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STATUTORY INSTRUMENTS

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**2002 No. 2742**

The Road Vehicles (Registration  
and Licensing) Regulations 2002

PART I

PRELIMINARY

**Citation and commencement**

1.—(1) These regulations may be cited as the Road Vehicles (Registration and Licensing) Regulations 2002.

(2) These regulations except regulations 15(3) and 20(4) and (5) and Schedule 3 shall come into force on 30th November 2002.

(3) Regulations 15(3) and 20(4) and (5) and Schedule 3 shall come into force on 7th April 2003.

**Revocation**

2.—(1) The regulations specified in column (1), whose numbers are specified in column (2), of the tables in Parts I and III of Schedule 1 are hereby revoked in their entirety.

(2) The Regulations specified in column (1), whose number is specified in column (2), of the table in Part II of Schedule 1 are hereby revoked to the extent specified in column (3).

**Interpretation**

3.—(1) In these regulations—

“the 1988 Act” means the Road Traffic Act 1988(1);

“the 1994 Act” means the Vehicle Excise and Registration Act 1994 and a reference to the “predecessor legislation” of the 1994 Act is a reference to any of the following Acts—

- (a) the Roads Act 1920(2);
- (b) the Vehicles (Excise) Act 1949(3);
- (c) the Vehicles (Excise) Act (Northern Ireland) 1954(4);
- (d) the Vehicles (Excise) Act 1962(5);
- (e) the Vehicles (Excise) Act 1971(6);
- (f) the Vehicles (Excise) Act (Northern Ireland) 1972(7);

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(1) 1988 c. 52.

(2) 10 & 11 Geo. 5. c. 72.

(3) 12, 13 & 14 Geo. 6. c. 89.

(4) 1954 c. 17 (N.I.).

(5) 10 & 11 Eliz. 2. c. 13.

(6) 1971 c. 10.

(7) 1972 c. 10 (N.I.).

“bicycle” means a mechanically propelled bicycle (including a motor scooter, a bicycle with an attachment for propelling it by mechanical power and a mechanically propelled bicycle used for drawing a trailer or sidecar) not exceeding 450 kgs in weight unladen;

“GB records” means the part of the register which is maintained on behalf of the Secretary of State by the Driver and Vehicle Licensing Agency;

“insurer” means an authorised insurer as defined by section 145 of the 1988 Act;

“invalid vehicle” means a vehicle (including a cycle with an attachment for propelling it by mechanical power) which does not exceed 508 kgs in weight unladen and is adapted and used or kept on a public road for an invalid;

“keeper” in relation to a vehicle means the person by whom that vehicle is kept;

“kgs” means kilograms;

“local authority” has, in relation to each part of the United Kingdom, the meaning given in the following table—

England	County council, district council, London borough council, Council of the Isles of Scilly, Common Council of the City of London
Northern Ireland	(8) District Council as defined in the Local Government Act (Northern Ireland) 1972
Scotland	(9) Council constituted under section 2 of the Local Government etc. (Scotland) Act 1994
Wales	County council, county borough council

“mm” means millimetres;

“NI records” means the part of the register which is maintained on behalf of the Secretary of State by Driver and Vehicle Licensing Northern Ireland;

“reduced pollution certificate” means a certificate issued with respect to a vehicle by virtue of Schedule 2;

“register” means the record kept by or on behalf of the Secretary of State of the vehicles registered by him, in Great Britain or in Northern Ireland, under section 21 of the 1994 Act;

“registered keeper” in relation to a vehicle means the person for the time being shown in the register as the keeper of that vehicle;

“trade plates” means plates issued in accordance with regulation 40 or 41;

“tricycle” means a mechanically propelled tricycle (including a motor scooter and a tricycle with an attachment for propelling it by mechanical power) not exceeding 450 kgs in weight unladen and not being a pedestrian controlled vehicle as defined by regulation 4(3)(b); and

“valeting” means the thorough cleaning of a vehicle before its registration by the Secretary of State under section 21 of the 1994 Act or in order to prepare it for sale and includes removing wax and grease from the exterior, engine and interior, and “valeted” shall be construed accordingly.

(2) In regulations 21 to 25 “vehicle trader” has the meaning given by regulation 20(6) and in Schedule 4 “relevant vehicle trader” has the meaning given by paragraph 1(4) of that Schedule.

(8) 1972 c. 9 (N.I.).

(9) 1994 c. 39.

(3) Any application, notification, notice, information, particulars, appeal, declaration or other document or thing given or made in pursuance of these Regulations shall, except where it is expressly provided otherwise, be in writing.

#### **Electrically assisted pedal cycles and pedestrian controlled vehicles**

4.—(1) The requirements specified in regulation 4 of the Electrically Assisted Pedal Cycles Regulations 1983<sup>(10)</sup> are hereby prescribed as requirements for the purposes of paragraph 2A of Schedule 2 to the 1994 Act (electrically assisted pedal cycles exempt vehicles if of a class complying with prescribed requirements).

(2) Nothing in the following provisions of these Regulations applies to a vehicle which is an electrically assisted pedal cycle or pedestrian controlled vehicle.

(3) In this regulation—

- (a) “electrically assisted pedal cycle” means a vehicle which, by virtue of paragraph (1), is an electrically assisted pedal cycle for the purposes of paragraph 2A of Schedule 2 to the 1994 Act; and
- (b) “pedestrian controlled vehicle” means a vehicle with three or more wheels which does not exceed 450 kgs in weight unladen and which is neither constructed nor adapted for use nor used for the carriage of a driver or passenger.

