

2015 No. 1657

ROAD TRAFFIC

**The Road Vehicles (Registration and Licensing) (Amendment)
(No. 2) Regulations 2015**

<i>Made</i>	- - - -	<i>7th September 2015</i>
<i>Laid before Parliament</i>		<i>9th September 2015</i>
<i>Coming into force</i>	- -	<i>1st October 2015</i>

The Secretary of State for Transport makes the following Regulations in exercise of the powers conferred by sections 22(1) and (2), 22A(2)(a), 57 and 59(2)(a) of the Vehicle Excise and Registration Act 1994(a).

Citation and commencement

1. These Regulations may be cited as the Road Vehicles (Registration and Licensing) (Amendment) (No. 2) Regulations 2015 and come into force on 1st October 2015.

Amendment of the Road Vehicles (Registration and Licensing) Regulations 2002

2. The Road Vehicles (Registration and Licensing) Regulations 2002(b) are further amended as follows.

Amendment of regulations 13, 14, 16, 18, 20, 22, 24 and 30

3.—(1) In the regulations listed in paragraph (2), for “regulation 15” insert “regulations 15 and 15A”.

(2) The listed regulations are—

- (a) 13(3)(c) (issue of replacement registration document);
- (b) 14(4)(c)(d) (correction of registration document);
- (c) 16(4)(b)(e) (notification of an alteration to a vehicle);
- (d) 18(2)(b)(f) (notification of a change of a keeper’s name or address);
- (e) 22(5)(b)(g) (change of keeper and the new keeper is not a vehicle trader);

(a) 1994 c.22; relevant amendments to section 22(1) were made by the Finance Act 1995 (c.4), Schedule 4, paragraph 34(2), the Finance Act 1996 (c.8), Schedule 2, paragraphs 4(2) to (5), and prospectively by the Road Safety Act 2006 (c.49), sections 47(4) to (8).

(b) S.I. 2002/2742; relevant amending instruments are noted below.

(c) Paragraph (3) has been amended by S.I. 2015/403.

(d) Paragraph (4) was inserted by S.I. 2015/403.

(e) Paragraph (4) was substituted by S.I. 2015/403.

(f) Paragraph (2) was substituted by S.I. 2015/403.

(g) Paragraph (5) was substituted by S.I. 2015/403.

- (f) 24(8)(b)(a) (change of keeper: obligations of vehicle traders).
- (3) In regulation 20(3) (change of keeper: general provisions) after “15” insert “and 15A”.
- (4) In regulation 30(5)(a)(b) (registration of Crown vehicles) after “15,” insert “15A,”.

Amendment of regulation 15

4.—(1) Regulation 15 (issue of new registration document) is amended as follows.

(2) In paragraphs (1) and (1A)(c) for “Before” substitute “Unless regulation 15A applies, before”.

(3) For paragraph (3)(d) substitute—

“(3) Unless paragraph (3B) applies, 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 paragraph (3A) applies.

(3A) This paragraph applies where—

- (a) the relevant vehicle falls within the category M1 described in paragraph 1.1.1. of Annex II to Directive 2007/46/EC of the European Parliament and of the Council establishing a framework for the approval of motor vehicles and their trailers, and of systems, components and separate units intended for such vehicles(e); and
- (b) either an insurer has informed the Secretary of State that it has decided to pay the pre-accident value of the relevant vehicle to the owner in preference to paying for it or the registration document has been surrendered to the Secretary of State under regulation 20(5).

(3B) This paragraph applies if—

- (a) the relevant vehicle is a vehicle described in paragraph (3A);
- (b) the insurer or the keeper of a fleet has notified the Secretary of State that the relevant vehicle is suitable for repair; and
- (c) the request for a new registration document is made on or after 1st October 2015 but before 26th October 2015.

(3C) If paragraph (3B) applies, the Secretary of State must treat the request for a new registration document as made under regulation 15A except that paragraph (1) of that regulation is disapplied.”

Insertion of regulation 15A

5. After regulation 15 insert—

“15A Issue of new registration document from 26th October 2015

(1) This regulation applies where a request for a new registration document is made on or after 26th October 2015.

(2) 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

(a) Paragraph (8) was substituted by S.I. 2015/403.
(b) Paragraph (5) was substituted by S.I. 2004/238.
(c) Paragraph (1A) was inserted by S.I. 2003/3073.
(d) Paragraph (3) has been amended by S.I. 2015/403.
(e) OJ No L 263, 9.10.2007, p1.

(b) is the registered vehicle.

(3) 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.

(4) 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 paragraphs (2) and (3).

(5) The provisions of Schedule 3A shall have effect in relation to the issue of a new registration document in respect of a vehicle (in this regulation and in Schedule 3A called “the relevant vehicle”) where the relevant vehicle falls within a category described in paragraph (6) and one of the conditions in paragraph (7) is satisfied.

(6) The categories of vehicle are—

- (a) M1 and N1 described in paragraph 1.1.1. and 1.2.1. respectively of Annex II to Directive 2007/46/EC of the European Parliament and of the Council establishing a framework for the approval of motor vehicles and their trailers, and of systems, components and separate technical units intended for such vehicles^(a); and
- (b) L1e to L7e described in Annex 1 to Regulation (EU) 168/2013 of the European Parliament and of the Council on the approval and market surveillance of two or three-wheel vehicles and quadricycles^(b).

(7) The conditions are that—

- (a) an insurer has informed the Secretary of State that the pre-accident value of the relevant vehicle is less than the cost of repairing it;
- (b) the registration document has been surrendered to the Secretary of State under regulation 20(5) (change of keeper: general provisions);
- (c) the keeper of a fleet has informed the Secretary of State that the relevant vehicle has not been insured with an insurer and the pre-accident value of the vehicle is less than the cost of repairing it.”

