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Road Traffic (Registration and Licensing of Vehicles) (Amendment) (No. 2) Regulation 2012

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(Made by the Secretary for Transport and Housing under section 6 of
the Road Traffic Ordinance (Cap. 374))

1. Commencement

This Regulation comes into operation on 9 July 2012.

2. Road Traffic (Registration and Licensing of Vehicles) Regulations amended

The Road Traffic (Registration and Licensing of Vehicles) Regulations (Cap. 374 sub. leg. E) are amended as set out in sections 3 to 18.

3. Regulation 2 amended (interpretation)

Regulation 2(1)—

Add in alphabetical order

“authorized user (獲授權使用者), in relation to a trade licence, means an employee mentioned in regulation 46A(1) who is authorized under that regulation to use the trade licence;

left-hand drive vehicle (左軚車輛) means a vehicle that has the driver’s seat so placed as to permit the driver of the vehicle to give by hand the usual traffic signals on the left or near side of the vehicle;

non-left-hand drive vehicle (非左軚車輛) means a vehicle other than a left-hand drive vehicle;”.

4. Regulation 43 amended (issue of trade licence)

(1) Regulation 43(1)(a), before “vehicles”—

Add

“non-left-hand drive”.

(2) After regulation 43(1)—

Add

“(1A) The Commissioner, on being satisfied that the applicant—

(a) is a bona fide manufacturer or repairer of or dealer in left-hand drive vehicles for re-export to a place outside Hong Kong; and

(b) has an adequate policy of insurance in respect of those vehicles,

may issue to the applicant a trade licence in accordance with the application together with a set of 2 trade plates with a weather-proof holder for the trade licence attached to one of them.”.

5. Regulation 44 amended (trade licences and trade plates)

(1) Regulation 44(2)—

Repeal

“Each trade plate shall”

Substitute

“If a trade plate is issued under regulation 43(1), it must”.

(2) After regulation 44(2)—

Add

“(2A) If a trade plate is issued under regulation 43(1A), it must display the letter “T”, followed by the number allocated in respect of the plate, in blue on a white background in a form specified by the Commissioner.”.

(3) Regulation 44(4)—

Repeal

“is not renewed”

Substitute

“expires without being replaced by a new trade licence bearing the same number”.

6. Regulation 45 substituted

Regulation 45—

Repeal the regulation

Substitute

“45. Display of trade plates and licence

- (1) When a vehicle other than a motor cycle or trailer is being used under a trade licence, the holder of the trade licence must display or cause the driver or the authorized user to display—
 - (a) a trade plate issued to the holder with the trade licence attached to it on the foremost part of the vehicle in a vertical position, so that every letter and numeral of the trade plate is vertical and is distinguishable from the front of the vehicle; and
 - (b) the other trade plate issued in respect of the trade licence on the rearmost part of the vehicle in a vertical position, so that every letter and numeral of the trade plate is vertical and is distinguishable from the rear of the vehicle.
- (2) When a motor cycle or trailer is being used under a trade licence, the holder of the trade licence must display or cause the driver or the authorized user to display a trade plate issued to the holder with the trade licence attached to it on the rearmost part of the motor cycle or trailer in a vertical position, so that every letter and numeral of the trade plate is vertical and is distinguishable from the rear of the motor cycle or trailer.

- (3) When a vehicle other than a motor cycle or trailer is being used under a trade licence by an authorized user or by a prospective purchaser for the purpose of test or trial, the authorized user or prospective purchaser must display the trade plates in accordance with the requirements of subregulation (1)(a) and (b).
- (4) When a motor cycle or trailer is being used under a trade licence by an authorized user or by a prospective purchaser for the purpose of test or trial, the authorized user or prospective purchaser must display the trade plates in accordance with the requirements of subregulation (2).”.

7. Regulation 46 amended (trade licence not transferable)

Regulation 46—

Repeal

“a person bona fide in his employ and acting under his authority is present and in charge of the vehicle or if such vehicle”

Substitute

“an authorized user is present and in charge of the vehicle or if the vehicle is a non-left-hand drive vehicle, it”.

8. Regulation 46A added

After regulation 46—

Add

“46A. Authorization to use trade licence and record of authorization

- (1) The holder of a trade licence may, either generally or in a particular case, authorize in writing an employee of the holder who engages in the holder’s business as a manufacturer or repairer of or dealer in vehicles to use the trade licence.

