
STATUTORY INSTRUMENTS

2002 No. 2742

ROAD TRAFFIC

**The Road Vehicles (Registration
and Licensing) Regulations 2002**

<i>Made</i>	- - - -	<i>4th November 2002</i>
<i>Laid before Parliament</i>		<i>8th November 2002</i>
<i>Coming into force</i>		
<i>Except regulations 15(3) and 20(4) and (5)</i>		<i>30th November 2002</i>
<i>Regulations 15(3) and 20(4) and (5)</i>		<i>7th April 2003</i>

The Secretary of State for Transport, in exercise of the powers conferred by sections 7(6), 10(1), 11(1), 11(1A), 12(2), (3) and (4), 14(3)(b) and (4), 21(3), 22(1), (1A), (1B), (1C), (1D), (1E), (1G), (2), (2A), (2B), (2C), and (4), 22A, 23(5), 25, 33(1)(b), (1A)(c), (3)(a), (4) and (5), 52(1), 57(1), (2) and (3), 59(2)(a), 61A, 61B and 62(1) of the Vehicle Excise and Registration Act 1994⁽¹⁾, by paragraphs 1(2B), 3(5) and 5(3)(e) and (4)(c) of Schedule 1 and paragraphs 2A and 24 of Schedule 2 to that Act, and of all other powers enabling him in that behalf, hereby makes the following Regulations:

(1) 1994 c. 22; section 7(6) was amended by the Finance Act 1996 (c. 8) Schedule 2 paragraphs 2(1), (4); section 11(1) was amended by the Finance Act 1995 (c. 4) Schedule 4 paragraph 30(2), (3); section 11(1A) was inserted by the Finance Act 1996 Schedule 2 paragraph 3; section 21 was amended by the Finance Act 1995 Schedule 4 paragraph 33 and the Finance Act 1997 (c. 16) Schedule 3 paragraph 9; section 22 was amended by the Finance Act 1995 Schedule 4 paragraph 34, by the Finance Act 1996 Schedule 2 paragraphs 4-7, Schedule 41, by the Finance Act 1997 Schedule 3 paragraphs 3, 9, by the Finance (No 2) Act 1997 (c. 58) section 14(3), Schedule 8 and by the Finance Act 1998(c. 36), section 18, Schedule 27; section 22A was inserted by the Vehicles (Crime) Act 2001 (c. 3) section 33(2); section 33 was amended by the Finance Act 1996 Schedule 2 paragraph 10, the Finance Act 1997 Schedule 3 paragraphs 4, 9; section 57(1) was amended by the Finance Act 1996 Schedule 2 paragraph 16, Schedule 41; section 61A was inserted by the Finance Act 1995 Schedule 4 paragraph 28 and amended by the Finance Act 1996 section 23(3); section 61B was inserted by the Finance Act 1998 Schedule 1 paragraph 17; in Schedule 1, paragraph 1(2B) was inserted by the Finance Act 2002 (c. 23) section 20 and paragraph 3 was inserted by the Finance Act 1995 Schedule 4 paragraph 17; in Schedule 2, paragraph 2A was inserted by the Finance Act 1996 section 15(5).

PART I

PRELIMINARY

Citation and commencement

1.—(1) These regulations may be cited as the Road Vehicles (Registration and Licensing) Regulations 2002.

(2) These regulations except regulations 15(3) and 20(4) and (5) and Schedule 3 shall come into force on 30th November 2002.

(3) Regulations 15(3) and 20(4) and (5) and Schedule 3 shall come into force on 7th April 2003.

Revocation

2.—(1) The regulations specified in column (1), whose numbers are specified in column (2), of the tables in Parts I and III of Schedule 1 are hereby revoked in their entirety.

(2) The Regulations specified in column (1), whose number is specified in column (2), of the table in Part II of Schedule 1 are hereby revoked to the extent specified in column (3).

Interpretation

3.—(1) In these regulations—

“the 1988 Act” means the Road Traffic Act 1988(2);

“the 1994 Act” means the Vehicle Excise and Registration Act 1994 and a reference to the “predecessor legislation” of the 1994 Act is a reference to any of the following Acts—

- (a) the Roads Act 1920(3);
- (b) the Vehicles (Excise) Act 1949(4);
- (c) the Vehicles (Excise) Act (Northern Ireland) 1954(5);
- (d) the Vehicles (Excise) Act 1962(6);
- (e) the Vehicles (Excise) Act 1971(7);
- (f) the Vehicles (Excise) Act (Northern Ireland) 1972(8);

“bicycle” means a mechanically propelled bicycle (including a motor scooter, a bicycle with an attachment for propelling it by mechanical power and a mechanically propelled bicycle used for drawing a trailer or sidecar) not exceeding 450 kgs in weight unladen;

“GB records” means the part of the register which is maintained on behalf of the Secretary of State by the Driver and Vehicle Licensing Agency;

“insurer” means an authorised insurer as defined by section 145 of the 1988 Act;

“invalid vehicle” means a vehicle (including a cycle with an attachment for propelling it by mechanical power) which does not exceed 508 kgs in weight unladen and is adapted and used or kept on a public road for an invalid;

“keeper” in relation to a vehicle means the person by whom that vehicle is kept;

(2) 1988 c. 52.

(3) 10 & 11 Geo. 5. c. 72.

(4) 12, 13 & 14 Geo. 6. c. 89.

(5) 1954 c. 17 (N.I.).

(6) 10 & 11 Eliz. 2. c. 13.

(7) 1971 c. 10.

(8) 1972 c. 10 (N.I.).

“kgs” means kilograms;

“local authority” has, in relation to each part of the United Kingdom, the meaning given in the following table—

England	County council, district council, London borough council, Council of the Isles of Scilly, Common Council of the City of London
Northern Ireland	(9) District Council as defined in the Local Government Act (Northern Ireland) 1972
Scotland	(10) Council constituted under section 2 of the Local Government etc. (Scotland) Act 1994
Wales	County council, county borough council

“mm” means millimetres;

“NI records” means the part of the register which is maintained on behalf of the Secretary of State by Driver and Vehicle Licensing Northern Ireland;

“reduced pollution certificate” means a certificate issued with respect to a vehicle by virtue of Schedule 2;

“register” means the record kept by or on behalf of the Secretary of State of the vehicles registered by him, in Great Britain or in Northern Ireland, under section 21 of the 1994 Act;

“registered keeper” in relation to a vehicle means the person for the time being shown in the register as the keeper of that vehicle;

“trade plates” means plates issued in accordance with regulation 40 or 41;

“tricycle” means a mechanically propelled tricycle (including a motor scooter and a tricycle with an attachment for propelling it by mechanical power) not exceeding 450 kgs in weight unladen and not being a pedestrian controlled vehicle as defined by regulation 4(3)(b); and

“valeting” means the thorough cleaning of a vehicle before its registration by the Secretary of State under section 21 of the 1994 Act or in order to prepare it for sale and includes removing wax and grease from the exterior, engine and interior, and “valeted” shall be construed accordingly.

(2) In regulations 21 to 25 “vehicle trader” has the meaning given by regulation 20(6) and in Schedule 4 “relevant vehicle trader” has the meaning given by paragraph 1(4) of that Schedule.

(3) Any application, notification, notice, information, particulars, appeal, declaration or other document or thing given or made in pursuance of these Regulations shall, except where it is expressly provided otherwise, be in writing.

Electrically assisted pedal cycles and pedestrian controlled vehicles

4.—(1) The requirements specified in regulation 4 of the Electrically Assisted Pedal Cycles Regulations 1983⁽¹¹⁾ are hereby prescribed as requirements for the purposes of paragraph 2A of Schedule 2 to the 1994 Act (electrically assisted pedal cycles exempt vehicles if of a class complying with prescribed requirements).

(2) Nothing in the following provisions of these Regulations applies to a vehicle which is an electrically assisted pedal cycle or pedestrian controlled vehicle.

(9) 1972 c. 9 (N.I.).

(10) 1994 c. 39.

(11) S.I. 1983/1168.

(3) In this regulation—

- (a) “electrically assisted pedal cycle” means a vehicle which, by virtue of paragraph (1), is an electrically assisted pedal cycle for the purposes of paragraph 2A of Schedule 2 to the 1994 Act; and
- (b) “pedestrian controlled vehicle” means a vehicle with three or more wheels which does not exceed 450 kgs in weight unladen and which is neither constructed nor adapted for use nor used for the carriage of a driver or passenger.

PART II

LICENCES

Application for a vehicle licence on the basis that the reduced pollution requirements are satisfied

5.—(1) Where an application is made for a vehicle licence on the basis that the rate of vehicle excise duty applicable is a rate specified in one of the provisions of Schedule 1 to the 1994 Act specified in paragraph (2), the Secretary of State may require the applicant to furnish a reduced pollution certificate before he determines the rate at which vehicle excise duty is payable on the licence.

(2) The provisions of Schedule 1 to the 1994 Act⁽¹²⁾ referred to in paragraph (1) are—

- (a) paragraph 3(1A) (buses);
- (b) paragraph 6(2A)(b) (vehicles used to carry exceptional loads);
- (c) paragraph 7(3A)(b) (haulage vehicles);
- (d) paragraph 9A (rigid goods vehicles); and
- (e) paragraph 11A (tractive units).

(3) Schedule 2 shall have effect with respect to reduced pollution certificates and the reduced pollution requirements.

Exhibition of vehicle and nil licences

6.—(1) When a vehicle licence or nil licence has been delivered to the Secretary of State with an application for a replacement licence, no licence need be fixed to and exhibited on the vehicle to which the licence relates until the replacement licence is obtained.

(2) Except where paragraph (1) applies, the manner in which any vehicle licence or nil licence in force for a vehicle is to be fixed to and exhibited on the vehicle in accordance with the provisions of section 33(1) or (1A) of the 1994 Act, when it is used or kept on a public road, is that specified in the following provisions of this regulation.

(3) Each such licence shall be fixed to the vehicle in a holder sufficient to protect the licence from the weather to which it would otherwise be exposed.

(4) The licence shall be exhibited on the vehicle—

- (a) in the case of an invalid vehicle, tricycle or bicycle, other than in a case specified in subparagraph (b) or (c) of this paragraph, on the near side of the vehicle;
- (b) in the case of a bicycle drawing a side-car or to which a side-car is attached, on the near side of the handlebars of the bicycle or on the near side of the side-car;

⁽¹²⁾ Paragraphs 3(1A), 6(2A)(b), 7(3A)(b) and 9A of Schedule 1 to the 1994 Act were inserted by the Finance Act 1998 (c. 36) Schedule 1 paragraphs 3(2), 6(2), 7(3), 9 and 12.

- (c) in the case of any vehicle fitted with a glass windscreen in front of the driver extending across the vehicle to its near side, on or adjacent to the near side of the windscreen;
- (d) in the case of any other vehicle—
 - (i) if the vehicle is fitted with a driver's cab containing a near side window, on that window; or
 - (ii) on the near side of the vehicle in front of the driver's seat and not less than 760 mm and not more than 1.8 metres above the surface of the road.

(5) In each case referred to in paragraph (4), the licence shall be so exhibited that all the particulars on the licence are clearly visible in daylight from the near side of the road.

Prohibition against exhibiting anything resembling a vehicle, trade or nil licence

7. No person shall exhibit on a vehicle which is kept or used on a public road anything—

- (a) which is intended to be, or
- (b) which could reasonably be,

mistaken for a vehicle licence, a nil licence or a trade licence which is for the time being in force for, or in respect of, the vehicle.

Issue of duplicate vehicle, trade and nil licences

8.—(1) Where a vehicle licence, trade licence or nil licence—

- (a) has been, or may have been, lost, stolen, destroyed or damaged; or
- (b) contains any particulars which have become illegible,

the holder of the licence shall apply to the Secretary of State for the issue of a duplicate.

(2) An application under paragraph (1) shall be accompanied by—

- (a) the registration document issued in respect of the vehicle or, if the applicant is unable to comply with this requirement, by an application to the Secretary of State for the issue of a replacement registration document in accordance with regulation 13;
- (b) a fee of £7, if the licence to be replaced is a vehicle or trade licence; and
- (c) the licence to be replaced, if the reason for replacement is that it has been damaged or contains any particulars which have become illegible.

(3) No fee is payable under paragraph (2)(b) if the Secretary of State is satisfied that the loss of the licence occurred in the course of the transmission of the licence by the office issuing it to the keeper of the vehicle.

(4) On receiving an application under paragraph (1) made in accordance with this regulation, the Secretary of State shall issue a replacement licence if he is satisfied that the licence has been, or may have been, lost, stolen, destroyed or damaged.

(5) If a replacement licence has been issued on the ground that the original has been, or may have been, lost, stolen or destroyed, and the original licence is subsequently found or recovered, the keeper of the vehicle—

- (a) if the original is in his possession, shall forthwith return it to the Secretary of State, or
- (b) if it is not in his possession but he becomes aware that it is found or recovered, shall take all reasonable steps to obtain possession of it and return it to the Secretary of State.

Surrender of vehicle and trade licences

9.—(1) The holder of a vehicle licence or trade licence who wishes to surrender his licence and to claim a rebate in respect of the unexpired term, in accordance with section 19(1) of the 1994 Act, shall make an application, signed by him, to the Secretary of State.

(2) The application shall be accompanied by the licence and, in the case of a trade licence, any trade plates held by the holder in connection with the licence.

