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STATUTORY INSTRUMENTS

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**2018 No. 1295**

**The Road Vehicles (Registration, Registration Plates and  
Excise Exemption) (Amendment) (EU Exit) Regulations 2018**

**PART 4**

Excise Exemption

**Amendment of the Motor Vehicles (International Circulation) Order 1975**

6.—(1) The Motor Vehicles (International Circulation) Order 1975<sup>MI</sup> is amended as follows.

(2) In Article 5 (excise exemption and documents for vehicles brought temporarily into the United Kingdom)—

(a) in paragraph (2)—

(i) for sub-paragraph (a) substitute—

“(a) in the case of a vehicle to which paragraph (2A) or (2B) applies, the vehicle shall be exempt from excise duty for a period, continuous or otherwise, of not more than six months in any period of twelve consecutive months;”;

(ii) after sub-paragraph (a) insert—

“(aa) in the case of a vehicle to which paragraph (2C) or (2D) applies, the vehicle shall be exempt from excise duty for as long as the criteria in paragraph (2C) or (2D) are met;”;

(iii) for sub-paragraph (c) (ii) substitute—

“(ii) the vehicle is being used only for or in connection with the carriage of vehicles which are—

(aa) designed and constructed primarily for the carriage of passengers and their luggage, which have no more than eight seats in addition to the driver's seat, and have no space for standing passengers, or

(bb) designed and constructed primarily for the carriage of goods and have a maximum authorised mass not exceeding 3.5 tonnes; and”;

(b) after paragraph (2) insert—

“(2A) This paragraph applies to a private vehicle where—

(a) the person bringing the vehicle into the United Kingdom—

(i) has their normal residence in a member State, and

(ii) employs the vehicle in the United Kingdom for their private use, and

(b) the vehicle is not disposed of, or hired out, in the United Kingdom, or lent to a resident of the United Kingdom, provided that—

- (i) a vehicle belonging to a car hire firm having its head office in a member State may be re-hired to a non-resident of the United Kingdom with a view to being re-exported, if the vehicle is in the United Kingdom as a result of a hire contract which ended in the United Kingdom, and
  - (ii) such a vehicle may be returned by an employee of the car hire firm to the member State from where it was originally hired, even if the employee is resident in the United Kingdom.
- (2B) This paragraph applies to a private vehicle where—
- (a) the person bringing the vehicle into the United Kingdom—
    - (i) has their normal residence in a member State,
    - (ii) employs the vehicle in the United Kingdom for business use, and
    - (iii) does not use the vehicle in the United Kingdom in order to carry passengers for hire or material reward of any kind, or for the industrial and or commercial transport of goods, whether for reward or not,
  - (b) the vehicle is not disposed of, hired out or lent in the United Kingdom, and
  - (c) the vehicle has been acquired or imported in accordance with the general conditions of taxation in force on the domestic market of the member State of normal residence of the vehicle user and is not subject by reason of its exportation to the United Kingdom to any exemption from or refund of turnover tax, excise duty or any other consumption tax and—
    - (i) subject to paragraph (ii), this sub-paragraph shall be presumed to be satisfied if the vehicle bears a standard registration plate of the member State of registration, other than any type of temporary plate;
    - (ii) where the vehicle is registered in a member State where the issue of a standard registration plate is not conditional upon compliance with the general conditions of taxation in force on the domestic market, the person bringing the vehicle into the United Kingdom produces appropriate evidence as proof of payment of consumption taxes.
- (2C) This paragraph applies to a private vehicle where—
- (a) paragraph (2B), other than sub-paragraph (a)(ii), applies,
  - (b) the vehicle is registered in the member State of normal residence of the person bringing it into the United Kingdom, and
  - (c) that person uses it regularly for the journey from their residence to their place of work in an undertaking in the United Kingdom and vice versa.
- (2D) This paragraph applies to a private vehicle where—
- (a) paragraph (2B), other than sub-paragraph (a)(ii), applies,
  - (b) the vehicle is registered in the member State of normal residence of the person bringing it into the United Kingdom,
  - (c) that person is a student and is the user of the vehicle, and
  - (d) that person resides in the United Kingdom for the sole purpose of pursuing their studies.”;
- (c) in paragraph (9)—
- (i) omit the definition of “the Council Directive on the temporary importation of a private vehicle from another member State”<sup>M2</sup>, and

- (ii) after the definition of “the Regulation of the European Parliament and of the Council on common rules for access to the international road haulage market” insert—
- ““business use” of a means of transport means the use of it in the direct exercise of an activity carried out for consideration or financial gain;
- “commercial vehicle” means any road vehicle which, by its design or equipment, is suitable for and intended for transporting, whether for payment or not—
- (a) more than nine persons, including the driver, or
  - (b) goods,
- as well as any road vehicle for special use other than transport as such;”;
- (iii) after the definition of “Community licence” and “driver attestation” insert—
- ““normal residence” means—
- (a) the place where a person usually lives for a least 185 days in each calendar year because of personal and occupational ties,
  - (b) in the case of a person with no occupational ties, the place where a person usually lives for a least 185 days in each calendar year because of personal ties which show close links between that person and that place, or
  - (c) where a person's occupational ties are in a different place from their personal ties and who as a consequence lives in turn in different places in the United Kingdom and in a member State, or in two or more member States, the place of their personal ties provided they return there regularly, but—
    - (i) the criterion of returning regularly need not be met if they live in the United Kingdom, or in a member State, in order to carry out a task of a definite duration, and
    - (ii) attendance at a University or school shall not imply transfer of normal residence;
- “private use” means any use other than business use;
- “private vehicle” means any road vehicle, including its trailer, if any, other than a commercial vehicle;”.

#### **Commencement Information**

- II** Reg. 6 in force on IP completion day in accordance with reg. 1 and [2020 c. 1, Sch. 5 para. 1\(1\)](#)

#### **Marginal Citations**

- M1** [S.I. 1975/1208](#); relevant amending instruments are [S.I. 1985/459](#), [S.I. 1996/1929](#), [S.I. 2010/771](#), and [S.I. 2013/3150](#).
- M2** Council Directive 83/182/EEC (OJ No L 105, 23.4.1983, p. 59).

**Changes to legislation:**

There are currently no known outstanding effects for the The Road Vehicles (Registration, Registration Plates and Excise Exemption) (Amendment) (EU Exit) Regulations 2018, PART 4.