take place at a location that appears suitable to the secretary of state for the purpose, rather than solely at an authorised testing facility (ATF). Ideally this will be somewhere that is agreeable to both customers and inspection staff, provided it is appropriate for inspection purposes.
- 7.11 This change is being made as the inspection facility has in practice been little used and it is anticipated that this situation will not change. In addition, due to the potential size of trailers that may require inspection the costs associated with providing suitably sized facilities at ATFs to undertake an inspection cannot be justified.
- 7.12 **Amendment 3:** Abolishing the further inspection fee of £39 specified in regulation 14(4) as this is not required.
- 7.13 This change is being made as the low level of inspections that have occurred in practice, means that the costs of developing a system to collect this fee outweigh the revenue that might be generated. Instead, due to the very low number of inspections that have been required, the costs of making these inspections can be absorbed by wider vehicle inspection budgets.
- 7.14 **Amendment 4:** Amending regulation 9(3) to reduce the maximum time that documents can be renewed before their expiry from 12 months to six months. A process for automatic reminders will also be put in place, to remind keepers when their registration will expire. Reducing the timeframe for renewals, whilst introducing a reminders process will align this with other DVLA services.
- 7.15 If the registration expires, there is no impact on a keeper who is only using the trailer domestically within the United Kingdom, or in a country which is party to the 1949 Convention.
- 7.16 **Amendment 5:** Amending regulation 4(2)(d) to introduce a field to collect trailer type information at the point of registration, e.g., box, curtain-sided, etc., alongside details such as the chassis number. Once in force, this information will be collected at the point of first registration. Because the scheme was initially designed to be as light touch as possible, this information was not originally requested of trailer keepers.
- 7.17 Existing trailer keepers will be asked to update their registration, and this information will need to be added if other changes to the registration e.g., the keeper details are amended.
- 7.18 Making this change to collect this information, will bring the trailer registration service in line with other vehicle databases, and will help to tie a registration to a trailer more precisely. This improved link between the registration and the trailer will

also help when trailer registration information is used for the purposes of detecting crimes such as goods or people smuggling.

- 7.19 **Amendment 6:** Clarifying that all mechanically propelled vehicles cannot also be registered as trailers. This addresses an issue, where small cars which are towed behind motorhomes using tow bar like ‘A-frame’ devices have been dual registered as both a motor vehicle, and as a trailer. Where this type of registration is identified, it is already cancelled by the DVLA (Driver and Vehicle Licensing Agency).
- 7.20 Whilst only a small number of cases have come to light, this scenario was not anticipated when the original Regulations were drafted, and we are therefore taking this opportunity to correct this situation.

## **8. European Union Withdrawal and Future Relationship**

- 8.1 This instrument does not relate to withdrawal from the European Union or trigger the statement requirements under the European Union (Withdrawal) Act.

## **9. Consolidation**

- 9.1 These regulations do not consolidate other regulations.

## **10. Consultation outcome**

- 10.1 A 4-week public consultation on these changes was published on gov.uk<sup>4</sup> and took place between 4 June and 2 July 2021.
- 10.2 As well as publishing on gov.uk, we took steps to ensure that the consultation was publicised to industry, by notifying trade associations including the Road Haulage Association<sup>5</sup>, Logistics UK<sup>6</sup>, the British Vehicle Rental and Leasing Association<sup>7</sup> and the National Trailer and Towing Association<sup>8</sup>, as key stakeholders who represent the people and businesses working in the haulage industry.
- 10.3 The Caravan and Motorhome Club<sup>9</sup>, the Camping and Caravanning Club<sup>10</sup> and the British Horse Association<sup>11</sup> were also contacted as they represent groups of people who may have used the voluntary registration service.
- 10.4 Six responses were received, four via the online form and two in a free text format, five responses were from stakeholder organisations with one response from a member of the public. One stakeholder organisation provided feedback only in relation to their support for the changes proposed in Amendment 6.
- 10.5 Overall, the responses were supportive of the proposals and principally made suggestions as to how the changes should be implemented on a practical basis. These