PART III

REGISTRATION AND REGISTRATION DOCUMENTS

Registration and issue of registration document

10.—(1) A vehicle shall not be registered under section 21 of the 1994 Act unless a fee of £25 has been paid to the Secretary of State.

(2) Paragraph (1) does not apply to a vehicle which is an exempt vehicle by virtue of paragraph 18 or 19 of Schedule 2 to the 1994 Act⁽¹³⁾.

(3) The Secretary of State may register a vehicle in either the GB records or the NI records as he considers appropriate and may, if he thinks fit, remove the particulars of a vehicle included in one of those parts of the register and include them in the other.

(4) On registering a vehicle the Secretary of State shall issue a registration document to the keeper of the vehicle.

(5) Subject to paragraph (6) and regulation 11, the Secretary of State shall issue the registration document forthwith, except where the vehicle is registered in consequence of an application for a vehicle licence by a person applying as mentioned in section 7(3A) of the 1994 Act⁽¹⁴⁾, in which case the registration document shall be issued when that person asks for it to be issued.

(6) Before issuing a registration document to the keeper of a vehicle, the Secretary of State may require him to produce the vehicle for inspection or to produce other evidence that the vehicle accords with the particulars furnished when a vehicle or nil licence was applied for in respect of it.

(7) The Secretary of State may refuse to issue a registration document or replacement registration document for a vehicle if he is not satisfied that the vehicle accords with those particulars.

Production of vehicle for inspection before assignment of registration mark

11. Where at the request of the keeper of a vehicle a particular registration mark is to be assigned to it, having previously been assigned to another vehicle, that other vehicle shall be made available for inspection by the Secretary of State at a place designated by him, and the keeper of the first mentioned vehicle shall, before the registration mark is so assigned, pay to the Secretary of State a charge of £80 for the assignment.

Production of registration document for inspection

12. The keeper of a vehicle in respect of which a registration document has been issued shall produce the document for inspection if he is required to do so at any reasonable time by a constable or by a person acting on behalf of the Secretary of State.

(13) Paragraph 19 of Schedule 1 to the 1994 Act was amended by the Finance Act 1997 section 17.

(14) Section 7(3A) of the 1994 Act was inserted by the Finance Act 1996 Schedule 2 paragraph 2(2).

Issue of replacement registration document

13.—(1) Where a registration document has been, or may have been, lost, stolen, destroyed or damaged, or it contains any particulars that have become illegible, the registered keeper shall apply to the Secretary of State for the issue of a replacement document.

(2) In a case where the registration document has been damaged or contains any particulars which have become illegible, an application under paragraph (1) shall be accompanied by the document and, in any other case, the Secretary of State may, if he thinks fit, accept an application made orally by telephone.

(3) If the Secretary of State—

- (a) receives an application made in accordance with this regulation; and
- (b) he is satisfied that a registration document has been, or may have been, lost, stolen, destroyed or damaged, or that it contains any particulars that have become illegible,

he shall, subject to regulation 15, issue a replacement registration document to the registered keeper.

(4) If a replacement registration document has been issued on the ground that the original has been, or may have been, lost, stolen or destroyed, and the original is subsequently found or recovered, the keeper of the vehicle—

- (a) if the original is in his possession, shall forthwith return it to the Secretary of State, or
- (b) if it is not in his possession but he becomes aware that it is found or recovered, shall take all reasonable steps to obtain possession of it and return it to the Secretary of State.

Correction of registration document

14.—(1) Where the keeper of a vehicle believes that the particulars in the registration document issued in respect of that vehicle are, or have become, inaccurate, he shall forthwith notify the Secretary of State of the inaccuracy.

(2) Notification under paragraph (1) shall be accompanied by the registration document, unless it has been, or may have been, lost stolen or destroyed.

(3) Where the Secretary of State believes that the particulars in the registration document issued in respect of a vehicle are inaccurate—

- (a) if the document has not been sent to him in accordance with paragraph (2), he may require the registered keeper of the vehicle to send it to him;
- (b) whether or not he has received the document, he may correct the particulars in the register; and
- (c) after correcting the particulars he shall, unless he has not received the registration document as required by paragraph (2) and subject to regulation 15, send a registration document containing the correct particulars to the registered keeper.

Issue of new registration document

15.—(1) Before issuing a new registration document in respect of a vehicle under any provision of these Regulations, the Secretary of State may require the keeper of the vehicle to satisfy him by the production of the vehicle or other sufficient evidence that the vehicle—

- (a) accords with the particulars furnished when a vehicle or nil licence was last applied for in respect of it; or
- (b) is the registered vehicle.

(2) The Secretary of State may refuse to issue a new registration document in respect of a vehicle if he is not satisfied as mentioned in paragraph (1).

(3) The provisions of Schedule 3 shall have effect in relation to the issue of a new registration document in respect of a vehicle (in this regulation and in Schedule 3 called “the relevant vehicle”) where—

- (a) the relevant vehicle falls within category M1 of Annex II to Council Directive [70/156/EEC\(15\)](#), and
- (b) either an insurer has informed the Secretary of State that it has decided to pay the value of the relevant vehicle to the owner in preference to paying for the cost of repairing it or the registration document has been surrendered to the Secretary of State under regulation 20(5).

(4) For the purposes of paragraph (3) and Schedule 3 the return of a registration document for a vehicle registered in the NI records in accordance with regulation 18(2)(b) shall be taken to be the issue of a new registration document.

PART IV

NOTIFICATION AND CHANGES

Notification of an alteration to a vehicle

16.—(1) Where any alteration is made to a vehicle so as to make any of the particulars set out in the registration document incorrect, the registered keeper shall deliver to the Secretary of State—

- (a) notification of the alteration;
- (b) except where the registration document is lost, stolen or destroyed, the registration document.

(2) If the alteration makes any of the particulars shown on the vehicle licence or nil licence incorrect, the registered keeper shall also deliver to the Secretary of State the appropriate licence, unless it is lost, stolen or destroyed.

(3) The Secretary of State may require the registered keeper to furnish such evidence as he may reasonably require to show that the alteration has taken place.

(4) On receiving notification under this regulation the Secretary of State shall, subject to regulation 15, if he is satisfied that the vehicle has been altered in the way notified to him,—

- (a) record the alteration in the register;
- (b) send to the registered keeper a new registration document showing the correct particulars; and
- (c) in a case falling within paragraph (2), send to the registered keeper a new vehicle or nil licence showing the correct particulars.

Notification of destruction or permanent export of a vehicle

17. Where a vehicle is destroyed or sent permanently out of—

- (a) Great Britain; or
- (b) Northern Ireland,

the registered keeper shall immediately notify the Secretary of State of the fact and, at the same time, surrender the registration document to him.

(15) O.J. No. L42 23.2.1970, p.1, to which there are amendments not relevant to these Regulations.

Notification of a change of the keeper's name or address

18.—(1) If the registered keeper of a vehicle changes his name or his address, he shall forthwith notify the new name or address to the Secretary of State and, except where the registration document has been lost, stolen or destroyed, shall deliver the registration document to him.

(2) On receiving notification in accordance with paragraph (1) the Secretary of State shall, subject to regulation 15,—

- (a) record the alteration in the register, and
- (b) in the case of a vehicle registered in the GB records, send to the registered keeper a new registration document showing the new name or address or, in the case of a vehicle registered in the NI records, return the registration document to the registered keeper amended to show the new name or address or send him a new registration document showing that information.

Notification of a change of the name or address of the holder of a trade licence

19.—(1) If the holder of a trade licence changes the name of his business or his business address, he shall notify the Secretary of State of this fact and of the new name or address forthwith and shall at the same time deliver up the licence to the Secretary of State.

(2) On receiving notification in accordance with paragraph (1) the Secretary of State shall—

- (a) record the alteration in the register of trade licences; and
- (b) send to the holder a new trade licence showing the correct particulars.

Change of keeper: general provisions

20.—(1) Regulations 21 to 25 have effect subject to the provisions of this regulation.

(2) On a change in the keeper of a vehicle, any current vehicle licence for the vehicle may be delivered to the new keeper.

(3) So far as they provide for the issue of a new registration document, regulations 21 to 25 have effect subject to the provisions of regulation 15.

(4) Paragraph (5) shall apply and regulations 21 to 25 shall not apply where—

- (a) a vehicle has sustained damage to its bodywork such that the cost of commercial repair would exceed the value of the vehicle when repaired; and
- (b) either the keeper of the vehicle does not have the benefit of a policy of insurance or cover note which covers the damage or the keeper is an insurer.

(5) On a change of keeper to which this paragraph applies the keeper shall forthwith surrender the registration document to the Secretary of State or, if an insurer, destroy it.

(6) In regulations 21 to 25 “vehicle trader” means any person who—

- (a) is the holder of a trade licence;
- (b) carries on business as a dealer in motor vehicles;
- (c) carries on business as an auctioneer of motor vehicles;
- (d) carries on business as a dismantler of motor vehicles; or
- (e) in relation to a particular vehicle, is—
 - (i) a finance company which has acquired that vehicle under an order for repossession;
 - or
 - (ii) an insurer which has acquired that vehicle in satisfaction of a total loss claim.

Change of keeper: registration document issued in Great Britain before 24th March 1997

21.—(1) This regulation applies where the current registration document for a vehicle was issued in Great Britain before 24th March 1997 and a change in the keeper of the vehicle occurs.

(2) The registered keeper—

- (a) if the registration document is in his possession, shall deliver that part of it which relates to a change of keeper to the new keeper; and
- (b) shall forthwith deliver to the Secretary of State, on that part of the registration document which relates to the notification of transfer (or otherwise in writing), the following information—
 - (i) notification of the change of keeper;
 - (ii) the date on which the vehicle was sold or transferred to the new keeper;
 - (iii) the name and address of the new keeper;
 - (iv) the registration mark of the vehicle; and
 - (v) the make, model and colour of the vehicle.

(3) If the new keeper—

- (a) intends to use or keep the vehicle on public roads otherwise than under a trade licence; or
- (b) does not intend to use or keep the vehicle on public roads,

he shall notify the Secretary of State of his name and address, on the appropriate part of the registration document (or otherwise in writing).

(4) If the new keeper intends to use the vehicle on public roads solely under a trade licence, he shall notify the Secretary of State that this is his intention on or before whichever is the sooner of—

- (a) the expiration of the period three months beginning with the date on which he became the keeper of the vehicle; or
- (b) if a further change of keeper occurs, the date of that change.

Change of keeper: registration document issued in Great Britain on or after 24th March 1997 and the new keeper not a vehicle trader

22.—(1) This regulation applies where—

- (a) there is a change in the keeper of a vehicle;
- (b) a vehicle registration document has been issued in respect of the vehicle in Great Britain on or after 24th March 1997; and
- (c) the new keeper is not a vehicle trader.

(2) The registered keeper of the vehicle—

- (a) if the registration document issued in respect of the vehicle is in his possession, shall deliver to the new keeper that part of the document marked as the part which is to be given to the new keeper; and
- (b) shall forthwith deliver the remainder of the registration document to the Secretary of State, duly completed to include the following—
 - (i) the name and address of the new keeper;
 - (ii) the date on which the vehicle was sold or transferred to the new keeper;
 - (iii) a declaration signed by the registered keeper that the details given in accordance with paragraph (i) are correct to the best of his knowledge and that the details given in accordance with paragraph (ii) are correct; and

- (iv) a declaration signed by the new keeper that the details given in accordance with paragraphs (i) and (ii) are correct.

Change of keeper: obligations of registered keeper where vehicle registration document issued in Great Britain on or after 24th March 1997 and the new keeper a vehicle trader

23.—(1) Subject to regulation 24, this regulation applies where—

- (a) there is a change in the keeper of a vehicle;
- (b) the person disposing of the vehicle is the registered keeper;
- (c) a vehicle registration document has been issued in respect of the vehicle in Great Britain on or after 24th March 1997; and
- (d) the new keeper is a vehicle trader.

(2) The registered keeper shall forthwith notify the Secretary of State, on that part of the registration document which relates to the transfer to a vehicle trader, or otherwise in writing, of the following—

- (a) the name and address of the vehicle trader;
- (b) the date on which the vehicle was transferred to the vehicle trader;
- (c) a declaration signed by the registered keeper that he transferred the vehicle to the vehicle trader on the date specified in accordance with sub-paragraph (b); and
- (d) a declaration signed by the vehicle trader that the vehicle was transferred to him on the date specified in accordance with sub-paragraph (b).

(3) If the registration document issued in respect of the vehicle is in his possession, the registered keeper shall deliver to the vehicle trader those parts of it not required to be sent to the Secretary of State under paragraph (2).

Change of keeper: obligations of vehicle traders where registration document issued in Great Britain on or after 24 March 1997

24.—(1) This regulation applies where a vehicle trader becomes the keeper of a vehicle in respect of which a vehicle registration document has been issued in Great Britain on or after 24 March 1997.

(2) Where this regulation applies the vehicle trader shall, on or before the appropriate date and on that part of the registration document which relates to a change of keeper or otherwise in writing, notify the Secretary of State as to—

- (a) the transfer of the vehicle to him; and
- (b) the date on which he became the keeper of the vehicle.

