

EXPLANATORY MEMORANDUM TO
THE ROAD VEHICLES (DISPLAY OF REGISTRATION MARKS) (AMENDMENT)
(EU EXIT) (NO. 2) REGULATIONS 2020

2020 No. 1363

1. Introduction

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

2. Purpose of the instrument

2.1 The purpose of this instrument, which amends the Road Vehicles (Display of Registration Marks) Regulations 2001 (SI 2001/561) (“the 2001 Regulations”), is to remove the option to display the European Union symbol on a plate or other device fixed to a vehicle on or after the IP completion day¹.

2.2 This instrument provides an end date for ‘old vehicles’ (ie. those that are exempt from excise duty as at the 1st April of any year, because they were constructed 40 or more years before the 1st January of that year), from also being able to display a pre-1973 plate ie. white/silver lettering on a black registration plate. From the 1st January 2021, this option will be restricted to those vehicles first constructed on or before 1st January 1980.

2.3 This instrument also updates the British Standard a new or replacement registration plate must comply with from the 1st September 2021. The instrument prescribes the requirements for an optional border which is displayed on a registration plate from this date.

3. Matters of special interest to Parliament

Matters of special interest to the Joint Committee on Statutory Instruments

3.1 None.

Matters relevant to Standing Orders Nos. 83P and 83T of the Standing Orders of the House of Commons relating to Public Business (English Votes for English Laws)

3.2 As the instrument is subject to negative resolution procedure there are no matters relevant to Standing Orders Nos. 83P and 83T of the Standing Orders of the House of Commons relating to Public Business at this stage.

4. Extent and Territorial Application

4.1 The territorial extent of this instrument is the United Kingdom.

4.2 The territorial application of this instrument is the United Kingdom.

¹ The “IP completion day” is defined in the Interpretation Act 1978 (c. 30), Schedule 1, by reference to the European Union (Withdrawal Agreement) Act 2020 (c. 1), section 39(1), being 11pm on 31st December 2020.

5. European Convention on Human Rights

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

6. Legislative Context

- 6.1 The amendments made by this instrument to the 2001 Regulations have been made using powers under the Vehicle Excise and Registration Act 1994 (“the 1994 Act”).
- 6.2 The 2001 Regulations set out the legislative requirements for the display of registration marks on registration plates fixed to vehicles in the United Kingdom, including the technical specifications for registration plates.
- 6.3 This instrument removes the option, for registration plates fixed on or after the IP completion day, from displaying a European Union symbol on a plate or device, as set out in regulation 16(3) of the 2001 Regulations.
- 6.4 This instrument updates the technical and manufacturing standard that a new or replacement registration plate must comply with from the 1st September 2021, to British Standard BS AU 145e, or any other relevant standard or specification recognised for use in an EEA State and which, when in use, offers a performance equivalent to the British Standard.
- 6.5 The instrument also introduces the requirements for an optional border which may be displayed on a registration plate, and the requirements and dimensions for any other markings on a registration plate, including the permitted distance between the registration marks and ‘other markings’. The only ‘other markings’ permitted on a registration plate, are defined in BS AU 145e as being the number of the British Standard, the means of identifying the component supplier or manufacturer and the name and postcode of the supplying outlet of the registration plate.
- 6.6 The instrument contains an early optional adoption provision, permitting registration plates fixed to a vehicle from the coming into force date, to display a plate meeting the new standard, before this becomes mandatory on the 1st September 2021.
- 6.7 The instrument provides an end date for vehicles that are ‘old vehicles’ for the purposes of being exempt from excise duty, from also being able to display a pre-1973 plate, ie. white/silver lettering on a black registration plate. This exemption will be restricted to those vehicles first constructed on or before 1st January 1980.
- 6.8 Regulation 16(1) of the 2001 Regulations specifies that no material other than a registration mark and material complying with Schedule 2 of the 2001 Regulations may be displayed on a registration plate subject to the further provisions of that regulation. One of the exceptions is in regulation 16(3) which permits the display of the European Union symbol. As the UK has left the EU this is no longer appropriate.

7. Policy background

What is being done and why?

European Union symbol on other plate or device

- 7.1 Regulation 16(3) provides that UK vehicles can display the European Union symbol and GB identifier in accordance with Council Regulation (EC) No. 2411/98 on the left-hand side of a number plate to enable UK vehicles to travel within the EU without

having to display a separate GB sticker on the rear of the vehicle. This instrument removes the option for registration plates fixed on or after IP completion day, from displaying an EU symbol on a plate or other device.

