
STATUTORY INSTRUMENTS

1995 No. 2880

ROAD TRAFFIC

The Sale of Registration Marks Regulations 1995

Made - - - - *7th November 1995*
Laid before Parliament *16th November 1995*
Coming into force - - *18th December 1995*

The Secretary of State for Transport, in exercise of the powers conferred by sections 27 and 57(2) of the Vehicle Excise and Registration Act 1994⁽¹⁾ and of all other powers enabling him in that behalf, hereby makes the following Regulations:—

Citation and commencement

1. These Regulations may be cited as the Sale of Registration Marks Regulations 1995 and shall come into force on 18th December 1995.

Revocation

2.—(1) Subject to paragraph (2) of this regulation, the Sale of Registration Marks Regulations 1989⁽²⁾, the Sale of Registration Marks (Amendment) Regulations 1993⁽³⁾ and the Sale of Registration Marks (Amendment) Regulations 1994⁽⁴⁾ are hereby revoked.

(2) The revocation of the Regulations referred to in paragraph (1) shall not affect any right granted under those Regulations before the coming into force of these Regulations and not exercised and the appropriate Scheme in the Sale of Registration Marks Regulations 1989 applicable to any such right shall continue to apply to it, as if those Regulations had not been revoked, until the right is exercised or ceases to have effect.

Scheme

3. The Scheme set out in the Schedule to these Regulations shall have effect.

(1) 1994 c. 22.
(2) S.I. 1989/1938.
(3) S.I. 1993/986.
(4) S.I. 1994/2977.

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Signed by authority of the Secretary of State for Transport

7th November 1995

John Watts
Minister of State,
Department of Transport

SCHEDULE

Regulation 3

THE SALE OF REGISTRATION MARKS SCHEME 1995

Interpretation

1.—(1) In this Scheme—

- “the 1981 Order” means the Road Traffic (Northern Ireland) Order 1981(5);
- “the 1988 Act” means the Road Traffic Act 1988(6);
- “the 1994 Act” means the Vehicle Excise and Registration Act 1994;
- “certificate of entitlement” means a certificate issued in accordance with paragraph 8(1);
- “G.B. records” means the records kept under the 1994 Act by the Driver and Vehicle Licensing Agency on behalf of the Secretary of State;
- “N.I. records” means the records kept under the 1994 Act by Driver and Vehicle Licensing Northern Ireland on behalf of the Secretary of State;
- “nominated person” means a person nominated as mentioned in paragraph 2(1)(b);
- “purchaser” means a person who enters into an agreement under this Scheme to acquire a relevant right;
- “purchase price” means the price of a relevant right determined as provided in paragraph 6(1);
- “the Registration and Licensing Regulations” means, in relation to a vehicle registered in the G.B. records, the Road Vehicles (Registration and Licensing) Regulations 1971(7) and, in relation to a vehicle registered in the N.I. records, the Road Vehicles (Registration and Licensing) Regulations (Northern Ireland) 1973(8); and
- “relevant right” has the meaning given by paragraph 2(1).

(2) In this Scheme—

- (a) a reference to a numbered paragraph is a reference to the paragraph of this Scheme so numbered;
- (b) a reference to a numbered sub-paragraph is a reference to the sub-paragraph so numbered in the paragraph in which the reference occurs.

Acquisition of a relevant right

2.—(1) Subject to the provisions of this Scheme, a person may acquire from the Secretary of State a right to have a particular registration mark to which section 27 of the 1994 Act applies assigned to a vehicle registered—

- (a) in that person’s name; or
- (b) in the name of some other person nominated by him in accordance with paragraph 3,

and such a right is in this Scheme referred to as a “relevant right”.

(2) No relevant right shall be granted to any person unless and until he has entered into an agreement with the Secretary of State for the acquisition of the relevant right and has paid to the Secretary of State the purchase price and the sum specified in paragraph 6(2).

(5) S.I. 1981/154 (N.I.1).

(6) 1988 c. 52.

(7) S.I. 1971/450. Relevant amending instrument is S.I. 1975/1342.

(8) S.R. & O. (N.I.) 1973, No. 490, to which there are amendments not relevant to these Regulations.

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Nominations

- 3.—(1) The purchaser may nominate a person for the purposes of paragraph 2(1)(b)—
- (a) at any time before he makes the payment referred to in paragraph 6(2); or
 - (b) by means of an application in accordance with sub-paragraph (2).
- (2) At any time before a relevant right is exercised, the Secretary of State may accept an application by the purchaser—
- (a) to nominate a person for the purposes of paragraph 2(1)(b) notwithstanding that no person has been nominated in accordance with sub-paragraph (1);
 - (b) to nominate a different person in place of a person already nominated,
- if the conditions specified in sub-paragraph (3) are fulfilled in relation to the application.
- (3) The conditions are that—
- (a) the application was made in writing;
 - (b) the applicant has submitted to the Secretary of State the certificate of entitlement relating to the relevant right; and
 - (c) an application fee of £25 accompanied the application.

