



Department  
for Transport

# Provisions in the Haulage Permits and Trailer Registration Bill Consultation

May 2018

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Department for Transport  
Great Minster House  
33 Horseferry Road  
London SW1P 4DR  
Telephone 0300 330 3000  
Website [www.gov.uk/dft](http://www.gov.uk/dft)  
General enquiries: <https://forms.dft.gov.uk>



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# Foreword

The UK's ambition for transport following our withdrawal from the EU is to maintain and build on current levels of transport connectivity between the UK and the EU. This will underpin our future trading relationship. Citizens and businesses across Europe will expect to be able to travel smoothly, and the UK has entered negotiations with this aim.

As the Prime Minister has set out, we want to protect the rights of road hauliers to access the EU market and vice versa as part of our wider future partnership. Such a partnership is in the interests of both sides, so we approach these negotiations anticipating success.

As a responsible Government we are of course preparing for all potential outcomes that can result from the EU Exit negotiations. That is why we are working with industry and others to provide the certainty they need, and to help them prepare for the coming months and years.

This consultation will test the proposed approach for a permit scheme and trailer registration system. It will help to ensure that we have streamlined processes for accessing permits and registering trailers, ensuring that it works as efficiently as possible for the haulage industry.

We value responses to this consultation. It will help inform our final proposals before we introduce regulations. We encourage you to reflect on the proposals set out in this consultation and to respond to the questions included in detail.

# Executive summary

- 1 The Haulage Permits and Trailer Registration Bill, currently before Parliament, is intended to help deliver the Government's commitment to ensuring seamless international movement of goods, following the UK's exit from the EU.
- 2 The commercial haulage industry is at the heart of the £110 billion of trade that takes place between the UK and EU every year, directly contributing £13.1bn Gross Value Added (GVA) to the UK economy. The vast majority of the UK's international road freight is with EU countries.
- 3 The provisions in Part 1 of the Bill allow a system of permits to be established for UK hauliers to use when travelling to or through other countries. This is a possible - but not our preferred - outcome following our exit from the EU.
- 4 The provisions in Part 2 of the Bill allow the establishment of a trailer registration scheme, this enables UK trailer users to meet the registration standards outlined in the 1968 Vienna Road Traffic Convention<sup>1</sup>.
- 5 The purpose of this consultation is to gain industry and public insight into our proposals for a permit scheme and a trailer registration system.
- 6 This document sets out the Government's proposals for making legislative changes under the powers provided by the Haulage Permits and Trailer Registration Bill. Negotiations with the EU will determine road transport provisions post-exit, through an international agreement between the UK and the EU. The provisions of the Bill will enable the Government to put in place regulations that reflect the terms of any international agreement, which could include the new EU partnership agreement. These regulations will be used to administer and enforce all our bilateral permit agreements, the multinational ECMT permit scheme and any permit scheme needed for EU Member States.
- 7 The Haulage Permits and Trailer Registration Bill does not automatically require hauliers to procure permits to be able to move goods in the EU. The future arrangements will depend on the agreement we reach with the EU. The Bill puts in place a framework to help keep goods moving. This, and the regulations, will ensure we are able to administer the kinds of permits we already have, and those we may have in the future, whatever the outcome of negotiations.
- 8 A permit scheme could be part of an agreement with the EU if we replace the Community Licence, which is needed to operate as an international haulage operator

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<sup>1</sup> The 1968 Vienna Convention on Road Traffic builds on the earlier 1949 Geneva Convention. Together, they govern movement of vehicles in international traffic and increase safety by establishing common traffic rules. The UK has ratified both the 1949 and 1968 Conventions on Road Traffic, as well as the older 1926 Convention which (once 1968 comes into force) will be almost completely superseded by the later Conventions. Other European countries have adopted them as follows:  
1949: Albania, Austria, Belgium, Bulgaria, Cyprus, Czech Republic, Denmark, Finland, France, Georgia, Greece, Holy See, Hungary, Iceland, Ireland, Italy, Luxembourg, Malta, Monaco, Montenegro, Netherlands, Norway, Poland, Portugal, Romania, Russian Federation, San Marino, Serbia, Slovakia, Slovenia, Spain, Sweden, Switzerland, Turkey;  
1968: Albania, Armenia, Austria, Belarus, Belgium, Bosnia and Herzegovina, Bulgaria, Croatia, Czech Republic, Denmark, Estonia, Finland, France, Georgia, Germany, Greece, Holy See, Hungary, Italy, Latvia, Lithuania, Luxembourg, Moldova, Monaco, Montenegro, Norway, Poland, Portugal, Romania, Russian Federation, San Marino, Serbia, Slovakia, Slovenia, Spain, Sweden, Switzerland, The former Yugoslav Republic of Macedonia.

in the EU. Some permit schemes have a limit on the number of permits, but there are many permit schemes which have no such restrictions. In this eventuality, we will seek to ensure the requirements for industry are minimised.

- 9 We do not intend to require registration of any trailers that are used solely within the UK. Mandatory registration will apply solely for international travel to, or through, countries which have ratified the 1968 Convention. Mandatory registration will primarily apply to commercial trailers weighing over 750kg. Our intention is also to apply mandatory registration to larger non-commercial trailers weighing over 3,500kg undertaking such journeys, though this is an issue on which we are seeking industry views. This higher weight threshold for non-commercial trailers will exclude almost all leisure user caravans and horse trailers. This legislation will not introduce an annual tax for trailers.
- 10 The Haulage Permits and Trailer Registration Bill does not create a haulage permit regime specific to, or a hard border on, the island of Ireland. Clarity about this issue is of great importance, and we are committed to having no physical infrastructure or related checks and controls there, and to preserving North-South cooperation.

# How to respond

The consultation period began on **16 May 2018** and will run until **20 June 2018**. Please ensure that your response reaches us before the closing date. If you would like further copies of this consultation document, it can be found at [www.gov.uk/dft#consultations](http://www.gov.uk/dft#consultations) or you can contact the Haulage Permits and Trailer Registration Bill Team if you would like alternative formats (Braille, audio CD, etc.).

Please complete the online response form or send consultation responses to:

Haulage Permits and Trailer Registration Bill  
Department for Transport  
Roads EU Exit  
Zone 3/29, Great Minster House  
33 Horseferry Road, London  
SW1P 4DR

If you wish to respond via email, please send it to [HaulageTrailersBill@dft.gsi.gov.uk](mailto:HaulageTrailersBill@dft.gsi.gov.uk) with the subject line "HPTR Consultation".

When responding, please state whether you are responding as an individual or representing the views of an organisation. If responding on behalf of a larger organisation, please make it clear who the organisation represents and, where applicable, how the views of members were assembled. You do not need to respond to all questions. For example, if you are only responding on trailer registration, you can ignore the questions on haulage permits.

## Freedom of Information

Information provided in response to this consultation, including personal information, may be subject to publication or disclosure in accordance with the Freedom of Information Act 2000 (FOIA) or Reg 13 of the Environmental Information Regulations 2004.

If you want information that you provide to be treated as confidential, please be aware that, under the FOIA, there is a statutory Code of Practice with which public authorities must comply and which deals, amongst other things, with obligations of confidence.

In view of this it would be helpful if you could explain to us why you regard the information you have provided as confidential. If we receive a request for disclosure of the information, we will take full account of your explanation, but we cannot give an assurance that confidentiality can be maintained in all circumstances. An automatic confidentiality disclaimer generated by your IT system will not, of itself, be regarded as binding on the Department.