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- (2) The holder of a trade licence must—
 - (a) sign the authorization given under subregulation (1); or
 - (b) if the holder is a company, ensure that the authorization is signed by a person authorized for the purpose and impressed with the seal or chop of the company.
- (3) The holder of a trade licence must also ensure that the authorization—
 - (a) bears a serial number; and
 - (b) contains the particulars specified in Schedule 12.
- (4) If an authorized user is not a person designated under subregulation (5), the authorized user must obtain the approval of such a person or the holder of the trade licence before using the trade licence.
- (5) The holder of a trade licence may designate a person to give the approval for the purposes of subregulation (4).
- (6) The holder of a trade licence must not designate a person under subregulation (5) unless the person is in charge of or responsible for managing the holder's business as a manufacturer or repairer of or dealer in vehicles.
- (7) If the holder of a trade licence authorizes an authorized user to use the trade licence under subregulation (1), the holder must maintain a record of the authorization containing the particulars specified in Schedule 13.
- (8) The holder of a trade licence must immediately produce the record of the authorization for inspection on request by any police officer or the Commissioner.

- (9) While driving a vehicle in use under a trade licence or being present and in charge of a non-left-hand drive vehicle in use under a trade licence by a prospective purchaser for the purpose of test or trial, an authorized user must—
- (a) carry on board the vehicle the written authorization mentioned in subregulation (1); and
 - (b) immediately produce that written authorization for inspection on request by any police officer or the Commissioner.”.

9. Regulation 47 substituted

Regulation 47—

Repeal the regulation

Substitute

“47. Limitations of use of trade licence

- (1) A trade licence must not be used in respect of any vehicle other than a vehicle that is in the possession of the holder of the trade licence in the course of the holder’s business as a manufacturer or repairer of or dealer in vehicles.
- (2) A trade licence must not at any time be used in respect of a vehicle that is being used for the conveyance of passengers for hire or reward or in respect of a vehicle that is being used for the conveyance of goods in the course of trade or for the delivery or removal of goods.
- (3) Unless used pursuant to a movement permit issued under regulation 53, a non-left-hand drive vehicle must not be used under a trade licence issued under regulation 43(1) if an application for registration and licensing of the vehicle under these regulations would be unsuccessful by virtue of failure to comply with the

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Road Traffic (Construction and Maintenance of Vehicles) Regulations (Cap. 374 sub. leg. A) or for any other reason.

- (4) A left-hand drive vehicle must not be used under a trade licence issued under regulation 43(1A) unless the vehicle—
 - (a) was imported into Hong Kong not more than 12 months ago;
 - (b) is intended for re-export to a place outside Hong Kong; and
 - (c) complies with paragraphs 1, 2 and 3 of Article 22 of the 1949 Convention.
- (5) Subject to subregulations (1) and (2) and regulation 46, a trade licence issued under regulation 43(1) may be used only for driving—
 - (a) an unregistered non-left-hand drive vehicle in the course of delivery to a motor dealer or exhibitor;
 - (b) a non-left-hand drive vehicle for the purpose of presale demonstration to a potential customer;
 - (c) a non-left-hand drive vehicle for the purpose of mechanical test; or
 - (d) a non-left-hand drive vehicle for the purpose of examining, repairing or presale retrofitting the vehicle.
- (6) Subject to subregulations (1) and (2) and regulation 46, a trade licence issued under regulation 43(1A) may be used only for driving—
 - (a) an unregistered left-hand drive vehicle in the course of delivery to a motor dealer or exhibitor;
 - (b) a left-hand drive vehicle for the purpose of examining, repairing or presale retrofitting the vehicle; or

- (c) an unregistered left-hand drive vehicle to a port or boundary control point for the purpose of re-export to a place outside Hong Kong.
- (7) A vehicle must not be used under a trade licence for any purpose other than a purpose for which the vehicle is authorized by these regulations to be used under the licence.
- (8) When a non-left-hand drive vehicle is being used under a trade licence, the number of passengers carried in or on the vehicle must not exceed 2, except where the Commissioner has given permission in writing for the carrying of more than 2 passengers in which case the number of passengers must not exceed the number specified in the permit.
- (9) When a left-hand drive vehicle is being used under a trade licence—
 - (a) the driver of the vehicle must not be a person other than the holder of the trade licence or an authorized user; and
 - (b) no passenger may be carried in or on the vehicle.
- (10) When a left-hand drive vehicle is being used under a trade licence, the driver of the vehicle must, on request by any police officer or the Commissioner, immediately produce evidence that the vehicle was imported into Hong Kong not more than 12 months ago.”.