## **PART II**

### **LICENCES**

#### **Application for a vehicle licence on the basis that the reduced pollution requirements are satisfied**

5.—(1) Where an application is made for a vehicle licence on the basis that the rate of vehicle excise duty applicable is a rate specified in one of the provisions of Schedule 1 to the 1994 Act specified in paragraph (2), the Secretary of State may require the applicant to furnish a reduced pollution certificate before he determines the rate at which vehicle excise duty is payable on the licence.

(2) The provisions of Schedule 1 to the 1994 Act<sup>(11)</sup> referred to in paragraph (1) are—

- (a) paragraph 3(1A) (buses);
- (b) paragraph 6(2A)(b) (vehicles used to carry exceptional loads);
- (c) paragraph 7(3A)(b) (haulage vehicles);
- (d) paragraph 9A (rigid goods vehicles); and
- (e) paragraph 11A (tractive units).

(3) Schedule 2 shall have effect with respect to reduced pollution certificates and the reduced pollution requirements.

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<sup>(10)</sup> S.I. 1983/1168.

<sup>(11)</sup> Paragraphs 3(1A), 6(2A)(b), 7(3A)(b) and 9A of Schedule 1 to the 1994 Act were inserted by the Finance Act 1998 (c. 36) Schedule 1 paragraphs 3(2), 6(2), 7(3), 9 and 12.

**Exhibition of vehicle and nil licences**

6.—(1) When a vehicle licence or nil licence has been delivered to the Secretary of State with an application for a replacement licence, no licence need be fixed to and exhibited on the vehicle to which the licence relates until the replacement licence is obtained.

(2) Except where paragraph (1) applies, the manner in which any vehicle licence or nil licence in force for a vehicle is to be fixed to and exhibited on the vehicle in accordance with the provisions of section 33(1) or (1A) of the 1994 Act, when it is used or kept on a public road, is that specified in the following provisions of this regulation.

(3) Each such licence shall be fixed to the vehicle in a holder sufficient to protect the licence from the weather to which it would otherwise be exposed.

(4) The licence shall be exhibited on the vehicle—

- (a) in the case of an invalid vehicle, tricycle or bicycle, other than in a case specified in subparagraph (b) or (c) of this paragraph, on the near side of the vehicle;
- (b) in the case of a bicycle drawing a side-car or to which a side-car is attached, on the near side of the handlebars of the bicycle or on the near side of the side-car;
- (c) in the case of any vehicle fitted with a glass windscreen in front of the driver extending across the vehicle to its near side, on or adjacent to the near side of the windscreen;
- (d) in the case of any other vehicle—
  - (i) if the vehicle is fitted with a driver's cab containing a near side window, on that window; or
  - (ii) on the near side of the vehicle in front of the driver's seat and not less than 760 mm and not more than 1.8 metres above the surface of the road.

(5) In each case referred to in paragraph (4), the licence shall be so exhibited that all the particulars on the licence are clearly visible in daylight from the near side of the road.

**Prohibition against exhibiting anything resembling a vehicle, trade or nil licence**

7. No person shall exhibit on a vehicle which is kept or used on a public road anything—

- (a) which is intended to be, or
- (b) which could reasonably be,

mistaken for a vehicle licence, a nil licence or a trade licence which is for the time being in force for, or in respect of, the vehicle.

**Issue of duplicate vehicle, trade and nil licences**

8.—(1) Where a vehicle licence, trade licence or nil licence—

- (a) has been, or may have been, lost, stolen, destroyed or damaged; or
- (b) contains any particulars which have become illegible,

the holder of the licence shall apply to the Secretary of State for the issue of a duplicate.

(2) An application under paragraph (1) shall be accompanied by—

- (a) the registration document issued in respect of the vehicle or, if the applicant is unable to comply with this requirement, by an application to the Secretary of State for the issue of a replacement registration document in accordance with regulation 13;
- (b) a fee of £7, if the licence to be replaced is a vehicle or trade licence; and
- (c) the licence to be replaced, if the reason for replacement is that it has been damaged or contains any particulars which have become illegible.

(3) No fee is payable under paragraph (2)(b) if the Secretary of State is satisfied that the loss of the licence occurred in the course of the transmission of the licence by the office issuing it to the keeper of the vehicle.

(4) On receiving an application under paragraph (1) made in accordance with this regulation, the Secretary of State shall issue a replacement licence if he is satisfied that the licence has been, or may have been, lost, stolen, destroyed or damaged.

(5) If a replacement licence has been issued on the ground that the original has been, or may have been, lost, stolen or destroyed, and the original licence is subsequently found or recovered, the keeper of the vehicle—

- (a) if the original is in his possession, shall forthwith return it to the Secretary of State, or
- (b) if it is not in his possession but he becomes aware that it is found or recovered, shall take all reasonable steps to obtain possession of it and return it to the Secretary of State.

### **Surrender of vehicle and trade licences**

9.—(1) The holder of a vehicle licence or trade licence who wishes to surrender his licence and to claim a rebate in respect of the unexpired term, in accordance with section 19(1) of the 1994 Act, shall make an application, signed by him, to the Secretary of State.

(2) The application shall be accompanied by the licence and, in the case of a trade licence, any trade plates held by the holder in connection with the licence.

## **PART III**

### **REGISTRATION AND REGISTRATION DOCUMENTS**

#### **Registration and issue of registration document**

10.—(1) A vehicle shall not be registered under section 21 of the 1994 Act unless a fee of £25 has been paid to the Secretary of State.

(2) Paragraph (1) does not apply to a vehicle which is an exempt vehicle by virtue of paragraph 18 or 19 of Schedule 2 to the 1994 Act<sup>(12)</sup>.

