

EXPLANATORY MEMORANDUM TO
THE ROAD VEHICLES (REGISTRATION, REGISTRATION PLATES AND
EXCISE EXEMPTION) (AMENDMENT) (EU EXIT) REGULATIONS 2018

2018 No. 1295

1. Introduction

- 1.1 This explanatory memorandum has been prepared by the Department for Transport and is laid before Parliament by Act.
- 1.2 This memorandum contains information for the Joint Committee on Statutory Instruments.

2. Purpose of the instrument

- 2.1 These Regulations are made to:-
 - (a) address failures of existing legislation on road vehicle registration, registration plates and excise exemption to operate effectively, and other deficiencies, which would otherwise result from the withdrawal of the United Kingdom from the European Union, and
 - (b) address some out of date references to European Union law and other existing deficiencies in the legislation on road vehicle registration and registration plates (regulations 2(2)(a) and (c), and 3(2) to (4) and (6)).

Explanations

What did any relevant EU law do before exit day?

- 2.2 Directive 1999/37/EC (as amended) on the registration documents for road vehicles specifies the required form for registration documents and provides for their mutual recognition by member States.
- 2.3 Directive 2007/46/EC (as amended) on the establishment of a framework for the approval of road vehicles, includes vehicle category definitions.
- 2.4 Directive 2000/53/EC (as amended) on end of life vehicles makes provision to achieve environmentally responsible treatment and re-cycling of vehicles at the end of their useful lives.
- 2.5 Sundry EU legislation (the current versions of which are indicated in the policy background section below) on vehicle construction, safety and type approval makes provision for the fixing of vehicle rear registration plates and their illumination.
- 2.6 Regulation (EC) 2411/98 on the recognition in intra-Community traffic of the distinguishing signs of member States provides for member States to recognise and accept “Europlates” on visiting vehicles registered in another member State (i.e. a number plate displaying the distinguishing sign of an EU member State against a blue background on the left hand side, under a circle of 12 yellow stars).
- 2.7 Directive 83/182/EEC on tax exemptions for transport temporarily imported into one member State from another requires exemption from vehicle excise duty for temporary importation of private motor vehicles from the EU.

Why is it being changed?

- 2.8 Regulation 10A (registration document) of the Road Vehicles (Registration and Licensing) Regulations 2002 (“the 2002 Regulations”) requires vehicle registration documents (i.e. “V5Cs”) to comply with Directive 1999/37/EC as regards dimensions, composition and information contained in them. However the language of the Directive is incompatible with the UK no longer being a member State.
- 2.9 Regulation 15A of the 2002 Regulations (issue of new registration document from 26th October 2015) defines certain categories of vehicle by cross reference to their definitions in Directive 2007/46/EC. This makes the definitions referable to EU law and less accessible.
- 2.10 In Regulation 17A (vehicles to which the end-of-life vehicles directive applies) and Schedule 8 of the 2002 Regulations, it is inappropriate to refer to Directive 2000/53/EC given it was transposed into domestic law by the End-of-Life Vehicles Regulations 2003 (S.I. 2003/2635).
- 2.11 Regulations 4, 5 and 9 of the Road Vehicles (Display of Registration Marks) Regulations 2001 (“the 2001 Regulations”) make provision for the fixing of vehicle rear registration plates and their illumination. They allow vehicle drivers or keepers to comply with sundry EU law on this listed in the 2001 Regulations, or default UK standards. But the EU law listed has all been repealed and replaced.
- 2.12 Regulation 2 (interpretation) of the Vehicles Crime (Registration of Registration Plate Suppliers) Regulations 2008 (“the 2008 Regulations”) adopts the definition of “registration certificate” from Directive 1999/37/EC to refer to those issued from time to time by member States of the EU, other than the UK, to certify a vehicle is registered in a member State. This makes the definition referable to EU law, less accessible and likely to become moribund over time if the Directive is amended or repealed.
- 2.13 The language of Regulation (EC) 2411/98 is not consistent with the UK no longer being a member of the EU and defines “vehicle” by reference to repealed EU legislation.
- 2.14 Article 5 of the Motor Vehicles (International Circulation) Order 1975 (“the 1975 Order”) transposes Directive 83/182/EEC by reference to it, but the language of Directive 83/182/EEC is not consistent with the UK no longer being a member of the EU. Article 5 also defines certain categories of vehicle by cross reference to their definitions in Directive 2007/46/EC. This makes the definitions referable to EU law and less accessible.

