
STATUTORY INSTRUMENTS

1996 No. 1929

ROAD TRAFFIC

The Motor Vehicles (International Circulation) (Amendment) Order 1996

Made - - - - 23rd July 1996
Coming into force - - 6th August 1996

At the Court at Buckingham Palace, the 23rd day of July 1996

Present,

The Queen's Most Excellent Majesty in Council

Whereas a draft of this Order has, in pursuance of section 1(5) of the Motor Vehicles (International Circulation) Act 1952(1), been laid before Parliament and approved by resolution of each House of Parliament:

Now therefore, Her Majesty, in pursuance of section 1(1), (2), and (4) of the Motor Vehicles (International Circulation) Act 1952 as extended by article 14(1) of, and paragraph 16 of Schedule 5 to, the Northern Ireland (Modification of Enactments—No. 1) Order 1973(2), is pleased by and with the advice of Her Privy Council, to order, and it is hereby ordered, as follows:—

Citation and commencement

1. This Order may be cited as the Motor Vehicles (International Circulation) (Amendment) Order 1996 and shall come into force on the fourteenth day after the day on which it is made.

Interpretation

2. In this Order “the principal Order” means the Motor Vehicles (International Circulation) Order 1975(3).

(1) 1952 c. 39; section 1 has effect with section 8 of the Road Traffic (Amendment) Act 1967 (c. 70).

(2) S.I. 1973/2163.

(3) S.I. 1975/1208; Article 1 was amended by S.I. 1980/1095 and S.I. 1989/993; Articles 2 and 3 were substituted by S.I. 1989/993 and then amended by S.I. 1991/771; in Articles 5 and 5A, paragraphs 2(a) and 4(b) were substituted by S.I. 1985/459 and in Article 5, paragraph 2(c) was amended by S.I. 1991/1727; Schedule 2 was substituted by S.I. 1980/1095 and then amended by S.I. 1989/993.

Documents for drivers and vehicles going abroad

3.—(1) In article 1 of the principal Order—

- (a) paragraphs (3) and (4) shall be omitted; and
- (b) for paragraph (6) there shall be substituted the following paragraph—

“The Secretary of State may charge a fee of £4 for the issue of any such document as is mentioned in paragraph (1) or (2) of this article.”.

(2) Schedule 2 (Fees chargeable for documents and identification marks) to the principal Order shall be omitted.

(3) Paragraphs (1) and (2) of this article shall not apply in the case of any such document as is there mentioned if the application for issue of the document is made before the coming into force of this Order.

Visitors' driving permits

4.—(1) In article 2(2)(i), (3)(a) and (4)(a) of the principal Order after the words “in a Member State of the European Economic Community,” in each place where they occur there shall be inserted “the Isle of Man or Jersey,”.

(2) In article 2(7) of the principal order—

- (a) in the definition of “Convention driving permit” after the word “1949” in each place where it occurs, and in the definition of “domestic driving permit” after the words “issued under the law of that country”, there shall be inserted “to a person who has given proof of his competence to drive”; and
- (b) in the definition of “domestic driving permit” after the words “a driving permit issued”, there shall be inserted “to such a person”.

(3) In article 3(1) of the principal Order there shall be omitted the words “other than a large goods vehicle or a passenger-carrying vehicle”.

Vehicle excise exemption

5. For article 5(2) of the principal Order there shall be substituted the following:—

“A vehicle to which this paragraph applies, and to which the temporary importation arrangements referred to in the Council Regulation on temporary importation from third countries do not apply and which would, but for this Order, be chargeable with excise duty under the Excise Act, shall be exempt from any duty of excise under that Act to the following extent:—

- (a) in the case of a vehicle to which the Council Directive on the temporary importation of a private vehicle from another member State applies, the vehicle shall be exempt from excise duty if its importation is in accordance with the provisions of that Directive and it shall continue to be so exempt for as long as those provisions continue to be satisfied;
- (b) in a case of a vehicle being used for, or in connection with,—
 - (i) international carriage within the scope of the Council Regulation on common rules for the international carriage of passengers by coach and bus or the Council Regulation on access to the market in the carriage of goods within the Community, or
 - (ii) a cabotage transport operation within the scope of the Council Regulation on passenger transport cabotage or the Council Regulation on goods transport cabotage, or

(iii) a type of carriage which is exempt from any Community authorisation and from any carriage authorisation under the First Council Directive on the establishment of common rules for certain types of carriage of goods by road,

the vehicle shall be exempt from excise duty if and so long as the vehicle is being so used in accordance with whichever of those instruments is applicable to the use of the vehicle.”

6.—(1) In article 5 of the principal Order in each case in which they occur for the words “Great Britain” there shall be substituted the words “United Kingdom”.

(2) In article 5(9) of the principal Order for the words “Vehicles (Excise) Act 1971”, there shall be substituted the words “Vehicle Excise and Registration Act 1994(4)”.