(3) The Secretary of State may register a vehicle in either the GB records or the NI records as he considers appropriate and may, if he thinks fit, remove the particulars of a vehicle included in one of those parts of the register and include them in the other.

(4) On registering a vehicle the Secretary of State shall issue a registration document to the keeper of the vehicle.

(5) Subject to paragraph (6) and regulation 11, the Secretary of State shall issue the registration document forthwith, except where the vehicle is registered in consequence of an application for a vehicle licence by a person applying as mentioned in section 7(3A) of the 1994 Act<sup>(13)</sup>, in which case the registration document shall be issued when that person asks for it to be issued.

(6) Before issuing a registration document to the keeper of a vehicle, the Secretary of State may require him to produce the vehicle for inspection or to produce other evidence that the vehicle accords with the particulars furnished when a vehicle or nil licence was applied for in respect of it.

(7) The Secretary of State may refuse to issue a registration document or replacement registration document for a vehicle if he is not satisfied that the vehicle accords with those particulars.

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<sup>(12)</sup> Paragraph 19 of Schedule 1 to the 1994 Act was amended by the Finance Act 1997 section 17.

<sup>(13)</sup> Section 7(3A) of the 1994 Act was inserted by the Finance Act 1996 Schedule 2 paragraph 2(2).

**Production of vehicle for inspection before assignment of registration mark**

11. Where at the request of the keeper of a vehicle a particular registration mark is to be assigned to it, having previously been assigned to another vehicle, that other vehicle shall be made available for inspection by the Secretary of State at a place designated by him, and the keeper of the first mentioned vehicle shall, before the registration mark is so assigned, pay to the Secretary of State a charge of £80 for the assignment.

**Production of registration document for inspection**

12. The keeper of a vehicle in respect of which a registration document has been issued shall produce the document for inspection if he is required to do so at any reasonable time by a constable or by a person acting on behalf of the Secretary of State.

**Issue of replacement registration document**

13.—(1) Where a registration document has been, or may have been, lost, stolen, destroyed or damaged, or it contains any particulars that have become illegible, the registered keeper shall apply to the Secretary of State for the issue of a replacement document.

(2) In a case where the registration document has been damaged or contains any particulars which have become illegible, an application under paragraph (1) shall be accompanied by the document and, in any other case, the Secretary of State may, if he thinks fit, accept an application made orally by telephone.

(3) If the Secretary of State—

- (a) receives an application made in accordance with this regulation; and
- (b) he is satisfied that a registration document has been, or may have been, lost, stolen, destroyed or damaged, or that it contains any particulars that have become illegible,

he shall, subject to regulation 15, issue a replacement registration document to the registered keeper.

(4) If a replacement registration document has been issued on the ground that the original has been, or may have been, lost, stolen or destroyed, and the original is subsequently found or recovered, the keeper of the vehicle—

- (a) if the original is in his possession, shall forthwith return it to the Secretary of State, or
- (b) if it is not in his possession but he becomes aware that it is found or recovered, shall take all reasonable steps to obtain possession of it and return it to the Secretary of State.

**Correction of registration document**

14.—(1) Where the keeper of a vehicle believes that the particulars in the registration document issued in respect of that vehicle are, or have become, inaccurate, he shall forthwith notify the Secretary of State of the inaccuracy.

(2) Notification under paragraph (1) shall be accompanied by the registration document, unless it has been, or may have been, lost stolen or destroyed.

(3) Where the Secretary of State believes that the particulars in the registration document issued in respect of a vehicle are inaccurate—

- (a) if the document has not been sent to him in accordance with paragraph (2), he may require the registered keeper of the vehicle to send it to him;
- (b) whether or not he has received the document, he may correct the particulars in the register; and

- (c) after correcting the particulars he shall, unless he has not received the registration document as required by paragraph (2) and subject to regulation 15, send a registration document containing the correct particulars to the registered keeper.

### **Issue of new registration document**

**15.**—(1) 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
- (b) is the registered vehicle.

(2) 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 paragraph (1).

(3) 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—

- (a) the relevant vehicle falls within category M1 of Annex II to Council Directive [70/156/EEC\(14\)](#), and
- (b) either an insurer has informed the Secretary of State that it has decided to pay the value of the relevant vehicle to the owner in preference to paying for the cost of repairing it or the registration document has been surrendered to the Secretary of State under regulation 20(5).

(4) For the purposes of paragraph (3) and Schedule 3 the return of a registration document for a vehicle registered in the NI records in accordance with regulation 18(2)(b) shall be taken to be the issue of a new registration document.

## **PART IV**

### **NOTIFICATION AND CHANGES**

#### **Notification of an alteration to a vehicle**

**16.**—(1) Where any alteration is made to a vehicle so as to make any of the particulars set out in the registration document incorrect, the registered keeper shall deliver to the Secretary of State—

- (a) notification of the alteration;
- (b) except where the registration document is lost, stolen or destroyed, the registration document.

(2) If the alteration makes any of the particulars shown on the vehicle licence or nil licence incorrect, the registered keeper shall also deliver to the Secretary of State the appropriate licence, unless it is lost, stolen or destroyed.

(3) The Secretary of State may require the registered keeper to furnish such evidence as he may reasonably require to show that the alteration has taken place.

(4) On receiving notification under this regulation the Secretary of State shall, subject to regulation 15, if he is satisfied that the vehicle has been altered in the way notified to him,—

- (a) record the alteration in the register;

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(14) O.J. No. L42 23.2.1970, p.1, to which there are amendments not relevant to these Regulations.

- (b) send to the registered keeper a new registration document showing the correct particulars; and
- (c) in a case falling within paragraph (2), send to the registered keeper a new vehicle or nil licence showing the correct particulars.