What will it now do?

- 2.15 Instead of regulation 10A of the 2002 Regulations requiring vehicle registration documents to comply with Directive 1999/37/EC, it will list what information they must contain and allow for their form to be determined by the SoS. The list substantively matches the information requirements of current UK registration documents, and would be compliant with requirements for vehicle registration documents set out in the international Road Traffic Conventions of 1949 (Geneva), and 1968 (Vienna), which the UK is party to. Complementary adjustments are made to other parts of regulation 10A of the 2002 Regulations.

- 2.16 Regulation 15A of the 2002 Regulations will describe certain vehicles categories to which it refers rather than defining them by way of cross reference to Directive 2007/46/EC on vehicle type approval. (However the cross reference to the definitions of motorcycles, tricycles and quadricycles in (EU) Regulation 168/2013 is preserved as they are too involved to reproduce succinctly and the Regulation will be adopted into domestic law).
- 2.17 In Regulation 17A, and Schedule 8, of the 2002 Regulations, reference to the End-of-Life Vehicles Regulations 2003 will be substituted for reference to Directive 2000/53/EC.
- 2.18 Regulations 4, 5 and 9 of the 2001 Regulations will be adjusted to recognise that, with regard to the fixing of rear registration plates and their illumination, vehicles which conform to either EU law or retained EU law, as applicable at the time of their construction, need not comply with the equivalent default domestic standards for those purposes.
- 2.19 Regulation 4 of this instrument adjusts the definition of “registration certificate”, as used in regulation 2 (interpretation) of the 2008 Regulations, to make it clearer, more accessible and no longer referable to Directive 1999/37/EC.
- 2.20 Regulation 5 of this instrument adjusts the language of Regulation (EC) 2411/98, as it will apply domestically, to recognise the UK will not be a member State of the EU and restate the definition of “vehicle” in an accessible form, rather than by reference to EU law, but otherwise to retain its effect for the UK.
- 2.21 Regulation 6 of this instrument restates a part of Article 5 of the 1975 Order in order to present the existing vehicle excise duty exemptions for private motor vehicles in a clearer and more accessible way and without reference to Directive 83/182/EEC. It also restates part of Article 5 to describe certain vehicle categories to which it refers rather than defining them by way of cross reference to Directive 2007/46/EC on vehicle type approval.

3. Matters of special interest to Parliament

Matters of special interest to the Joint Committee on Statutory Instruments

- 3.1 The instrument was laid for sifting under paragraph 3 of Schedule 7 to the European Union (Withdrawal) Act 2018, on 9th October 2018, by the Parliamentary Under Secretary of State for Transport, Baroness Sugg, who considered the appropriate Parliamentary procedure for the instrument was that it should be subject to annulment in pursuance of a resolution of either House of Parliament (i.e. the “negative procedure”), and made a statement to that effect as detailed in Part 2 of the Annex to this Explanatory Memorandum.
- 3.2 The Secondary Legislation Scrutiny Committee of the House of Lords, at its meeting on 22nd October 2018, scrutinised the instrument and agreed that the negative procedure should apply to the instrument.
- 3.3 The European Statutory Instruments Committee of the House of Commons, at its meeting on 23rd October 2018, scrutinised the instrument and agreed that the negative procedure should apply to the instrument.