(3) In article 5(9) of the principal Order after the words “In this article” there shall be inserted the following definitions:—

“The First Council Directive on the establishment of common rules for certain types of carriage of goods by road” means the First Council Directive of 23rd July 1962 on the establishment of common rules for certain types of carriage of goods by road(5);

“the Council Directive on the temporary importation of a private vehicle from another member State” means Council Directive (EEC) No 83/182 of 28th March 1983 on tax exemptions within the community for certain means of transport temporarily imported into one Member State from another(6);

“the Council Regulation on temporary importation from third countries” means Council Regulation (EEC) No. 1855/89 of 14th June 1989 on the temporary importation of means of transport(7);

“the Council Regulation on common rules for the international carriage of passengers by coach and bus” means Council Regulation (EEC) No. 684/92 of 16th March 1992 on common rules for the international carriage of passengers by coach and bus(8);

“the Council Regulation on access to the market in the carriage of goods within the Community” means Council Regulation (EEC) No. 881/92 of 26th March 1992 on access to the market in the carriage of goods by road within the Community to or from the territory of a Member State or passing across the territory of one or more Member States(9);

“the Council Regulation on passenger transport cabotage” means Council Regulation (EEC) No. 2454/92 of 23rd July 1992 laying down conditions under which non-resident carriers may operate national road passenger transport services within a Member State(10);

“the Council Regulation on goods transport cabotage” means Council Regulation (EEC) No. 3118/93 of 25th October 1993 laying down conditions under which non-resident carriers may operate national road haulage services within a Member State(11) as it has effect in accordance with Council Regulation (EC) No. 3315/94 of 22nd December 1994(12).

(4) The following paragraph shall be inserted after article 5(9) of the principal Order:—

“(10) Nothing in regulations made or deemed to have been made under this Order shall apply to any person bringing a motor vehicle into Northern Ireland from the Republic of

(4) 1994 c. 22.

(5) O.J. No. L70 6.8.62, p2005 as last amended by Council Regulation (EEC) No 881/92 O.J. L95 9.4.92.

(6) O.J. No. L105 23.4.83, p.59.

(7) O.J. No. L186 30.6.89, p.8.

(8) O.J. No. L74 20.3.92, p.1.

(9) O.J. No. L95 9.4.92, p.1.

(10) O.J. No. L251 29.8.92, p.1.

(11) O.J. No. L279 12.11.93, p.1.

(12) O.J. No. L350 31.12.94, p.9.

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Ireland who complies with the provisions of the Motor Car (Irish Circulation) (Northern Ireland) Regulations 1925(13).”

(5) Article 5A of the principal Order shall be revoked.

N. H. Nicholls
Clerk of the Privy Council

EXPLANATORY NOTE

(This note is not part of the Order)

1. This Order amends the Motor Vehicles (International Circulation) Order 1975 (“the 1975 Order”) in the following ways.

2. References to an application for a certificate of maximum load and permissible weight for use outside the United Kingdom, or for the assignment of an identification mark for similar use, in respect of a vehicle or trailer, are omitted because they are obsolete (article (3)(1)(a)).

3. The fee for an international driving permit or an international certificate for motor vehicles is increased from £3 to £4, although the increase does not apply if the application for the document is made before the coming into force of this Order (article 3(1)(b), (2) and (3)).

4. Visitors to Great Britain resident in the Isle of Man or Jersey who hold appropriate visitors' driving permits may drive in Great Britain large goods and passenger-carrying vehicles whether or not those vehicles have been brought temporarily into Great Britain (article 4(1)).

5. The definitions of Convention driving permit and domestic driving permit are amended so that foreign provisional licences do not have the same validity as full driving licences (article 4(2)).

6. The provision allowing foreign military personnel to drive large buses and lorries is restored, having been removed by The Motor Vehicles (International Circulation) (Amendment) Order 1991 (S.I. 1991/771) (article 4(3)).

7. Article 5(2) of the 1975 Order is amended (articles 5 and 6) so that relief from vehicle excise duty is available to vehicles entering the United Kingdom from other member States of the European Communities in conformity with:—

- (i) The First Council Directive of 23rd July 1962 (OJ L70 6.8.62 p. 2005) on the establishment of common rules for certain types of carriage (including international own account carriage) of goods by road;
- (ii) Council Directive (EEC) 83/182 (OJ No. L105 23.4.83, p. 59) which applies to private vehicles entering the UK from other member States of the European Communities for both private and business purposes;
- (iii) Council Regulation (EEC) 881/92 (OJ No. L95 9.4.92, p. 1) which applies to vehicles carrying goods for hire or reward which enter the UK from other member States of the European Communities as part of an international journey;
- (iv) Council Regulation (EEC) 2454/92 (OJ No. L251 29.8.92, p. 1) which applies to passenger carrying vehicles which enter the UK from other member States of the European Communities in order to carry out in the UK road passenger transport services for hire or reward (cabotage); although the Regulation was annulled by the European Court of Justice on 1 June 1994 in Case C-388/92 (European Parliament v Council of European Union [94 ECR I—2067]) the provisions have been declared by the court as remaining effective until the Council, after consultation with the Parliament, has adopted new legislation in the matter;
- (v) Council Regulation (EEC) 684/92 (OJ No. L74 20.3.92, p1) which applies to vehicles carrying passengers for hire or reward or own account (ie an undertaking carrying its own employees or a non-profit making organisation

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carrying passengers for a social purpose) which enter the UK from other member States of the European Communities as part of an international journey;

- (vi) Council Regulation (EEC) 3118/93 (OJ No. L279 12.11.93, p1) as amended by Council Regulation (EC) 3315/94 (OJ No. L350 31.12.94, p9) which applies to goods carrying vehicles which enter the UK from other member States of the European Communities in order to carry out in the UK road goods transport services for hire or reward or own account (cabotage).

8. Article 5A of the 1975 Order is revoked, with a transposition of article 5A(10), because the Vehicle Excise and Registration Act 1994 applies to Northern Ireland as well as to Great Britain.