## Privacy

Whilst it is not our intention to identify individuals as part of this survey, if you do provide any information that allows an individual to be identified, we will only use this information if we need to get in contact with you. The purpose of this consultation is to inform future legislation. Your personal information will only be kept for the purpose of this consultation and will not be shared with anyone else outside the Department for Transport (DfT). Your information will be kept securely within DfT and destroyed within 12 months of the consultation being completed. More information about DfT's privacy policy can be found at:

<https://www.gov.uk/government/organisations/department-for-transport>



# 1. The Haulage Permits and Trailer Registration Bill

- 1.1 The UK's aim is to build on current levels of transport connectivity with the EU, as part of a wider future partnership. The Haulage Permits and Trailer Registration Bill was introduced in Parliament on 7 February 2018. This Bill is part of the UK's preparations to ensure a smooth and orderly exit, as we move towards a new future partnership with the EU. The Bill supports these preparations by providing powers that will support UK hauliers in continuing to operate internationally after the UK leaves the EU. The Bill gives the Government the required legal framework to introduce new administrative systems and the flexibility to deliver any negotiation outcome.
- 1.2 The Bill supports these preparations by providing powers that will support UK hauliers in continuing to operate internationally after the UK leaves the EU. The Bill gives the Government the required legal framework to introduce new administrative systems and the flexibility to deliver any negotiation outcome. The Bill also includes powers to establish a trailer registration scheme. This will enable UK trailer users driving internationally to meet the registration standards of the 1968 Vienna Convention on Road Traffic.
- 1.3 The Bill enables regulations to be made that require the carriage of a permit on journeys to, in or through certain countries if required as part of an agreement with another country, including the Member States of the EU. This ensures UK hauliers can obtain the relevant paperwork to provide services to and from countries that require a permit to be carried on their territory, including if necessary EU Member States.
- 1.4 We have deposited the instrument of ratification for the 1968 Vienna Convention on Road Traffic through a separate Parliamentary process to the Bill. The Convention was introduced by the United Nations to facilitate international road travel and increase safety by establishing common traffic rules. Ratification will allow us to issue International Driving Permits ensuring UK motorists can drive in all EU member states whatever the outcome of negotiations. The Convention will come into force on 28 March 2019.
- 1.5 Accompanying this consultation are draft regulations for haulage permits and excerpts of regulations for trailer registration. These suggest how the regulations may look once made, but they are not finalised. The responses provided to this consultation will help shape these regulations before they are made.

## 2. Our proposals for the International Road Haulage Permits Regulations

### Preparing for a new regulatory regime

- 2.1 The UK's overall aim in the negotiations with the EU is to protect the rights of road hauliers to access the EU market and vice versa. The importance of keeping essential trade flowing is recognised by the EU and is strongly in the interest of both sides. We are therefore confident that a deal will be secured that maintains these essential trade flows.
- 2.2 Currently, hauliers established in a Member State who wish to carry goods internationally within the EU are able to do so, providing they hold a Community Licence.<sup>2</sup> Once we have left the EU, Community Licences issued by the UK, which allow carriage of goods to, in or through the EU, may no longer be recognised by the EU.
- 2.3 Whether the Community Licences issued by the UK will continue to be recognised within the EU post-exit (and vice versa), or whether a new arrangement will be needed depends on the outcome of our negotiations in relation to a future trade agreement. The current level of access that the Community Licence provides can be obtained by other means, such as mutual recognition of operator licences, or a permit system.
- 2.4 Part 1 of the Haulage Permits and Trailer Registration Bill provides a legal framework to require UK hauliers to carry a permit for certain specified international journeys and to maintain efficient administrative systems and adequate enforcement. This will apply to existing and future permits arrangements with non-EU countries and the European Council of Ministers of Transport (ECMT) permit scheme, as well as possible permit arrangements with the EU.

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<sup>2</sup> The EU haulage licensing regime is governed by Regulation (EC) 1071/2009 of the European Parliament and of the Council of 21 October 2009 establishing common rules concerning the conditions to be complied with to pursue the occupation of road transport operator (OJ L 300, p51); and Regulation (EC) 1072/2009 of the European Parliament and of the Council on 21 October 2009 on common rules for access to the international road haulage market (OJ L300, p72). These have direct application in Member States, without the need for transposition into domestic law.

## **What if we have a permit scheme with the EU?**

The draft regulations included with this consultation give a framework for a permit scheme. This would apply to our existing permit schemes with non-EU countries. Regulation 4 obliges hauliers to carry a permit to some non-EU countries (with some exemptions).

If a permit scheme is introduced for the EU, we would amend regulation 4 by including a requirement such as:

### **Carriage of a permit**

1.—(1) ...

(2) Subject to [exemptions], an operator must not use a goods vehicle to transport goods on an international journey to a member State of the European Union, unless the operator carries on the vehicle a permit valid for each member State of the European Union or relevant country on that journey.

An EU permit scheme would then operate in the same way as our other permit schemes, using the framework created by these regulations.

2.5 The key principles that we are looking to achieve from a permits scheme are:

- to obtain the greatest economic benefit from UK international freight movements to the wider UK economy;
- to protect any strategic national interests for the UK;
- to protect the interests of UK operators;
- to ensure an approach that is fair and equitable and does not distort competition; and
- to create a system with clear requirements that is simple to use.

2.6 In order to streamline the permits regime, we intend that an applicant will need to hold a standard operator's licence or an own account licence issued by the Traffic Commissioners<sup>3</sup> (unless it is exempt from the operator licensing requirements) before submitting a permit application to the Driver and Vehicle Standards Agency (DVSA).

2.7 Where there are more applications for a certain kind of permit than there are permits available, the Bill allows criteria to be used to determine who should receive a permit. In setting these criteria, we intend to use the principles set out above.

**Q1 – If permits are required, do you agree with the general principles for allocating permits? Please give your reasons.**

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<sup>3</sup> In Northern Ireland, operators' licences are issued by the Department of the Environment.

## Allocation methods and criteria

- 2.8 The draft International Road Haulage Permits Regulations 2018 are included in Annex B of this consultation, and set out our proposals on the procedures for applying for, and determining the allocation and grant of, permits, and include provisions on appeals and fees. The regulations set out the criteria that will be used in determining whether to issue a permit. Guidance will give more detail on what information needs to be included in applications and how this will be used in assessing permit applications. This approach provides flexibility should we need to adjust any scheme to meet different negotiated future agreements.
- 2.9 Where the supply of permits exceeds demand we will issue permits to all eligible applicants. However, we may face a situation where certain types of permits are oversubscribed and we need to decide who should be issued a permit.
- 2.10 We are considering a range of criteria to apply in making such a decision:
- Intensity of use;
  - Industrial sector in which the haulier operates;
  - Vehicle emissions;
  - Existing international business;
  - Operator repute;
  - Commodity type (that is, the specific type of goods being carried using the permit);
  - Value of goods;
  - Vehicle weight; and
  - Size of operator.

More detail on each of these is provided below. We are keen for views on which of these criteria should be used and how easily they can be applied.

### Intensity of use

- 2.11 We consider this to be an important criterion when deciding how to allocate permits. In any permit scheme it is important that the best use is made of permits, to deliver the maximum benefit to the economy.
- 2.12 In practice this means that applicants will be asked to indicate the number of international journeys they expect to make using the permit. This may need to be underpinned by data on previous international trips. Guidance will set out how this will be calculated, though we are keen to understand the difficulties in providing this information. Permits will then be given to those making the most journeys using a permit (and therefore moving the most goods internationally).

### Industrial sector in which the haulier operates

- 2.13 We want to ensure that the whole economy has access to international haulage. To achieve this, we could choose to split the available permits between various industry sectors. A suggested sector split is shown in table 1 below. These are standard categories used across government, the EU and UN for reporting and classifying

goods transported by four modes of transport: road, rail, inland waterways and sea (maritime).

2.14 In practice, this would mean applicants stating in their application which sector of the economy they predominantly serve. However, use of a permit, once issued, would not be restricted to the sector named in the application.

Table 1 – sector breakdown

Sector	Constituent commodities
01	Food products, beverages and tobacco; products of agriculture, hunting, and forestry; fish and other fishing products
02	Coal and lignite; crude petroleum and natural gas
03	Metal ores and other mining and quarrying products; uranium and thorium; basic metals; fabricated metal products, except machinery and equipment
04	Textiles and textile products; leather and leather products
05	Wood and products of wood and cork (except furniture); articles of straw and plaiting materials; pulp, paper and paper products; printed matter and recorded media
06	Coke and refined petroleum products
07	Chemicals, chemical products, and man-made fibres; rubber and plastic products; nuclear fuel
08	Other non-metallic mineral products
09	Transport equipment; machinery and equipment not categorised elsewhere; equipment and material utilised in the transport of goods
10	Furniture; other manufactured goods not categorised elsewhere; goods moved in the course of household and office removals
11	Secondary raw materials; municipal wastes and other wastes
12	Mail, parcels; grouped goods

### Vehicle emissions

2.15 For ECMT permits, the number of permits available depends on the emissions class of vehicles – more permits are available if hauliers use less polluting Euro VI vehicles compared to older standards of vehicle. This encourages the use of more environmentally friendly vehicles, but it does limit the number of vehicles that can use a particular permit, as each permit can only be used by one class of vehicles (Euro VI, Euro V, etc.). To maximise the available number of permits for UK haulage, we are considering whether we would require applicants for ECMT permits to use a Euro VI emission class vehicle.

