

**EXPLANATORY MEMORANDUM TO THE  
ROAD VEHICLES (REGISTRATION AND LICENSING) (AMENDMENT)  
(No. 2) REGULATIONS 2005**

**2005 No. 2713**

1. This explanatory memorandum has been prepared by the Department for Transport and is laid before Parliament by Command of Her Majesty.

2. **Description**

These Regulations prescribe the descriptions of information held for the purposes of functions relating to social security or war pensions by a Secretary of State or, in the case of social security functions in Northern Ireland, by the Department for Social Development which may be disclosed to another Secretary of State or to a person providing services to that Secretary of State.

3. **Matters of special interest to the Select Committee on Statutory Instruments**

None

4. **Legislative Background**

- 4.1 Section 22ZA of VERA permits the disclosure of prescribed information held for the purposes of functions relating to social security or war pensions. The disclosable information may be held by the Secretary of State or by a person providing services to the Secretary of State if the information is held by that person in connection with the provision of those services. In relation to functions relating to social security in Northern Ireland disclosable information may be held by the Department for Social Development or by a person providing services to that department if held by that person in connection with the provision of those services.
- 4.2 The prescribed information may be disclosed to another Secretary of State, or to a person providing services to that Secretary of State for use for the purposes of relevant nil licence functions if the requisite consent condition is satisfied. A nil licence is not a vehicle licence but a document in the form of a vehicle licence which is required to be in force for most of those categories of vehicle which are exempt from vehicle excise duty.
- 4.3 Relevant nil licence functions are those relating to applications for nil licences, and the issue thereof, in respect of vehicles which are exempt because the registered keeper is in receipt of a specified disability benefit; namely, a War Pensioners Mobility Supplement or Disability

Living Allowance by virtue of entitlement to the mobility component at the higher rate.

**5. Extent**

This instrument applies to all of the United Kingdom.

**6. European Convention on Human Rights**

As the instrument is subject to negative resolution procedure and does not amend primary legislation, no statement is required.

**7. Policy background**

7.1 In exercising the power to prescribe information in section 22ZA of VERA these Regulations will allow that section to achieve its objective of making it easier for certain users of vehicles within the disabled taxation class, who are exempt from the payment of vehicle excise duty, to obtain a nil licence which permits use of the vehicle without being required to pay vehicle excise duty.

7.2 A person in receipt of the relevant disability benefit is entitled to an exemption from vehicle excise duty in respect of a vehicle if registered in that person's name, or in the name of a nominee and the vehicle is used by, or for the direct purposes of, that person.

7.4 It is intended that the information prescribed by these Regulations will afford proof of receipt of the relevant disability benefit and obviate the need for the recipient to obtain a certificate to that effect from the Department for Work and Pensions or the Veterans Agency or, in the case of Northern Ireland, the Department for Social Development, as appropriate.

7.4 Dispensing with the need for a certificate to be produced as proof of receipt of relevant benefit will allow nil licence applications to be made over the telephone or via the Internet. In relation to both telephone and on line applications it is intended that use will be made of the prescribed information to determine whether or not the nil licence applicant is in receipt of relevant benefit.

7.5 No public consultation was undertaken for this change as there will be no negative effects for either the public or industry. Under section 22ZA, the information prescribed by the Regulations may only be disclosed with the consent of the relevant person mentioned in subsection (3).

**8. Impact**

- 8.1 A Regulatory Impact Assessment has not been prepared for this instrument as it has no impact on business, charities or voluntary bodies.
- 8.2 There will be limited impact on the public sector as the exchange of information will be automated, and no additional resource will be required.

**9. Contact**

Andrew Cude at the Driver and Vehicle Licensing Agency, Tel 01792 765203, or email: [andrew.cude@dvla.gsi.gov.uk](mailto:andrew.cude@dvla.gsi.gov.uk) can answer any questions regarding the instrument.