10. Regulation 48 substituted

Regulation 48—

Repeal the regulation

Substitute

“48. Register of journeys under trade licence

- (1) The holder of a trade licence must maintain a register of all journeys made by vehicles in use under the trade licence.
- (2) The holder of a trade licence must ensure that—
 - (a) the register contains the particulars specified in Schedule 14; and
 - (b) unless otherwise specified in that Schedule, the particulars are entered clearly and legibly in the register before a journey starts.
- (3) A person who enters the particulars in the register must ensure that the particulars are entered clearly and legibly.
- (4) The holder of a trade licence must immediately produce the register maintained under subregulation (1) for inspection on request by any police officer or the Commissioner.
- (5) While driving a vehicle in use under a trade licence or being present and in charge of a non-left-hand drive vehicle in use under a trade licence by a prospective purchaser for the purpose of test or trial, an authorized user must—
 - (a) carry on board the vehicle a duplicate copy of—
 - (i) the register; or
 - (ii) if the register contains the particulars of more than 30 journeys made by vehicles in use under the trade licence, the part of the register that contains the particulars of the latest 30 journeys; and
 - (b) immediately produce that copy for inspection on request by any police officer or the Commissioner.

- (6) If a vehicle is constructed for use by 1 person only and is being used under a trade licence by a prospective purchaser for the purpose of test or trial, the holder of the trade licence must ensure that the duplicate copy of the register or the part of the register specified in subregulation (5)(a) is kept on board the vehicle for inspection by any police officer or the Commissioner.”.

11. Regulation 49 amended (closed road permits)

- (1) After regulation 49(1)—

Add

- “(1A) A closed road permit may be issued to the holder of a trade licence for use in connection with the trade licence in relation to any vehicle that is in the possession of the holder in the course of the holder’s business as a manufacturer or repairer of or dealer in vehicles.
- (1B) Without affecting subregulation (1), a closed road permit issued under subregulation (1A) is subject to the conditions specified in subregulations (1C) and (1D).
- (1C) A closed road permit issued under subregulation (1A) may be used only for driving—
- (a) an unregistered non-left-hand drive vehicle in the course of delivery to a motor dealer or exhibitor;
 - (b) an unregistered non-left-hand drive vehicle to or from a place outside Hong Kong for the purpose of repairing or presale retrofitting the vehicle; or
 - (c) an unregistered left-hand drive vehicle to a port or boundary control point for the purpose of re-export to a place outside Hong Kong.

(1D) A motor vehicle in use in connection with a trade licence under a closed road permit issued under subregulation (1A) may only be driven on a closed road within a boundary control point specified in the permit.”.

(2) Regulation 49—

Repeal subregulation (3)

Substitute

“(3) No fee is to be charged for the issue of a closed road permit except—

(a) for a permit issued under subregulation (1) in respect of a closed road in Lantau;

(b) for a permit issued under subregulation (1) to a person who wishes to drive a motor vehicle to which the permit relates out of Hong Kong on a closed road; or

(c) for a permit issued under subregulation (1A).”.

12. Regulation 50A amended (expressway permits)

(1) After regulation 50A(1)—

Add

“(1A) The holder of a trade licence or of a movement permit may also apply to the Commissioner for an expressway permit that authorizes the holder to—

(a) drive on an expressway a relevant motor vehicle specified in the application; or

(b) cause the relevant motor vehicle to be driven on an expressway by another person authorized by the holder.”.

(2) After regulation 50A(4)—

Add

“(5) In subregulation (1A)—

relevant motor vehicle (有關汽車) means a motor vehicle described in subregulation (1) that may be used under the trade licence or the movement permit.”.

13. Regulation 57 amended (cancellation of trade licences and permits)

Regulation 57(1)—

Repeal

“person named in the licence or permit at the address specified in the licence or permit”

Substitute

“holder of the licence or permit at the address provided in the application for the licence or permit or at the holder’s address last known to the Commissioner”.

14. Regulation 60 amended (offences)

(1) Regulation 60(1), before “48”—

Add

“46A(2), (3), (4), (6), (7), (8) or (9),”.

(2) Regulation 60(1)—

Repeal

“is liable to a fine of \$2,000”

Substitute

“is liable on conviction to a fine at level 1”.

(3) Regulation 60(2)—

Repeal

“is liable to a fine of \$2,000”

Substitute

“is liable on conviction to a fine at level 1”.

- (4) Regulation 60(3)—

Repeal

everything after “commits an offence and”

Substitute

“is liable—

- (a) on conviction to a fine at level 1 and to imprisonment for 3 months; and
- (b) on a second or subsequent conviction under regulation 29(1), (2) or (4), to a fine at level 2 and to imprisonment for 6 months.”.

- (5) Regulation 60(4)—

Repeal

“is liable to a fine of \$2,000”

Substitute

“is liable on conviction to a fine at level 1”.