### Existing international business

2.16 One of the key concerns for hauliers with a permit scheme is certainty for future international work. If they have existing international contracts, want to enter future contracts, or are making plans for coming years then uncertainty about access to EU countries will be a significant issue. We are considering whether to take account of existing or new international contracts, or how dependent a haulier is for international business (e.g. what proportion of their business is international), when allocating permits. This raises practical and data challenges, and questions over whether to promote more competition versus protecting key trade flows, on which we are keen to have industry views.

### **Operator repute**

- 2.17 We are considering whether operator repute should be a factor in permit allocation. We want to encourage operators to maintain good repute and to drive up the already high standards across the sector. Many aspects of operator repute are already addressed by the operator licensing regime, such as suitable vehicle maintenance, adherence to weight limits and drivers' hours regulations. We are keen for industry views on whether operator repute should be a factor in getting a permit.

### **Commodity type or value of goods**

- 2.18 Permits could be allocated based on the type of goods being carried. This would require applicants to say what goods would be carried and allow greater control to prioritise important goods. We recognise that it could be difficult for applicants to say, when applying, what load a permit would be used for, and there are barriers to applying this approach to permits which cover multiple journeys, such as annual permits.

### **Vehicle weight**

- 2.19 Considering whether allocating permits for use only by the heaviest HGVs could maximise the amount of goods moved using the permits. However, permits are typically issued to an operator, rather than to a single vehicle, so this may limit the flexibility available to hauliers in using permits. Our understanding is that the heaviest HGVs are typically used for international freight and there is a good business reason when smaller vehicles are used. We are keen to know if this is correct.

### **Size of operator**

- 2.20 Another approach could be to use criteria based on the number of vehicles used by an operator. In principle, operators with more vehicles may be able to make more efficient use of a permit by sharing it across more vehicles. This would mean small and medium sized operators were less likely to get a permit, and we would like to introduce criteria that would not unfairly penalise smaller businesses. The intensity of use criterion above can ensure that permits go to the operators who would make most use of them - no matter what the size of the business.

## Applying these methods and criteria

- 2.21 The Bill allows us to specify methods for issuing permits. The Bill mentions the methods of first-come first-served, and random selection, although these are not the main methods that we expect to use if we need to allocate restricted number of permits.
- 2.22 In the typical situation where there are more permits than applications we will issue permits to all suitable applicants on a **first come, first served** basis. This is how our existing permit schemes operate.
- 2.23 Where we do need to use criteria then, depending on the types of permits available, we expect to use a combination of the criteria; and may need to use others not considered here. However these criteria may not be enough to decide between all applications, so we need to have other methods at hand to determine between applications.
- 2.24 **Random selection** could be used, **in conjunction with other criteria**, to determine which applicants should receive a permit. For example, the intensity of use criterion used alone could mean that those hauliers who would use permits the most would receive more permits. By using random selection alongside criteria such as intensity of use, we could give more operators a chance of getting a permit, while still prioritising those who would make most use of a permit. We think including a method such as this is important in ensuring all operators would have a chance to get a permit. Alternatively, random selection can be used as the final determiner when all the other criteria applied haven't been able to determine how the permit should be allocated.
- 2.25 Finally, we intend to retain a small number of permits for direct issuing from Government. These would be used for moving goods that are strategically or economically important, to operators who might not receive a permit using the other criteria.
- 2.26 For these permits, hauliers would be able apply to the Secretary of State setting out the reasons why the goods to be moved are strategically important and a permit is required. Only a small number of permits will be retained for this purpose.

**Q2 – Please provide any comments you have on which of these criteria or combination of criteria should be used.**

**Q3 – How easy will it be to provide data for the criteria listed above, when applying for a permit?**

**Q4 – Does the breakdown of twelve industrial sectors allow a haulier to distinguish the type of haulage being conducted?**

**Q5 – Does the breakdown of the twelve industrial sectors allow hauliers to state which sector they predominantly haul in?**

**Q6 – What challenges do you believe may result from using these criteria?**

**Q7 – Are there other options for criteria you think we should consider?**



## Application and Service

- 2.27 Once a permit is granted, it will specify the operator to whom the permit is granted; the period for which the permit is granted; the international journey/s for which that permit may be used; the vehicle/s which may use it; and any other conditions that the operator must comply with.
- 2.28 There may be temporary exemptions for particular hauliers or classes of hauliers from the permit requirements set out in regulations. Government would be able to exercise this power to address needs arising from emergencies such as natural disasters.
- 2.29 There will also be circumstances where the Government will need to be able to cancel a permit where a haulier has acted improperly. For instance, if the haulier obtained a permit by providing false information in their application, if they have breached the conditions of a permit, or if they failed to pay the relevant fees. A permit could also be withdrawn automatically if a haulier's operator licence has been revoked, since they would no longer be eligible to use the permit.
- 2.30 The Bill sets out how regulations can set up a permit scheme and how it will be enforced. It replicates existing enforcement powers on international haulage from the previous permits legislation.<sup>4</sup> There are powers for enforcement officers to inspect permits; detain a vehicle to confirm whether a permit is required; and prohibit vehicles from leaving the UK without the appropriate permit. There are also offences for using a vehicle without a permit (where one is required); not providing a permit to an examiner or obstructing an examiner; and breaching a prohibition imposed by an examiner. These replicate the offences and enforcement powers that apply to Community Licences.
- 2.31 Under the Bill, these are summary offences and the courts can impose penalties of up to £1,000 or £2,500, depending on the offence committed. DVSA will continue to conduct roadside vehicle enforcement. The majority of enforcement activity uses Fixed Penalty Notices instead of prosecutions through the courts and we propose to make these new offences also subject to fixed penalty notices of up to £300.

**Q8 – Should offences be enforceable using fixed penalty notices of up to £300? Please give your reasons.**

- 2.32 The allocation of permits will be based on pre-determined methods and criteria set out in regulations and will not involve any discretion or judgement. This is necessary to ensure that all applications are considered equally and fairly. The allocation process will treat all hauliers in the same way and objectively decide which appropriately licensed hauliers most closely fulfil the criteria. Due to this, we think it will not be appropriate to have an appeals process for the allocation of individual permits, as there would not be clear individual grounds to appeal a decision.
- 2.33 Government understands the importance of an appeals process where appropriate. The Bill provides powers for regulations to make provision for appeals against a decision to cancel a permit or impose conditions on its use. We propose that the regulations will provide for appeals to a Traffic Commissioner in Great Britain and the Upper Tribunal in Northern Ireland. An appeal will need to be brought within 28 days of the day on which the operator was informed of the decision to cancel their permit.

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<sup>4</sup> The International Road Haulage Permits Act 1975, which the Haulage Permits and Trailer Registration Bill will repeal (and, in part, re-enact).



**Q9 – We propose to administer a permit scheme in this way. Are there reasons why this process is not suitable for your business? Please give examples if you are able to.**

## Fees

- 2.34 The Bill allows Government to make regulations to charge an administration fee, to recover the administrative costs of the scheme, both for determining an application for a permit; and for issuing or renewing a permit.
- 2.35 In setting the fees for a possible permit scheme, we will aim to minimise any additional costs for businesses arising from this system. Fees will operate on a cost-recovery basis, therefore permit fees will only cover the cost of handling applications and issuing permits. We are not yet able to say what the fees would be, as this will depend on the outcome from EU Exit negotiations.
- 2.36 Freight operators will continue to pay the appropriate fees for an operator licence, which is a prerequisite for applying for a permit. Operator licencing fees are charged for both a licence application and for issuing the licence. No specific charge is currently made for the issue of a Community Licence as these costs are covered by the Operator Licensing fees.
- 2.37 For this new permits scheme we think it would be fairer if we charge fees separately for the application and the issuing of permits. This will avoid applicants who receive permits covering the cost of the system for everyone, and will also avoid those who do not receive permits covering the costs of the issuing system for those who do. We would expect fees to be paid before permits are issued to applicants.
- 2.38 Legislation currently provides for fees to be charged only for the issue of an ECMT permit or for a permit covering a journey between the UK and countries where an agreement has been concluded (Belarus, Georgia, Kazakhstan, Morocco, The Russian Federation, Tunisia, and Ukraine).<sup>5</sup>

**Q10 – Should there be separate application and issuing fees for permits? If not, please give your reasons.**

**Q11 – Is the time taken to apply for, and the cost of obtaining, permits likely to be a barrier, or a determining factor in how much international haulage you will be able or seek to do?**

## Impact

- 2.39 We want to ensure that UK companies have the maximum freedom to trade with the EU. While permits may or may not be needed, we wish to ensure that the UK is ready to implement any new arrangements required after we have left the EU.
- 2.40 The Bill, by providing the legal framework for a permit scheme, helps to enable certainty and clarity for industry. It will ensure that whatever the outcome of the EU exit negotiations, the Government will be able to implement a new arrangement swiftly and smoothly.

