

2003 No. 3073

ROAD TRAFFIC

**The Road Vehicles (Registration and Licensing)
(Amendment) (No. 4) Regulations 2003**

Made - - - - - 27th November 2003

Laid before Parliament 28th November 2003

Coming into force in accordance with Regulation 1

The Secretary of State for Transport, in exercise of the powers conferred by sections, 7B, 22, 31B and 57(5) of the Vehicle Excise and Registration Act 1994(a) and, being a Minister designated(b) for the purposes of section 2(2) of the European Communities Act 1972(c) in relation to measures relating to data protection, of the powers conferred by that section and of all other powers enabling him in that behalf, hereby makes the following Regulations:

Citation, commencement and preliminary

1.—(1) These Regulations may be cited as the Road Vehicles (Registration and Licensing) (Amendment) (No. 4) Regulations 2003 and shall come into force as follows—

- (a) this regulation and regulations, 2 and 6 shall come into force on 19th December 2003;
- (b) regulation 4 shall come into force on 1st January 2004;
- (c) regulations 3, and 5 shall come into force on 31st January 2004;
- (d) regulation 7 shall come into force on 1st June 2004;
- (e) regulation 8 shall come into force on 1st July 2005.

(2) The Road Vehicles (Registration and Licensing) Regulations 2002(d) shall be further amended in accordance with the following provisions of these regulations.

Notification of supplement on late renewal

2. In regulation 9A there shall be inserted after paragraph (4) the following—

“(5) The Secretary of State shall notify the person referred to in paragraph (4) that the supplement is payable and that notification shall—

- (a) state the amount of the supplement payable; and
- (b) be sent to the address of the person as given in the register.”.

(a) 1994 c. 22; section 22 was amended by the Finance Act 1995 (c. 4), Schedule 4, paragraph 34; by the Finance Act 1996 (c. 8), Schedule 2, paragraphs 4 to 7, Schedule 41; by the Finance Act 1997 (c. 16), Schedule 3, paragraph 3; by the Finance (No. 2) Act 1997 (c. 58), section 14(3), Schedule 8; by the Finance Act 1998 (c. 36), section 18, Schedule 27 and by the Vehicles Crime Act 2001 (c. 3), sections 32, 33, the Schedule, paragraph 4. Section 7B and 31B were inserted by the Finance Act 2002 (c. 23).

(b) S.I. 1998/2793.

(c) 1972 c. 68.

(d) S.I. 2002/2742, to which there are amendments not relevant to these Regulations.

Registration document

3. There shall be inserted after regulation 10—

“Registration document

10A.—(1) This regulation applies to vehicles falling within the definition of “vehicle” in Article 2 of Council Directive 70/156/EEC on the approximation of the laws of the Member States relating to the type approval of motor vehicles and their trailers^(a) and in Article 2 of Council Directive 92/61/EEC relating to the type-approval of two or three-wheeled motor vehicles^(b).

(2) The Secretary of State shall not issue a new registration document on or after 31st January 2004 unless it complies with Annex I of Council Directive 1999/37/EC on the registration documents for vehicles^(c) as regards—

- (a) dimensions;
- (b) composition; and
- (c) information contained within it;

except that in relation to a new registration document, the information contained may be limited to that available to the Secretary of State.

(3) Any registration document which does not comply with Council Directive 1999/37/EC on the registration documents for vehicles shall cease to have effect on the earlier of—

- (a) the date on which the Secretary of State issues a new registration document under these Regulations; or
- (b) 1st July 2005.

(4) In registering for the first time on or after 1st June 2004 a vehicle, which has been registered in another member State or Gibraltar, the Secretary of State shall recognise as a registration document a document which has been issued in respect of that vehicle by that other member State or Gibraltar if it complies with Annex I or Annexes I and II of Council Directive 1999/37/EC.

(5) Where the Secretary of State registers a vehicle in accordance with paragraph (4) he shall—

- (a) retain the former registration document for not less than 6 months; and
- (b) within 2 months of registration in the United Kingdom, notify the authorities in the member State or in Gibraltar where the vehicle was previously registered of his act of registration.”.

Identification

4. In regulation 15—

(a) after paragraph (1) there shall be inserted—

“(1A) Before issuing a new registration document the Secretary of State may take actions to satisfy himself that the identity and address of the person seeking to be the registered keeper accords with the information given to him,”; and

(b) in paragraph (2) for “paragraph (1)” there shall be substituted, “paragraphs (1) and (1A)”.