- (6) Regulation 60—

Repeal subregulation (5)

Substitute

“(5) If any vehicle is upon or used on any road in contravention of regulation 45, 46 or 47(1), (2), (3), (4)(c), (5), (6), (7), (8) or (9), the holder of the trade licence, the authorized user who is present and in charge of the vehicle in use under the trade licence by a prospective purchaser and the driver of the vehicle at the time of the contravention each commits an offence and is liable on conviction to a fine at level 1.”.

- (7) After regulation 60(5)—

Add

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“(5A) If any vehicle is upon or used on any road in contravention of regulation 47(4)(a) or (b), the holder of the trade licence commits an offence and is liable on conviction to a fine at level 1.

(5B) The driver of a vehicle who contravenes regulation 47(10) commits an offence and is liable on conviction to a fine at level 1.”.

(8) After regulation 60(6)—

Add

“(6A) A person who knowingly makes any false or misleading entry—

(a) in a record of authorization maintained under regulation 46A(7); or

(b) in a register of journeys maintained under regulation 48,

commits an offence and is liable on conviction to a fine at level 1.”.

15. Schedule 2 amended (fees)

Schedule 2, Permit and Certificate Fees, after item 5—

Add

“5A. Closed road permit issued under regulation 49(1A) for use in connection with a trade licence

540”.

16. Schedule 4 amended (provisions as to display of registration marks and plates)

Schedule 4, Chinese text, paragraph 1(b)(ii)—

Repeal

“數字” (wherever appearing)

Substitute

“數目字”.

17. Schedule 9 amended (particulars to be entered on permits issued under Part VIII)

(1) Schedule 9, item 1—

Repeal

“Address of permit holder”.

(2) Schedule 9, item 1—

Repeal

“Vehicle registration mark”

Substitute

“Vehicle registration mark, trade plate number or movement permit number”.

(3) Schedule 9, item 2—

Repeal

“Address of permit holder”.

(4) Schedule 9, item 3—

Repeal

“Address of permit holder”.

(5) Schedule 9, item 4—

Repeal

“Address of permit holder”.

(6) Schedule 9, item 7—

Repeal

“Address of owner”.

(7) Schedule 9, item 10—

Repeal

“Address of permit holder”.

(8) Schedule 9, item 10—

Repeal

“Vehicle registration mark”

Substitute

“Vehicle registration mark, movement permit number or chassis number (if the vehicle is used under a trade licence)”.

18. Schedules 12, 13 and 14 added

After Schedule 11—

Add

“Schedule 12 [reg. 46A(3)(b)]

**Particulars to be contained in written
authorization**

1. Number of the trade plate issued in respect of the trade licence
2. Validity period of the trade licence
3. Name of the licence holder
4. Emergency telephone number of the licence holder
5. Business name as shown in the Business Registration Certificate (if applicable) held by the licence holder
6. Business address of the licence holder

-
7. Business Registration Certificate number (if applicable)
 8. Purpose for which the written authorization is given
 9. Particulars of the authorized user—
 - (a) Name
 - (b) Hong Kong identity card number
 - (c) Date on which the authorized user began to be employed by the licence holder
 - (d) Position currently held
 10. Particulars of all the persons designated by the licence holder under regulation 46A(5)—
 - (a) Names
 - (b) Respective dates on which they began to be employed by the licence holder
 - (c) Positions currently held
 - (d) Specimen signatures

Schedule 13

[reg. 46A(7)]

Particulars to be contained in record of authorization

1. Number of the trade plate issued in respect of the trade licence
2. Validity period of the trade licence
3. Name of the licence holder

-
4. Business name as shown in the Business Registration Certificate (if applicable) held by the licence holder
 5. Business Registration Certificate number (if applicable)
 6. Particulars of the authorized user—
 - (a) Name
 - (b) Hong Kong identity card number
 - (c) Serial number of the written authorization
 - (d) Date on which the authorized user began to be employed by the licence holder
 - (e) Position currently held
 7. Particulars of all the persons designated by the licence holder under regulation 46A(5)—
 - (a) Names
 - (b) Hong Kong identity card numbers
 - (c) Respective dates on which they began to be employed by the licence holder
 - (d) Positions currently held
 - (e) Specimen signatures

Schedule 14

[reg. 48(2)]