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<sup>5</sup> There are also liberal (non-permit) agreements with Albania, Serbia and Turkey.

2.41 The introduction of a permits scheme would create additional costs for government and hauliers. If a scheme is required we aim to minimise the costs for businesses arising from any new arrangements.

**Q12 – What other impacts of haulage permits do you believe we should consider?**

## 3. Our proposals for the Trailer Registration Regulations

- 3.1 Trailer and tractor unit combinations make up the majority of vehicles used for international road freight. Trailers may be used attached to a UK tractor unit throughout an international journey or be picked up by foreign vehicles for use internationally. Trailers may also spend time disassembled when being used across multiple modes of transport. Therefore it is not uncommon for trailers to be used by multiple operators across different territories on one journey.

### 1968 Vienna Convention

- 3.2 The 1968 Vienna Convention on Road Traffic builds on the earlier 1949 Geneva Convention. Together, they govern movement of vehicles in international traffic and increase safety by establishing common traffic rules.<sup>6</sup> To secure the rights of UK drivers and vehicles in all EU member states (and independently of any negotiations with the EU), the UK is ratifying the 1968 Convention.
- 3.3 The UK already conforms to the majority of aspects in the 1968 Convention through the Highway Code. However, under the Convention's terms, access to foreign roads is only guaranteed for registered motor vehicles and trailers.
- 3.4 The Convention will come into force for the UK on 28th March 2019. From this date an unregistered UK trailer undertaking international travel within a fellow contracting party to the Convention may be subject to enforcement action.
- 3.5 The Haulage Permits and Trailer Registration Bill will enable the UK to introduce a trailer registration system that allows UK trailer users to meet the registration standards outlined in the 1968 Convention.

### Scope

- 3.6 The Trailer Registration Regulations will establish a registration scheme, and govern administrative matters including the issuing of registration certificates, the assignment of registration marks (more commonly known as registration numbers) and the level of associated fees. Offences will be created by the regulations.

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<sup>6</sup> European countries have adopted the 1949 and 1968 Convention as follows:

1949: Albania, Austria, Belgium, Bulgaria, Cyprus, Czech Republic, Denmark, Finland, France, Georgia, Greece, Holy See, Hungary, Iceland, Ireland, Italy, Luxembourg, Malta, Monaco, Montenegro, Netherlands, Norway, Poland, Portugal, Romania, Russian Federation, San Marino, Serbia, Slovakia, Slovenia, Spain, Sweden, Switzerland, Turkey;  
1968: Albania, Armenia, Austria, Belarus, Belgium, Bosnia and Herzegovina, Bulgaria, Croatia, Czech Republic, Denmark, Estonia, Finland, France, Georgia, Germany, Greece, Holy See, Hungary, Italy, Latvia, Lithuania, Luxembourg, Moldova, Monaco, Montenegro, Norway, Poland, Portugal, Romania, Russian Federation, San Marino, Serbia, Slovakia, Slovenia, Spain, Sweden, Switzerland, The former Yugoslav Republic of Macedonia.

- 3.7 The regulations will prohibit the use of specified categories of unregistered UK trailers on international journeys to, or through, a country which has ratified the 1968 Convention.
- 3.8 A commercial trailer weighing more than 750kg will need to be registered before travelling to, or through, a country that has ratified the 1968 Convention. In practice this will mean that all commercial trailers making international journeys to, or through, EU Member States, with the exception of Ireland, Spain, Malta and Cyprus, would need to be registered.
- 3.9 A commercial trailer is defined as “a trailer used for the commercial transport of goods or passengers’ belongings, whether for hire and reward or own-account transport, or for other professional purposes.” This does not include leisure use caravans or horse trailers.

**Q13 – Would you expect to register all trailers in your fleet or purely those used internationally?**

- 3.10 While we intend primarily to require the registration of commercial trailers, we also intend to prohibit the use of non-commercial trailers weighing over 3,500kg on these international journeys unless registered. This is an area on which we are particularly seeking views. Larger vehicles are subject to greater scrutiny due to the additional duties their usage carries.

**Q14 – How many larger non-commercial trailers, weighing over 3,500kg, do you believe may be used internationally by UK keepers and what types of trailers does this include?**

**Q15 – Should all trailers weighing over 3,500kg which are used internationally, including non-commercial trailers, require mandatory registration? Please give your reasons.**

- 3.11 Registration will not be required for any trailers operating solely within the UK, or entering a country that has not ratified the 1968 Vienna Convention, such as Ireland.
- 3.12 Enforcement against trailers with a weight of 750kg or less for non-registration is not permitted under the terms of the Convention. As such, the registration scheme will not be open to any such trailers.

**Illustrative example of prohibition**

1.—(1) The keeper or user of a relevant trailer must not use that trailer, or cause or permit it to be used, on a road in the territory of a foreign country that is a contracting party to the Convention.

(2) In this regulation, “a relevant trailer” means a trailer that—

- (a) Satisfies the requirements for registration in these regulations [*i.e. it has a gross weight of more than 750kg and it is kept by a UK resident or operator*];
- (b) is being used on a journey that will involve, or has involved, entering a country outside the United Kingdom that is a contracting party to the Convention on Road Traffic, done at Vienna on 8<sup>th</sup> November 1968; and
- (c) (i) is used primarily for the commercial transport of goods or passengers’ belongings, whether for hire and reward or own-account transport, or other professional purposes on that journey; or  
(ii) has a permissible maximum mass of more than 3,500 kilograms.

## Trailer Rental

- 3.13 Trailer registration is different from motor vehicle registration, as trailers which are used on a purely domestic basis will not be required to register, while all motor vehicles require registration.
- 3.14 As with motor vehicle rental, the “keeper” of a rented registered trailer will remain the rental company. Rental companies will have certain obligations as keepers, such as ensuring that the trailer’s details in the register are correct, but these will be within their control and proportionate. Rental companies themselves will not be held liable for an operator’s independent use of an unregistered trailer abroad without their knowledge.
- 3.15 Where a user intends to rent a trailer to use for an international journey to, or through, a country that has ratified the 1968 Convention, they will be responsible for ensuring they use a registered trailer. Rental trailer users will have additional obligations, such as ensuring they are displaying the registration plate associated with the trailer.

## Application and Service

- 3.16 We intend the trailer registration scheme to be operational by the end of 2018, to allow trailer users to register ahead of the 1968 Convention coming into force on 28 March 2019. The Convention has been ratified by a separate Parliamentary process and is independent of any Implementation Period agreed for withdrawal from the EU.

- 3.17 Following the launch of the registration scheme, trailer users may register with the DVLA through a digital service. An assisted digital service will also be available.

### **Q16 – How will you manage the administrative process of registering trailers between the DVLA scheme going live and the registration requirements coming into force in March 2019?**

- 3.18 Once registered, trailer users will be required to carry a registration certificate and must obtain and affix their registration plate to the specified trailer.
- 3.19 The prohibition on using unregistered trailers applying only to trailers being used internationally should allow operators to manage the registration of their fleets to meet this timeline.

### **Q17 – Do you believe there will be practical challenges with registering existing fleets of trailers?**

- 3.20 As the scheme has statutory requirements, it will be necessary for operators to take the time to register their trailers and ensure they meet the duties and obligations made under the regulations.
- 3.21 Registration marks will be assigned upon registration of a trailer and each mark will be unique to the trailer. Registration marks may be reassigned or withdrawn from use.
- 3.22 After the initial registration of a trailer, the registered keeper will be required to update the registration record for any subsequent changes in the registration details.

### **Illustrative example of the duty to update the register**

1. — (1) The registered keeper [*i.e. the person recorded in the register as the keeper*] must notify the Secretary of State if any of the particulars recorded in the register or shown on a registration document are inaccurate.

(2) A notification made under paragraph 1 must include the information necessary to correct any inaccuracies.

