

# HAULAGE PERMITS AND TRAILER REGISTRATION BILL [HL]

## EXPLANATORY NOTES ON COMMONS AMENDMENTS

### What these notes do

- 1 These Explanatory Notes relate to the Commons Amendments to the Haulage Permits and Trailer Registration Bill [HL] as brought from the House of Commons on 27 June 2018.
- 2 These Explanatory Notes have been prepared by the Department for Transport in order to assist the reader of the Bill and the Commons Amendments, and to help inform debate on the Commons Amendments. They do not form part of the Bill and have not been endorsed by Parliament.
- 3 These Explanatory Notes, like the Commons Amendments themselves, refer to the Bill as first printed for the Commons (Bill 199).
- 4 These Explanatory Notes need to be read in conjunction with the Commons Amendments and the text of the Bill. They are not, and are not meant to be, a comprehensive description of the Commons Amendments.
- 5 All the Commons Amendments were tabled in the name of the Minister.

### Commentary on Commons Amendments

#### Part 1: Haulage

#### Commons Amendments to Clause 2: Number and allocation of permits etc

##### Commons Amendments 1 and 2

- 6 Amendment 1 would allow the Secretary of State through regulations to reserve a certain number of permits for grant in cases in which it is inappropriate to apply the normal permit allocation procedure set out in regulations, for example because of an emergency or other special need.
- 7 Amendment 2 would allow the Secretary of State to specify when permit applications are to be made.

#### Part 2: Trailer registration

#### Commons Amendments to Clause 13: Trailer Registration

##### Commons Amendment 3

- 8 Amendment 3 removes subsections (3) to (5), the provisions of which are replaced by Amendment 5. These provisions required the Secretary of State to collate data on trailer road accidents and produce a report. The report was to include recommendations on whether to introduce compulsory registration and periodic testing for all trailers weighing more than 750 kilograms.

## Commons Amendments to Clause 14: Inspections and Information

### Commons Amendment 4

- 9 Amendment 4 removes subsections (3) and (4), the provisions of which are replaced by Amendment 6. Subsections (3) and (4) made provision for the report under Clause 13 to include consideration of whether to introduce a periodic trailer testing regime for trailers weighing more than 750kg and to extend the regulation making powers under Clause 14 to that end.

## Commons Amendment inserting a new Clause after Clause 19: Trailer safety: report

### Commons Amendment 5

- 10 This new Clause requires a report on road traffic accidents involving trailers to be laid before Parliament. The report must include assessments of whether compulsory registration or periodic testing of all trailers weighing more than 750 kilograms in Great Britain should be introduced.
- 11 The report must consider the number and causes of road traffic accidents which have occurred in England, Scotland and Wales during a reporting period which caused death or injury to any person and involved a trailer.
- 12 The report must be published within 12 months of this section coming into force and cover a reporting period of a minimum of twelve consecutive months and ending no earlier than 18 months before the Clause comes into force.

## Commons Amendment inserting a new Clause after Clause 19: Trailer safety: testing regulations

### Commons Amendment 6

- 13 This new Clause allows the Secretary of State, through regulations, to extend the existing system of periodic testing in Great Britain of the construction, condition and safety of vehicles to "relevant trailers" by amending Part 2 of the Road Traffic Act 1988 and the regulations made under it, which govern the existing periodic testing regime. "Relevant trailers" for the purposes of this Clause are those weighing more than 750kg.
- 14 Regulations may not be made under this section until the trailer safety report outlined in Amendment 5 has been laid before Parliament.

## Part 3: General

### Commons Amendment to Clause 23: Regulations

#### Commons Amendment 7

- 15 This Amendment requires the first regulations for periodic testing of trailers under the new Clause *Trailer safety: testing regulations*, and any later regulations under that new Clause which amend an Act, to be subject to the affirmative resolution procedure.

## Commons Amendments to Clause 24: Extent

### Commons Amendment 8

- 16 This Amendment provides that the new Clauses inserted by Amendments 5 and 6 (*Trailer safety: report* and *Trailer safety: testing regulations*) extend to England and Wales and Scotland only. The regulation of road traffic is devolved to Northern Ireland and as such it would be inappropriate for the trailer safety report to make recommendations on these policy issues for the entire United Kingdom or for the Secretary of State to implement a periodic testing

regime for trailers across the United Kingdom when the periodic testing policy for all other vehicles is devolved. If a recommendation was made in the report to introduce compulsory registration under the new Clause inserted by Amendment 5, this would be limited to Great Britain. The power relating to periodic testing is also limited to Great Britain through its association with the Road Traffic Act 1988, which does not extend to Northern Ireland.

## **Commons Amendment to Clause 26: Short title**

### **Commons Amendment 9**

17 This Amendment removes the Privilege Amendment inserted by the Lords.

## **Schedule**

### **Part 2: Amendments relating to Part 2**

#### **Commons Amendments 10 & 11**

- 18 Amendment 10 amends the Road Traffic Offenders Act 1988 to make clear that offences where a financial penalty deposit requirement may be imposed include offences relating to trailers as well as offences for motor vehicles.
- 19 Minor road traffic offences are usually enforced through fixed penalty notices, but these can be ineffective against drivers who do not hold a UK address. The immediate imposition of financial penalty deposit requirements allow for the effective enforcement of these provisions for UK trailers whether used by UK or non-UK drivers.
- 20 This Amendment shares the extent of the 1988 Act, which extends to Great Britain.
- 21 Amendment 11 amends the Road Traffic Offenders (Northern Ireland) Order 1996 (SI 1996/1320 (NI 10)) to make clear that offences in Northern Ireland where a financial penalty deposit requirement may be imposed include offences relating to trailers as well as offences for motor vehicles.

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