

ELIZABETH II



International Road Haulage Permits Act 1975

1975 CHAPTER 46

An Act to make further provision with respect to the forgery, carriage and production of licences, permits, authorisations and other documents relating to the international carriage of goods by road; and for purposes connected therewith. [1st August 1975]

BE IT ENACTED by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

1.—(1) The Secretary of State may by regulations made by statutory instrument provide that—

- (a) a goods vehicle registered in the United Kingdom, or
- (b) a trailer drawn by a vehicle registered in the United Kingdom, or
- (c) an unattached trailer which is for the time being in the United Kingdom,

Carriage on United Kingdom vehicles, and production, of international road haulage permits.

may not be used on a journey to which the regulations apply, being a journey—

- (i) for or in connection with the carriage or haulage of goods either for hire or reward or for or in connection with any trade or business carried on by the user of the vehicle, and
- (ii) either between a place in the United Kingdom and a place outside the United Kingdom or, if the journey

passes through any part of the United Kingdom, between places both of which are outside the United Kingdom,

unless a document of a description specified in the regulations is carried on the vehicle or, in the case of a trailer, is carried either on the vehicle drawing it or by a person in charge of it.

(2) If it appears to an examiner that a goods vehicle registered in the United Kingdom or a trailer is being used in such circumstances that, by virtue of regulations under subsection (1) above, a document of a description specified in the regulations is required to be carried as mentioned in that subsection he may, on production if so required of his authority,—

- (a) require the driver of the goods vehicle concerned or, in the case of a trailer, the driver of the vehicle drawing it or the person in charge of it to produce a document of the description in question and to permit the examiner to inspect and copy it,
- (b) detain the goods vehicle or trailer concerned for such time as is requisite for the purpose of inspecting and copying the document,
- (c) at any time which is reasonable having regard to the circumstances of the case enter any premises on which he has reason to believe that there is kept a vehicle (whether a goods vehicle or a trailer) which is being used on a journey to which regulations under subsection (1) above apply, and
- (d) at any time which is reasonable having regard to the circumstances of the case enter any premises in which he has reason to believe that any document of a description specified in regulations under subsection (1) above is to be found and inspect and copy any such document which he finds there.

(3) If, without reasonable excuse, any person uses a goods vehicle or trailer in contravention of regulations under subsection (1) above he shall be liable on summary conviction to a fine not exceeding £200.

(4) If the driver of a goods vehicle which is being used in such circumstances as are specified in subsection (2) above or the person in charge of, or the driver of a vehicle drawing, a trailer which is being so used—

- (a) without reasonable excuse refuses or fails to comply with a requirement under subsection (2) above, or
- (b) wilfully obstructs an examiner in the exercise of his powers under that subsection,

he shall be liable on summary conviction to a fine not exceeding £100.

(5) If any person (other than a person specified in subsection (4) above) wilfully obstructs an examiner in the exercise of his powers under paragraph (d) of subsection (2) above, he shall be liable on summary conviction to a fine not exceeding £100.

(6) For the purposes of this section a motor vehicle which for the time being has exhibited on it a licence or trade plates issued—

(a) under the Vehicles (Excise) Act 1971 or under an enactment repealed by that Act, or

(b) under the Vehicles (Excise) Act (Northern Ireland) 1972 or under any enactment of the Parliament of Northern Ireland repealed by that Act,

shall be presumed, unless the contrary is proved, to be registered in the United Kingdom.

(7) Before making any regulations under subsection (1) above the Secretary of State shall consult with such representative organisations as he thinks fit, and a statutory instrument containing any such regulations shall be subject to annulment in pursuance of a resolution of either House of Parliament.

(8) Any reference in this section to a person using a vehicle (whether a goods vehicle or a trailer) shall be construed as if this section were included in Part V of the Transport Act 1968 or, as the case may require, Part III of the Transport Act (Northern Ireland) 1967 (operators' licences etc.).

(9) In this section—

“examiner” means an examiner appointed under section 56(1) of the Road Traffic Act 1972, an inspector appointed under section 37 of the Transport Act (Northern Ireland) 1967 or an inspector of vehicles, as defined in section 190(1) of the Road Traffic Act (Northern Ireland) 1970;

“goods vehicle” means a motor vehicle constructed or adapted for use for the carriage of goods or burden of any description;

“trailer” means a trailer so constructed or adapted;

and for the purposes of this subsection “motor vehicle” and “trailer” have the same meaning as in the Road Traffic Act 1972 or, in Northern Ireland, the Road Traffic Act (Northern Ireland) 1970.

2.—(1) If it appears to an examiner—

- (a) that a goods vehicle or a trailer is being used in such circumstances as are specified in subsection (2) of section 1 above, and
- (b) that, without reasonable excuse, the driver of the goods vehicle or, as the case may require, the person in charge

Power to prohibit vehicle or trailer being taken out of the United Kingdom.

of, or the driver of a vehicle drawing, the trailer has refused or failed to comply with a requirement under that subsection,

the examiner may prohibit the removal of the goods vehicle or trailer out of the United Kingdom, either absolutely or for a specified purpose, and either for a specified period or without limitation of time.