(3) Following receipt of a notification in accordance with paragraph 2, the Secretary of State must—

(a) record any amended particulars in the register as soon as practicable; and

(b) issue a new registration document as soon as practicable if any of the amended particulars are required to be shown on the registration document.

3.23 The purpose of these provisions is to ensure that the register maintains a unique and robust identification of each trailer registered under the scheme.

### **Q18 – Do you believe there will be practical challenges with maintaining records of your registered trailers? Please give your reasons.**

3.24 UK trailers have traditionally only been required to display the registration plate of the towing vehicle. Following registration, an additional registration plate will be required for the trailer itself. This registration plate will need to be displayed on the trailer at a separate location to the registration plate of the towing vehicle.

3.25 The keeper of a trailer will need to obtain a registration plate bearing the assigned registration mark through the existing channels for buying vehicle registration plates.

3.26 The regulations will also ensure that the registration plates meet appropriate display standards and the requirements outlined within the 1968 Convention.

3.27 A registered trailer will be required to carry its registration certificate, which will be a secure document. The use of a secure document will offer guarantees to international enforcement authorities of its validity. We expect that this document will carry a validity period of 10 years from first issue.

3.28 However, the use of a secure document will require that the registration document is posted to the registered keeper, which will require trailer keepers to ensure they allow additional time for the arrival of this document ahead of undertaking international travel.

### **Q19 – Do you envisage any problems arising from the display of an additional registration plate in a separate location on a trailer? Please give your reasons.**

### **Q20 – Do you envisage any problems arising from the trailer registration certificate being a secure document? Please give your reasons.**

## Fees

- 3.29 At registration of a trailer, a fee will be payable. It is likely that the administration fee will be lower than the existing registration fee for motor vehicles of £55.
- 3.30 The precise fee level will be set within regulations which will allow flexibility and for changes to be made to the fee over time.
- 3.31 We intend the trailer registration scheme to operate on cost-recovery and will charge fees on this basis. There will be no annual fees associated with registration.

**Q21 – Will the indicative fee level affect your decision to register trailers for international journeys? Please give your reasons.**

## Enforcement and Inspections

- 3.32 The Trailer Registration Regulations will also make provision to ensure the integrity of the trailer registration scheme is upheld through DVSA enforcement action against non-compliant keepers and users.
- 3.33 This will include enforcement checks to ensure that trailers being used internationally are appropriately registered and carry the correct registration documents and plates associated with the trailer.
- 3.34 It is necessary to allow for both the inspection of trailers and the registration document to ensure that the registered details are correct and the right registration mark is affixed to the trailer. This will be verifiable where a trailer carries its own chassis number, which is unique to each trailer and will be recorded on the registration document.
- 3.35 The Trailer Registration Regulations will set out the requirements for keepers to maintain an accurate registration record, and details regarding the inspection of a trailer, such as the circumstances in which the inspection of a trailer may occur.

### Inspections of trailers

(1) An examiner may inspect a registered trailer to determine the accuracy of any particulars recorded in the register or specified in a registration document when the examiner is carrying out any function under any enactment in relation to the same trailer or its towing vehicle.

(2) Where the Secretary of State has determined that an inspection under this paragraph is required, an examiner may inspect a registered trailer or a trailer in respect of which an application for registration has been made if the Secretary of State has a reasonable belief that information provided to the Secretary of State in accordance with these Regulations or recorded in the register is not accurate and complete.

(3) If the Secretary of State determines that an inspection under paragraph 2 is required, the Secretary of State must—

- (a) specify the time, date and place of the inspection; and
- (b) notify the keeper of the time, date and place of the inspection at least 72 hours before the inspection.

(4) An inspection under paragraph 2 may only take place—

- (a) with the consent of the keeper or a person authorised by the keeper to consent; and
- (b) at a vehicle testing station during normal working hours.

(5) In this regulation, “vehicle testing station” means a station provided by the Secretary of State under section 52(2)(a) of the Road Traffic Act 1988 or a premises designated for testing under section 52(2)(b) of that Act.

**Q22 – Do you envisage any problems with ensuring that your trailers are registered under the new scheme and meeting the registration requirements?**

- 3.36 Offences to be outlined in regulations will include breaching specified regulations, keeping or using an incorrectly or unregistered trailer; obscuring the registration number; providing false or misleading information; using expired registration documents, obstructing an inspection, or pretending to be entitled to carry out an inspection.
- 3.37 The offences will only be triable summarily. They will not be punishable with imprisonment, but by a fine exceeding level 3 on the standard scale (£1,000). Currently DVSA issue fixed penalty notices for £100 for motor vehicle registration offences. We also propose to handle trailer registration offences at the roadside by fixed penalty notice.

**Q23 – Do you agree that the offences should be enforceable by fixed penalty notices? Please give your reasons.**

**Impact**

- 3.38 This registration scheme will allow trailers to be registered to the standards outlined in the 1968 Convention and will offer clarity to international trailer users that their trailer may be officially recognised.
- 3.39 UK trailer operators have previously been subject to enforcement action in some countries where these rights are not currently secured. This has included fines, impounding and delays being incurred by operators.
- 3.40 The introduction of a trailer registration scheme would create additional costs and requirements for Government and trailer operators, but will enable trailer operators to register their trailers to address the challenges already faced by UK trailer keepers operating throughout continental Europe.
- 3.41 Our intention is to introduce a scheme to allow operators to realise these benefits, while minimising cost and requirements to operators under the new registration regime.

**Q24 – Are there other impacts we should consider?**



## 4. Northern Ireland

- 4.1 The Haulage Permits and Trailer Registration Bill does not create a haulage permit regime specific to, or a hard border on, the island of Ireland. Clarity about this issue is of great importance, and we are committed to having no physical infrastructure or related checks and controls there, and to preserving North-South cooperation.
- 4.2 The Bill is drafted to make it explicitly clear that using permits to authorise journeys on the island of Ireland will not be introduced without a clear agreement between the UK and Irish governments. This has been included to recognise and respect the long history of cooperation with regards to transport on the island of Ireland, and the Government believes it is an important component of the Bill.
- 4.3 The Bill provides flexibility for a range of outcomes whilst also meeting our commitments on North-South cooperation as set out in the Joint Report with the EU.
- 4.4 As we have not yet agreed the arrangements for haulage for when we leave the EU, it is important that we have retained enough flexibility to ensure any agreement can be implemented.
- 4.5 While the UK is ratifying the 1968 Vienna Convention, the Republic of Ireland has not. This means that, trailers travelling only between the UK and the Republic of Ireland will not need to be registered as the UK-Republic of Ireland relationship will remain subject to the 1949 Geneva Convention, which is not concerned with the registration status of trailers.
- 4.6 The Bill applies UK-wide so that Northern Ireland operators will be able to obtain permits, if required, for travel to mainland Europe, and register any trailers that go to the continent.

# What will happen next

A summary of responses, including the next steps, will be published within three months of the consultation closing on gov.uk. Paper copies will be available on request.

If you have questions about this consultation please contact:

Haulage Permits and Trailer Registration Bill  
Department for Transport  
Roads EU Exit  
Zone 3/29, Great Minster House  
33 Horseferry Road, London  
SW1P 4DR

If you wish to send questions via email, please send it to [HaulageTrailersBill@dft.gsi.gov.uk](mailto:HaulageTrailersBill@dft.gsi.gov.uk) with the subject line "HPTR Consultation question".

Further background information can be found at [gov.uk](http://gov.uk).

# Annex A: Full list of consultation questions

Q1 – If required, do you agree with the general principles for allocating permits?  
Please give your reasons.

Q2 – Please provide any comments you have on which of these criteria or combination of criteria should be used.

Q3 – How easy will it be to provide data for the criteria listed above, when applying for a permit?

Q4 – Does the breakdown of twelve industrial sectors allow a haulier to distinguish the type of haulage being conducted?

Q5 – Does the breakdown of the twelve industrial sectors allow hauliers to state which sector they predominantly haul in?

Q6 – What challenges do you believe may result from using these criteria?

Q7 – Are there other options for criteria you think we should consider?

Q8 – Should offences be enforceable using fixed penalty notices of up to £300?  
Please give your reasons.

Q9 – We propose to administer a permit scheme in this way. Are there reasons why this process is not suitable for your business? Please give examples if you are able to.

Q10 – Should there be separate application and issuing fees for permits? If not, please give your reasons.