(3) For the purposes of paragraph (2) the appropriate date is whichever is the earliest of—

- (a) the day on which the vehicle trader first uses, or permits the use of, the vehicle on a public road otherwise than under a trade licence;
- (b) the day on which he first keeps the vehicle on such a road;
- (c) the day immediately following the expiration of the period of three months (“the three months period of grace”) beginning with the day after the date on which the vehicle was last kept by a person who was not a vehicle trader.

(4) Where this regulation applies and the vehicle trader transfers the vehicle to another vehicle trader before the expiration of the three months period of grace, he shall give to the new keeper any part of the registration document in his possession.

(5) Where the vehicle trader transfers the vehicle to another person in a case not falling within paragraph (4), he shall—

- (a) forthwith deliver to the Secretary of State, on that part of the registration document which relates to the change of keeper or otherwise in writing, the following—
 - (i) the name and address of the new keeper;
 - (ii) the date on which the vehicle was transferred to the new keeper;
 - (iii) a declaration signed by the registered keeper that the details given in accordance with paragraph (i) are correct to the best of his knowledge and that the details given in accordance with paragraph (ii) are correct; and
 - (iv) a declaration signed by the new keeper that the details given in accordance with paragraphs (i) and (ii) are correct; and
- (b) if the registration document issued in respect of the vehicle is in his possession, deliver to the new keeper those parts of it not required to be sent to the Secretary of State under sub-paragraph (a).

Change of keeper: registration document issued in Northern Ireland

25.—(1) Where there is a change in the keeper of a vehicle for which the registration document was issued in Northern Ireland—

- (a) the disposing keeper shall forthwith deliver the registration document to the new keeper if it is in his possession and, unless both the disposing keeper and the new keeper are vehicle traders and the three months period of grace has not expired, shall forthwith notify the change of keeper to the Secretary of State, stating the registration mark of the vehicle, its make and class and the name and address of the new keeper; and
- (b) the new keeper—
 - (i) if he is not a vehicle trader, shall forthwith notify the Secretary of State of the transfer of the vehicle to him, stating his name and address and, if the registration document is in his possession, deliver it to the Secretary of State; or
 - (ii) if he is a vehicle trader, shall comply with the requirements of paragraph (2).

(2) A vehicle trader who becomes the keeper of a vehicle for which the registration document was issued in Northern Ireland shall, on or before the appropriate date, deliver the registration document to the Secretary of State and notify him of—

- (a) the transfer of the vehicle to him; and
- (b) the date on which he became the keeper of the vehicle.

(3) In this regulation—

- (a) “the appropriate date” in relation to a vehicle trader means whichever is the earliest of—
 - (i) the day on which the vehicle trader first uses, or permits the use of, the vehicle on a public road otherwise than under a trade licence;
 - (ii) the day on which he first keeps the vehicle on such a road;
 - (iii) the day immediately following the expiration of the three months period of grace; and
- (b) “the three months period of grace” in relation to a vehicle means the period of three months beginning with the day after the date on which the vehicle was last kept by a person who was not a vehicle trader.

Statutory off-road notification

26. Schedule 4 shall have effect for the purpose of prescribing, the particulars to be furnished and the declarations to be made, and the times at which and the circumstances and manner in which they are to be made, by a person who—

- (a) surrenders a vehicle licence;
- (b) does not renew a vehicle licence on its expiration; or
- (c) keeps an unlicensed vehicle.

PART V

DISCLOSURE OF INFORMATION

Disclosure of registration and licensing particulars

27.—(1) The Secretary of State may make any particulars contained in the register available for use—

- (a) by a local authority for any purpose connected with the investigation of an offence or of a decriminalised parking contravention;
- (b) by a chief officer of police;
- (c) by a member of the Police Service of Northern Ireland;
- (d) by an officer of Customs and Excise in Northern Ireland; or
- (e) by any person who can show to the satisfaction of the Secretary of State that he has reasonable cause for wanting the particulars to be made available to him.

(2) Particulars may be provided to such a person as is mentioned in paragraph (1)(e) on payment of such fee, if any, of such amount as appears to the Secretary of State reasonable in the circumstances of the case.

(3) In this regulation—

- (a) “a decriminalised parking contravention” means any act or omission which would have been an offence but for any of the following provisions of the Road Traffic Act 1991, that is to say—
 - (i) section 65 (contravention of certain orders relating to parking places in London not to be a criminal offence);
 - (ii) section 76(3) (provisions creating certain stationary vehicle offences to cease to apply in special parking areas in London);
 - (iii) paragraph 1(4) of Schedule 3 (contravention of certain orders relating to parking places outside London not to be a criminal offence); and
 - (iv) paragraph 2(4) of Schedule 3 (provisions creating certain stationary vehicle offences to cease to apply in special parking areas outside London); and
- (b) “an officer of Customs and Excise” means an officer as defined in section 1(1) of the Customs and Excise Management Act 1979(16) and includes any person engaged as mentioned in section 8(2) of that Act.

Sale of information derived from particulars contained in the register

28. The Secretary of State may sell information derived from particulars contained in the register—

- (a) to such persons as the Secretary of State thinks fit;
- (b) for such price and on such other terms, and subject to such restrictions, as the Secretary of State thinks fit,

if the information does not identify any person or contain anything enabling any person to be identified.

PART VI

CROWN VEHICLES AND EXEMPT VEHICLES

Application of Regulations to Crown vehicles

29.—(1) Except as provided by this Part of these Regulations, nothing in these Regulations applies to a vehicle kept by the Crown.

(2) Nothing in these Regulations or this Part of these Regulations applies to a vehicle kept by the Crown which is used or appropriated for use for naval, military or air force purposes.

Registration of Crown vehicles

30.—(1) A Government Department which uses or keeps or, intends to use or keep, a vehicle on a public road shall—

- (a) make to the Secretary of State such declaration and furnish him with such particulars as would be required by section 7 of the 1994 Act if the Department desired to take out a vehicle licence for the vehicle; and
- (b) make to the Secretary of State a declaration that the vehicle is only to be used for the purposes of the Crown.

(2) Upon receipt of the declaration and particulars the Secretary of State shall—

- (a) register the vehicle in the name of the Government Department;
- (b) if there is no registration mark for the time being assigned to the vehicle, assign a registration mark to it; and
- (c) issue a registration document for the vehicle.

(3) Any registration mark assigned under paragraph (2) shall be deemed to be assigned under section 23 of the 1994 Act for the purposes of subsection (2) of that section and of these Regulations.

(4) No vehicle licence or nil licence shall be issued by the Secretary of State in respect of the vehicle so registered.

(5) Where a Government Department is the registered keeper of a vehicle, regulations 20, 21, 22, 23, 24 and 25 shall apply on a change in the keeper of a vehicle and regulations 20, 21, 22 and 25 shall apply on a change in the keeper of a vehicle from one Government Department to another.

Certificates of Crown exemption

31.—(1) Subject to regulation 29(2), for the purposes of identification, a certificate of Crown exemption shall be displayed on every vehicle belonging to the Crown which is used or kept on a public road.

- (2) A certificate of Crown exemption is a certificate—
 - (a) marked with the registration mark of the vehicle to which it relates;
 - (b) stating that the vehicle is exempt from vehicle excise duty as a Crown vehicle;
 - (c) signed by a duly authorised officer of the Government Department by which the vehicle is kept.
- (3) Regulation 7 (exhibition of vehicle and nil licences) of these Regulations shall apply as if references to a vehicle licence included a reference to a certificate of Crown exemption.

Application of Regulations to exempt vehicles

32. Subject to the provisions of these Regulations, these Regulations shall apply to exempt vehicles so far as they are capable of being applied to such vehicles.

Nil licences

33.—(1) In this regulation “nil licensable vehicle” means a vehicle which is an exempt vehicle otherwise by virtue of paragraph 2, 2A, 3, 22 or 23 of Schedule 2 to the 1994 Act.

(2) A nil licence is required to be in force in respect of a nil licensable vehicle which is used or kept on a public road.

(3) A nil licence shall—

- (a) be granted for a period of 12 months beginning with the first day of the month in which the application for the licence is received by the Secretary of State; and
- (b) be in the same form as a vehicle licence with the word “NIL” marked in the space provided for indicating the amount of vehicle excise duty payable.

(4) The keeper of a nil licensable vehicle may apply to the Secretary of State for a nil licence by making to him such a declaration and furnishing him with such particulars and such documentary or other evidence as might be specified under section 7 of the 1994 Act if the keeper desired to take out a vehicle licence for the vehicle.

(5) The Secretary of State may accept a declaration given, and particulars furnished, orally by telephone.

(6) In the case of a vehicle which is an exempt vehicle by virtue of—

- (a) paragraph 19 of Schedule 2 to the 1994 Act, or
- (b) paragraph 7 of Schedule 4 to that Act,

the Secretary of State shall require the keeper to furnish him with a certificate that paragraph 19 of Schedule 2 or, as the case may be, paragraph 7 of Schedule 4 applies, unless the Secretary of State satisfies himself by other means that one of those paragraphs applies.

(7) The certificate shall be obtained by the keeper of the vehicle from the Secretary of State for Work and Pensions, the Secretary of State for Defence or the Department for Social Development for Northern Ireland, whichever is appropriate.

(8) Paragraphs (4) to (7) do not apply where the person applying for a nil licence agrees to comply with such conditions as may be specified in relation to him by the Secretary of State.

(9) If, following an application made in accordance with this regulation, the Secretary of State is satisfied that a vehicle is a nil licensable vehicle, he shall issue a nil licence to the keeper of the vehicle.

(10) If at any time vehicle excise duty becomes chargeable under the 1994 Act in respect of a vehicle which immediately before that time was a nil licensable vehicle, the keeper of the vehicle shall forthwith return to the Secretary of State—

- (a) any nil licence issued in respect of the vehicle; and
- (b) any certificate obtained by him for the purposes of paragraph (6) in relation to the vehicle.

Exemptions from vehicle excise duty: vehicles imported by members of foreign armed forces and others

34. Schedule 5, which provides for the exemption from vehicle excise duty of vehicles imported into Great Britain by members of foreign armed forces and other persons, shall have effect.

PART VII

TRADE LICENCES

Definition of “motor trader”: descriptions of businesses

35. The following descriptions of business are hereby prescribed for the purposes of subparagraph (b) of the definition of “motor trader” in section 62(1) of the 1994 Act—

- (a) the business of modifying vehicles, whether by the fitting of accessories or otherwise;
- (b) the business of valeting vehicles.

Period for review of decision refusing an application for a trade licence

36. For the purposes of section 14(3)(b) of the 1994 Act (which relates to the review by the Secretary of State of his decision refusing an application for a trade licence by a person entitled to make such an application) the period within which such an applicant may request the Secretary of State for such a review shall be 28 days beginning with the day after the day on which the decision was given.

Conditions subject to which trade licences are to be issued

37. The conditions subject to which trade licences are to be issued, and with which every holder of a trade licence shall comply, shall be those specified in Part I of Schedule 6.

Purposes for which the holder of a trade licence may use a vehicle by virtue of the licence

38. Part II of Schedule 6 shall have effect for prescribing the purposes for which a vehicle may be used by virtue of a trade licence.

Assignment of general registration marks

39. On issuing a trade licence the Secretary of State shall assign to the holder of the licence a general registration mark in respect of that licence.

Issue of trade plates

40.—(1) Subject to paragraphs (3) and (4), the Secretary of State shall issue to every holder of a trade licence, as respects each licence held by him, a set of trade plates appropriate to the class of vehicles for which the licence is to be used.

(2) Each trade plate shall show the general registration mark assigned to the holder of the licence in respect of the licence, and one of the trade plates shall include a means whereby the licence may be fixed to it.

(3) Where the holder of a trade licence satisfies the Secretary of State that the vehicles which he will use by virtue of the licence include vehicles which would otherwise be liable to vehicle excise duty under paragraph 2 of Schedule 1 to the 1994 Act (motorcycles) and other vehicles, the Secretary of State shall issue to the holder an additional trade plate in respect of the vehicles otherwise liable to vehicle excise duty under that paragraph.

(4) Where the licence is to be used only in respect of vehicles to which paragraph 2 of Schedule 1 to the 1994 Act applies (motorcycles), the Secretary of State shall issue only one trade plate to the holder of the licence and that plate shall include a means whereby the licence may be fixed to it.

(5) Each trade plate shall remain the property of the Secretary of State and shall be returned forthwith to the Secretary of State by the person to whom it was issued if that person ceases to be—

- (a) the holder of the trade licence in respect of which the trade plate was issued; or
- (b) a motor trader or a vehicle tester.

Issue of replacement trade plates

41.—(1) If any trade plate issued by the Secretary of State to the holder of a trade licence is lost, stolen, destroyed or materially damaged, the holder of the licence shall apply to the Secretary of State for the issue to him of a replacement set of trade plates.

(2) On receipt of an application under paragraph (1) the Secretary of State shall so issue a replacement set if—

- (a) he has received all those trade plates in the set which are still in the possession of the holder of the licence;
- (b) except where paragraph (3) applies, the fee prescribed by paragraph (4) has been paid; and
- (c) he is satisfied that any plate has been lost, stolen, destroyed or materially damaged.

(3) If only that part of a trade plate which consists of a means whereby the trade licence may be fixed to it is lost, stolen, destroyed or materially damaged, the holder of the licence shall apply to the Secretary of State for the issue to him of a replacement means of fixing the licence and, upon payment of the fee prescribed by paragraph (4)(c), the Secretary of State shall issue such a replacement.