(2) Where an examiner prohibits the removal of a goods vehicle or trailer out of the United Kingdom under subsection (1) above, he shall forthwith give notice in writing of the prohibition to the driver of the goods vehicle or, as the case may require, to the person in charge of, or the driver of the vehicle drawing, the trailer, specifying—

- (a) the circumstances in consequence of which the prohibition is imposed,
- (b) whether the prohibition applies absolutely or for a specified purpose, and
- (c) whether the prohibition is for a specified period or without limit of time,

and the prohibition under subsection (1) above shall come into force as soon as notice thereof is given under this subsection.

(3) Where an examiner is satisfied, with respect to a goods vehicle or trailer to which a prohibition under subsection (1) above relates,—

- (a) that the goods vehicle or trailer is being used on a journey to which regulations under section 1(1) above do not apply, or
- (b) that there is carried on the goods vehicle or, in the case of a trailer, on the vehicle drawing it or by a person in charge of it a document of a description specified in those regulations,

he may remove the prohibition and, where he does so, shall forthwith give notice in writing of the removal of the prohibition to the driver of the goods vehicle or, as the case may require, to the person in charge of, or the driver of the vehicle drawing, the trailer and the prohibition shall cease to have effect on the giving of that notice.

(4) Unless the person to whom a notice is given under subsection (2) or subsection (3) above is the person using the vehicle concerned, as soon as practicable after such a notice has been given, the examiner who gave it shall take steps to bring the contents of the notice to the attention of the person using the vehicle.

(5) In the exercise of his functions under this section, an examiner shall act in accordance with any general directions given by the Secretary of State.

(6) Any person who, without reasonable excuse,—

(a) removes a goods vehicle or trailer out of the United Kingdom in contravention of a prohibition under subsection (1) above, or

(b) causes or permits a goods vehicle or trailer to be removed out of the United Kingdom in contravention of such a prohibition,

shall be guilty of an offence and liable on summary conviction to a fine not exceeding £200.

(7) Subsections (8) and (9) of section 1 above shall apply in relation to this section as they apply in relation to that.

3.—(1) In section 69 of the Transport Act 1968 (revocation, suspension and curtailment of operators' licences) in subsection (4) (the convictions and prohibitions which constitute grounds for the licensing authority to act) after paragraph (e) there shall be inserted the following paragraphs:—

Application of Transport Act 1968 and Road Traffic Act 1972 to international road haulage permits.
1968 c. 73.

“ (ee) a conviction of the holder of the licence or a servant or agent of his of a contravention, in relation to an international road haulage permit, within the meaning of the Road Traffic Act 1972, of section 169 or 170 of that Act ;

(eee) a conviction of the holder of the licence or a servant or agent of his under section 2 of the International Road Haulage Permits Act 1975 ”.

(2) In section 169 of the Road Traffic Act 1972 (forgery of documents, etc.) in subsection (2) (the documents to which the section relates) after paragraph (h) there shall be inserted the following paragraph:—

“ (i) any international road haulage permit ”.

(3) In section 170 of the Road Traffic Act 1972 (false statements and withholding material information) at the end of subsection (1) there shall be added the words “ or

(e) of obtaining the grant of an international road haulage permit to himself or any other person ”.

(4) In section 173(2) of the Road Traffic Act 1972 (power of constable, etc. to seize certain documents or plates where he has reasonable cause to believe that offences have been committed under any of sections 169 to 171 of that Act) at the end of paragraph (d) there shall be added the words “ or

(e) to international road haulage permits ”.

1972 c. 20.

(5) In section 196(1) of the Road Traffic Act 1972 (interpretation) after the definition of "highway authority" there shall be inserted the following definition:—

" 'international road haulage permit' means a licence, permit, authorisation or other document issued in pursuance of a Community instrument relating to the carriage of goods by road between member States or an international agreement to which the United Kingdom is a party and which relates to the international carriage of goods by road ".

Application
of Transport
Act (Northern
Ireland)
1967 to
international
road haulage
permits.
1967 c. 37
(N.I.).

4.—(1) In section 29(1) of the Transport Act (Northern Ireland) 1967 (suspension and revocation of operators' or vehicle licences), after paragraph (d) there shall be inserted the following paragraph:—

" (dd) that the holder of the licence, or any servant or agent of his, has been convicted of an offence under section 2 of the International Road Haulage Permits Act 1975 ".

(2) In section 34 of that Act (forgery of licences)—

(a) at the end of paragraph (a) there shall be added the words "or any international road haulage permit", and

(b) in paragraph (b) after the words "or mark", in the second place where they occur, there shall be substituted the words "mark or permit".

(3) In section 35 of that Act (false statements) after paragraph (c) there shall be inserted the words "or

(d) obtaining the grant of an international road haulage permit to himself or any other person ".

(4) At the end of section 46 of that Act there shall be added the following paragraph:—

" (e) 'international road haulage permit' means a licence, permit, authorisation or other document issued in pursuance of a Community instrument relating to the carriage of goods by road between member States or an international agreement to which the United Kingdom is a party and which relates to the international carriage of goods by road ".

Short title,
commence-
ment and
extent.

5.—(1) This Act may be cited as the International Road Haulage Permits Act 1975.

(2) This Act shall come into force on the expiry of the period of one month beginning with the date on which it is passed.

(3) This Act, except section 3, extends to Northern Ireland, and section 4 of this Act extends to Northern Ireland only.

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