Addition of regulation 48

6.—(1) After regulation 47 (regulations prescribed under section 59(2) of the 1994 Act) add—

“48 Review

(1) The Secretary of State must from time to time carry out a review of the provisions listed in paragraph (2).

(2) The listed provisions are—

- (a) regulation 15(1) and (3) to (3C) (issue of a new registration document before 26th October 2015);
- (b) regulation 15A (issue of a new registration document from 26th October); and
- (c) Schedule 3A (duties of the insurer, keeper and Secretary of State in relation to the issue of a new registration document from 26th October).

(3) The Secretary of State must—

- (a) set out the conclusions of the review carried out in accordance with paragraph (1) in a report; and
- (b) publish the report.

(4) The report must in particular—

- (a) set out the objectives intended to be achieved by the regulatory system established by those provisions;

(a) OJ No L 263, 9.10.2007, p1.

(b) OJ No L 60, 2.3.2013, p52.

- (b) assess the extent to which those objectives are achieved; and
 - (c) assess whether those objectives remain appropriate and, if so, the extent to which they could be achieved with a system that imposes less regulation.
- (5) The first report under this regulation must be published before the end of the period of five years beginning with the day on which the provisions listed under paragraph (2) come into force.
- (6) Reports under this regulation are afterwards to be published at intervals not exceeding five years.”

Insertion of Schedule 3A

7. After Schedule 3 (issue of new registration document) insert—

“**SCHEDULE 3A** Regulation 15A(5)
ISSUE OF NEW REGISTRATION DOCUMENT FROM 26th
OCTOBER 2015”

Duty of the insurer

- 1.**—(1) If an insurer determines that the relevant vehicle for which it provides a policy of insurance has sustained damage such that the repair costs including value added tax exceed the pre-accident value of that vehicle—
- (a) that insurer must notify the Secretary of State whether the relevant vehicle is suitable for repair or not as the case may be; and
 - (b) unless that insurer is also the keeper of the relevant vehicle, the insurer must notify the keeper of that vehicle—
 - (i) that the vehicle repair costs including value added tax exceed the pre-accident value of that vehicle, and
 - (ii) if the vehicle is suitable for repair or not as the case may be.
- (2) Following notification in accordance with paragraph (1)(a) the insurer must destroy the registration document if this is in its possession.

Duty of the keeper

- 2.**—(1) Where a keeper of a fleet is the keeper of a relevant vehicle that is not insured with an insurer and the pre-accident value of the vehicle is less than the cost of repairing it, that keeper must—
- (a) notify the Secretary of State if—
 - (i) the vehicle has sustained damage, and
 - (ii) the vehicle is suitable for repair; and
 - (b) destroy the registration document for that vehicle.
- (2) Where the keeper of a relevant vehicle receives a notification from an insurer in accordance with paragraph 1(1)(b), that keeper must forthwith surrender the registration document for that vehicle to the Secretary of State unless that document is held by the insurer.

Application for a new registration document

- 3.** The keeper of a relevant vehicle may apply for a new registration document for that vehicle if—

- (a) an insurer has determined that the relevant vehicle is suitable for repair; or
- (b) the application is made by the keeper of a fleet who has notified the Secretary of State in accordance with paragraph 2(1)(a) that the relevant vehicle is suitable for repair.

Duty of the Secretary of State

4. Where the keeper of a vehicle applies for a new registration document under paragraph 3, that keeper may be required to provide in relation to the vehicle such other evidence as the Secretary of State may specify.

Determination by the Secretary of State

5. The Secretary of State must issue a new registration document or notify the applicant if a new registration document is not issued after considering any notification given by the insurer under paragraph 1(1)(a) or a keeper of a fleet under paragraph 2(1)(a)(ii) as to whether the vehicle is suitable for repair.

Registration document

6. Where the Secretary of State is satisfied that a new registration document may be issued for the relevant vehicle, the Secretary of State must issue a new registration document.”

Signed by authority of the Secretary of State

Andrew Jones
Parliamentary Under Secretary of State
Department for Transport

7th September 2015

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations further amend the Road Vehicles (Registration and Licensing) Regulations 2002 (“the 2002 Regulations”) (S.I. 2002/2742) to make provision for the vehicle identity check scheme to be abolished from 26th October 2015.

In particular regulations 5 and 7 insert regulation 15A and Schedule 3A into the 2002 Regulations setting out the process that will apply from 26th October 2015 in relation to requests for a new registration document for a vehicle that has been damaged in an accident where the insurer, or in some circumstances, the keeper of a fleet, has notified the Secretary of State that the vehicle is suitable for repair.

Regulations 3 and 4 make various consequential amendments to ensure that the new provisions in regulation 15A are consistently applied to the 2002 Regulations.

Regulation 4 further amends regulation 15 of the 2002 Regulations to provide a transitional period during which applications for a new registration document in respect of vehicles that an insurer has deemed suitable for repair can be treated as applications made under regulation 15A.

Regulation 6 requires the Secretary of State to review the operation and effect of these Regulations and publish a report within five years after they come into force and within every five years after that. Following a review it will fall to the Secretary of State to consider whether the Regulations should remain as they are, or be revoked or be amended. A further instrument would be needed to revoke the Regulations or to amend them.

A regulatory impact assessment of the effect that these Regulations will have on the costs of business and the voluntary sector is available from the Department for Transport, Great Minster House, 33 Horseferry Road, London, SW1P 4DR (telephone: 020 7944 4639) and is published with the Explanatory Memorandum alongside these Regulations on the website www.legislation.gov.uk.

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