(4) The fees payable under paragraphs (2) and (3) shall be—

- (a) for a replacement set of trade plates comprising two plates, £13.50;
- (b) for a replacement set of trade plates comprising three plates, £18;
- (c) for a replacement of a single trade plate issued under regulation 40(4), £7; and
- (d) for a replacement means of fixing a trade licence to a trade plate, £2.

(5) No fee shall be payable under paragraph (4)(a) or (b) on account of the replacement of a trade plate, if the Secretary of State is satisfied that the plate has become illegible or the colour of the plate has been altered (whether by fading or by other means) otherwise than by reason of any act or omission of the licence holder.

(6) If a replacement set of trade plates has been issued on the ground that any of the original trade plates has been lost, stolen or destroyed, and the original plate is subsequently found or recovered, the holder of the licence—

- (a) if the original plate is in his possession, shall forthwith return it to the Secretary of State, or
- (b) if it is not in his possession but he becomes aware that it is found or recovered, shall take all reasonable steps to obtain possession of it and return it to the Secretary of State.

Display of general registration mark of holder of a trade licence and exhibition of licence

42.—(1) Where a vehicle is in use under a trade licence the general registration mark assigned to the holder of a trade licence shall be displayed on the vehicle in the manner specified in paragraph (2).

(2) The trade plates issued by the Secretary of State shall be fixed to and displayed on the vehicle in such a manner that, if the general registration mark assigned to the holder were a registration mark assigned to the vehicle, the provisions of regulations 5 and 6 of the Road Vehicles (Display of Registration Marks) Regulations 2001⁽¹⁷⁾ (the “2001 Regulations”) would be complied with, notwithstanding the vehicle may not have been first registered on or after the relevant date, as defined in regulation 2(1) of the 2001 Regulations, or it is a works truck (as defined by paragraph 4(6) of Schedule 1 to the 1994 Act) or an agricultural machine (as defined by regulation 2(1) of the 2001 Regulations) or a road roller.

(3) The prescribed manner of exhibiting a trade licence on a vehicle for the purposes of section 33(1)(b) of the 1994 Act is that specified in paragraph (4).

(4) The trade licence shall be—

- (a) exhibited on the front of the vehicle so as to be clearly visible at all times in daylight; and
- (b) fixed by means of the trade plate issued to the licence holder which contains a means for fixing the licence to it.

PART VIII**MISCELLANEOUS****Cylinder capacity**

43.—(1) For the purposes of Schedule 1 to the 1994 Act (annual rates of vehicle excise duty) the cylinder capacity of an internal combustion engine shall be taken to be—

- (a) in the case of a single-cylinder engine, the cylinder capacity attributable to the cylinder of the engine; and
- (b) in the case of an engine having two or more cylinders, the sum of the cylinder capacities attributable to the separate cylinders.

(2) The cylinder capacity attributable to any cylinder of an internal combustion engine shall be deemed to be equal to—

- (a) in the case of a cylinder having a single piston, the product expressed in cubic centimetres of the square of the internal diameter of the cylinder measured in centimetres, and the distance through which the piston associated with the cylinder moves during one half of a revolution of the engine measured in centimetres multiplied by 0.7854; and
- (b) in the case of a cylinder having more than one piston, the sum of the products expressed in cubic centimetres of the square of the internal diameter of each part of the cylinder in which a piston moves measured in centimetres, and the distance through which the piston associated with that part of the cylinder moves during one half of a revolution of the engine measured in centimetres multiplied by 0.7854.

(3) In measuring cylinders for the purpose of calculating cylinder capacity, and in calculating cylinder capacity, fractions of centimetres are to be taken into account.

(17) [S.I. 2001/561](#) to which there are amendments not relevant to these Regulations.

Seating capacity of buses

44.—(1) For the purpose of Part III of Schedule 1 to the 1994 Act (annual rates of vehicle excise duty applicable to buses), the seating capacity of a bus shall be taken to be the number of persons that may be seated in the bus at any one time, as determined in accordance with the principles specified in paragraph (2).

(2) Those principles are—

- (a) where separate seats for each person are provided one person shall be counted for each separate seat provided;
- (b) where the vehicle is fitted with continuous seats one person shall be counted for each complete length of 410 mm measured in a straight line lengthwise on the front of each seat;
- (c) where any continuous seat is fitted with arms in order to separate the seating spaces and the arms can be folded back or otherwise put out of use, the arms shall be ignored in measuring the seat;
- (d) no account shall be taken of—
 - (i) the driver’s seat; or
 - (ii) any seats alongside the driver’s seat, whether separate from or continuous with it, if the Secretary of State is satisfied that the use of those seats by members of the public will not be permitted during the currency of the licence applied for.

(3) In paragraph (2) “driver’s seat” means—

- (a) any separate seat occupied by the driver; or
- (b) where no such seat is provided and the driver occupies a portion of a continuous seat, so much of that seat as extends from the right edge of the seat if the vehicle is steered from the right-hand side, or from the left edge of the seat if the vehicle is steered from the left-hand side, to a point 460 mm left or right, as the case may be, of the point on the seat directly behind the centre of the steering column.

Recovery vehicles: prescribed purposes

45.—(1) The purposes specified in Part I of Schedule 7 are hereby prescribed for the purposes of paragraph 5(3)(e) of Schedule 1 to the 1994 Act (purposes for which a recovery vehicle may be used).

(2) The purposes specified in Part II of Schedule 7 are hereby prescribed for the purposes of paragraph 5(4) of Schedule 1 to the 1994 Act (purposes to be disregarded in determining whether a vehicle is a recovery vehicle).

Admissibility of evidence from records

46.—(1) The matters specified in paragraph (2) are hereby prescribed for the purposes of section 52(1) of the 1994 Act (matters with respect to which statements in documents are admissible in evidence).

(2) The matters are anything relating to—

- (a) an application for—
 - (i) a vehicle licence;
 - (ii) a trade licence;
 - (iii) a repayment of vehicle excise duty under section 19 of the 1994 Act (surrender of licences); or
 - (iv) the recovery of overpaid vehicle excise duty;
- (b) a vehicle licence, trade licence, nil licence, registration document or registration mark;

- (c) a trade plate;
- (d) the recovery of underpaid vehicle excise duty;
- (e) the conviction of any person for an offence under the 1994 Act or its predecessor legislation;
- (f) the exemption of a vehicle from vehicle excise duty;
- (g) the liability of the person by whom a vehicle is kept to pay any sum in accordance with section 30 of the 1994 Act;
- (h) the immobilisation, removal or disposal of a vehicle pursuant to regulations made under Schedule 2A to the 1994 Act.

Regulations prescribed under section 59(2) of the 1994 Act

47. The regulations specified in column (1), whose subject matter is referred to in column (2), of the table in Schedule 8 are hereby prescribed as regulations to which section 59(2)(a) of the 1994 Act (fines not to exceed level 3 on the standard scale applies).

Signed by authority of the Secretary of State

4th November 2002

David Jamieson
Parliamentary-Under Secretary of State,
Department for Transport

SCHEDULE 1

Regulation 2

REGULATIONS REVOKED

PART I

GREAT BRITAIN REGULATIONS WHOLLY REVOKED

<i>(1)</i> <i>Regulations</i>	<i>(2)</i> <i>S.I. number</i>
The Road Vehicles (Registration and Licensing) Regulations 1971	1971/450
The Road Vehicles (Registration and Licensing) (Amendment) Regulations 1972	1972/1865
The Road Vehicles (Registration and Licensing) (Amendment) Regulations 1973	1973/870
The Road Vehicles (Registration and Licensing) (Amendment) (No. 2) Regulations 1975	1975/1342
The Road Vehicles (Registration and Licensing) (Amendment) Regulations 1976	1976/1680
The Road Vehicles (Registration and Licensing) (Amendment) (No. 2) Regulations 1976	1976/2089
The Road Vehicles (Registration and Licensing) (Amendment) Regulations 1977	1977/230
The Road Vehicles (Registration and Licensing) (Amendment) Regulations 1978	1978/1536
The Road Vehicles (Registration and Licensing) (Amendment) Regulations 1981	1981/366
The Road Vehicles (Excise) (Prescribed Particulars) Regulations 1981	1981/931
The Road Vehicles (Registration and Licensing) (Amendment) Regulations 1982	1982/1802
The Road Vehicles (Registration and Licensing) (Amendment) Regulations 1983	1983/1248
The Road Vehicles (Registration and Licensing) (Amendment) Regulations 1986	1986/607
The Road Vehicles (Registration and Licensing) (Amendment) (No. 2) Regulations 1986	1986/1177
The Road Vehicles (Exemptions from Duty) Regulations 1986	1986/1467

Status: This is the original version (as it was originally made).

<i>(1)</i> <i>Regulations</i>	<i>(2)</i> <i>S.I. number</i>
The Road Vehicles (Excise) (Prescribed Particulars) (Amendment) Regulations 1986	1986/2100
The Road Vehicles (Registration and Licensing) (Amendment) (No. 3) Regulations 1986	1986/2101
The Road Vehicles (Prescribed Regulations for the Purposes of Increased Penalties) Regulations 1987	1987/2085
The Road Vehicles (Excise) (Prescribed Particulars) (Amendment) Regulations 1987	1987/2122
The Road Vehicles (Registration and Licensing) (Amendment) Regulations 1987	1987/2123
The Road Vehicles (Excise) (Prescribed Particulars) (Amendment) Regulations 1988	1988/847
The Recovery Vehicles (Prescribed Purposes) Regulations 1989	1989/1376
The Road Vehicles (Registration and Licensing) (Amendment) Regulations 1990	1990/2185
The Road Vehicles (Registration and Licensing) (Amendment) Regulations 1993	1993/1760
The Road Vehicles (Registration and Licensing) (Amendment) Regulations 1994	1994/1364
The Road Vehicles (Registration and Licensing) (Amendment) (No. 2) Regulations 1994	1994/1911
The Road Vehicles (Registration and Licensing) (Amendment) (No. 3) Regulations 1994	1994/3296
The Road Vehicles (Registration and Licensing) (Amendment) Regulations 1995	1995/1470
The Vehicle Registration (Sale of Information) Regulations 1996	1996/2800
The Road Vehicles (Registration and Licensing) (Amendment) Regulations 1997	1997/401
The Road Vehicles (Statutory Off-Road Notification) Regulations 1997	1997/3025
The Road Vehicles Registration Fee Regulations 1998	1998/572
The Road Vehicles Registration Fee (Amendment) Regulations 1998	1998/995

<i>(1)</i> <i>Regulations</i>	<i>(2)</i> <i>S.I. number</i>
The Vehicle Excise Duty (Reduced Pollution) Regulations 1998	1998/3094
The Road Vehicles (Statutory Off-Road Notification) (Amendment) Regulations 1999	1999/713
The Vehicle Excise Duty (Reduced Pollution) (Amendment) Regulations 2000	2000/3274
The Road Vehicles (Registration and Licensing) (Amendment) Regulations 2002	2002/2382

PART II

GREAT BRITAIN REGULATIONS PARTIALLY REVOKED

<i>(1)</i> <i>Regulations</i>	<i>(1)</i> <i>S.I. number</i>	<i>(1)</i> <i>Extent of revocation</i>
The Vehicle and Driving Licence Records (Evidence) Regulations 1970	1970/1997	In regulation 2(1) the definitions of “the 1962 Act”, “registration book”, “registration mark”, “trade licence” and “vehicle licence”. In regulation 3, paragraph (2).

PART III

NORTHERN IRELAND REGULATIONS WHOLLY REVOKED

<i>(1)</i> <i>Regulations</i>	<i>(2)</i> <i>S.I. number</i>
The Vehicle Licences Records (Evidence) Regulations (Northern Ireland) 1973	S R & O (NI) 1973/352
The Road Vehicles (Registration and Licensing) Regulations (Northern Ireland) 1973	S R & O (NI) 1973/490
The Road Vehicles (Registration and Licensing) (Amendment) Regulations (Northern Ireland) 1976	SI1976/2088
The Road Vehicles (Registration and Licensing) (Amendment) (No. 2) Regulations (Northern Ireland) 1976	1976/2180
The Road Vehicles (Registration and Licensing) (Amendment) Regulations (Northern Ireland) 1977	1977/231

Status: This is the original version (as it was originally made).