Matters relevant to Standing Orders Nos. 83P and 83T of the Standing Orders of the House of Commons relating to Public Business (English Votes for English Laws)

- 3.4 As the instrument is subject to negative resolution procedure there are no matters relevant to Standing Orders Nos. 83P and 83T of the Standing Orders of the House of Commons relating to Public Business at this stage.

4. Extent and Territorial Application

- 4.1 The territorial extent of this instrument is United Kingdom.
4.2 The territorial application of this instrument is United Kingdom.

5. European Convention on Human Rights

- 5.1 As the Parliamentary Under Secretary of State for Transport, Baroness Sugg, has made the following statement regarding Human Rights:

“In my view the provisions of the Road Vehicles (Registration, Registration Plates and Excise Exemption) (Amendment) (EU Exit) Regulations 2018 are compatible with the Convention rights.”

6. Legislative Context

- 6.1 The European Union (Withdrawal) Act 2018 repeals the European Communities Act 1972, but sections 2 and 3 save “retained EU law” (as defined in section 6(7) of that Act) so that it continues to have effect in domestic law on and after exit day. The legislation to which this instrument applies is retained EU law and is so continued.
- 6.2 However the withdrawal of the United Kingdom from the European Union will result in this legislation containing various deficiencies, as outlined in section 2 above, and this instrument corrects them under section 8 of the 2018 Act (and, in the case of regulations 2(2)(b), (d) and (e), under complementary powers in the Vehicle Excise and Registration Act 1994).
- 6.3 The instrument also addresses in advance some existing out of date references to European Union law and other existing deficiencies in the legislation on road vehicle registration and registration plates (regulations 2(2)(a) and (c), and 3(2) to (4) and (6)) under powers in the Vehicle Excise and Registration Act 1994.
- 6.4 In particular the instrument omits regulation 10A(1) of the 2002 Regulations because the Directives it refers to have been repealed, and because it is unnecessary given regulation 10(4) of those Regulations obliges the Secretary of State to issue a registration document in relation to any vehicle he registers (regulation 2(2)(a)).
- 6.5 The instrument omits regulation 10A(3) of the 2002 Regulations because it is obsolete (regulation 2(2)(c)).
- 6.6 Regulation 3(2) of the instrument restates in full in the 2001 Regulations the definitions of “agricultural machine”, agricultural tractor”, “light agricultural vehicle” and “off road tractor”, because they are currently defined by cross reference to now repealed provisions of the Vehicle Excise and Registration Act 1994. These definitions are used in regulations 5 and 9 of those Regulations, as further amended by this instrument. The definition of “EEA State” is updated.
- 6.7 Regulation 3(3) of the instrument revokes the definition “of relevant type-approval directive” in regulation 4 of the 2001 Regulations because the four EU Directives

referred to in the definition have been repealed, and regulation 3(4) and (6) of the instrument render this definition superfluous.

7. Policy background

What is being done and why?

- 7.1 EU law references are found in a number of different places in road vehicle registration and related legislation. Following the UK's exit from the EU some of these EU law references will become anomalous, or increasingly inaccessible or obsolete. Intervention is needed to address these deficiencies to make sure the law continues to work effectively and is reasonable accessible. The changes made by this instrument are technical and do not have any material regulatory or deregulatory effect on business or individuals.

Vehicle Registration Documents (V5C)

- 7.2 In respect of the road vehicle registration document (V5C) the objective is to regulate it in UK legislation, rather than by reference to EU legislation, and to be able to brand it as a UK document, but otherwise to follow international standards so that it may continue to be mutually recognised by foreign authorities following the UK's exit from the EU.
- 7.3 The instrument replaces the requirement for a V5C to comply with the relevant European Directive (currently Directive 1999/37/EC as amended). Amendments have been made to the vehicle registration regulations to allow for the V5C to be in a form specified by the Secretary of State, and to expressly list the information it must contain as a minimum. The minimum requirements are equivalent to the EU model registration document, reflect the information currently contained in V5Cs and are compliant with the international road traffic conventions (Geneva and Vienna).