#### **Notification of destruction or permanent export of a vehicle**

**17.** Where a vehicle is destroyed or sent permanently out of—

- (a) Great Britain; or
- (b) Northern Ireland,

the registered keeper shall immediately notify the Secretary of State of the fact and, at the same time, surrender the registration document to him.

#### **Notification of a change of the keeper's name or address**

**18.**—(1) If the registered keeper of a vehicle changes his name or his address, he shall forthwith notify the new name or address to the Secretary of State and, except where the registration document has been lost, stolen or destroyed, shall deliver the registration document to him.

(2) On receiving notification in accordance with paragraph (1) the Secretary of State shall, subject to regulation 15,—

- (a) record the alteration in the register, and
- (b) in the case of a vehicle registered in the GB records, send to the registered keeper a new registration document showing the new name or address or, in the case of a vehicle registered in the NI records, return the registration document to the registered keeper amended to show the new name or address or send him a new registration document showing that information.

#### **Notification of a change of the name or address of the holder of a trade licence**

**19.**—(1) If the holder of a trade licence changes the name of his business or his business address, he shall notify the Secretary of State of this fact and of the new name or address forthwith and shall at the same time deliver up the licence to the Secretary of State.

(2) On receiving notification in accordance with paragraph (1) the Secretary of State shall—

- (a) record the alteration in the register of trade licences; and
- (b) send to the holder a new trade licence showing the correct particulars.

#### **Change of keeper: general provisions**

**20.**—(1) Regulations 21 to 25 have effect subject to the provisions of this regulation.

(2) On a change in the keeper of a vehicle, any current vehicle licence for the vehicle may be delivered to the new keeper.

(3) So far as they provide for the issue of a new registration document, regulations 21 to 25 have effect subject to the provisions of regulation 15.

(4) Paragraph (5) shall apply and regulations 21 to 25 shall not apply where—

- (a) a vehicle has sustained damage to its bodywork such that the cost of commercial repair would exceed the value of the vehicle when repaired; and
- (b) either the keeper of the vehicle does not have the benefit of a policy of insurance or cover note which covers the damage or the keeper is an insurer.



(5) On a change of keeper to which this paragraph applies the keeper shall forthwith surrender the registration document to the Secretary of State or, if an insurer, destroy it.

(6) In regulations 21 to 25 “vehicle trader” means any person who—

- (a) is the holder of a trade licence;
- (b) carries on business as a dealer in motor vehicles;
- (c) carries on business as an auctioneer of motor vehicles;
- (d) carries on business as a dismantler of motor vehicles; or
- (e) in relation to a particular vehicle, is—
  - (i) a finance company which has acquired that vehicle under an order for repossession;  
or
  - (ii) an insurer which has acquired that vehicle in satisfaction of a total loss claim.

**Change of keeper: registration document issued in Great Britain before 24th March 1997**

**21.**—(1) This regulation applies where the current registration document for a vehicle was issued in Great Britain before 24th March 1997 and a change in the keeper of the vehicle occurs.

(2) The registered keeper—

- (a) if the registration document is in his possession, shall deliver that part of it which relates to a change of keeper to the new keeper; and
- (b) shall forthwith deliver to the Secretary of State, on that part of the registration document which relates to the notification of transfer (or otherwise in writing), the following information—
  - (i) notification of the change of keeper;
  - (ii) the date on which the vehicle was sold or transferred to the new keeper;
  - (iii) the name and address of the new keeper;
  - (iv) the registration mark of the vehicle; and
  - (v) the make, model and colour of the vehicle.

(3) If the new keeper—

- (a) intends to use or keep the vehicle on public roads otherwise than under a trade licence; or
- (b) does not intend to use or keep the vehicle on public roads,

he shall notify the Secretary of State of his name and address, on the appropriate part of the registration document (or otherwise in writing).

(4) If the new keeper intends to use the vehicle on public roads solely under a trade licence, he shall notify the Secretary of State that this is his intention on or before whichever is the sooner of—

- (a) the expiration of the period three months beginning with the date on which he became the keeper of the vehicle; or
- (b) if a further change of keeper occurs, the date of that change.

**Change of keeper: registration document issued in Great Britain on or after 24th March 1997 and the new keeper not a vehicle trader**

**22.**—(1) This regulation applies where—

- (a) there is a change in the keeper of a vehicle;
- (b) a vehicle registration document has been issued in respect of the vehicle in Great Britain on or after 24th March 1997; and

- (c) the new keeper is not a vehicle trader.
- (2) The registered keeper of the vehicle—
  - (a) if the registration document issued in respect of the vehicle is in his possession, shall deliver to the new keeper that part of the document marked as the part which is to be given to the new keeper; and
  - (b) shall forthwith deliver the remainder of the registration document to the Secretary of State, duly completed to include the following—
    - (i) the name and address of the new keeper;
    - (ii) the date on which the vehicle was sold or transferred to the new keeper;
    - (iii) a declaration signed by the registered keeper that the details given in accordance with paragraph (i) are correct to the best of his knowledge and that the details given in accordance with paragraph (ii) are correct; and
    - (iv) a declaration signed by the new keeper that the details given in accordance with paragraphs (i) and (ii) are correct.