Q11 – Is the time taken to apply for, and the cost of obtaining, permits likely to be a barrier, or a determining factor in how much international haulage you will be able or seek to do?

Q12 – What other impacts of haulage permits do you believe we should consider?

Q13 – Would you expect to register all trailers in your fleet or purely those used internationally?

Q14 – How many larger non-commercial trailers, weighing over 3,500kg, do you believe may be used internationally by UK keepers and what types of trailers does this include?

Q15 – Should all trailers weighing over 3,500kg, which are used internationally, including non-commercial trailers, require mandatory registration? Please give your reasons.

Q16 – How will you manage the administrative process of registering trailers between the DVLA scheme going live and the registration requirements coming into force in March 2019?

Q17 – Do you believe there will be practical challenges with registering existing fleets of trailers?

Q18 – Do you believe there will be practical challenges with maintaining records of your registered trailers? Please give your reasons.

Q19 – Do you envisage any problems arising from the display of an additional registration plate in a separate location on a trailer? Please give your reasons.

Q20 – Do you envisage any problems arising from the trailer registration certificate being a secure document? Please give your reasons.

Q21 – Will the indicative fee level affect your decision to register trailers for international journeys? Please give your reasons.

Q22 – Do you envisage any problems with ensuring that your trailers are registered under the new scheme and meeting the registration requirements?

Q23 – Do you agree that the offences should be enforceable by fixed penalty notices? Please give your reasons.

Q24 – Are there other impacts we should consider?

# Annex B: Draft Haulage Permit Regulations

*Draft Regulations laid before Parliament under section 23(3)(a) and (b) of the Haulage Permits and Trailer Registration Act 2018, for approval by resolution of each House of Parliament.*

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## DRAFT STATUTORY INSTRUMENTS

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**2018 No.**

### **ROAD TRAFFIC**

#### **The International Road Transport Permits Regulations 2018**

*Made - - - - 2018*

*Coming into force in accordance with regulation 1*

The Secretary of State makes the following Regulations in exercise of the powers conferred by sections 1, 2, 3, 4, 5 and 23 of the Haulage Permits and Trailer Registration Act 2018(a).

The Secretary of State has consulted the person referred to in section 21 of that Act.

A draft of these Regulations has been approved by a resolution of each House of Parliament under section 23(3) of that Act.

#### **PART 1**

##### **General**

##### **Citation and commencement**

1. The Regulations may be cited as the International Road Transport Permits Regulations 2018 and come into force on [XXXX 2018].

##### **Interpretation**

2. In these Regulations—

“1995 Act” means the Goods Vehicles (Licensing of Operators) Act 1995(b);

“2010 Act” means the Goods Vehicles (Licensing of Operators) Act (Northern Ireland) 2010(c);

“application” means an application by an operator under regulation 18;

“authorisation for international removals” means a document granting permission to carry out international removals in the form set out in Annex II of the ECMT Multilateral Quota User Guide(d);

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(a) 2018 c.[add number].

(b) 1995 c.23.

(c) 2010 c. 2.

(d) The ECMT Multilateral Quota User Guide was published in 1st January 2014 and is available on the International Transport Forum website, [www.itf-oecd.org/](http://www.itf-oecd.org/).

“bank holiday” means a day which is a bank holiday under the Banking and Financial Dealings Act 1971(a);

“international journey” means a journey—

- (a) from a place in the United Kingdom to a place in a relevant country or passing through or country;
- (b) between places outside the United Kingdom where one or both of which are situated in a relevant country, regardless of whether that journey passes through the United Kingdom; or
- (c) between places outside the United Kingdom and a relevant country, but passing through a relevant country, regardless of whether that journey passes through the United Kingdom;

“own account” means the carriage of goods for or in connection with any trade or business carried on by the undertaking carrying them and each of the following conditions are fulfilled—

- (a) the goods are the property of the undertaking carrying them or have been sold, bought, let out on hire or hired, produced, extracted, processed or repaired by that undertaking;
- (b) the purpose of the journey is to carry the goods to or from the undertaking carrying them or to move them, either inside or outside the undertaking for its own requirements;
- (c) the goods vehicle used for carrying the goods is driven by an employee of the undertaking;
- (d) the goods vehicle carrying the goods is owned by the undertaking, has been bought by it on deferred terms or has been hired; and
- (e) the carriage is ancillary to the overall activities of the undertaking;

“permit” means an international road transport permit under section 1(2) of the Haulage Permits and Trailer Registration Act 2018;

“relevant country” means—

- (a) the Republic of Armenia,
- (b) the Republic of Azerbaijan,
- (c) Bosnia and Herzegovina,
- (d) Georgia,
- (e) the Republic of Kazakhstan,
- (f) the Republic of Moldova,
- (g) Montenegro,
- (h) the Kingdom of Morocco,
- (i) the Russian Federation,
- (j) the Republic of Serbia,
- (k) the Republic of Tunisia, or
- (l) Ukraine;

“working day” means a day other than a Saturday, Sunday, Christmas Day, Good Friday or a bank holiday; and a notice given after 4.30pm on a working day is treated as given on the next working day.

### **Application of these Regulations**

**3.** These Regulations apply to a goods vehicle used on a road—

- (a) for the carriage of goods—

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(a) 1971 c. 80.

- (i) for hire or reward, or
- (ii) for or in connection with any trade or business carried on by the operator of the vehicle;
- (b) to get the vehicle to a place where goods are to be loaded onto that vehicle for the purpose mentioned in paragraph (a); or
- (c) to return the vehicle to the place where it is kept when not in use after that vehicle has been used as mentioned in paragraph (a).

## PART 2

### Requirement to carry an international road transport permit

#### **Carriage of a permit**

4. Subject to regulations 5 to 16, an operator must not use a goods vehicle to transport goods on an international journey to a relevant country, unless the operator carries on the vehicle a permit valid for each relevant country on that journey<sup>(a)</sup>.

#### **Exemptions: Armenia**

5. Regulation 4 does not apply to the use of a goods vehicle on the part of an international journey which takes place in the Republic of Armenia where that vehicle is carrying goods—

- (a) specified in paragraphs 2, 4, 5, 8, 9, 12, 14, 18, 21, 22 and 25 of Part 1 of Schedule 1;
- (b) specified in paragraph 10 of Part 1 of Schedule 1, providing an authorisation for international removals is carried on the vehicle;
- (c) specified in paragraphs 26 and 28 of Part 2 of Schedule 1; or
- (d) on own account.

#### **Exemptions: Azerbaijan**

6. Regulation 4 does not apply to the use of a goods vehicle on the part of an international journey which takes place in the Republic of Azerbaijan where that vehicle is carrying goods—

- (a) specified in paragraphs 2, 4, 5, 8, 9, 12, 14, 18, 21, 22 and 25 of Part 1 of Schedule 1;
- (b) specified in paragraph 10 of Part 1 of Schedule 1, providing an authorisation for international removals is carried on the vehicle;
- (c) specified in paragraphs 26 and 28 of Part 2 of Schedule 1; or
- (d) on own account.

#### **Exemptions: Bosnia and Herzegovina**

7. Regulation 4 does not apply to the use of a goods vehicle on the part of an international journey which takes place in Bosnia and Herzegovina where that vehicle is carrying goods—

- (a) specified in paragraphs 2, 4, 5, 8, 9, 12, 14, 18, 21, 22 and 25 of Part 1 of Schedule 1;
- (b) specified in paragraph 10 of Part 1 of Schedule 1, providing an authorisation for international removals is carried on the vehicle;
- (c) specified in paragraphs 26 and 28 of Part 2 of Schedule 1; or
- (d) on own account.

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(a) The terms “operator” and “goods vehicle” are defined in section 1(6) of the Haulage Permits and Trailer Registration Act 2018.

**Exemptions: Georgia**

8. Regulation 4 does not apply to the use of a goods vehicle on the part of an international journey which takes place in Georgia where that vehicle is carrying goods—

- (a) specified in paragraphs 4, 5, 9, 18, 22 to 24 of Part 1 of Schedule 1; or
- (b) on own account.

**Exemptions: Kazakhstan**

9. Regulation 4 does not apply to the use of a goods vehicle on the part of an international journey which takes place in the Republic of Kazakhstan where that vehicle is—

- (a) carrying goods specified in paragraphs 4, 5, 8, 9, 17, 18 and 22 of Part 1 of Schedule 1; or
- (b) specified in paragraph 26 of Part 2 of Schedule 1.