End of life vehicles

- 7.4 The instrument replaces references to the EU end of life vehicles Directive with references to the UK end of life vehicles Regulations 2003 which transposed it, and to remove the reference to the UK being part of the EEA. This ensures the status quo is maintained with regard to the administrative provisions on de-registration of relevant vehicles (i.e. cars and small vehicles) which have reached the end of their useful life whilst changing the legislation to refer to the applicable domestic law rather than the EU Directive. The administrative provisions require notification of the Secretary of State of relevant vehicle destruction so that the statutory register of vehicles can be updated.
- 7.5 For a relevant vehicle which has become obsolete an Authorised Treatment Facility (ATF) or, if the vehicle is abroad in an EEA State, the registered vehicle keeper, must notify the Secretary of State of the issue of a Certificate of Destruction (CoD). A CoD certifies a vehicle has reached the end of its useful life and has been de-polluted and destroyed in accordance with strict environmental rules. This enables the Driver and Vehicle Licensing Agency (DVLA) to close the vehicle record down.
- 7.6 An ATF is an establishment which has an environmental permit or licence authorising it to scrap and de-pollute vehicles in line with environmental standards.
- 7.7 Where the vehicle keeper is abroad in an EEA State (e.g. their vehicle has been written off abroad) they should obtain a CoD from the equivalent of an ATF in the

country visited and submit the completed CoD to the Driver and Vehicle Licensing Agency with a covering letter and, if available, the registration certificate with the appropriate section completed.

Rear registration plates and rear registration plate lights

Rear registration plates

- 7.8 The instrument will amend regulations 4 and 5 of the Road Vehicles (Display of Registration Marks) Regulations 2001 which set requirements as to the fixing of rear registration plates to vehicles. They provide that rear plates are required to be fixed in compliance with domestic standards or equivalent EU law standards. The EU law standards referred in the 2001 Regulations have all been repealed and replaced. Currently those standards are set out in EU Regulations. As such they will become adopted into domestic law under section 3 of European Union (Withdrawal) Act 2018. This instrument addresses this issue as explained below.
- 7.9 Regulation 5 of the Road Vehicles (Display of Registration Marks) 2001 sets out the manner in which rear registration plates must be fixed to vehicles. It is an offence not to comply, and the obligation to comply is on the person driving the vehicle, or where it is not being driven, on the person keeping it (regulation 19).
- 7.10 The requirements are that a rear registration plate must be fixed either:
- (a) in the space provided for it to be fixed by EU law where the vehicle has been constructed in compliance with EU law requirements for the provision of that space; or
 - (b) in accordance with the requirements set out in regulation 5(5) and (6) (in effect UK default standards).
- 7.11 Regulation 5 does not mandate compliance with EU law. But it absolves the driver, or keeper, from having to comply with the UK default standards if the vehicle has been constructed in compliance with EU law on the space required for the fixing of rear registration plates and the plate is fixed accordingly.
- 7.12 The EU law is devised to harmonise the technical standards applicable to the fixing of rear registration plates in line with single market principles.
- 7.13 The EU law on plate spaces referred to and listed in regulations 4 and 5 of the 2001 Regulations has all been repealed and replaced a number of times. Currently, for motor cycles, motor tricycles and quadricycles, Commission Regulation (EU) No 44/2014 (OJ No L 25, 28.1.2014, p. 1) makes provision as regards the space to be provided for fixing of the rear registration plates. In the case of any other vehicle or trailer, currently Commission Regulation (EU) No 1003/2010 (OJ No L 291, 9.11.2010, p. 22) makes provision as regards the space to be provided for fixing of rear registration plates.
- 7.14 With effect from the 22nd day after this instrument is laid, it will update and simplify regulations 4 and 5 of the Road Vehicles (Display of Registration Marks) 2001 by providing that, as an alternative to the default UK requirements, where a vehicle has been constructed to provide a plate space in compliance with the relevant EU law applicable at the time of construction, the plate may be fixed in that space (regulation 3(4)).
- 7.15 With effect from exit day this instrument will also recognise that, as an alternative to the default UK requirements, where a vehicle has been constructed to provide a plate