**Change of keeper: obligations of registered keeper where vehicle registration document issued in Great Britain on or after 24th March 1997 and the new keeper a vehicle trader**

- 23.**—(1) Subject to regulation 24, this regulation applies where—
- (a) there is a change in the keeper of a vehicle;
  - (b) the person disposing of the vehicle is the registered keeper;
  - (c) a vehicle registration document has been issued in respect of the vehicle in Great Britain on or after 24th March 1997; and
  - (d) the new keeper is a vehicle trader.
- (2) The registered keeper shall forthwith notify the Secretary of State, on that part of the registration document which relates to the transfer to a vehicle trader, or otherwise in writing, of the following—
- (a) the name and address of the vehicle trader;
  - (b) the date on which the vehicle was transferred to the vehicle trader;
  - (c) a declaration signed by the registered keeper that he transferred the vehicle to the vehicle trader on the date specified in accordance with sub-paragraph (b); and
  - (d) a declaration signed by the vehicle trader that the vehicle was transferred to him on the date specified in accordance with sub-paragraph (b).
- (3) If the registration document issued in respect of the vehicle is in his possession, the registered keeper shall deliver to the vehicle trader those parts of it not required to be sent to the Secretary of State under paragraph (2).

**Change of keeper: obligations of vehicle traders where registration document issued in Great Britain on or after 24 March 1997**

- 24.**—(1) This regulation applies where a vehicle trader becomes the keeper of a vehicle in respect of which a vehicle registration document has been issued in Great Britain on or after 24 March 1997.
- (2) Where this regulation applies the vehicle trader shall, on or before the appropriate date and on that part of the registration document which relates to a change of keeper or otherwise in writing, notify the Secretary of State as to—
- (a) the transfer of the vehicle to him; and

- (b) the date on which he became the keeper of the vehicle.
- (3) For the purposes of paragraph (2) the appropriate date is whichever is the earliest of—
  - (a) the day on which the vehicle trader first uses, or permits the use of, the vehicle on a public road otherwise than under a trade licence;
  - (b) the day on which he first keeps the vehicle on such a road;
  - (c) the day immediately following the expiration of the period of three months (“the three months period of grace”) beginning with the day after the date on which the vehicle was last kept by a person who was not a vehicle trader.
- (4) Where this regulation applies and the vehicle trader transfers the vehicle to another vehicle trader before the expiration of the three months period of grace, he shall give to the new keeper any part of the registration document in his possession.
- (5) Where the vehicle trader transfers the vehicle to another person in a case not falling within paragraph (4), he shall—
  - (a) forthwith deliver to the Secretary of State, on that part of the registration document which relates to the change of keeper or otherwise in writing, the following—
    - (i) the name and address of the new keeper;
    - (ii) the date on which the vehicle was transferred to the new keeper;
    - (iii) a declaration signed by the registered keeper that the details given in accordance with paragraph (i) are correct to the best of his knowledge and that the details given in accordance with paragraph (ii) are correct; and
    - (iv) a declaration signed by the new keeper that the details given in accordance with paragraphs (i) and (ii) are correct; and
  - (b) if the registration document issued in respect of the vehicle is in his possession, deliver to the new keeper those parts of it not required to be sent to the Secretary of State under sub-paragraph (a).

#### **Change of keeper: registration document issued in Northern Ireland**

**25.**—(1) Where there is a change in the keeper of a vehicle for which the registration document was issued in Northern Ireland—

- (a) the disposing keeper shall forthwith deliver the registration document to the new keeper if it is in his possession and, unless both the disposing keeper and the new keeper are vehicle traders and the three months period of grace has not expired, shall forthwith notify the change of keeper to the Secretary of State, stating the registration mark of the vehicle, its make and class and the name and address of the new keeper; and
  - (b) the new keeper—
    - (i) if he is not a vehicle trader, shall forthwith notify the Secretary of State of the transfer of the vehicle to him, stating his name and address and, if the registration document is in his possession, deliver it to the Secretary of State; or
    - (ii) if he is a vehicle trader, shall comply with the requirements of paragraph (2).
- (2) A vehicle trader who becomes the keeper of a vehicle for which the registration document was issued in Northern Ireland shall, on or before the appropriate date, deliver the registration document to the Secretary of State and notify him of—
- (a) the transfer of the vehicle to him; and
  - (b) the date on which he became the keeper of the vehicle.
- (3) In this regulation—

- (a) “the appropriate date” in relation to a vehicle trader means whichever is the earliest of—
  - (i) the day on which the vehicle trader first uses, or permits the use of, the vehicle on a public road otherwise than under a trade licence;
  - (ii) the day on which he first keeps the vehicle on such a road;
  - (iii) the day immediately following the expiration of the three months period of grace; and
- (b) “the three months period of grace” in relation to a vehicle means the period of three months beginning with the day after the date on which the vehicle was last kept by a person who was not a vehicle trader.

### **Statutory off-road notification**

**26.** Schedule 4 shall have effect for the purpose of prescribing, the particulars to be furnished and the declarations to be made, and the times at which and the circumstances and manner in which they are to be made, by a person who—

- (a) surrenders a vehicle licence;
- (b) does not renew a vehicle licence on its expiration; or
- (c) keeps an unlicensed vehicle.

## **PART V**

### **DISCLOSURE OF INFORMATION**

#### **Disclosure of registration and licensing particulars**

**27.—(1)** The Secretary of State may make any particulars contained in the register available for use—

- (a) by a local authority for any purpose connected with the investigation of an offence or of a decriminalised parking contravention;
- (b) by a chief officer of police;
- (c) by a member of the Police Service of Northern Ireland;
- (d) by an officer of Customs and Excise in Northern Ireland; or
- (e) by any person who can show to the satisfaction of the Secretary of State that he has reasonable cause for wanting the particulars to be made available to him.

(2) Particulars may be provided to such a person as is mentioned in paragraph (1)(e) on payment of such fee, if any, of such amount as appears to the Secretary of State reasonable in the circumstances of the case.

