
DRAFT STATUTORY INSTRUMENTS

2003 No.

**The Department for Transport (Driver Licensing
and Vehicle Registration Fees) Order 2003**

Costs to be taken into account in fixing driver licensing or vehicle registration fees

2.—(1) In relation to each of the powers to fix fees specified in paragraph (2), the functions listed in paragraph (3) below are hereby specified for the purposes of section 102(3) of the Finance (No. 2) Act 1987(1) as functions, the costs of which are to be taken into account in determining the amount of those fees.

(2) The powers to fix fees are—

- (a) the powers in section 97(1)(a)(2) (power to prescribe a fee relating to a driving licence application) of the 1988 Act; and
- (b) the respective powers in each of section 7(6)(b)(3) (power to prescribe a fee to be paid on the issue of a new vehicle licence), section 21(3)(4) (power to prescribe a fee for registration of a vehicle), section 22(1)(c) (power to fix a fee for the making available of particulars contained in the vehicle register), section 22(1)(i)(5) (power to fix a fee for the issue of new registration documents in specified circumstances), and section 22(2A)(c)(6) (power to make provision for the payment of a fee with respect to a lost, stolen, destroyed or damaged nil licence), of the 1994 Act.

(3) The functions are—

- (a) the functions of the Secretary of State in relation to driver licensing under Parts III and IV of the 1988 Act and Schedule 1 to the Road Traffic (Driver Licensing and Information System) Act 1989(7), other than the functions relating to the test of competence to drive motor vehicles or to training courses for drivers of motor vehicles;
- (b) all other functions of the Secretary of State in connection with driver licensing (other than the functions relating to the test of competence to drive motor vehicles or to training courses for drivers of motor vehicles) including without prejudice to the generality of the foregoing—
 - (i) carrying out enforcement work relating to keeping records of endorsements and disqualifications and ensuring the recovery of erroneous or revoked licences; and
 - (ii) the acquisition, provision, or sharing, of data, or information on data, from, to, or with, the concerned data subjects or any other authorised or entitled parties;
- (c) the functions of the Secretary of State in relation to the processing of vehicle registration applications or the registration of vehicles under the 1994 Act;

(1) 1987 c. 51.

(2) Section 97(1)(a) was amended by the Road Traffic (Driver Licensing and Information Systems) Act 1989 (c. 22), section 7 and Schedule 3, paragraph 9(b).

(3) Section 7(6)(b) was amended by the Finance Act 1996 (c. 8), section 23 and Schedule 2, paragraph 2(4)(c).

(4) Section 21(3) was inserted by the Finance Act 1995 (c. 4), section 19 and Schedule 4, paragraph 33.

(5) Section 22(1)(i) was inserted by the Finance Act 1996 (c. 8), section 23 and Schedule 2, paragraph 4(5).

(6) Section 22(2A) was inserted by the Finance (No.2) Act 1997 (c. 58), section 14(3), and subsection (2A)(c) was inserted by the Finance Act 1998 (c. 36), section 18.

(7) 1989 c. 22.

- (d) the functions of maintaining the register of vehicles, and all vehicle and keeper details and registrations in relation thereto, and the functions of checking and investigating the accuracy of all such information other than the functions of vehicle examination provided for under section 22A(2)(a)(8) of the 1994 Act;
- (e) the functions of the Secretary of State in satisfying himself before registering a vehicle that, in so far as they apply, the requirements of section 66(9) (prohibition of the grant of excise licences for certain vehicles) of the 1988 Act, or (as the case may be) of article 72 of the Road Traffic (Northern Ireland) Order 1995(10), are fulfilled in relation to the vehicle;
- (f) all other functions of the Secretary of State in relation to the registration of vehicles including without prejudice to the generality of the foregoing—
 - (i) ensuring that registration requirements are fulfilled in respect of imported, exported, and badly damaged vehicles;
 - (ii) activities relating to the change or assignment of a vehicle registration mark, the transfer of registration marks between vehicles, or the retention of a registration mark without allocation to a vehicle; and
 - (iii) providing information on data held to the relevant data subject or to lawfully authorised or entitled third parties;
- (g) the functions of preventing, investigating, or prosecuting offences relating to driver licensing or vehicle registration or otherwise relating to any form of identity fraud, and taking or aiding any enforcement in relation thereto; and
- (h) the functions of the Secretary of State in relation to anything done or proposed to be done by the European Community or any other international body with respect to driver licensing or vehicle registration or to any of the functions or their subject matter in subparagraphs (a) to (g) inclusive.

(8) Section 22A was inserted by the Vehicles (Crime) Act 2001 (c. 3), section 33(2).

(9) In section 66, subsections (1)(a) and (3) were amended by the 1994 Act, section 63 and Schedule 3, paragraph 24(1) and subsection (4A) was inserted by the Motor Vehicles (E.C. Type Approval) Regulations 1992 (S.I.1992/3107).

(10) S.I. 1995/2994 (N.I. 18).