space in compliance with the domestic version of the relevant EU law applicable at the time of construction, as adopted into UK law under section 3 of European Union (Withdrawal) Act 2018 (i.e. “retained EU law”), the plate may be fixed in that space (regulation 3(5)).

Rear registration plate lights

- 7.16 The instrument will also amend regulations 4 and 9 of the Road Vehicles (Display of Registration Marks) Regulations 2001 which set requirements as to the lighting of rear registration plates on vehicles. They provide that the lighting must comply with domestic standards or equivalent EU law standards. The EU law standards referred in the 2001 Regulations have all been repealed and replaced. Currently those standards are set out in EU Regulations. As such they will become adopted into domestic law under section 3 of European Union (Withdrawal) Act 2018. This instrument addresses this issue as explained below.
- 7.17 Regulations 4 and 9 of the 2001 Regulations work for rear registration plate lamps in the same way as regulations 4 and 5 of the 2001 Regulations work for rear registration plates. So the same approach has been taken in amending regulations 4 and 9 as has been taken in amending regulations 4 and 5.
- 7.18 As with plate space, the EU law on plate lamps referred to and listed in regulations 4 and 9 of the 2001 Regulations has all been repealed and replaced a number of times. Currently, for motor cycles, motor tricycles and quadricycles, Commission Regulation (EU) No 3/2014 (OJ No L 7, 10.1.2014, p. 1) makes provision as regards rear registration plate lamps. In the case of any other vehicle or trailer, currently Regulation (EC) No. 661/2009 (OJ No L 200, 31.7.2009, p. 1) makes provision as regards rear registration lamps.

Definitions

- 7.19 As referred to in the legislative context section above, the instrument also reinstates in full in the 2001 Regulations the definitions of “agricultural machine”, agricultural tractor”, “light agricultural vehicle” and “off road tractor”. This is because these machines are expressly excluded from the operation of regulations 5 and 9, and so they still need to be defined, but currently, in the 2001 Regulations, they are defined by reference to legislation which has since been repealed. These amendments will take effect from the 22nd day after this instrument is laid.

Registration Plate Suppliers

- 7.20 The Vehicle Crime (Registration of Registration Plate Suppliers) Regulations 2008 relates to the Register of Number Plate Suppliers scheme, established in 2003 to regulate the supply of number plates and reduce the opportunity for criminals to obtain false plates to disguise the identity of stolen vehicles or use vehicles for criminal activity.
- 7.21 The 2008 Regulations require registered plate suppliers to verify information provided by purchasers of plates by reference to certain official documents. Those documents include, where relevant, a VC5 document issued by the DVLA, or an equivalent vehicle registration certificate issued by an EU member State. The definition of the latter is made by reference to the EU Directive 1999/37/EC.

- 7.22 The instrument replaces the reference to EU Directive 1999/37/EC with more accessible generic language which will continue to work even where this Directive is amended, revoked and replaced.

Europlates

- 7.23 EC Regulation 2411/98 requires EU member States to recognise a national sign on a “Europlate” (i.e. a number plate displaying the distinguishing sign of an EU member State against a blue background on the left hand side, under a circle of 12 yellow stars) on a visiting vehicle registered in another member State as equivalent to the national sign stickers required by the international road traffic conventions (Geneva and Vienna). The Regulation will be become adopted into domestic law under section 3 of European Union (Withdrawal) Act 2018.
- 7.24 Regulation 5 of this instrument adjusts the language of Regulation (EC) 2411/98, as it will apply domestically, to recognise the UK will not be a member State of the EU but otherwise to retain its effect for the UK, i.e. to continue the practice of so recognising Europlates on visiting vehicles from the EU. It also restates the definition of “vehicle” in an accessible form, rather than by reference to EU law.