Agreements for acquisition

- 4.—(1) An agreement for the acquisition of a relevant right may be made by—
- (a) public auction;
 - (b) tender; or
 - (c) private treaty.
- (2) An agreement shall provide for the payment to the Secretary of State of the purchase price and the sum specified in paragraph 6(2).
- (3) It may be a term of any agreement that the relevant right to be acquired under it shall be exercisable only in respect of a vehicle registered, or the subject of an application for registration, in the G.B. records or only in respect of a vehicle registered, or the subject of an application for registration, in the N.I. records.

Duration and extension of relevant right

- 5.—(1) Subject to the following provisions of this paragraph, a relevant right may be exercised only during the period of one year starting with the date on which the certificate of entitlement relating to the right is issued.
- (2) The Secretary of State may, if in the circumstances of the case he thinks fit, extend on one or more occasions the period during which a relevant right may be exercised.
- (3) Any such extension shall be for a period of one year starting with the date on which, but for the extension, the right would have ceased to be exercisable.
- (4) No extension shall be granted unless the following conditions are satisfied—
- (a) the purchaser has applied in writing for the extension;
 - (b) the application is made in the period of 28 days ending with the date on which the right would cease to be exercisable if no extension were granted;
 - (c) the application is accompanied by the certificate of entitlement;
 - (d) the fee specified in paragraph 7 is paid.

Payments on acquisition of relevant right

6.—(1) The Secretary of State may determine as he thinks fit—

- (a) the price at which a particular relevant right is to be sold or (as the case may be) the reserve price applicable to the sale of a relevant right; or
- (b) the manner in which the price is to be determined.

(2) On the acquisition of a relevant right there shall be payable in respect of the assignment of the registration mark pursuant to the right a sum of the same amount as the charge which is for the time being prescribed by virtue of section 25(1) of the 1994 Act.

Payments on extension of a relevant right

7. The fee payable for an extension or further extension of the period in which a relevant right may be exercised shall be £25.

Certificates of entitlement

8.—(1) As soon as practicable after a purchaser has acquired a relevant right, the Secretary of State shall issue to him a certificate of entitlement stating—

- (a) the registration mark to which the relevant right relates;
- (b) the name and address of the purchaser and, where appropriate, the name of the nominated person;
- (c) the date on which the one year period mentioned in paragraph 5(1) ends; and
- (d) the date of the agreement to purchase the right.

(2) In any case where the period mentioned in paragraph 5(1) has been extended the Secretary of State shall issue a new certificate of entitlement which shall state the date on which the period of extension ends together with the matters referred to in paragraphs (a), (b) and (d) in subparagraph (1).

(3) If a purchaser to whom a certificate of entitlement has been issued satisfies the Secretary of State that the certificate has been lost or destroyed, the Secretary of State shall issue a replacement certificate.

(4) In any case where a replacement for a lost certificate has been issued and the purchaser subsequently finds it, he shall forthwith return it to the Secretary of State.

(5) If a certificate of entitlement becomes defaced or illegible, the Secretary of State may, if the purchaser returns it to him, issue a replacement certificate.

(6) If the Secretary of State accepts an application in accordance with paragraph 3(2) for the nomination of a person for the purposes of paragraph 2(1)(b) after the issue of a certificate of entitlement, he shall issue to the purchaser a new certificate of entitlement which records the name of the person nominated in pursuance of the application.

Exercise of a relevant right

9.—(1) A relevant right shall be exercisable on only one occasion.

(2) Subject to regulation 10, a relevant right shall be exercisable by the purchaser—

- (a) surrendering to the Secretary of State for retention by him the certificate of entitlement;
- (b) surrendering to the Secretary of State for replacement by him—

- (i) the registration book relating to the vehicle issued by him under the 1994 Act in which the name and address of the purchaser or, where appropriate, of the nominated

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- person, are given as those of the owner of the vehicle under the Registration and Licensing Regulations; and
- (ii) the vehicle licence in force for the vehicle (except that if there is no such licence the purchaser shall submit a valid application for a licence instead); and
- (c) sending to the Secretary of State for endorsement and return, such of the following documents as relate to the vehicle—
- (i) if the vehicle is one to which section 47 of the 1988 Act applies, a test certificate in force under regulations made under section 45 of that Act in respect of the vehicle;
 - (ii) if the vehicle is one to which Article 34(9) of the 1981 Order applies, a test certificate in force under regulations made under Article 33 of that Order in respect of the vehicle;
 - (iii) if the vehicle is one in respect of which a plating certificate and a goods vehicle test certificate are required, the certificates in force in respect of the vehicle under regulations made under section 49 of the 1988 Act;
 - (iv) if the vehicle is one in respect of which a goods vehicle certificate is required under Article 53 of the 1981 Order, the certificate in force in respect of the vehicle under regulations made under Article 54 of that Order.
- (3) In this paragraph “the vehicle” means the vehicle in respect of which the purchaser wishes to exercise the relevant right.