**Exemptions: Moldova**

10. Regulation 4 does not apply to the use of a goods vehicle on the part of an international journey which takes place in the Republic of Moldova where that vehicle is carrying goods—

- (a) specified in paragraphs 2, 4, 5, 8, 9, 12, 14, 18, 21, 22 and 25 of Part 1 of Schedule 1;
- (b) specified in paragraph 10 of Part 1 of Schedule 1, providing an authorisation for international removals is carried on the vehicle;
- (c) specified in paragraphs 26 and 28 of Part 2 of Schedule 1; or
- (d) on own account.

**Exemptions: Montenegro**

11. Regulation 4 does not apply to the use of a goods vehicle on the part of an international journey which takes place in Montenegro where that vehicle is carrying goods—

- (a) specified in paragraphs 2, 4, 5, 8, 9, 12, 14, 18, 21, 22 and 25 of Part 1 of Schedule 1;
- (b) specified in paragraph 10 of Part 1 of Schedule 1, providing an authorisation for international removals is carried on the vehicle;
- (c) specified in paragraphs 26 and 28 of Part 2 of Schedule 1; or
- (d) on own account.

**Exemptions: Morocco**

12. Regulation 4 does not apply to the use of a goods vehicle on the part of an international journey which takes place in the Kingdom of Morocco where that vehicle is carrying goods specified in paragraphs 2, 9 or 12 of Part 1 of Schedule 1.

**Exemptions: Russian Federation**

13.—(1) Regulation 4 does not apply to the use of a goods vehicle on the part of an international journey which takes place in the Russian Federation where that vehicle is carrying goods—

- (a) specified in paragraph 4, 5 and 8 of Part 1 of Schedule 1; or
- (b) where a relevant document is carried on the vehicle,—
  - (i) specified in paragraphs 18, 19 and 20 of Part 1 of Schedule 1, or
  - (ii) specified in paragraphs 27 and 28 of Part 2 of Schedule 1.



(2) In this regulation, “relevant document” means a document specified in regulation 26(6) of the Goods Vehicles (Licensing of Operators) (Temporary Use in Great Britain) Regulations 2006(a).

#### **Exemptions: Serbia**

**14.** Regulation 4 does not apply to the use of a goods vehicle on the part of an international journey which takes place in the Republic of Serbia where that vehicle is carrying goods—

- (a) specified in paragraphs 2, 4, 5, 8, 9, 12, 14, 18, 21, 22 and 25 of Part 1 of Schedule 1;
- (b) specified in paragraph 10 of Part 1 of Schedule 1, providing an authorisation for international removals is carried on the vehicle;
- (c) specified in paragraphs 26 and 28 of Part 2 of Schedule 1; or
- (d) on own account.

#### **Exemptions: Tunisia**

**15.** Regulation 4 does not apply to the use of a goods vehicle on the part of an international journey which takes place in the Republic of Tunisia where that vehicle is—

- (a) carrying goods specified in paragraphs 1 to 10, 13, 15, 16, 18, 21 or 22 of Part 1 of Schedule 1; or
- (b) specified in Part 2 of Schedule 1.

#### **Exemptions: Ukraine**

**16.** Regulation 4 does not apply to the use of goods vehicle on the part of an international journey which takes place in Ukraine where that vehicle is—

- (a) carrying goods—
  - (i) specified in paragraphs 4, 5, 9, 15 and 17 to 21 and 23 of Part 1 of Schedule 1, or
  - (ii) on own account; or
- (b) is specified in paragraph 26 of Schedule 1.

#### **Temporary exemptions**

**17.—(1)** The Secretary of State may grant a temporary exemption from the prohibition in regulation 4 for the purpose of enabling an emergency or some other special need to be dealt with.

(2) A temporary exemption under paragraph (1) may be granted—

- (a) by giving 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.

## **PART 3**

### **International road transport permits**

#### **Making an application**

**18.—(1)** An operator must apply to the Secretary of State for a permit within the period specified by the Secretary of State for submitting an application for that permit.

(2) An application must—

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(a) S.I. 1996/2186. There are amendments to this instrument, but none is relevant.

- (a) include any information specified by the Secretary of State, and
- (b) be accompanied by the fee specified in Schedule 2.

(3) An application may only be made by a person who holds an operator's licence issued under section 15 of the 1995 Act or section 14 of the 2010 Act.

### **Further information in respect of an application made under regulation 18**

**19.**—(1) If the Secretary of State considers that further information is required to determine an application, the Secretary of State may serve a notice on the applicant specifying the further information and the period in which it must be provided.

(2) If the applicant fails to provide the further information in accordance with that notice, the Secretary of State may serve a further notice on the applicant stating that the application is considered to be withdrawn.

(3) If an application is considered to be withdrawn, the applicant is not entitled to the return of any fee which accompanied it.

### **Withdrawing an application**

**20.**—(1) An application made in accordance with regulation 18 may be withdrawn by the applicant before the permit is granted.

(2) If an application is withdrawn, the applicant is not entitled to the return of the fee which accompanied it.

### **Number of permits**

**21.**—(1) Where an international agreement which applies to a relevant country restricts the number of permits available for international journeys to that country, the Secretary of State may designate—

- (a) the number of those permits available for allocation; and
- (b) the number of those permits that the Secretary of State may grant in an emergency or for some other special need.

(2) The Secretary of State may alter or remove a designation.

### **Determining an application**

**22.**—(1) Before granting a permit designated under regulation 21(1)(a), the Secretary of State must consider, where relevant to the permit applied for—

- (a) the exhaust emissions level (for example, Euro 5, Euro 6 or other<sup>(a)</sup>) of the goods vehicle or vehicles which the operator intends to use on a journey under the permit applied for;
- (b) the goods which the operator intends to carry under the permit applied for; and
- (c) the intensity of use of the application.

(2) The Secretary of State may—

- (a) use random selection in addition to the considerations in paragraph (1) to determine whether to grant a permit designated under regulation 21(1)(a); and
- (b) take into account any other matters that the Secretary of State considers appropriate in determining whether to grant a permit.

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(a) EURO emissions standards are the EU emissions standards for goods vehicles. For example, Euro 6 is the category of goods vehicle which complies with the emissions limits referred to in Annex I of Regulation (EC) No. 595/2009 of the European Parliament and of the Council of 18th June 2009 on type approval of motor vehicles and engines with respect to emissions from heavy duty vehicles (Euro VI) and on access to vehicle repair and maintenance information (OJ L 188, 18.7.2009, p. 1-13).

- (1) The Secretary of State must provide guidance on the determination of applications.

### **Granting a permit**

**23.**—(1) Subject to regulation 22, the Secretary of State may grant to an operator a permit designated under regulation 21(1)(a).

(2) In an emergency or for some other special need, the Secretary of State may grant permit designated under regulation 22(1)(b).

(3) The Secretary of State may grant any other permits on a first come, first served basis.

(4) The Secretary of State must give reasons for refusing to grant a permit.

### **Content and form of a permit**

**24.** A permit must specify—

- (a) the international journey or journeys for which that vehicle may be used;
- (b) the operator to which the permit is granted;
- (c) the period for which the permit is granted; and
- (d) any other conditions that the operator must comply with.

### **Cancelling a permit**

**25.**—(1) The Secretary of State may cancel a permit if—

- (a) the operator's licence is revoked, suspended or curtailed under sections 26 or 27 of the 1995 Act or sections 23 or 24 of the 2010 Act;
- (b) the operator breaches any condition attached to that permit and fails to remedy that breach within 20 working days of notification;
- (c) the operator is guilty, in respect of that permit, of an offence—
  - (i) in Great Britain, under sections 173 or 174 of the Road Traffic Act 1988(a),
  - (ii) in Northern Ireland, under sections 36 or 37 of the 2010 Act;
- (d) the operator fails to pay any fee required under regulation 27; or
- (e) the operator requests the permit is cancelled.

(2) Where the Secretary of State decides to cancel a permit, the Secretary of State must notify the operator of—

- (a) the reasons for cancelling the permit; and
- (b) the date on which the permit will be cancelled, which must not be less than 20 working days after the date on which the operator is notified.

(3) Unless the Secretary of State withdraws a cancellation notice, a permit ceases to have effect on the date specified in the notice.

(4) Where a permit is cancelled, the operator must return the permit to the Secretary of State within the period specified by the Secretary of State.

### **Appeals**

**26.**—(1) Where the Secretary of State decides to cancel a permit, an operator may appeal—

- (a) in Great Britain, to a traffic commissioner; and
- (b) in Northern Ireland, to the Upper Tribunal.

