
STATUTORY INSTRUMENTS

1992 No. 510

ROAD TRAFFIC

The Retention of Registration Marks Regulations 1992

<i>Made</i>	- - - -	<i>6th March 1992</i>
<i>Laid before Parliament</i>		<i>10th March 1992</i>
<i>Coming into force</i>	- -	<i>1st April 1992</i>

The Secretary of State for Transport, in exercise of the powers conferred by section 11 of the Finance Act 1989⁽¹⁾, and of all other enabling powers, hereby makes the following Regulations:—

Citation, commencement and interpretation

1. —These Regulations may be cited as the Retention of Registration Marks Regulations 1992 and shall come into force on 1st April 1992.

2.—(1) In these Regulations—

“the 1971 Act” means the Vehicles (Excise) Act 1971⁽²⁾;

“the 1988 Act” means the Road Traffic Act 1988⁽³⁾;

“duplicate retention document” means a copy of a retention document issued under regulation 8;

“G.B. records” means the records kept under the 1971 Act, on behalf of the Secretary of State, by the Driver and Vehicle Licensing Agency and does not include any records kept under that Act, on behalf of the Secretary of State, by a Northern Ireland department;

“grantee” in relation to a right of retention, means the person to whom the right is granted;

“right of retention” means such a right as is mentioned in regulation 3(1);

“retention document” shall be construed in accordance with regulation 7.

(2) In these Regulations unless the context otherwise requires—

(a) any reference to a numbered regulation is a reference to the regulation bearing that number in the Regulations; and

(b) any reference to a numbered paragraph is a reference to paragraph bearing that number in the regulation in which the reference occurs.

(1) 1989 c. 26.
(2) 1971 c. 10.
(3) 1988 c. 52.

Rights of retention

3.—(1) Subject to the following provisions of these Regulations, a person in whose name a vehicle is registered may be granted by the Secretary of State a right, exercisable on a single occasion falling within the period mentioned in paragraph (2), to have the registration mark for the time being assigned to the vehicle assigned to some other vehicle, being a vehicle registered—

- (a) in that person's name; or
- (b) in the name of some other person nominated by him in the application for the grant of the right.

(2) The period referred to in paragraph (1) is—

- (a) within one year from the date of the grant of the right; or
- (b) within such further period if the Secretary of State thinks fit in the circumstances of any particular case.

(3) This regulation applies only to vehicles which are recorded as being registered vehicles in the G.B. records.

Application for the grant of a right of retention

An application for the grant of a right of retention shall be made in writing to the Secretary of State and shall be accompanied by—

- (a) the registration document issued under the 1971 Act in respect of the vehicle to which the registration mark is for the time being assigned (in this paragraph referred to as "the vehicle"); and
- (b) a vehicle licence for the time being in force issued in respect of the vehicle under the 1971 Act or a valid application for such a licence.

5. The fee on the making of an application shall be £25 and may be retained by the Secretary of State whether or not the application is granted.

6. The applicant shall, if required to do so by the Secretary of State, make available the vehicle to which the registration mark is for the time being assigned for inspection at a place designated by the Secretary of State.

Retention document

7. If the Secretary of State grants a right of retention, he shall issue to the applicant a document ("a retention document") which—

- (a) records the date of the grant;
- (b) records the end of the period during which the right is exercisable by virtue of regulation 3(1);
- (c) records the name of the applicant and where applicable, his nominee;
- (d) records the registration mark in question; and
- (e) identifies the type of vehicle to which the registration mark was assigned at the time of the grant.

Issue of duplicate retention documents

8.—(1) If the grantee notifies the Secretary of State that a retention document has been lost or destroyed, the Secretary of State, upon being satisfied that the retention document has been lost or destroyed, shall issue a copy of the retention document marked as a duplicate.

(2) In any case where a duplicate of a lost retention document has been issued and the lost retention document subsequently comes into the possession of the grantee he shall forthwith return it to the Secretary of State.

(3) If a retention document becomes defaced or illegible, the grantee may return it to the Secretary of State so that the Secretary of State may issue a copy of the retention document marked as a duplicate.

Refusal of an application for a grant of a right of retention

9. The Secretary of State may refuse an application for the grant of a right of retention on such grounds as he thinks fit.

Exercise of a right of retention

10.—(1) A right of retention shall be exercisable by means of the presentation by the grantee to the Secretary of State of—

- (a) the retention document or a duplicate retention document; and
- (b) the registration document issued under the 1971 Act in respect of the vehicle to which the grantee proposes that the registration mark be assigned, being a vehicle registered in the name of the grantee or his nominee as recorded in the retention document.

Non-transferability of right of retention

11. A right of retention shall be non-transferable but without prejudice to the vesting of any such right in a person by operation of law.

Conditions for the assignment of a registration mark

12.—(1) A registration mark may not be assigned to a vehicle in pursuance of a right of retention unless the conditions specified in paragraph (2) are satisfied.

(2) The conditions are—

- (a) where the registered number in a registration mark contains a single letter of the alphabet, that the assignment of that mark to a vehicle would not give an indication that the vehicle was first registered more recently than is the case;
- (b) that a vehicle licence issued under the 1971 Act is in force for the vehicle;
- (c) that the vehicle is—
 - (i) one to which section 47 of the 1988 Act applies, or would apply if the vehicle had been registered under the 1971 Act more than three years earlier; or
 - (ii) of a class to which regulations under section 49 of the 1988 Act applies;
- (d) that the Secretary of State is satisfied as to the origins of the vehicle and the date on which it was first used; and
- (e) that the vehicle is recorded as being a registered vehicle in the G.B. records.

(3) For the purpose of determining whether a vehicle falls within sub-paragraph (2)(c)(i), the Motor Vehicles (Tests) Regulations 1981(4) shall have effect as if sub- paragraph (xvi) of regulation 6(1) of those Regulations (which relates amongst other things to test certificates issued in respect of a vehicle under the law of Northern Ireland) were omitted.

(4) S.I.1981/1694; to which there are no relevant amendments.

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(4) In this regulation, “registered number” has the same meaning as in regulation 9 of the Road Vehicles (Registration and Licensing) Regulations 1971⁽⁵⁾.

Revocation of right of retention

13. The Secretary of State may revoke a right of retention if it appears to him that there are special reasons for doing so.

Payment of charge upon an assignment

14. In respect of any assignment of a registration mark in pursuance of a right of retention, the charge as is for the time being prescribed by virtue of section 12(1) of the Finance Act 1976⁽⁶⁾ shall be payable.

Signed by authority of the Secretary of State for Transport.

Department of Transport
6th March 1992

Christopher Chope
Parliamentary Under Secretary of State,

⁽⁵⁾ S.I. 1971/450; relevant amending instruments are S.I. 1976/2089, 1977/230 and 1982/1802.

⁽⁶⁾ 1976 c. 40.

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EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations provide for persons in whose names vehicles are registered to be granted rights exercisable within a year to have the marks for the time being assigned to the vehicles assigned to other vehicles registered in their names or the names of their nominees.