<i>(1)</i> <i>Regulations</i>	<i>(2)</i> <i>S.I. number</i>
The Road Vehicles (Registration and Licensing) (Amendment) Regulations (Northern Ireland) 1978	1978/1541
The Road Vehicles (Registration and Licensing) (Amendment) Regulations (Northern Ireland) 1981	1981/367
The Road Vehicles (Registration and Licensing) (Amendment) Regulations (Northern Ireland) 1986	1986/706
The Road Vehicles (Registration and Licensing) (Amendment) (No. 2) Regulations (Northern Ireland) 1986	1986/1178
The Road Vehicles (Registration and Licensing) (Amendment) (No. 3) Regulations (Northern Ireland) 1986	1986/2102
The Road Vehicles (Registration and Licensing) (Amendment) Regulations (Northern Ireland) 1987	1987/2124
The Road Vehicles (Prescribed Regulations for the Purposes of Increased Penalties) (Northern Ireland) Regulations 1987	1987/2086
The Road Vehicles (Registration and Licensing) (Amendment) Regulations (Northern Ireland) 1988	1988/1130
The Recovery Vehicles (Prescribed Purposes) Regulations (Northern Ireland) 1989	1989/1377
The Road Vehicles (Registration and Licensing) (Amendment) Regulations (Northern Ireland) 1990	1990/2186
The Road Vehicles (Registration and Licensing) (Amendment) Regulations (Northern Ireland) 1993	1993/1759
The Road Vehicles (Registration and Licensing) (Amendment) Regulations (Northern Ireland) 1994	1994/2735
The Road Vehicles (Registration and Licensing) (Amendment) (No. 2) Regulations (Northern Ireland) 1994	1994/3297
The Road Vehicles (Registration and Licensing) (Amendment) Regulations (Northern Ireland) 1995	1995/1471

<i>(1)</i> <i>Regulations</i>	<i>(2)</i> <i>S.I. number</i>
The Road Vehicles (Registration and Licensing) (Amendment) Regulations (Northern Ireland) 2000	2000/1369
The Road Vehicles (Registration and Licensing) (Amendment) Regulations (Northern Ireland) 2002	2002/2381

SCHEDULE 2

Regulation 5

REDUCED POLLUTION CERTIFICATES AND
THE REDUCED POLLUTION REQUIREMENTS**Interpretation of Schedule****1.—(1)** In this Schedule—

“authorised examiner” means—

- (a) a vehicle examiner appointed by the Secretary of State pursuant to section 66A of the 1988 Act⁽¹⁸⁾;
- (b) a vehicle examiner appointed by the Department of the Environment for Northern Ireland pursuant to Article 74 of the Road Traffic (Northern Ireland) Order 1995⁽¹⁹⁾; or
- (c) a person authorised by the Secretary of State to conduct reduced pollution examinations;

“Directive 1999/96” means Directive 1999/96/EC of the European Parliament and of the Council of 13th December 1999 on the approximation of the laws of the Member States relating to measures to be taken against the emission of gaseous and particulate pollutants from compression ignition engines for use in vehicles, and against the emission of gaseous and particulate pollutants from positive ignition engines fuelled with natural gas or liquefied petroleum gas for use in vehicles and amending Council Directive 88/77/EEC⁽²⁰⁾;

“eligible vehicle” means a vehicle which is an eligible vehicle as defined by section 61B(4) of the 1994 Act;

“prescribed adaptation” shall be construed in accordance with paragraph 4(2);

“prescribed fee” means the fee prescribed by paragraph 13;

“rectification notice” has the meaning given by paragraph 9(1);

“reduced pollution examination” means an examination of an eligible vehicle for the purpose of determining whether a reduced pollution certificate should be issued for that vehicle”;

“vehicle identification number” has the same meaning as in regulation 67 of the Road Vehicles (Construction and Use) Regulations 1986⁽²¹⁾ or in regulation 80 of the Motor Vehicles (Construction and Use) Regulations (Northern Ireland) 1999⁽²²⁾; and

⁽¹⁸⁾ Section 66A was inserted by the Road Traffic Act 1991 (c. 40) section 9(1) and was amended by the Goods Vehicles (Licensing of Operators) Act 1995 (c. 23) Schedule 7, paragraph 11.

⁽¹⁹⁾ S.I. 1995/2994 (N.I. 18).

⁽²⁰⁾ OJ No. L 044, 16.2.00, page 1.

⁽²¹⁾ S.I. 1986/2102, to which there are amendments not relevant to these Regulations.

⁽²²⁾ S.R. 1999/454, to which there are amendments not relevant to these Regulations.

Status: This is the original version (as it was originally made).

a reference, in whatever terms, to an eligible vehicle which satisfies or does not satisfy the reduced pollution requirements is to an eligible vehicle with respect to which the reduced pollution requirements are, or are not, satisfied.

(2) For the purposes of this Schedule and of regulation 5, a reduced pollution certificate shall be deemed to be issued, and a notice or notification shall be deemed to be given, by an authorised examiner if it is signed by that examiner or on behalf of that examiner by a person authorised by him to sign it on his behalf.

Applications for reduced pollution certificates

2.—(1) An application for a reduced pollution certificate shall be made to the Secretary of State.

(2) The Secretary of State shall fix the time when and the place where a reduced pollution examination is to be carried out and shall inform the applicant accordingly.

(3) The Secretary of State may by notice to the applicant alter the time or place fixed for the examination, but shall not alter the time to an earlier time without the consent of the applicant.

Reduced pollution examinations

3.—(1) A reduced pollution examination shall be carried out by an authorised examiner.

(2) An authorised examiner may refuse to examine an eligible vehicle if—

- (a) the vehicle is not presented at the time and place appointed for the examination;
- (b) the prescribed fee has not been paid;
- (c) the information specified in sub-paragraph (3) has not been provided;
- (d) the person presenting the vehicle is not willing, to the extent necessary for the purpose of properly carrying out the examination,—
 - (i) to give the examiner access to the engine and the fuel and exhaust systems,
 - (ii) to operate the controls of the vehicle, or
 - (iii) generally to co-operate with the examiner;
- (e) the vehicle is in so dangerous or dirty a condition that the examination cannot be carried out properly;
- (f) the vehicle has insufficient fuel or oil in it for the examination to be carried out; or
- (g) the vehicle's engine has failed electrically or mechanically.

(3) The information referred to in sub-paragraph (2)(c) is—

- (a) the name and address (including post code) of the applicant;
- (b) the registration mark of the vehicle (if the vehicle has been registered);
- (c) the make and model of the vehicle;
- (d) the vehicle identification number of the vehicle;
- (e) the date of manufacture of the vehicle; and
- (f) particulars of the prescribed adaptation made to the vehicle, whereby it is claimed that the vehicle satisfies the reduced pollution requirements.

The reduced pollution requirements

4.—(1) An eligible vehicle satisfies the reduced pollution requirements for the purposes of the 1994 Act at any time when, as a result of an adaptation of a description specified in paragraph (2)

(“a prescribed adaptation”) having been made to it after 17th March 1998, it satisfies the reduced pollution requirements in accordance with paragraph (3) or (4).

- (2) A prescribed adaptation is—
- (a) the fitting of a new engine to an eligible vehicle; or
 - (b) the fitting to the engine of an eligible vehicle of a device, for which there is in force a certificate of conformity issued by the manufacturer of the vehicle under section 57 of the 1988 Act⁽²³⁾ on the basis that the device complies with approval requirements prescribed for the purpose of these Regulations by the Secretary of State in regulations made by him under section 54 of that Act.
- (3) An eligible vehicle—
- (a) for which a reduced pollution certificate was not in force on 4th January 2001; and
 - (b) which at the time that it was first used was required to comply or did comply, as to the rate and content of its emissions, with the requirements specified in an instrument referred to in column (2) of an item in Table 1 below,

satisfies the reduced pollution requirements if it is so adapted that the rate and content of its particulate emissions do not exceed the number of grams per kilowatt-hour specified in column (3) of the item.

TABLE I

<i>(1)</i> <i>Item</i>	<i>(2)</i> <i>Instrument setting the standard to which the eligible vehicle was first used</i>	<i>(3)</i> <i>Rate and content of particulate emissions after adaptation (grams per kilowatt-hour)</i>
1	Directive 88/77/EEC ⁽²⁴⁾	0.16
2	Directive 91/542/EEC ⁽²⁵⁾ (limits A)	0.16
3	Directive 91/542/EEC (limits B)	0.03
4	Directive 1999/96 Annex I, paragraph 6.2.1, Table 1 Row A and Table 2 Row A	0.03

- (4) An eligible vehicle—
- (a) for which a reduced pollution certificate was in force on 4th January 2001; and
 - (b) which at the time that it was first used was required to comply or did comply, as to the rate and content of its emissions, with the requirements specified in an instrument referred to in column (2) of an item in Table 2 below,

satisfies the reduced pollution requirements if it is so adapted that the rate and content of its particulate emissions do not exceed the number of grams per kilowatt-hour specified in column (3) of the item.

⁽²³⁾ Section 57 was amended by [S.I. 1992/3107](#).

⁽²⁴⁾ OJ No. L36, 9.2.88, page 3.

⁽²⁵⁾ OJ No. L295, 25.10.91, page 1.

Status: This is the original version (as it was originally made).

TABLE 2

<i>(1)</i> <i>Item</i>	<i>(2)</i> <i>Instrument setting the standard to which the eligible vehicle was first used</i>	<i>(3)</i> <i>Rate and content of particulate emissions after adaptation (grams per kilowatt-hour)</i>
1	Directive 88/77/EEC	0.16
2	Directive 91/542/EEC (limits A)	0.16
3	Directive 91/542/EEC (limits B)	0.08
4	European Commission Proposal Com (97) 627 for a European and Council Directive amending Council Directive 88/77(26)	0.04

(5) An eligible vehicle which was first used before 1st April 1991 shall be taken—

- (a) if it is a vehicle such as is referred to in paragraph (3), to be a vehicle to which item 1 of Table 1 applies; or
- (b) if it is a vehicle such as is referred to in paragraph (4), to be a vehicle to which item 1 of Table 2 applies.

(6) A vehicle shall be taken to have been first used on the date on which it was registered under the 1994 Act or its predecessor legislation.

Determination of applications and issue of certificates or notification of refusal

5.—(1) An authorised examiner who has carried out a reduced pollution examination shall issue a reduced pollution certificate to the applicant if and only if he is satisfied that the eligible vehicle satisfies the reduced pollution requirements.

(2) A reduced pollution certificate shall be granted for such period as the Secretary of State may determine.

(3) If an authorised examiner is not satisfied that an eligible vehicle that he has examined satisfies the reduced pollution requirements, he shall notify the applicant of his refusal of the application and of the reasons for it.

Contents of a reduced pollution certificate

6. A reduced pollution certificate shall contain the following information—

- (a) the registration mark of the eligible vehicle;
- (b) the date on which the certificate expires;
- (c) the make and model of the vehicle;
- (d) the vehicle identification number;
- (e) particulars of the prescribed adaptation that has been made to the vehicle;

(26) OJ No. 98C 173/1, 8.6.98, page 18.

- (f) the emission standard as specified in column (3) of the Table in paragraph 4(3) or 4(4) with which the vehicle has been adapted so as to comply; and
- (g) the vehicle testing station or other place at which the reduced pollution examination was conducted.

Reduced pollution certificate to be conclusive

7.—(1) If at any time a reduced pollution certificate is in force for an eligible vehicle that certificate shall be conclusive evidence that the vehicle satisfies the reduced pollution requirements at that time.

(2) If at any time no reduced pollution certificate is in force for an eligible vehicle, that fact shall be conclusive evidence that the vehicle does not satisfy the reduced pollution requirements at that time.

Re-examination of an eligible vehicle for which a reduced pollution certificate is in force

8.—(1) An authorised examiner may at any time by notice require the registered keeper of an eligible vehicle for which a reduced pollution certificate is in force to submit it, at a place and within a period specified in the notice (or at such other place or within such longer period as may be agreed by the Secretary of State), for a re-examination for the purpose of determining whether it still satisfies the reduced pollution requirements.

(2) Paragraphs 2(3) and 3(2) (except paragraph 3(2)(b)) apply to a re-examination under this paragraph.

(3) If an eligible vehicle for which a reduced pollution certificate is in force is found after a re-examination under this paragraph to satisfy the reduced pollution requirements, the authorised examiner who carried out the re-examination shall give notice to that effect to the registered keeper or to the person who brought the vehicle to the re-examination and to the Secretary of State.

Rectification notice

9.—(1) If, after an examination under paragraph 8 or otherwise, an eligible vehicle for which a reduced pollution certificate is in force is found no longer to satisfy the reduced pollution requirements, the authorised examiner who carried out the examination shall give notice (“a rectification notice”) to that effect to the registered keeper or the person who brought the vehicle to the examination.

(2) A rectification notice shall state in what respect the vehicle was found not to satisfy the reduced pollution requirements.

(3) A rectification notice shall state that, unless the vehicle is submitted for a further examination, at the place and within the period specified in the notice (or at such other place) or within longer period as may be agreed by the Secretary of State), and is found at that further examination to satisfy the reduced pollution requirements, the Secretary of State will at the expiration of that period revoke the reduced pollution certificate for the vehicle.

(4) Paragraphs 2(3) and 3(2) apply to an examination under sub-paragraph (3).

Revocation, surrender and cancellation of a reduced pollution certificate

10.—(1) The Secretary of State may by notice given to the registered keeper revoke a reduced pollution certificate—

- (a) if he is satisfied, in consequence of a re-examination under paragraph 9(3) that an eligible vehicle for which the reduced pollution certificate is in force no longer satisfies the reduced pollution requirements; or

Status: This is the original version (as it was originally made).

- (b) if the registered keeper of an eligible vehicle who has been required to submit it for re-examination under paragraph 8 or following a rectification notice has failed to do so in accordance with this Schedule.
- (2) A reduced pollution certificate which has been revoked by notice under paragraph (1) shall cease to have effect on the date specified for that purpose in the notice.
- (3) Where a notice has been given in respect of the eligible vehicle under paragraph 8(1) or 9(3), the notice under paragraph (1) shall not be given before the end of the period for submitting the vehicle for a further examination specified in the notice under paragraph 8(1) or, as the case may be, 9(3).
- (4) The registered keeper of a vehicle for which a reduced pollution certificate is in force may at any time surrender the certificate to the Secretary of State for cancellation, whereupon the certificate shall cease to have effect.
- (5) Where a certificate is revoked in accordance with paragraph (1) the registered keeper shall surrender the certificate to the Secretary of State for cancellation within the period specified for this purpose in the notice given under paragraph (1).

