

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(1);

“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

(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

(1) 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.

Status: This is the original version (as it was originally made).

(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;
- (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.