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<sup>4</sup>Link to Consultation and Response <https://www.gov.uk/government/consultations/amending-the-uk-trailer-registration-scheme-altering-inspector-location-removing-further-inspection-fee-and-addition-of-trailer-type-information>

<sup>5</sup>The Road Haulage Association [www.rha.uk.net](http://www.rha.uk.net)

<sup>6</sup>Logistics UK [www.logistics.org.uk](http://www.logistics.org.uk)

<sup>7</sup>The British Vehicle Rental and Leasing Association [www.bvrla.co.uk](http://www.bvrla.co.uk)

<sup>8</sup>The National Trailer and Towing Association [www.ntta.co.uk](http://www.ntta.co.uk)

<sup>9</sup>The Caravan and Motorhome Club: [www.caravanclub.co.uk](http://www.caravanclub.co.uk)

<sup>10</sup>The Camping and Caravanning Club [www.campingandcaravanningclub.co.uk](http://www.campingandcaravanningclub.co.uk)

<sup>11</sup> British Horse Society [www.bhs.org.uk](http://www.bhs.org.uk)

proposals were in line with our intentions. The responses received can be summarised as follows:

- 10.6 **Amendment 1: Changing the font on registration plates.** Suggestions were made in relation to the plate showing additional information such as the environmental credentials of the trailer, the current scheme is not applicable in this way and we will therefore need to consider this further.
- 10.7 **Amendment 2: Changing the location of trailer inspections.** This was supported provided the locations are also convenient for customers. This desire aligns with our intended approach to these Regulations.
- 10.8 **Amendment 3: Abolition of the trailer inspection fee.** Respondents all agreed with this proposal.
- 10.9 **Amendment 4: Reducing the time for document renewal.** This was supported by respondents provided that a suitable notification process is in place and does not affect the time taken for the renewal.
- 10.10 **Amendment 5: Introducing a field to collect trailer type information.** There was a view that the proposal did not go far enough, and that all UK trailers should be registered irrespective of whether they are leaving the UK. The current legislation is not applicable in this way and we will therefore need to consider this further.
- 10.11 **Amendment 6: Clarifying that mechanically propelled vehicles cannot be registered as trailers.** There was agreement with this proposal, and a further suggestion that the registration certificate should be amended to show further information e.g. the vehicle chassis number on the certificate.

## 11. Guidance

- 11.1 These amendments will only require minimal changes to be made to the current guidance for the trailer registration scheme. Where a change is needed, the relevant pages of gov.uk will be updated.

## 12. Impact

- 12.1 There is no, or no significant, impact on business, charities, or voluntary bodies.
- 12.2 There is no, or no significant, impact on the public sector. The trailer registration scheme is operated on a cost recovery basis by the DVLA.
- 12.3 An Impact Assessment has not been prepared for this instrument because there should be very low level of cost to business, which is judged to be less than £5 million because of these changes.

## 13. Regulating small business

- 13.1 The legislation applies to activities that are undertaken by small businesses, that use trailers weighing more than 750kg on a commercial basis.
- 13.2 However, the changes outlined in this instrument should have no specific impacts on small businesses which are defined as those employing up to 50 people.

#### **14. Monitoring & review**

- 14.1 The approach to monitoring of the legislation is that it will be reviewed five years after it comes into force. Due to the nature of the changes, these amendments will be reviewed at the same time as the original regulations.
- 14.2 The scheme will be monitored by the Department in consultation with the haulage industry and representative groups of trailer users. Further amendments to the regulations will be made when required.
- 14.3 A statutory review clause is included in the 2018 Regulations.

#### **15. Contact**

- 15.1 Morag Rethans at the Department for Transport, telephone: 07342 089 293 or email: morag.rethans@dft.gov.uk can be contacted with any queries regarding the instrument.
- 15.2 Duncan Price, Deputy Director for Freight, Operator Licensing, and Roadworthiness, at the Department for Transport can confirm that this Explanatory Memorandum meets the required standard.
- 15.3 Baroness Vere at the Department for Transport can confirm that this Explanatory Memorandum meets the required standard.