Replacement certificates

11. At any time when a reduced pollution is in force in respect of a vehicle the Secretary of State may, on surrender of the certificate or its identifiable remains, issue a replacement certificate for the remainder of the period for which the surrendered certificate was in force.

Appeal against refusal or revocation of a certificate

12.—(1) A person aggrieved by a refusal to issue a reduced pollution certificate following a reduced pollution examination, or by the revocation of a reduced pollution certificate, may appeal to the Secretary of State.

- (2) An appeal shall—
 - (a) be made before the expiration of the period of 14 days beginning with the day on which an authorised examiner gives notice under paragraph 5(3) or the Secretary of State gave notice under paragraph 10(1);
 - (b) state the grounds on which it is made; and
 - (c) be sent by post or facsimile transmission to the Secretary of State—
 - (i) at the Goods Vehicle Centre, Welcombe House, 91/92 The Strand, Swansea SA1 2DH, in the case of a vehicle which was examined in Great Britain; or
 - (ii) at the Driver and Vehicle Testing Agency, Headquarters, Balmoral Road, Belfast BT12 6QL, in the case of a vehicle which was examined in Northern Ireland.
- (3) As soon as reasonably practicable after the receipt of an appeal made in accordance with sub-paragraph (2) the Secretary of State shall notify the appellants of—
 - (a) the place at which the examination for the purposes of the appeal will take place; and
 - (b) the time when it will start.
- (4) The examination shall be carried by a person who has not previously examined the vehicle and who is—
 - (a) in the case of an examination carried out in Great Britain, authorised by the Secretary of State to carry out examinations for the purposes of this paragraph; or
 - (b) in the case of an examination carried out in Northern Ireland, an authorised examiner.

(5) At the conclusion of an examination under this paragraph the Secretary of State shall either issue a reduced pollution certificate or give the appellant notice that the appeal is dismissed and the grounds of dismissal.

(6) Paragraphs 2(3) and 3(2) apply to an examination under this paragraph.

Prescribed fees

13.—(1) Subject to sub-paragraphs (1) and (3) the prescribed fee for carrying out any examination of an eligible vehicle under this Schedule (except an examination under paragraph 8, for which no fee shall be payable) shall be—

(a) £25, except in a case falling within paragraph (b);

(b) £15, if it is carried out at the same time as an examination of the vehicle—

(i) for the purposes of determining whether a certificate of initial fitness should be issued under section 6 of the Public Passenger Vehicles Act 1981⁽²⁷⁾ or a public service vehicle licence should be granted under Article 61 of the Road Traffic (Northern Ireland) Order 1981⁽²⁸⁾;

(ii) for the purposes of an examination carried out for the purposes of section 45 of the 1988 Act⁽²⁹⁾, Article 61(1) of the Road Traffic (Northern Ireland) Order 1995 (test certificates); or

(iii) for one or more of the purposes mentioned in section 49(1) of the 1988 Act or Article 65 of the Road Traffic (Northern Ireland) Order 1995 (plating and testing of goods vehicles).

(2) If, at the request of the applicant, the time appointed for an examination is out of hours, the fee payable under sub-paragraph (1) shall be increased by £8.40.

(3) If, at the request of the applicant, an examination is carried out otherwise than at premises provided and maintained by the Secretary of State under section 52 of the 1988 Act or Article 73, of the Road Traffic (Northern Ireland) Order 1995⁽³⁰⁾ the fee payable under the preceding provisions of this paragraph shall be increased by £3.50.

(4) In sub-paragraph (2) “out of hours” means—

(a) at any time on Saturday, Sunday, Christmas Day, a Bank Holiday (as defined by the Banking and Financial Dealings Act 1971⁽³¹⁾) or (in relation to Great Britain) Good Friday or (in relation to Northern Ireland) Easter Tuesday or any other day on which tests are not normally conducted at vehicle testing stations;

(b) or on any other day except—

(i) in Great Britain, between 8.00 am and 5.00 pm on Monday to Thursday inclusive or between 8.00 am and 4.30 on a Friday; or

(ii) in Northern Ireland, between 8.45 am and 4.55 pm on Monday to Friday inclusive.

⁽²⁷⁾ 1981 c. 114; section 6 was amended by the Road Traffic (Consequential Provisions) Act 1988 (c. 54), Schedule 3, paragraph 22 and by the Road Traffic Act 1991, Schedule 4, paragraph 14.

⁽²⁸⁾ S.I. 1981/154 (N.I. 1).

⁽²⁹⁾ Section 45 was amended by the Road Traffic Act 1991, Schedule 4, paragraph 53.

⁽³⁰⁾ S.I. 1995/2994 (N.I. 18).

⁽³¹⁾ 1971 c. 80; as to bank holidays see section 1 and Schedule 1.

SCHEDULE 3

Regulation 15(3)

ISSUE OF NEW REGISTRATION DOCUMENT

Duty of the Secretary of State

1. Where this Schedule has effect, before issuing a new registration document for the relevant vehicle, the Secretary of State—

- (a) shall require the keeper of the relevant vehicle to produce the vehicle for examination by a person authorised by the Secretary of State at a time and place fixed by the Secretary of State and notified to the keeper; and
- (b) may require the keeper to provide such other evidence as he may specify,

for the purpose of ascertaining whether the relevant vehicle is the registered vehicle concerned.

Examination of vehicle

2. A person authorised by the Secretary of State to conduct an examination under paragraph 1(a) may refuse to conduct the examination if—

- (a) the Secretary of State has not received an application form completed and signed by or on behalf of the keeper and containing such information as the Secretary of State may specify;
- (b) the vehicle is not presented at the time and place appointed for the examination;
- (c) the prescribed fee has not been paid;
- (d) the person presenting the vehicle is not willing, to the extent necessary for the purpose of properly carrying out the examination,—
 - (i) to give the person authorised to conduct the examination access to the engine and the fuel and exhaust systems,
 - (ii) to operate the controls of the vehicle, or
 - (iii) generally to co-operate with that person;
- (e) the vehicle is obviously unroadworthy;
- (f) the vehicle is in so dangerous or dirty a condition that the examination cannot be carried out safely and properly;
- (g) the vehicle has insufficient fuel or oil in it for the examination to be carried out; or
- (h) the vehicle's engine has failed electrically or mechanically.

Determination of the Secretary of State

3.—(1) The Secretary of State, having considered the report of the person who conducted any examination under paragraph 1(a) and the evidence (if any) provided under paragraph 1(b), shall give notice of his decision as to whether or not he is satisfied that the vehicle is the relevant vehicle.

(2) The Secretary of State's notification of a decision that he is not so satisfied shall state—

- (a) the reasons for his decision;
- (b) that the keeper of the vehicle may appeal against the decision on the ground that the reasons given are insufficient or that there has been an error in the conduct of the examination or the consideration of evidence;
- (c) the name and address of the person to whom an appeal against the decision may be made; and

- (d) that notice of the appeal stating the grounds on which it is made must be received by that person before the last day of the period of 28 days beginning with the day on which notification of the decision is sent or such later date as the Secretary of State may determine.

Appeals

4.—(1) Where an appeal is received in accordance with paragraph 3(2)(d), the Secretary of State shall authorise a person (“the appeal officer”) to determine the appeal on his behalf.

(2) The appeal officer shall be an individual who has not previously examined the relevant vehicle or been involved in any other way in the taking of the decision appealed against.

(3) The appeal officer shall require the appellant to produce the relevant vehicle for re-examination by him at a specified time and place and may also require him—

- (a) to produce the evidence provided under paragraph 1(b) for re-consideration; or
- (b) to provide such other evidence as the appeal officer may specify.

(4) Paragraph 2 applies to a re-examination of the relevant vehicle on appeal.

(5) The appeal officer, having examined the relevant vehicle and considered the evidence (if any) provided to him, shall notify the appellant of his decision as to whether or not he is satisfied that the relevant vehicle is the registered vehicle.

Certificates

5. Where the Secretary of State is satisfied, whether on appeal or otherwise, that the relevant vehicle is the registered vehicle he shall issue a certificate to that effect and may at any time issue a replacement certificate to correct an error in a certificate.

Giving of notices and certificates

6. A notice or certificate under this Schedule may be given or issued by—

- (a) handing it over to the person producing the relevant vehicle for examination or re-examination; or
- (b) by sending it by pre-paid ordinary post addressed to the person who signed the application referred to in paragraph 2(a), and

shall be taken to have been given or issued at the time it was handed over or, as the case may be, put in the post.

The prescribed fee

7.—(1) Subject to sub-paragraphs (2) and (3), the prescribed fee for an examination, whether under paragraph 1 or under paragraph 4, shall be £26.50.

(2) If, at the request of the person submitting the vehicle for examination, the examination is conducted otherwise than at premises such as are mentioned in paragraph 13(3) of Schedule 2 the fee shall be increased by £5.50.

(3) If, at the request of that person the examination is conducted out of hours the fee shall be increased by £7.50.

(4) In sub-paragraph (3) “out of hours” has the meaning given by paragraph 13(4) of Schedule 2.

Refund of the prescribed fee

8.—(1) Where a certificate under paragraph 5 is issued following a re-examination on appeal, the fee for the re-examination shall be refunded to the person who paid it.

(2) No fee shall be refunded in the event of an examination not being carried out in consequence of any act or omission on the part of the person who paid the fee.

SCHEDULE 4

Regulation 26

STATUTORY OFF-ROAD NOTIFICATION

PART I

*General***Interpretation of Schedule**

1.—(1) In this Schedule—

“authorised insurer” has the meaning given in section 145(5) of the 1988 Act;

“personal credit agreement” has the meaning given in section 8(1) of the Consumer Credit Act 1974⁽³²⁾;

“relevant vehicle” means a vehicle which is either a relevant GB vehicle or a relevant NI vehicle;

“the required declaration” means a declaration made to the Secretary of State by a person surrendering a vehicle licence or the keeper of a relevant vehicle to the effect that (except for use under a trade licence) he does not for the time being intend to use or keep the vehicle on a public road and will not use or keep the vehicle on a public road without first taking out a vehicle licence (or if appropriate a nil licence) for the vehicle;

“the required particulars” in relation to a relevant vehicle are particulars of—

- (a) the registration mark of the vehicle;
- (b) the make and model of the vehicle; and
- (c) the address of the premises at which the vehicle is kept; and

“unlicensed vehicle” means a relevant vehicle for which no vehicle licence is for the time being in force and “unlicensed” shall be construed accordingly.

(2) In this Schedule, subject to sub-paragraph (3),—

(a) a “relevant GB vehicle” means a vehicle which is registered in the GB records and kept in Great Britain, but does not include a vehicle in relation to which each of the following conditions is satisfied—

- (i) neither a vehicle licence nor a nil licence was in force for the vehicle on 31st January 1998;
- (ii) such a licence has not been taken out for the vehicle for a period starting after that date; and
- (iii) the vehicle has not been used or kept on a public road on or after that date; and

⁽³²⁾ 1974 c. 39; section 8 was amended by the Consumer Credit (Increase of Monetary Limits) Order 1983 S.I. 1983/1878 Schedule; Part II and by S.I. 1998/996.

(b) a “relevant NI vehicle” means a vehicle which is registered in the NI records and kept in Northern Ireland, but does not include a vehicle in relation to which each of the following conditions is satisfied—

(i) neither a vehicle licence nor a nil licence was in force for the vehicle on 30th November 2002;

(ii) such a licence has not been taken out for the vehicle for a period starting after that date; and

(iii) the vehicle has not been used or kept on a public road on or after that date.

(3) A vehicle which is an exempt vehicle falling within a description specified in paragraph 2, 2A, 3, 23 or 24 of Schedule 2 to the 1994 Act is neither a relevant GB nor a relevant NI vehicle.

(4) For the purposes of this Schedule a person is a “relevant vehicle trader” in relation to a vehicle if he falls within a description mentioned in column (2) of an item in the Table below and the vehicle falls within a description mentioned in column (3) of that item.

TABLE

<i>(1)</i> <i>Item</i>	<i>(2)</i> <i>Descriptions of person</i>	<i>(3)</i> <i>Descriptions of vehicle</i>
1.	The holder of a trade licence	A vehicle temporarily in his possession in the course of the business by virtue of which he is a person eligible to hold such a licence
2.	An auctioneer of vehicles	A vehicle temporarily in his possession in the course of his business as such an auctioneer
3.	A motor dealer	A vehicle temporarily in his possession in the course of his business as a motor dealer
4.	A person who carries on business as a dismantler of vehicles	A vehicle temporarily in his possession in the course of that business
5.	An authorised insurer	A vehicle temporarily in his possession in consequence of settling a claim under a policy of insurance which related to the vehicle
6.	The holder of a licence under Part II of the Consumer Credit Act 1974	A vehicle temporarily in his possession under an order for the repossession of the vehicle made in pursuance of a personal credit agreement relating to the vehicle

Manner in which declaration is to be made and particulars furnished

2.—(1) For the purposes of this Schedule the required declaration may be made and the required particulars furnished in such way as the Secretary of State may accept including—

(a) in writing on a form specified by the Secretary of State;

Status: This is the original version (as it was originally made).