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(a) 1988 c.52.

(2) An appeal must be brought within 28 days of the day on which the operator was notified of the decision to cancel the permit.

(3) On an appeal to a traffic commissioner, the traffic commissioner must—

- (a) consider any written representations made and any evidence provided when the appeal is brought;
- (b) inform the appellant of the outcome of the appeal within a period of 56 days, beginning with the day on which the appeal was brought; and
- (c) provide reasons for the decision (“the determination”).

(4) Without prejudice to the right of any person to make an application for judicial review—

- (a) a determination by a traffic commissioner is binding on all parties affected by the determination; and
- (b) a traffic commissioner may give such directions as the traffic commissioner considers appropriate to give effect to the determination.

(5) In this regulation, “traffic commissioner” has the same meaning as in the Public Passenger Vehicles Act 1981(a).

### **Fees**

27.—(2) The fee payable for a function and the time when that fee must be paid are set out in the table in Schedule 2.

### **Records**

28.—(2) Where an operator is granted a permit under regulation 23, the operator must keep a record of any international journey made using that permit.

(3) The operator must provide the Secretary of State with a copy of those records on request.

### **Revocations**

29. The instruments in Schedule 3 are revoked.

Signed on authority of the Secretary of State

Date

*Name*  
Minister of State  
Department for Transport

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(a) 1981 c. 67.

# SCHEDULE 1

Regulations 5 to 16

## Exemptions

### PART 1

#### Exemptions for the carriage of certain goods

1. Luggage being carried to or from an airport.
2. Goods being carried to or from an airport in a case where an air service has been diverted.
3. Luggage being carried in a trailer drawn by a passenger vehicle.
4. Postal packets (as defined in section 125(1) of the Postal Services Act 2000<sup>(a)</sup>).
5. Damaged vehicles.
6. Animal corpses (other than those intended for human consumption) for the purpose of disposal.
7. Bees or fish stock.
8. The body of a deceased person.
9. Goods for medical or surgical care in emergency relief and in particular for relief in natural disasters.
10. Goods carried in connection with household removals by undertakings using specialised personnel and equipment for that purpose.
11. Household effects.
12. Live animals, other than animals intended for slaughter.
13. Spare parts for ocean-going ships.
14. Spare parts for ocean-going ships and aircraft.
15. Works of art.
16. Antiques.
17. Goods carried exclusively for publicity or educational purposes.
18. Properties, equipment or animals being carried to or from theatrical, musical, cinematographic or circus performances or sporting events, exhibitions or fairs, or to or from the making of radio or television broadcasts or films.
19. Goods, properties or animals being carried to or from theatrical, musical, film or circus performances, or sporting events.
20. Goods or properties intended for the making of radio or television broadcasts or films.
21. Goods carried for fairs and exhibitions.
22. Broken down vehicles.
23. Objects and works of art for exhibitions.

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(a) 2000 c. 26.

- 24. Samples of objects and materials exclusively for publicity or information purposes.
- 25. Newly acquired vehicles to their final destination.

## PART 2

### Exemptions for certain types of goods vehicles

26. A vehicle having a maximum laden weight not exceeding 3.5 tonnes.

27. A goods vehicle used for the carriage of an abnormal indivisible load or other wide load, providing that vehicle complies with the requirements of the Road Vehicles (Authorisation of Special Types) (General) Order 2003(a).

28. A relief vehicle.

29. In this part—

“maximum laden weight” in relation to a vehicle (including a vehicle which is a trailer) means—

- (a) in the case of a vehicle as respects which a gross weight not to be exceeded in Great Britain is specified in construction and use requirements (as defined in section 41(7) of the Road Traffic Act 1988), the weight so specified;
- (b) in the case of a vehicle as respects which no such weight is so specified, the weight which the vehicle is designed or adapted not to exceed when in normal use and travelling on a road laden; and

“relief vehicle” means a vehicle used for transporting goods which is sent to replace a vehicle which has broken down, and continues the haul under the cover of a licence, permit or other document issued for the vehicle which has broken down.

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(a) S.I. 2003/664.

## SCHEDULE 2

Regulation 27

### Fees

<i>(1) Item</i>	<i>(2) Subject of fee</i>	<i>(3) Amount of Fee</i>	<i>(4) Time fee is payable</i>
1	An application for an international road transport permit	£[]	With the application
2	Fee for issue of an international road transport permit	£[]	Within 15 working days beginning with the grant of the application for a permit

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## SCHEDULE 3

Regulation 29

### Revocations

<i>Instrument Revoked</i>	<i>Reference</i>
The Road Transport Licensing (Authorisation of International Journeys) (Fees) Regulations (Northern Ireland) 1984	S.R. 1984/32
The Road Transport Licensing (Authorisation of International Journeys) (Fees) (Amendment) Regulations (Northern Ireland) 1985	S.R. 1985/14
The Goods Vehicles (Authorisation of International Journeys) (Fees) Regulations 2001	S.I. 2001/3606
The Goods Vehicles (Authorisation of International Journeys) (Fees) (Amendment) Regulations 2004	S.I. 2004/1883
The Goods Vehicles (Authorisation of International Journeys) (Fees) (Amendment) Regulations 2008	S.I. 2008/1576
The Goods Vehicles (Authorisation of International Journeys) (Fees) (Amendment) Regulations 2009	S.I. 2009/855

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## EXPLANATORY NOTE

*(This note is not part of the Regulations)*

These Regulations prohibit an operator from using a goods vehicle registered in the UK for transporting goods on an international journey without an international road transport permit (“permit”) and require that permit to be carried on the vehicle. The Regulations set out the administrative provisions for applying for and granting a permit; set out how such applications will be determined; and the information that must be included in a permit. They also set out the circumstances in which a permit may be cancelled, provide for appeals and enable fees to be charged.

*Part 1 (regulations 1 to 3)* contains introductory provisions. *Regulation 3* applies the Regulations to the carriage of goods for hire or reward, or in connection any trade or business carried on by the operator. The Regulations do apply to the use of a goods vehicle registered in Northern Ireland to carry goods on a journey to or through the Republic of Ireland.

*Part 2 (regulations 4 to 17)* requires a goods vehicle registered in the United Kingdom to carry a permit when transporting goods on an international journey to a relevant country, and sets out specific exemptions for each relevant country.

*Regulation 4* prohibits the use of a goods vehicle to transport goods on an international journey to a relevant country unless a permit for a relevant country on that journey is carried on the vehicle. “International journey” and “relevant country” are defined in regulation 2 (interpretation). An international journey means a journey from the United Kingdom to, in or through a relevant country, and journeys made outside the United Kingdom between or passing through a relevant country.

*Regulations 5 to 16* provide for exemptions from the requirement to carry a permit for each relevant country. These exemptions provide that the carriage of certain types of the goods are exempt by reference to Part 1 of Schedule 1, and certain types of vehicles are exempt by reference to Part 2 of Schedule 1. The exemptions are different for each relevant country because they reflect the exemptions agreed in the international agreement with each country.

*Regulation 17* provides that the Secretary of State may temporarily exempt a UK operator or class of operators from the requirement to carry a permit in an emergency or for some other special needs, and set out how such an exemption may be granted.

*Part 3 (regulations 18 to 29)* sets out the administrative provisions for permits, which include how to make an application; the number of permits available for allocation and the process of allocating those permits; the fees payable for a permit; the circumstances in which a permit may be cancelled and the process for appealing the cancellation of a permit.

*Regulation 28* requires an operator granted a permit to keep a record of journey made using that permit and provide a copy of the record to the Secretary of State on request.

*Regulation 29* and Schedule 3 revoke a number of instruments under which fees for the issue of some permits are currently charged.

An impact assessment of the effect of these Regulations on the cost to business is published with the Explanatory Memorandum alongside this instrument on [www.legislation.gov.uk](http://www.legislation.gov.uk).

# Consultation principles

The consultation is being conducted in line with the Government's key consultation principles. Further information is available on the Better Regulation Executive website at: <https://www.gov.uk/government/publications/consultation-principles-guidance>

If you have any comments about the consultation process please contact:

Consultation Co-ordinator

Department for Transport

Zone 1/29 Great Minster House

London SW1P 4DR

Email [consultation@dft.gsi.gov.uk](mailto:consultation@dft.gsi.gov.uk)

Please do not send consultation responses to this address.