(3) In this regulation—

- (a) “a decriminalised parking contravention” means any act or omission which would have been an offence but for any of the following provisions of the Road Traffic Act 1991, that is to say—
  - (i) section 65 (contravention of certain orders relating to parking places in London not to be a criminal offence);
  - (ii) section 76(3) (provisions creating certain stationary vehicle offences to cease to apply in special parking areas in London);

- (iii) paragraph 1(4) of Schedule 3 (contravention of certain orders relating to parking places outside London not to be a criminal offence); and
- (iv) paragraph 2(4) of Schedule 3 (provisions creating certain stationary vehicle offences to cease to apply in special parking areas outside London); and
- (b) “an officer of Customs and Excise” means an officer as defined in section 1(1) of the Customs and Excise Management Act 1979<sup>(15)</sup> and includes any person engaged as mentioned in section 8(2) of that Act.

#### **Sale of information derived from particulars contained in the register**

**28.** The Secretary of State may sell information derived from particulars contained in the register—

- (a) to such persons as the Secretary of State thinks fit;
- (b) for such price and on such other terms, and subject to such restrictions, as the Secretary of State thinks fit,

if the information does not identify any person or contain anything enabling any person to be identified.

## **PART VI**

### **CROWN VEHICLES AND EXEMPT VEHICLES**

#### **Application of Regulations to Crown vehicles**

**29.—**(1) Except as provided by this Part of these Regulations, nothing in these Regulations applies to a vehicle kept by the Crown.

(2) Nothing in these Regulations or this Part of these Regulations applies to a vehicle kept by the Crown which is used or appropriated for use for naval, military or air force purposes.

#### **Registration of Crown vehicles**

**30.—**(1) A Government Department which uses or keeps or, intends to use or keep, a vehicle on a public road shall—

- (a) make to the Secretary of State such declaration and furnish him with such particulars as would be required by section 7 of the 1994 Act if the Department desired to take out a vehicle licence for the vehicle; and
- (b) make to the Secretary of State a declaration that the vehicle is only to be used for the purposes of the Crown.

(2) Upon receipt of the declaration and particulars the Secretary of State shall—

- (a) register the vehicle in the name of the Government Department;
- (b) if there is no registration mark for the time being assigned to the vehicle, assign a registration mark to it; and
- (c) issue a registration document for the vehicle.

(3) Any registration mark assigned under paragraph (2) shall be deemed to be assigned under section 23 of the 1994 Act for the purposes of subsection (2) of that section and of these Regulations.

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(15) 1979 c. 2.

(4) No vehicle licence or nil licence shall be issued by the Secretary of State in respect of the vehicle so registered.

(5) Where a Government Department is the registered keeper of a vehicle, regulations 20, 21, 22, 23, 24 and 25 shall apply on a change in the keeper of a vehicle and regulations 20, 21, 22 and 25 shall apply on a change in the keeper of a vehicle from one Government Department to another.

### **Certificates of Crown exemption**

**31.**—(1) Subject to regulation 29(2), for the purposes of identification, a certificate of Crown exemption shall be displayed on every vehicle belonging to the Crown which is used or kept on a public road.

(2) A certificate of Crown exemption is a certificate—

- (a) marked with the registration mark of the vehicle to which it relates;
- (b) stating that the vehicle is exempt from vehicle excise duty as a Crown vehicle;
- (c) signed by a duly authorised officer of the Government Department by which the vehicle is kept.

(3) Regulation 7 (exhibition of vehicle and nil licences) of these Regulations shall apply as if references to a vehicle licence included a reference to a certificate of Crown exemption.

### **Application of Regulations to exempt vehicles**

**32.** Subject to the provisions of these Regulations, these Regulations shall apply to exempt vehicles so far as they are capable of being applied to such vehicles.

### **Nil licences**

**33.**—(1) In this regulation “nil licensable vehicle” means a vehicle which is an exempt vehicle otherwise by virtue of paragraph 2, 2A, 3, 22 or 23 of Schedule 2 to the 1994 Act.

(2) A nil licence is required to be in force in respect of a nil licensable vehicle which is used or kept on a public road.

(3) A nil licence shall—

- (a) be granted for a period of 12 months beginning with the first day of the month in which the application for the licence is received by the Secretary of State; and
- (b) be in the same form as a vehicle licence with the word “NIL” marked in the space provided for indicating the amount of vehicle excise duty payable.

(4) The keeper of a nil licensable vehicle may apply to the Secretary of State for a nil licence by making to him such a declaration and furnishing him with such particulars and such documentary or other evidence as might be specified under section 7 of the 1994 Act if the keeper desired to take out a vehicle licence for the vehicle.

(5) The Secretary of State may accept a declaration given, and particulars furnished, orally by telephone.

(6) In the case of a vehicle which is an exempt vehicle by virtue of—

- (a) paragraph 19 of Schedule 2 to the 1994 Act, or
- (b) paragraph 7 of Schedule 4 to that Act,

the Secretary of State shall require the keeper to furnish him with a certificate that paragraph 19 of Schedule 2 or, as the case may be, paragraph 7 of Schedule 4 applies, unless the Secretary of State satisfies himself by other means that one of those paragraphs applies.

(7) The certificate shall be obtained by the keeper of the vehicle from the Secretary of State for Work and Pensions, the Secretary of State for Defence or the Department for Social Development for Northern Ireland, whichever is appropriate.

(8) Paragraphs (4) to (7) do not apply where the person applying for a nil licence agrees to comply with such conditions as may be specified in relation to him by the Secretary of State.

(9) If, following an application made in accordance with this regulation, the Secretary of State is satisfied that a vehicle is a nil licensable vehicle, he shall issue a nil licence to the keeper of the vehicle.