- (b) orally by telephone to a person authorised by the Secretary of State; or
 - (c) by electronic means in a form specified by the Secretary of State.
- (2) A person furnishing the required particulars need not provide particulars of the address at which the vehicle is kept unless required to do so—
- (a) in a case falling within sub-paragraph (1)(a) or (c), by the form on which those particulars are furnished; or
 - (b) in a case falling within sub-paragraph (1)(b) , by the person to whom they are furnished.

PART II

Vehicles Registered in the GB Records and Kept in Great Britain

Surrender of a vehicle licence—relevant GB vehicle

3.—(1) When the holder of a vehicle licence for a relevant GB vehicle surrenders it under section 10(2) of the 1994 Act, he shall deliver to the Secretary of State the required declaration and the required particulars in relation to that vehicle.

(2) Paragraph (1) does not apply where a relevant GB vehicle is no longer kept by the holder of the licence or the holder is a relevant vehicle trader in relation to that vehicle.

Expiry of vehicle licence or nil licence—relevant GB vehicle

4. Where a vehicle licence or nil licence ceases to be in force for a relevant GB vehicle by reason of the expiration of the period for which the licence was granted and a vehicle licence or nil licence for the vehicle is not taken out so as to run from the expiration of that period, the keeper of the vehicle shall deliver to the Secretary of State the required declaration and the required particulars in relation to the vehicle—

- (a) if he is a relevant vehicle trader, not later than the end of the period of three months starting with the day following the expired period; or
- (b) in any other case, not later than that day.

Person keeping an unlicensed vehicle—relevant GB vehicle

5.—(1) Subject to sub-paragraph (2) this paragraph applies to a person who is the keeper of a relevant GB vehicle which is unlicensed and as respects which there has elapsed a period of 12 months (“the unlicensed period”)—

- (a) throughout which the vehicle has been kept in Great Britain unlicensed; and
- (b) within which neither the required declaration nor the required particulars have been delivered to the Secretary of State in relation to the vehicle.

(2) For the purposes of sub-paragraph (1)(a), where a vehicle licence has been surrendered under section 10(2) of the 1994 Act, the vehicle to which it relates shall be taken to be unlicensed from the first day of the month in which the licence was surrendered.

(3) A person to whom this paragraph applies shall, unless a vehicle licence or a nil licence has been taken out so as to run from the end of the unlicensed period, deliver the required declaration and the required particulars to the Secretary of State in relation to the relevant GB vehicle not later than the day following the end of that period.

Change of keeper of unlicensed vehicle—relevant GB vehicle

6. On a change in the keeper of a relevant GB vehicle which is unlicensed, unless a vehicle licence or nil licence is taken out for the vehicle, the new keeper shall deliver to the Secretary of State the required declaration and the required particulars in relation to the vehicle—

- (a) if he is a relevant vehicle trader, not later than the end of the period of three months beginning with the day following the day on which the change of keeper occurs; or
- (b) in any other case, not later than the day following the day on which the change of keeper occurs.

PART III

Vehicles Registered in the NI Records and kept in Northern Ireland

Surrender of a vehicle licence—relevant NI vehicle

7.—(1) When after 30th November 2002 the holder of a vehicle licence for a relevant NI vehicle surrenders it under section 10(2) of the 1994 Act, he shall deliver to the Secretary of State the required declaration and the required particulars in relation to that vehicle.

(2) Paragraph (1) does not apply where a relevant NI vehicle is no longer kept by the holder of the licence or the holder is a relevant trader in relation to that vehicle.

Expiry of vehicle licence or nil licence—relevant NI vehicle

8. Where, on or after 30th November 2002, a vehicle licence or nil licence ceases to be in force for a relevant NI vehicle by reason of the expiration of the period for which the licence was granted and a vehicle licence or nil licence for the vehicle is not taken out so as to run from the expiration of that period, the keeper of the vehicle shall deliver to the Secretary of State the required declaration and the required particulars in relation to the vehicle—

- (a) if he is a relevant vehicle trader, not later than the end of the period of three months starting with the day following the expired period; or
- (b) in any other case, not later than that day.

Person keeping an unlicensed vehicle—relevant NI vehicle

9.—(1) Subject to sub-paragraph (2), this paragraph applies to a person who, at any time after 30th November 2003, is the keeper of a relevant NI vehicle which is unlicensed and as respects which there has elapsed a period of 12 months (“the unlicensed period”)—

- (a) throughout which the vehicle has been kept in Northern Ireland unlicensed; and
- (b) within which neither the required declaration nor the required particulars have been delivered to the Secretary of State in relation to the vehicle.

(2) For the purposes of sub-paragraph (1(a)), where a vehicle licence has been surrendered under section 10(2) of the 1994 Act, the vehicle to which it relates shall be taken to be unlicensed from the first day of the month on which the licence was surrendered.

(3) A person to whom this paragraph applies shall, unless a vehicle licence or a nil licence has been taken out so as to run from the end of the unlicensed period, deliver the required declaration and the required particulars to the Secretary of State in relation to the NI relevant vehicle not later than the day following the end of that period.

Change of keeper of unlicensed vehicle—relevant NI vehicle

10. On a change occurring after 30th November 2002 in the keeper of a relevant NI vehicle which is unlicensed, unless a vehicle licence or nil licence is taken out for the vehicle, the new keeper shall deliver to the Secretary of State the required declaration and the required particulars in relation to the vehicle—

- (a) if he is a relevant vehicle trader, not later than the end of the period of three months beginning with the day following the day on which the change of keeper occurs; or
- (b) in any other case, not later than the day following the day on which the change of keeper occurs.

SCHEDULE 5

Regulation 34

EXEMPT VEHICLES: VEHICLES IMPORTED BY
MEMBERS OF FOREIGN ARMED FORCES AND OTHERS

Scope of exemption

1.—(1) A vehicle is an exempt vehicle for the period specified in paragraph 2 if it was imported into Great Britain by or on behalf of—

- (a) a member of a visiting force;
- (b) a member of a headquarters or organisation; or
- (c) a dependant of a person falling within paragraph (a) or (b),

and there is produced to the Secretary of State evidence that the person importing the vehicle has not been required to pay any tax or duty chargeable in respect of its importation.

(2) In sub-paragraph (1)—

- (a) “dependant” means a member of the household of a person falling within sub-paragraph (1)(a) or (b) who is his spouse or any other person wholly or mainly maintained by him or in his custody, charge or care;
- (b) “member of a visiting force” means a person for the time being appointed to serve with, or a member of the civilian component of, any body, contingent or detachment of the forces of any country specified in paragraph 3, which is for the time being present in the United Kingdom on the invitation of her Majesty’s Government;
- (c) “member of a headquarters or organisation” means a member of the military forces of any country, except the United Kingdom, who is for the time being appointed to serve in the United Kingdom under the orders of any headquarters or organisation specified in paragraph 4 and includes a person for the time being recognised by the Secretary of State as a civilian member of such a headquarters or organisation.

Period of exemption

2.—(1) The period during which a vehicle is an exempt vehicle by virtue of this Schedule shall be the period of 12 months beginning with the day on which a nil licence is issued in respect of that vehicle.

(2) The exemption shall however cease to apply if, at any time during the period prescribed by sub-paragraph (1), the importer of the vehicle becomes liable to pay any duty or tax chargeable in respect of its importation.

List of countries

3. The countries referred to in paragraph 1(2)(b) are—

Antigua and Barbuda	Malta
Australia	Mauritius
Bahamas	Nauru
Bangladesh	Netherlands
Barbados	New Zealand
Belgium	Nigeria
Belize	Norway
Botswana	Pakistan
Burma	Papua New Guinea
Canada	Portugal
Cyprus	Saint Lucia
Denmark	Saint Vincent and the Grenadines
Dominica	Seychelles
Fiji	Sierra Leone
France	Singapore
Gambia	Spain
Germany	Solomon Islands
Ghana	South Africa
Greece	Sri Lanka
Grenada	Swaziland
Guyana	Tanzania
Iceland	Tonga
India	Trinidad and Tobago
Italy	Turkey
Jamaica	Tuvalu
Jordan	Uganda
Kenya	United States of America
Kiribati	Vanuatu
Lesotho	Western Samoa
Luxembourg	Zambia
Malawi	Zimbabwe
Malaysia	

Status: This is the original version (as it was originally made).

List of headquarters and organisations

4. The headquarters and organisations referred to in paragraph 1(2)(c) are—
 - The Supreme Headquarters Allied Powers Europe (SHAPE)
 - The Headquarters of the Supreme Allied Commander, Europe (SACEUR)
 - The Headquarters of the Supreme Allied Commander, Atlantic (SACLANT)
 - The Headquarters of the Allied Commander in Chief Channel (CINCHAN)
 - The Channel Committee (CHANCOMTEE)
 - The Headquarters of the Commander of the Allied Maritime Air Force, Channel (COMMAIRCHAN)
 - The Headquarters of the Commander in Chief of the Eastern Atlantic Area (CINCEASTLANT)
 - The Headquarters of the Commander in Chief United Kingdom Air (CINCUKAIR)
 - The Headquarters of the Commander of the Maritime Air Eastern Atlantic Area (COMMAIREASTLANT)
 - The Headquarters of the Commander Submarines, East Atlantic (COMSUBEASTLANT)

SCHEDULE 6

Regulations 37 and 38

TRADE LICENCES

PART I

CONDITIONS SUBJECT TO WHICH TRADE LICENCES ARE TO BE ISSUED

1. If the holder of a trade licence changes his name, the name of his business or his business address he shall forthwith—
 - (a) notify the change and the new name or address to the Secretary of State; and
 - (b) send the licence to the Secretary of State for any necessary amendment.
2. The holder of the licence shall not, and shall not permit any person to, alter, deface, mutilate or add anything to a trade plate.
3. The holder of the licence shall not, and shall not permit any person to, exhibit on any vehicle any trade licence or trade plate—
 - (a) which has been altered, defaced multilated or added to;
 - (b) upon which the figures or particulars have become illegible; or
 - (c) the colour of which has altered whether by fading or otherwise.
4. The holder of the licence shall not, and shall not permit any person to, exhibit on any vehicle anything which could be mistaken for a trade plate.
5. The holder of the licence shall not permit any person to display the trade licence or any trade plates on a vehicle except a vehicle which that person is using for the purposes of the holder under the licence.
6. The holder of the licence shall not, and shall not permit any person, to display the trade licence or any trade plates on any vehicle unless—

- (a) that vehicle is within the classes of vehicle specified in section 11(2) of the 1994 Act (if the holder is a motor trader who is a manufacturer of vehicles), 11(3) (if the holder is any other motor trader) or 11(4) (if the holder is a vehicle tester); and
- (b) the vehicle is being used for one or more of the prescribed purposes for which the holder may use the vehicle in accordance with regulation 36 and this Schedule.

7. The holder of the licence shall not display any trade plate on a vehicle used under the licence unless that trade plate shows the general registration mark assigned to the holder in respect of that licence.

PART II

PURPOSES FOR WHICH THE HOLDER OF A TRADE LICENCE MAY USE A VEHICLE BY VIRTUE OF THE LICENCE

General

Interpretation

8. Where a vehicle is so constructed that a semi-trailer may by partial superimposition be attached to it in such a manner as to cause a substantial part of the weight of the semi-trailer to be borne by the vehicle, the vehicle and the semi-trailer shall be taken, for the purposes of this Part of this Schedule to constitute a single vehicle.

9. The purposes prescribed by this Part of this Schedule as purposes for which the holder of a trade licence may use a vehicle on a public road by virtue of that licence—

- (a) do not include the carrying of any person on the vehicle or any trailer drawn by it except a person carried in connection with such purposes; and
- (b) are without prejudice to the provisions of subsections (4) to (6) of section 11 of the 1994 Act which specify the classes of vehicle which a trade licence is for, in the relation respectively to a motor trader who is a manufacturer of vehicles, any other motor trader and a vehicle tester.

Motor traders

Purposes for which a motor trader may use a vehicle by virtue of a trade licence

10. The purposes for which the holder of a trade licence who is a motor trader may use a vehicle (other than a vehicle to which paragraph 14 applies) on a public road by virtue of that licence are purposes which meet each of the following requirements—

- (a) they are business purposes;
- (b) they are paragraph 12 purposes; and
- (c) they are purposes that do not include the conveyance of goods or burden of any description except specified loads.

Business purposes

11. A vehicle is used for “business purposes” if it is used for purposes connected with the motor trader’s business—

- (a) as a manufacturer or repairer of or dealer in vehicles,

Status: This is the original version (as it was originally made).

- (b) as a manufacturer or repairer of or dealer in trailers carried on in conjunction with his business as a motor trader,
- (c) of modifying vehicles (whether by the fitting of accessories or otherwise); or
- (d) of valeting vehicles.