Vehicle Excise Exemptions

- 7.25 Directive 83/182/EEC requires exemption from vehicle excise duty for the temporary importation of a private vehicle into a member State from another by a person who is a resident of a member State other than the one to which the vehicle is imported. This is transposed in Article 5(2)(a) of the Motor Vehicles (International Circulation) Order 1975 by reference to the Directive, but the language of the Directive is not consistent with the UK no longer being a member of the EU, and this method of transposition renders the details of the exemption less accessible for the reader. This is addressed in regulation 6 of the instrument by setting out clearly and accessibly what the terms of the exemption are.
- 7.26 Article 5(2)(c) grants exemption for certain goods vehicles temporarily imported by a non-resident for or in connection with cabotage operations in Great Britain (haulage of goods between two points in a county) used in the transportation of cars and light goods vehicles, defining cars and light goods vehicles by reference to their definitions in Directive 2007/46/EC. This makes the definitions referable to EU law and less accessible. Regulation 6(2)(a)(iii) of this instrument substitutes a description of these vehicle categories for the cross references to the Directive.

8. European Union (Withdrawal) Act/Withdrawal of the United Kingdom from the European Union

- 8.1 This instrument is being made using the power in section 8 of the European Union (Withdrawal) Act 2018 in order to address failures of retained EU law to operate effectively or other deficiencies arising from the withdrawal of the United Kingdom from the European Union. The instrument is also made under the complementary powers in paragraph 21(a) and (b) of Schedule 7 to that Act. In accordance with the requirements of the Act the Minister has made the relevant statements as detailed in Part 2 of the Annex to this Explanatory Memorandum.
- 8.2 Alongside the European Union (Withdrawal) Act 2018 powers, the instrument is also being made under sections 22, 23 and 57 of the Vehicle Excise and Registration Act 1994 as described in the Legislative Context section above.

9. Consolidation

9.1 There are no plans to consolidate the legislation amended by these Regulations.

10. Consultation outcome

10.1 A public consultation was not considered necessary because the changes made by this instrument are technical and do not have any material regulatory or deregulatory effect on business or individuals.

11. Guidance

11.1 As the changes do not have any material regulatory or deregulatory effect on business or individuals no guidance is being provided.

12. Impact

12.1 There is no, or no significant, impact on business, charities or voluntary bodies.

12.2 There is no, or no significant, impact on the public sector.

12.3 An Impact Assessment has not been prepared for this instrument because of this low level of impact.

13. Regulating small business

13.1 The legislation applies to activities that are undertaken by small businesses.

13.2 No specific action is proposed to minimise regulatory burdens on small businesses.

13.3 The basis for the final decision on what action to take to assist small businesses is that the impact is assessed as zero or nominal.

14. Monitoring & review

14.1 There are no plans to monitor or review this instrument for the reasons indicated below.

14.2 In relation to those provisions of this instrument which are made under the Vehicle Excise and Registration Act 1994 this instrument does not include a statutory review clause and, in line with the requirements of the Small Business, Enterprise and Employment Act 2015, the Parliamentary Under Secretary of State for Transport, Baroness Sugg, has made the following statement:

“Having had regard to sections 28 to 32 of the Small Business, Enterprise and Employment Act 2015, and the statutory guidance under section 31 of that Act, I have decided that it is not appropriate to make provision for review of those provisions of this instrument which are made under the Vehicle Excise and Registration Act 1994 because it would be disproportionate to do so taking into account the economic impact of those provisions. Those provisions simply re-instate a definition of “agricultural machine”, and related definitions, replace references to repealed European Union legislation on rear registration plates and their lights but otherwise do not relate to businesses. The provisions do not introduce any duties or burdens on business, and businesses will not need to change their current practices.”