(a) OJ No. L 42, 32.2.1970, p. 1; the Directive was last amended by Commission Directive 98/14/EC (OJ No. L 91, 25.3.1998, p. 1).

(b) OJ No. L 225, 10.8.92, p. 72.

(c) OJ No. L 138, 1.6.1999, p. 60.

Notification on change of keeper's name or address

5.—(1) In regulation 18 for paragraph (2)(b) there shall be substituted—

“(b) send to the registered keeper a new registration document showing the new name or address.”;

(2) At the end of regulations 22(1)(b), 23(1)(c) and 24(1) there shall be added in each case, “or in Northern Ireland on or after 31st January 2004”.

(3) In regulation 25 after paragraph (3) there shall be added the following new paragraph—

“(4) This regulation shall not apply to a registration document issued on or after 31st January 2004.”.

Defences where a vehicle is unlicensed

6.—(1) There shall be inserted after regulation 26 within Part IV—

“Exceptions to section 31A

26A.—(1) The requirements prescribed for the purposes of the first condition in section 31B of the 1994 Act are whichever are applicable in the circumstances of the requirements specified in—

- (a) regulation 20(5) (surrender or destruction of registration document for damaged vehicle), in so far as it requires surrender of the registration document,
- (b) regulation 21(2)(b) (delivery of part of registration document to the Secretary of State),
- (c) regulation 22(2)(b) (delivery of remainder of registration document to the Secretary of State),
- (d) regulation 23(2) (notifying the Secretary of State when the transfer is to a vehicle trader),
- (e) regulation 24(5) (vehicle trader notifying the Secretary of State of a transfer), and
- (f) regulation 25(1)(a) (delivery of registration document and notification to the Secretary of State where the registration document was issued in Northern Ireland).

(2) The requirement prescribed for the purposes of the second condition in section 31B is the making of the required declaration and the furnishing of the prescribed particulars to the Secretary of State in accordance with Schedule 4.

(3) The requirement prescribed under subsection (6) of section 31B for the purposes of subsection (4)(c) (the third condition) is that before the expiry of 14 days beginning with the date on which the theft came to the knowledge of the registered keeper notification of the theft was given to—

- (a) a member of a police force maintained for any police area in England and Wales or Scotland,
- (b) a member of the Police Service of Northern Ireland, or
- (c) a person employed to assist such a police force or that Police Service.

(4) The prescribed length of the period for the purpose of the fourth condition shall be 14 days.”.

Exchange of information

7. There shall be inserted after regulation 27—

“Exchange of information

27A. The Secretary of State may disclose such information, contained in the register, that he is required to disclose to comply with Article 9 of Council Directive 1999/37/EC on the registration documents for vehicles.”.

Revocations

8. The following provisions of the Road Vehicles (Registration and Licensing) Regulations 2002 shall be revoked—

- (a) regulation 21;
- (b) in regulation 22(1)(b), 23(1)(c) and 24(1), the words “in Great Britain on or after 24th March 1997, or in Northern Ireland on or after 31st January 2004”;
- (c) regulation 25;
- (d) regulation 26A(1)(b).

Signed by authority of the Secretary of State

27th November 2003

Tony McNulty
Parliamentary Under Secretary of State,
Department for Transport

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend the Road Vehicles (Registration and Licensing) Regulations 2002 to provide—

- (a) for notification of a supplement to be paid by the keeper in the event of late payment of vehicle excise duty (*regulation 2*);
- (b) for a new form of registration document to be issued which complies with Council Directive 1999/37/EC (*regulation 3*);
- (c) for the Secretary of State to satisfy himself as to the identity of a person seeking to be a registered keeper and notification on change of address (*regulations 4 and 5*);
- (d) for provisions relating to defences to the offence committed by a registered keeper where a vehicle is unlicensed (*regulation 6*);
- (e) for disclosure of information of the Secretary of State (*regulation 7*); and
- (f) for related revocations (*regulation 8*).

A Regulatory Impact Assessment of these Regulations has been made and copies have been placed in the libraries of both Houses of Parliament. Copies of the Assessment are available from, the Licensing, Roadworthiness and Insurance Division, Department for Transport, Great Minster House, 76 Marsham Street, London SW1P 4DR (telephone number: 020 7944 2509); fax: 020 7944 2395). The Assessment may also be found by visiting the Department's website at www.dft.gov.uk.

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

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