Paragraph 12 purposes

12. A vehicle is used for “paragraph 12 purposes” if it is used for any of the following purposes—

- (a) for its test or trial or the test or trial of its accessories or equipment, in either case in the ordinary course of construction, modification or repair or after completion;
- (b) for proceeding to or from a public weighbridge for ascertaining its weight or to or from any place for its registration or inspection by a person acting on behalf of the Secretary of State;
- (c) for its test or trial for the benefit of a prospective purchaser, for proceeding at the instance of a prospective purchaser to any place for the purpose of such test or trial, or for returning after such test or trial;
- (d) for its test or trial for the benefit of a person interested in promoting publicity in regard to it, for proceeding at the instance of such a person to any place for the purpose of such test or trial, or for returning after such test or trial;
- (e) for delivering it to the place where the purchaser intends to keep it;
- (f) for demonstrating its operation or the operation of its accessories or equipment when it is being handed over to the purchaser;
- (g) for delivering it from one part of the licence holder’s premises to another part of his premises, or for delivering it from his premises to premises of, or between parts of premises of, another manufacturer or repairer of or dealer in vehicles or removing it from the premises of another manufacturer or repairer of or dealer in vehicles direct to his own premises;
- (h) for proceeding to or returning from a workshop in which a body or a special type of equipment or accessory is to be or has been fitted to it or in which it is to be or has been painted, valeted or repaired;
- (i) for proceeding from the premises of a manufacturer or repairer of or dealer in vehicles to a place from which it is to be transported by train, ship or aircraft or for proceeding to the premises of such a manufacturer, repairer or dealer from a place to which it has been so transported;
- (j) for proceeding to or returning from any garage, auction room or other place at which vehicles are usually stored or usually or periodically offered for sale and at which it is to be or has been stored or is to be or has been offered for sale as the case may be;
- (k) for proceeding to or returning from a place where it is to be or has been inspected or tested;
or
- (l) for proceeding to a place where it is to be broken up or otherwise dismantled.

Specified loads

13.—(1) A specified load is one of the following kinds of load—

- (a) a test load;
- (b) in the case of a vehicle which is being delivered or collected and is being used for a purpose falling within paragraph 12(f) to (k), a load which consists of another vehicle used or to be used for travel from or to the place of delivery or collection;

- (c) a load which is built in as part of the vehicle or permanently attached to it;
 - (d) in the case of a vehicle which is being used for a purpose falling within paragraph 12(h), (i) or (j), a load which consists of a trailer or of parts, accessories or equipment designed to be fitted to the vehicle and of tools for fitting them.
- (2) In paragraph (1) a “test load” means a load which—
- (a) is carried by a vehicle being used for a purpose falling within paragraph 12(b), (d), (e) or (g);
 - (b) is carried solely for the purpose of testing or demonstrating the vehicle or any of its accessories or equipment; and
 - (c) is returned to the place of loading without its having been removed from the vehicle except—
 - (i) for the purpose of testing or demonstrating the vehicle or any of its accessories or equipment,
 - (ii) in the case of accident, or
 - (iii) where the load consists of water, fertiliser or refuse.

Manufacturers keeping vehicles for research and development

Vehicle kept by a motor trader for research and development in the course of his business as a manufacturer

- 14.—(1) This paragraph applies to a vehicle—
- (a) kept by a motor trader, being the holder of a trade licence who is a manufacturer of vehicles; and
 - (b) kept solely for the purposes of conducting research and development in the course of his business as such a manufacturer.
- (2) The purposes for which such a person may, by virtue of the trade licence, use a vehicle to which this paragraph applies on a public road are the purposes of conducting research and development in the course of his business as a manufacturer of vehicles.
- (3) Those purposes shall not be taken to include the conveyance of goods or burden of any description except—
- (a) a load which is carried solely for the purpose of testing the vehicle or any of its accessories or equipment and which is returned to the place of loading without having been removed from the vehicle except for such purpose or in the case of accident; or
 - (b) any load built in as part of the vehicle or permanently attached to it.

Vehicle testers

Purposes for which a vehicle tester may use a vehicle by virtue of a trade licence

- 15.—(1) Subject to sub-paragraph (2) the purposes for which the holder of a trade licence who is a vehicle tester may use a vehicle on a public road by virtue of that licence are the purposes of testing it or any trailer drawn by it or any of the accessories or equipment on the vehicle or trailer in the course of the business of the holder of the trade licence as a vehicle tester.
- (2) The purposes prescribed by sub-paragraph (1) do not include the conveyance of goods or any other burden of any description on the vehicle except—

Status: This is the original version (as it was originally made).

- (a) a load which is carried solely for the purpose of testing or demonstrating the vehicle or any of its accessories or equipment and is returned to the place of loading without having been removed from the vehicle except for that purpose or in the case of accident, or
- (b) a load which is built in as part of the vehicle or permanently attached to it.

SCHEDULE 7

Regulation 45

RECOVERY VEHICLES: PRESCRIBED PURPOSES

PART I

PURPOSES PRESCRIBED FOR THE PURPOSES OF PARAGRAPH 5(3)(E) OF SCHEDULE 1 TO THE 1994 ACT

1. Carrying any person who, immediately before the vehicle became disabled was the driver of, or a passenger in that vehicle, together with his personal effects, from the premises at which the vehicle is to be repaired or scrapped to his original intended destination.
- 2.—(1) At the request of a constable or a local authority empowered by or under statute to remove a vehicle from a road, removing such a vehicle to a place nominated by the constable or local authority.
(2) In sub-paragraph (1) “road” has the meaning given—
 - (a) in relation to England, Scotland or Wales by section 192 of the 1988 Act; and
 - (b) in relation to Northern Ireland by Article 2 of the Road Traffic (Northern Ireland) Order 1995.
3. Proceeding to a place at which the vehicle will be available for use for a purpose specified in paragraph 5(3)(a) or (b) of Schedule 1 to the 1994 Act and remaining temporarily at such a place so as to be available for such use.
4. Proceeding from—
 - (a) a place where the vehicle has remained temporarily so as to be available for such use;
 - (b) a place where the vehicle has recovered a disabled vehicle; or
 - (c) such premises as are mentioned in paragraph 5(3)(b) or (c) of Schedule 1 to the 1994 Act.

PART II

PURPOSES PRESCRIBED FOR THE PURPOSES OF PARAGRAPH 5(4)(C) OF SCHEDULE 1 TO THE 1994 ACT

5. Repairing a disabled vehicle at the place where it became disabled or to which it has been moved in the interests of safety after becoming disabled.
6. Drawing or carrying a single trailer if another vehicle had become disabled whilst drawing or carrying it.

SCHEDULE 8

Regulation 47

REGULATIONS TO WHICH SECTION 59(2)(a) OF THE 1994 ACT APPLIES

<i>(1)</i> Regulation	<i>(2)</i> Subject matter of regulation
16(1)	Notification of an alteration to a vehicle
17	Notification of destruction or permanent export of a vehicle
18(1)	Notification of change of keeper's name or address
19(1)	Notification of a change of the name or address of the holder of a trade licence
21	Notification of change of keeper: registration document issued in Great Britain before 24th March 1997
22	Notification of change of keeper: registration document issued in Great Britain on or after 24th March 1997 and the new keeper not a vehicle trader
23	Notification of change of keeper: registration document issued in Great Britain on or after 24th March 1997 and the new keeper a vehicle trader
24	Notification of change of keeper: obligations of vehicle traders where registration document issued in Great Britain on or after 24th March 1997
25	Notification of change of keeper: registration document issued in Northern Ireland
26 (including Schedule 4)	Statutory off-road notification
40(5)	Return of trade plates
42	Exhibition of trade plates and licences

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

These Regulations revoke and consolidate, with amendments, the Road Vehicles (Registration and Licensing) Regulations 1971 and the Road Vehicles (Registration and Licensing) Regulations

Status: This is the original version (as it was originally made).

(Northern Ireland) 1973 and their amending instruments so as to provide a single set of Regulations for the whole of the United Kingdom.

The consolidation also extends to the Vehicle and Driving Licence Records (Evidence) Regulations 1970 (so far as they relate to vehicle licensing), the Road Vehicles (Exemptions from Duty) Regulations 1986, the Road Vehicles (Prescribed Regulations for the Purposes of Increased Penalties) Regulations 1987, the Recovery Vehicles (Prescribed Purposes) Regulations 1989, the Vehicle Registration (Sale of Information) Regulations 1996, the Vehicle Excise Duty (Reduced Pollution) Regulations 1998 and their Northern Ireland equivalents, together with all amending instruments. The Road Vehicles (Excise) (Prescribed Particulars) Regulations 1981 and their amending instruments are revoked as spent. The full list of instruments revoked is in Schedule 1.

Regulation 4 prescribes the requirements which determine whether a vehicle is an electrically assisted pedal cycle and exempts such vehicles from the remaining provisions of these Regulations. Part II (regulations 5 to 9) relates to licences. Regulation 5 enables the Secretary of State to require an applicant for a vehicle licence at one of the rates of duty applicable to vehicles which satisfy the reduced pollution requirements to furnish a reduced pollution certificate, as to which Schedule 2 makes detailed provision. Regulation 6 concerns the exhibition of vehicle licences and nil licences, in particular the manner in which such licences are to be exhibited, and regulation 7 prohibits the exhibition on vehicles of anything resembling a vehicle, trade or nil licence. Provision is made by regulation 8 for the issue of duplicates where such licences have been, or may have been, lost, stolen, destroyed or damaged or contain illegible particulars.

Part III (regulations 10 to 15) is about registration and registration documents. Regulation 10 prescribes the fee payable before the first registration of a vehicle under section 21 of the Vehicle Excise and Registration Act 1994, enables the Secretary of State to register a vehicle in Great Britain or Northern Ireland as he considers appropriate, provides for a registration document to be issued to the keeper and enables the Secretary of State to require the vehicle to be produced for inspection before he issues a registration document and to refuse to issue one if not satisfied that the vehicle accords with the particulars in the licence application. Regulation 11 enables the Secretary of State to require the inspection of a vehicle where the keeper asks for a particular registration mark to be assigned to it, which had been assigned to another vehicle, and to charge £80 for the assignment. Regulations 13 and 14 provide for the replacement and correction of registration documents. Regulation 15 enables the Secretary of State to require production of a vehicle and to withhold the issue of a new registration document under any provision of the Regulations, if he is not satisfied that it accords with the particulars furnished when a licence was last applied for or that it is the registered vehicle. Regulation 15(3) and Schedule 3 (which come into force on 7th April 2003) make special provision with regard to the issue of new registration documents for EU category M1 vehicles which have been notified as insurance write-offs or whose registration documents have been surrendered. In such cases inspection is obligatory and fees are payable and, where the Secretary of State is satisfied that the vehicle is the registered vehicle, provision is made for the issue of a certificate to that effect.

Part IV (regulations 16 to 26) require the Secretary of State to be notified in various circumstances relating to a vehicle. Provision is made for notification of alterations (regulation 16), the destruction or permanent export (regulation 17—which also requires surrender of the registration document), changes in the name or address of the keeper or holder of a trade licence (regulations 18 and 19) and changes of keeper (regulations 20 to 26 which make differing provision according to circumstances). Regulation 20 makes general provision as to notification of a change of keeper. In particular, paragraphs (4) and (5) of regulation 20 (which come into force on 7th April 2003) define the circumstances in which regulations 21 to 25 are not to apply and, on a change of keeper, the registration document is to be surrendered to the Secretary of State or, if the keeper is an insurer, destroyed. Regulation 26 introduces Schedule 4 which consolidates, in relation to Great Britain, provisions previously in the Road Vehicles (Statutory Off-Road Notification) Regulations 1997 and makes provision on similar lines for Northern Ireland for the first time.

In Part V, regulation 27 enables the Secretary of State to make particulars contained in the register available for use by specified persons, in some cases on payment of a fee, and regulation 28 empowers him to sell anonymised data derived from the register.

Part VI (regulations 29 to 34) concerns Crown vehicles and exempt vehicles. Regulation 29 exempts vehicles kept by the Crown from the Regulations except where provided by Part VI and excludes vehicles used or appropriated for use by the armed services from the scope of the Regulations altogether. Regulation 30 provides for the registration of Crown vehicles and regulation 31 for issue and display of on vehicles of certificates of Crown exemption. Regulation 32 provides that the Regulations in general apply to exempt vehicles and regulation 33 provides for the issue of nil licences for such vehicles. Regulation 34 and Schedule 5 contain provisions previously in the Road Vehicles (Exemptions from Duty) Regulations 1986 and confer exemption on vehicles imported into Great Britain by members of specified visiting forces and headquarters or organisations and their dependants.

Part VII (regulations 35 to 42), which relates to trade licences, prescribes descriptions of business for the purposes of the definition of “motor trader” in section 62 of the Vehicle Excise and Registration Act 1994 (regulation 35), the period for requesting a review of a decision to refuse a trade licence (regulation 36), the conditions subject to which trade licences are to be issued (regulation 37 and Part I of Schedule 6) and the purposes for which a vehicle may be used under a trade licence (regulation 38 and Part II of Schedule 6). Regulations 40 and 41 provide for the issue of trade plates and replacement trade plates and regulation 42 for the manner in which the general registration marks of trade licence holders shown on trade plates and trade licences are to be displayed.

Part VIII (regulations 43 to 47) covers the ascertainment of the cylinder capacity of a vehicle and the seating capacity of a bus (regulations 43 and 44), and prescribes purposes for which a recovery vehicle may be used (regulation 45 and Schedule 7) and matters with respect to which statements in documents are admissible in evidence in proceedings under the Vehicle Excise and Registration Act 1994. Regulation 47 and Schedule 8 prescribe regulations as to which an offence under section 59 of the 1994 Act of contravention or failure to comply attracts a maximum fine on level 3 of the standard scale.

Copies of the Directive referred to in these Regulations can be obtained from the Stationery Office.