14.3 In so far as this instrument is made under the European Union (Withdrawal) Act 2018, no review clause is required.

15. Contact

- 15.1 Jessica Williams at the Driver and Vehicle Licensing Agency (telephone: 01792 384 612 or email: Jessica.Williams@dvla.gsi.gov.uk) can be contacted with any queries regarding the instrument.
- 15.2 Lynette Rose at the Driver and Vehicle Licensing Agency can confirm that this Explanatory Memorandum meets the required standard.
- 15.3 The Parliamentary Under Secretary of State for Transport, Baroness Sugg, can confirm that this Explanatory Memorandum meets the required standard.

Annex

Statements under the European Union (Withdrawal) Act 2018

Part 1

Table of Statements under the 2018 Act

This table sets out the statements that may be required under the 2018 Act.

Statement	Where the requirement sits	To whom it applies	What it requires
Sifting	Paragraphs 3(3), 3(7) and 17(3) and 17(7) of Schedule 7	Ministers of the Crown exercising sections 8(1), 9 and 23(1) to make a Negative SI	Explain why the instrument should be subject to the negative procedure and, if applicable, why they disagree with the recommendation(s) of the SLSC/Sifting Committees
Appropriate-ness	Sub-paragraph (2) of paragraph 28, Schedule 7	Ministers of the Crown exercising sections 8(1), 9 and 23(1) or jointly exercising powers in Schedule 2	A statement that the SI does no more than is appropriate.
Good Reasons	Sub-paragraph (3) of paragraph 28, Schedule 7	Ministers of the Crown exercising sections 8(1), 9 and 23(1) or jointly exercising powers in Schedule 2	Explain the good reasons for making the instrument and that what is being done is a reasonable course of action.
Equalities	Sub-paragraphs (4) and (5) of paragraph 28, Schedule 7	Ministers of the Crown exercising sections 8(1), 9 and 23(1) or jointly exercising powers in Schedule 2	Explain what, if any, amendment, repeals or revocations are being made to the Equalities Acts 2006 and 2010 and legislation made under them. State that the Minister has had due regard to the need to eliminate discrimination and other conduct prohibited under the Equality Act 2010.
Explanations	Sub-paragraph (6) of paragraph 28, Schedule 7	Ministers of the Crown exercising sections 8(1), 9 and 23(1) or jointly exercising powers in Schedule 2 In addition to the statutory obligation the Government has made a political commitment to include these statements alongside all EUWA SIs	Explain the instrument, identify the relevant law before exit day, explain the instrument's effect on retained EU law and give information about the purpose of the instrument, e.g., whether minor or technical changes only are intended to the EU retained law.

Criminal offences	Sub-paragraphs (3) and (7) of paragraph 28, Schedule 7	Ministers of the Crown exercising sections 8(1), 9, and 23(1) or jointly exercising powers in Schedule 2 to create a criminal offence	Set out the 'good reasons' for creating a criminal offence, and the penalty attached.
Sub-delegation	Paragraph 30, Schedule 7	Ministers of the Crown exercising sections 10(1), 12 and part 1 of Schedule 4 to create a legislative power exercisable not by a Minister of the Crown or a Devolved Authority by Statutory Instrument.	State why it is appropriate to create such a sub-delegated power.
Urgency	Paragraph 34, Schedule 7	Ministers of the Crown using the urgent procedure in paragraphs 4 or 14, Schedule 7.	Statement of the reasons for the Minister's opinion that the SI is urgent.
Explanations where amending regulations under 2(2) ECA 1972	Paragraph 13, Schedule 8	Anybody making an SI after exit day under powers outside the European Union (Withdrawal) Act 2018 which modifies subordinate legislation made under s. 2(2) ECA	Statement explaining the good reasons for modifying the instrument made under s. 2(2) ECA, identifying the relevant law before exit day, and explaining the instrument's effect on retained EU law.
Scrutiny statement where amending regulations under 2(2) ECA 1972	Paragraph 16, Schedule 8	Anybody making an SI after exit day under powers outside the European Union (Withdrawal) Act 2018 which modifies subordinate legislation made under s. 2(2) ECA	Statement setting out: a) the steps which the relevant authority has taken to make the draft instrument published in accordance with paragraph 16(2), Schedule 8 available to each House of Parliament, b) containing information about the relevant authority's response to— (i) any recommendations made by a committee of either House of Parliament about the published draft instrument, and (ii) any other representations made to the relevant authority about the published draft instrument, and, c) containing any other information that the relevant authority considers appropriate in relation to the scrutiny of the instrument or draft instrument which is to be laid.