Particulars to be contained in register of journeys

1. Number of the trade plate issued in respect of the trade licence

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2. Validity period of the trade licence
3. Name of the licence holder
4. Particulars of the journey—
 - (a) Date
 - (b) Time and place at which the journey is to be started
 - (c) Time and place at which the journey finished (to be completed as soon as practicable after the journey)
 - (d) Purpose
5. Particulars of the vehicle used—
 - (a) Make
 - (b) Type of vehicle
 - (c) Chassis number, engine number or registration mark
6. If the vehicle is to be used by an authorized user, the following particulars of the authorized user—
 - (a) Name
 - (b) Driving licence number (need not be specified in the duplicate copy of the register)
7. If the authorized user has obtained the approval of a person designated by the licence holder or the approval of the licence holder under regulation 46A(4), the name and signature of the designated person or the licence holder

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8. If the vehicle is a non-left-hand drive vehicle and the trade licence is to be used by a prospective purchaser for the purpose of test or trial, the following particulars of the prospective purchaser—
- (a) Name
 - (b) Driving licence number (need not be specified in the duplicate copy of the register)".

Eva CHENG
Secretary for Transport and
Housing

7 May 2012

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Explanatory Note
Paragraph 1

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Explanatory Note

The main purpose of this Regulation is to amend the Road Traffic (Registration and Licensing of Vehicles) Regulations (Cap. 374 sub. leg. E) (*the principal Regulations*) so as—

- (a) to provide for issuance of trade licences for use on left-hand drive vehicles for re-export to a place outside Hong Kong;
 - (b) to provide for issuance of closed road permits and expressway permits for vehicles in use under a trade licence; and
 - (c) to strengthen control over the use of trade licences.
2. Section 1 provides for the commencement of the Regulation.
 3. Section 3 adds new definitions to regulation 2 of the principal Regulations.
 4. Section 4 adds a new subregulation (1A) to regulation 43 of the principal Regulations. The new subregulation (1A) empowers the Commissioner for Transport (*the Commissioner*) to issue trade licences for use on left-hand drive vehicles imported to Hong Kong for re-export to a place outside Hong Kong.
 5. Section 5 adds a new subregulation (2A) to regulation 44 of the principal Regulations to specify the colour requirement for trade plates displayed on left-hand drive vehicles in use under a trade licence.
 6. Section 6 replaces regulation 45 of the principal Regulations with a new regulation to specify new requirements in relation to display of trade plates on vehicles in use under a trade licence.

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Explanatory Note
Paragraph 7

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7. Section 7 amends regulation 46 of the principal Regulations to clarify that only a prospective purchaser is allowed to drive a non-left-hand drive vehicle in use under a trade licence for the purpose of test or trial.
8. Section 8 adds a new regulation 46A to deal with authorizations given by holders of trade licences and records of authorizations maintained by holders of trade licences.
9. Section 9 replaces regulation 47 of the principal Regulations with new regulation 47 to provide for additional limitations in relation to the use of trade licences.
10. Section 10 replaces regulation 48 of the principal Regulations with a new regulation 48 to provide for additional requirements in relation to a register of journeys made under a trade licence.
11. Section 11 adds a new subregulation (1A) to regulation 49 of the principal Regulations to empower the Commissioner to issue a closed road permit for driving a vehicle in use under a trade licence on a closed road within a boundary control point specified in the permit.
12. Section 12 adds a new subregulation (1A) to regulation 50A of the principal Regulations to enable an expressway permit to be issued for driving a vehicle in use under a trade licence or movement permit.
13. Section 13 amends regulation 57(1) of the principal Regulations in respect of the address at which a notice of cancellation may be given to the holder of a licence or permit.
14. Section 14 amends the offence provisions in regulation 60 of the principal regulations to provide that contravention of certain new provision or requirement in regulations 46A, 47 and 48 is an offence punishable by a maximum fine at level 1 (\$2,000).

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Explanatory Note
Paragraph 15

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15. Section 15 adds a new item 5A to Schedule 2 to the principal Regulations under the subheading of Permit and Certificate Fees. The new item 5A provides for the fee payable in respect of issuing a closed road permit for all motor vehicles in use under a trade licence.
16. Section 16 makes technical amendments to the Chinese text of Schedule 4 to the principal Regulations.
17. Section 17 amends Schedule 9 to the principal Regulations—
 - (a) to remove the requirement for specifying the address of a permit holder on various permits;
 - (b) to provide that a vehicle registration mark, a trade plate number or movement permit number must be entered on closed road permits; and
 - (c) to provide that a vehicle registration mark, movement permit number or chassis number must be entered on expressway permits.
18. Section 18 adds new Schedules to the principal Regulations to set out particulars to be contained—
 - (a) in a written authorization (new Schedule 12);
 - (b) in a record of authorization (new Schedule 13); and
 - (c) in a register of journeys (new Schedule 14).