(10) If at any time vehicle excise duty becomes chargeable under the 1994 Act in respect of a vehicle which immediately before that time was a nil licensable vehicle, the keeper of the vehicle shall forthwith return to the Secretary of State—

- (a) any nil licence issued in respect of the vehicle; and
- (b) any certificate obtained by him for the purposes of paragraph (6) in relation to the vehicle.

#### **Exemptions from vehicle excise duty: vehicles imported by members of foreign armed forces and others**

34. Schedule 5, which provides for the exemption from vehicle excise duty of vehicles imported into Great Britain by members of foreign armed forces and other persons, shall have effect.

## **PART VII**

### **TRADE LICENCES**

#### **Definition of “motor trader”: descriptions of businesses**

35. The following descriptions of business are hereby prescribed for the purposes of subparagraph (b) of the definition of “motor trader” in section 62(1) of the 1994 Act—

- (a) the business of modifying vehicles, whether by the fitting of accessories or otherwise;
- (b) the business of valeting vehicles.

#### **Period for review of decision refusing an application for a trade licence**

36. For the purposes of section 14(3)(b) of the 1994 Act (which relates to the review by the Secretary of State of his decision refusing an application for a trade licence by a person entitled to make such an application) the period within which such an applicant may request the Secretary of State for such a review shall be 28 days beginning with the day after the day on which the decision was given.

#### **Conditions subject to which trade licences are to be issued**

37. The conditions subject to which trade licences are to be issued, and with which every holder of a trade licence shall comply, shall be those specified in Part I of Schedule 6.

#### **Purposes for which the holder of a trade licence may use a vehicle by virtue of the licence**

38. Part II of Schedule 6 shall have effect for prescribing the purposes for which a vehicle may be used by virtue of a trade licence.

### **Assignment of general registration marks**

**39.** On issuing a trade licence the Secretary of State shall assign to the holder of the licence a general registration mark in respect of that licence.

### **Issue of trade plates**

**40.**—(1) Subject to paragraphs (3) and (4), the Secretary of State shall issue to every holder of a trade licence, as respects each licence held by him, a set of trade plates appropriate to the class of vehicles for which the licence is to be used.

(2) Each trade plate shall show the general registration mark assigned to the holder of the licence in respect of the licence, and one of the trade plates shall include a means whereby the licence may be fixed to it.

(3) Where the holder of a trade licence satisfies the Secretary of State that the vehicles which he will use by virtue of the licence include vehicles which would otherwise be liable to vehicle excise duty under paragraph 2 of Schedule 1 to the 1994 Act (motorcycles) and other vehicles, the Secretary of State shall issue to the holder an additional trade plate in respect of the vehicles otherwise liable to vehicle excise duty under that paragraph.

(4) Where the licence is to be used only in respect of vehicles to which paragraph 2 of Schedule 1 to the 1994 Act applies (motorcycles), the Secretary of State shall issue only one trade plate to the holder of the licence and that plate shall include a means whereby the licence may be fixed to it.

(5) Each trade plate shall remain the property of the Secretary of State and shall be returned forthwith to the Secretary of State by the person to whom it was issued if that person ceases to be—

- (a) the holder of the trade licence in respect of which the trade plate was issued; or
- (b) a motor trader or a vehicle tester.

### **Issue of replacement trade plates**

**41.**—(1) If any trade plate issued by the Secretary of State to the holder of a trade licence is lost, stolen, destroyed or materially damaged, the holder of the licence shall apply to the Secretary of State for the issue to him of a replacement set of trade plates.

(2) On receipt of an application under paragraph (1) the Secretary of State shall so issue a replacement set if—

- (a) he has received all those trade plates in the set which are still in the possession of the holder of the licence;
- (b) except where paragraph (3) applies, the fee prescribed by paragraph (4) has been paid; and
- (c) he is satisfied that any plate has been lost, stolen, destroyed or materially damaged.

(3) If only that part of a trade plate which consists of a means whereby the trade licence may be fixed to it is lost, stolen, destroyed or materially damaged, the holder of the licence shall apply to the Secretary of State for the issue to him of a replacement means of fixing the licence and, upon payment of the fee prescribed by paragraph (4)(c), the Secretary of State shall issue such a replacement.

(4) The fees payable under paragraphs (2) and (3) shall be—

- (a) for a replacement set of trade plates comprising two plates, £13.50;
- (b) for a replacement set of trade plates comprising three plates, £18;
- (c) for a replacement of a single trade plate issued under regulation 40(4), £7; and
- (d) for a replacement means of fixing a trade licence to a trade plate, £2.

(5) No fee shall be payable under paragraph (4)(a) or (b) on account of the replacement of a trade plate, if the Secretary of State is satisfied that the plate has become illegible or the colour of



the plate has been altered (whether by fading or by other means) otherwise than by reason of any act or omission of the licence holder.

(6) If a replacement set of trade plates has been issued on the ground that any of the original trade plates has been lost, stolen or destroyed, and the original plate is subsequently found or recovered, the holder of the licence—

- (a) if the original plate is in his possession, shall forthwith return it to the Secretary of State, or
- (b) if it is not in his possession but he becomes aware that it is found or recovered, shall take all reasonable steps to obtain possession of it and return it to the Secretary of State.

### **Display of general registration mark of holder of a trade licence and exhibition of licence**

**42.**—(1) Where a vehicle is in use under a trade licence the general registration mark assigned to the holder of a trade licence shall be displayed on the vehicle in the manner specified in paragraph (2).