Conditions for the assignment of a registration mark

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

- (2) The conditions are that—
- (a) where the relevant right is a right to assign a registration mark to a vehicle registered in the G.B. records and the registration mark contains a single letter of the alphabet, the assignment of the mark to the vehicle will not indicate that the vehicle was first used more recently than is the case;
 - (b) a vehicle licence under the 1994 Act is in force for the vehicle or a valid application for such a licence has been made;
 - (c) the vehicle is one to which—
 - (i) regulations under section 45 of the 1988 Act apply or would apply if the vehicle had been registered under the 1994 Act more than three years before the assignment or if no certificate of the type mentioned in paragraph 9(2)(c)(ii) were in force,
 - (ii) regulations under section 49 of the 1988 Act apply,
 - (iii) Article 34 of the 1981 Order applies or would apply if the vehicle had been registered under the 1994 Act more than five years before the assignment or if no certificate of the type mentioned in paragraph 9(2)(c)(i) were in force, or
 - (iv) Article 53 of the 1981 Order applies;
 - (d) the Secretary of State is satisfied as to the origins of the vehicle and the date on which it was first used;
 - (e) if the relevant right is a right to assign the registration mark to a vehicle registered in the G.B. records, the vehicle is registered in those records or a valid application has been made for it to be so registered; and

(9) Article 34 was amended by [S.R. 1985 No. 3](#), regulation 3 and [S.R. 1987 No. 366](#), regulation 4.

- (f) if the relevant right is a right to assign the registration mark to a vehicle registered in the N.I. records, the vehicle is registered in those records or a valid application has been made for it to be so registered.

Exemption from charge for assignment

11. No charge under section 25(1) of the 1994 Act shall be payable in respect of an assignment of a registration mark in a case where the sum specified in paragraph 6(2) has been paid.

Non-transferability of a relevant right

12. Without prejudice to its vesting by operation of law, a relevant right shall not be transferable.

Revocation of a relevant right

13. The Secretary of State may revoke a relevant right, whether or not it has been extended, if it appears to him that there are special reasons for his doing so.

Refund of sums paid under paragraph 6(2)

14.—(1) Any sum paid to the Secretary of State in accordance with paragraph 6(2) shall be retained by him, whether or not there is an assignment of the relevant registration mark, except where the conditions specified in sub-paragraph (2) are fulfilled, in which case the Secretary of State shall refund the sum (but not interest on the sum) to the purchaser of the relevant right in respect of which it was paid.

(2) The conditions are that—

- (a) the Secretary of State has revoked the relevant right in respect of which the sum was paid or the period during which it was exercisable has expired without its having been exercised;
- (b) a written application for a refund was made by the purchaser;
- (c) the application was accompanied by the relevant certificate of entitlement; and
- (d) the application was received by the Secretary of State within the period of six years starting with the date on which the relevant right was revoked or ceased to be exercisable.

Arrangements with other persons

15. The Secretary of State may make arrangements with other persons under which those persons are—

- (a) given authority (whether revocable or not) to act on his behalf in offering for sale, and entering into agreements for the sale of, relevant rights relating to such registration marks for such periods as he may determine; and
- (b) required to account to him for sums due to him under such arrangements, whether or not they have received such sums from the purchasers under the agreements.

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EXPLANATORY NOTE

(This note is not part of the Order)

These Regulations revoke all previous regulations relating to the sale of rights relating to registration marks and the schemes made under them and make a new scheme providing for registration marks to which section 27 of the Vehicle Excise and Registration Act 1994 applies to be assigned to vehicles registered in the names of, or of the nominees of, persons who have acquired rights under the scheme to have the marks so assigned. The revoked schemes, however, continue to apply to unexercised rights granted before these Regulations come into force. Apart from drafting changes the main difference between the scheme made by these Regulations and earlier schemes is that the new scheme enables a right to be acquired to assign a registration mark to a vehicle registered in the Northern Ireland register of mechanically propelled vehicles.