Part 2

Statements required when using enabling powers under the European Union (Withdrawal) 2018 Act

1. Sifting statement

1.1 The Parliamentary Under Secretary of State for Transport, Baroness Sugg, has made the following statement regarding use of legislative powers in the European Union (Withdrawal) Act 2018:

“In my view the Road Vehicles (Registration, Registration Plates and Excise Exemption) (Amendment) (EU Exit) Regulations 2018 should be subject to annulment in pursuance of a resolution of either House of Parliament (i.e. the negative procedure)”.

1.2 This is the case because:

- (a) the instrument does not contain provisions falling within paragraph 1(2) of Schedule 7 to the European Union (Withdrawal) Act 2018 requiring it to be made under the affirmative procedure;
- (b) the effect of the instrument is to address failures of existing legislation on road vehicle registration, registration plates and excise exemption to operate effectively, and other deficiencies, which would otherwise result from the withdrawal of the United Kingdom from the European Union, and to address some out of date references to European Union law and other existing deficiencies in the legislation on road vehicle registration and registration plates;
- (c) the changes made are technical and do not have any material regulatory or deregulatory effect on business or individuals.

2. Appropriateness statement

2.1 The Parliamentary Under Secretary of State for Transport, Baroness Sugg, has made the following statement regarding use of legislative powers in the European Union (Withdrawal) Act 2018:

“In my view the Road Vehicles (Registration, Registration Plates and Excise Exemption) (Amendment) (EU Exit) Regulations 2018 do no more than is appropriate”.

2.2 This is the case because the instrument is limited in effect to simply correcting deficiencies in the legislation it relates to resulting from the UK leaving the EU, addressing some out of date references to European Union law and addressing some existing deficiencies in the legislation on road vehicle registration and registration plates.

3. Good reasons

3.1 The Parliamentary Under Secretary of State for Transport, Baroness Sugg, has made the following statement regarding use of legislative powers in the European Union (Withdrawal) Act 2018:

“In my view there are good reasons for the provisions in this instrument, and I have concluded they are a reasonable course of action”.

- 3.2 These are essentially that, following the UK’s exit from the EU, various EU law references in the legislation on road vehicle registration, registration plates and vehicle excise duty exemption will become anomalous, or increasingly inaccessible or obsolete. There is also a need to address some existing out of date references to European Union law and other deficiencies. Intervention is needed to address these to make sure the law continues to work effectively and is reasonably accessible.

4. Equalities

- 4.1 The Parliamentary Under Secretary of State for Transport, Baroness Sugg, has made the following statement:

“The instrument does not amend, repeal or revoke a provision or provisions in the Equality Act 2006 or the Equality Act 2010 or subordinate legislation made under those Acts.”

- 4.2 The Parliamentary Under Secretary of State for Transport, Baroness Sugg, has made the following statement regarding use of legislative powers in the European Union (Withdrawal) Act 2018:

“In relation to the instrument, I, Baroness Sugg, Parliamentary Under Secretary of State for Transport, have had due regard to the need to eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under the Equality Act 2010.”

5. Explanations

- 5.1 The explanations statement has been made in section 2 of the main body of this explanatory memorandum.