(2) The trade plates issued by the Secretary of State shall be fixed to and displayed on the vehicle in such a manner that, if the general registration mark assigned to the holder were a registration mark assigned to the vehicle, the provisions of regulations 5 and 6 of the Road Vehicles (Display of Registration Marks) Regulations 2001<sup>(16)</sup> (the “2001 Regulations”) would be complied with, notwithstanding the vehicle may not have been first registered on or after the relevant date, as defined in regulation 2(1) of the 2001 Regulations, or it is a works truck (as defined by paragraph 4(6) of Schedule 1 to the 1994 Act) or an agricultural machine (as defined by regulation 2(1) of the 2001 Regulations) or a road roller.

(3) The prescribed manner of exhibiting a trade licence on a vehicle for the purposes of section 33(1)(b) of the 1994 Act is that specified in paragraph (4).

- (4) The trade licence shall be—
  - (a) exhibited on the front of the vehicle so as to be clearly visible at all times in daylight; and
  - (b) fixed by means of the trade plate issued to the licence holder which contains a means for fixing the licence to it.

## **PART VIII**

### **MISCELLANEOUS**

#### **Cylinder capacity**

**43.**—(1) For the purposes of Schedule 1 to the 1994 Act (annual rates of vehicle excise duty) the cylinder capacity of an internal combustion engine shall be taken to be—

- (a) in the case of a single-cylinder engine, the cylinder capacity attributable to the cylinder of the engine; and
- (b) in the case of an engine having two or more cylinders, the sum of the cylinder capacities attributable to the separate cylinders.

(2) The cylinder capacity attributable to any cylinder of an internal combustion engine shall be deemed to be equal to—

- (a) in the case of a cylinder having a single piston, the product expressed in cubic centimetres of the square of the internal diameter of the cylinder measured in centimetres, and the distance through which the piston associated with the cylinder moves during one half of a revolution of the engine measured in centimetres multiplied by 0.7854; and

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<sup>(16)</sup> S.I. 2001/561 to which there are amendments not relevant to these Regulations.

- (b) in the case of a cylinder having more than one piston, the sum of the products expressed in cubic centimetres of the square of the internal diameter of each part of the cylinder in which a piston moves measured in centimetres, and the distance through which the piston associated with that part of the cylinder moves during one half of a revolution of the engine measured in centimetres multiplied by 0.7854.

(3) In measuring cylinders for the purpose of calculating cylinder capacity, and in calculating cylinder capacity, fractions of centimetres are to be taken into account.

### **Seating capacity of buses**

**44.**—(1) For the purpose of Part III of Schedule 1 to the 1994 Act (annual rates of vehicle excise duty applicable to buses), the seating capacity of a bus shall be taken to be the number of persons that may be seated in the bus at any one time, as determined in accordance with the principles specified in paragraph (2).

(2) Those principles are—

- (a) where separate seats for each person are provided one person shall be counted for each separate seat provided;
- (b) where the vehicle is fitted with continuous seats one person shall be counted for each complete length of 410 mm measured in a straight line lengthwise on the front of each seat;
- (c) where any continuous seat is fitted with arms in order to separate the seating spaces and the arms can be folded back or otherwise put out of use, the arms shall be ignored in measuring the seat;
- (d) no account shall be taken of—
  - (i) the driver's seat; or
  - (ii) any seats alongside the driver's seat, whether separate from or continuous with it, if the Secretary of State is satisfied that the use of those seats by members of the public will not be permitted during the currency of the licence applied for.

(3) In paragraph (2) "driver's seat" means—

- (a) any separate seat occupied by the driver; or
- (b) where no such seat is provided and the driver occupies a portion of a continuous seat, so much of that seat as extends from the right edge of the seat if the vehicle is steered from the right-hand side, or from the left edge of the seat if the vehicle is steered from the left-hand side, to a point 460 mm left or right, as the case may be, of the point on the seat directly behind the centre of the steering column.

### **Recovery vehicles: prescribed purposes**

**45.**—(1) The purposes specified in Part I of Schedule 7 are hereby prescribed for the purposes of paragraph 5(3)(e) of Schedule 1 to the 1994 Act (purposes for which a recovery vehicle may be used).

(2) The purposes specified in Part II of Schedule 7 are hereby prescribed for the purposes of paragraph 5(4) of Schedule 1 to the 1994 Act (purposes to be disregarded in determining whether a vehicle is a recovery vehicle).

### **Admissibility of evidence from records**

**46.**—(1) The matters specified in paragraph (2) are hereby prescribed for the purposes of section 52(1) of the 1994 Act (matters with respect to which statements in documents are admissible in evidence).

(2) The matters are anything relating to—

- (a) an application for—
  - (i) a vehicle licence;
  - (ii) a trade licence;
  - (iii) a repayment of vehicle excise duty under section 19 of the 1994 Act (surrender of licences); or
  - (iv) the recovery of overpaid vehicle excise duty;
- (b) a vehicle licence, trade licence, nil licence, registration document or registration mark;
- (c) a trade plate;
- (d) the recovery of underpaid vehicle excise duty;
- (e) the conviction of any person for an offence under the 1994 Act or its predecessor legislation;
- (f) the exemption of a vehicle from vehicle excise duty;
- (g) the liability of the person by whom a vehicle is kept to pay any sum in accordance with section 30 of the 1994 Act;
- (h) the immobilisation, removal or disposal of a vehicle pursuant to regulations made under Schedule 2A to the 1994 Act.

**Regulations prescribed under section 59(2) of the 1994 Act**

47. The regulations specified in column (1), whose subject matter is referred to in column (2), of the table in Schedule 8 are hereby prescribed as regulations to which section 59(2)(a) of the 1994 Act (fines not to exceed level 3 on the standard scale applies).

Signed by authority of the Secretary of State

4th November 2002

*David Jamieson*  
Parliamentary-Under Secretary of State,  
Department for Transport