Technical requirements for registration plates

- 7.2 The 2001 Regulations currently require all vehicles registered for the first time or that require a replacement plate, on or after the 1st September 2001, to display registration plates that are compliant with the manufacturing requirements set out in British Standard BS AU 145d. This instrument updates the British Standard to BS AU 145e so that a new or replacement registration plate fixed to a vehicle on or after the 1st September 2021, must comply with it.
- 7.3 The British Standard, BS AU 145e was published in 2018. The new standard will ensure that new registration plates must be manufactured to the latest technical standards which provide for better durability and compatibility with road enforcement cameras. The new standard also ensures that new registration plates will only be able to display single shade of black lettering and this will remove the ability to use differing shades of black to produce 3D effects or highlighting.
- 7.4 Copies of the British Standards BS AU 145d and BS AU 145e, can be obtained by post from the BSI Customer Services at, 389 Chiswick High Road, London W4 4AL or from the BSI website at <https://www.bsigroup.com/en-GB>. The Department of Transport holds a copy of the documents which can be inspected by appointment, using the contact details at paragraph 15. The live date for the new British Standard is intended to coincide with the new release of the 2021 range of vehicle registration marks.
- 7.5 The instrument prescribes the dimensions for any optional border which may be displayed on a registration plate. This was specified in previous versions of the British Standard, including BS AU 145d.
- 7.6 The 2001 Regulations will, for the first time, also specify a minimum space between the registration mark and the ‘other markings’ on a registration plate, being the standard and supplier details for the plate. The purpose of prescribing these further details in the 2001 Regulations is to ensure that there is no ambiguity concerning the permitted minimum distance between the registration mark and other markings, and mitigate the automatic number plate reader technology being compromised by markings placed too close to the registration mark.
- 7.7 The instrument also provides an end date for vehicles which are permitted to display black and white/silver pre-1973 registration plates. Until the amendment made by this instrument, the 2001 Regulations permitted exempt vehicles under paragraph 1A(1) of Schedule 2 of the 1994 Act, which are defined as being ‘old vehicles’ which are at least 40 years old before the 1st January of the vehicle excise year, to also display historic plates.
- 7.8 The unintended consequence of linking the 2001 Regulations to the definition in the 1994 Act for old vehicles, is that an old vehicle is permitted to display black and white/silver pre-1973 number plates, irrespective of whether the vehicle would have been permitted to display such a registration plate, at the date the vehicle was first constructed. From 1st January 1973 black and white/silver number plates were phased out and newly registered vehicles from 1973 were required to display only white (front) and yellow (rear) number plates. The intention of the amendment in the

instrument is to remove this anomaly and ensure that only vehicles which have been constructed on or before 1st January 1980 can display a pre-1973 registration plate.

8. European Union (Withdrawal) Act/Withdrawal of the United Kingdom from the European Union

8.1 This instrument is not being made under the European Union (Withdrawal) Act 2018 but relates to the withdrawal of the United Kingdom from the European Union because it removes the option for registration plates fixed on or after the IP completion day, to display the European Union symbol on a plate or other device.

9. Consolidation

9.1 The Department has no current plans to consolidate the 2001 Regulations and does not consider it proportionate to do so now.

10. Consultation outcome

10.1 There is no statutory requirement to consult on amendments made to the 2001 Regulations, however the Department of Transport has consulted with relevant stakeholders throughout the process of developing the policy for the instrument.

10.2 British Standard Institute also carried out a thorough consultation with relevant stakeholders when developing the update to the British Standard for registration plates. The working group for the new standards included representatives of those groups most affected by the changes including number plate component manufacturers, Home Office and Automatic Number Plate Recognition specialists from the police. The British Number Plate Manufacturers Association (BNMA), the trade representatives for the majority of UK component manufacturers, have confirmed that there would be no additional costs incurred or changes to existing machinery to manufacture and supply number plates under the new standard.

11. Guidance

11.1 Information will be available on the Gov.uk website (www.gov.uk/displaying-number-plates) and communications on the new requirements will be issued to number plate manufacturers and made available to the wider public through guidance on number plate display issued in Driver and Vehicle Licensing Agency (DVLA) information leaflets.

12. Impact

12.1 There is no, or no significant, impact on business, charities or voluntary bodies.

12.2 There is no, or no significant, impact on the public sector.

12.3 An Impact Assessment has not been prepared for this instrument because it has been established in enquiries with industry that there is no or minimal impact or additional set-up costs for those businesses who manufacture and supply vehicle registration plates or to vehicle owners.

13. Regulating small business

13.1 The legislation applies to activities that are undertaken by small businesses.

13.2 There is a minimal impact on small business.

- 13.3 The department has engaged with the British Number Plate Manufacturers Association (BNMA), the trade representatives for the majority of UK component manufacturers. It had been anticipated that industry would have sufficient time to use up stocks of pre-printed plates displaying the EU symbol in advance of IP completion day, and plates complying with the previous British Standard. However COVID 19 has had a detrimental impact on the supply chain, including a decrease in the volume of car sales and the temporary closure of non-essential businesses. The BNMA has advised as at November 2020, that they estimate manufacturers and suppliers are holding surplus stock of pre-printed plates with an estimated value of £1 million much of which they will now not be able to use and will need to be removed from the supply chain from the IP completion day. The BNMA estimate that around 70% of these existing stocks are held across a significant amount of the existing 40,000 supplying outlets which does make it difficult to place an exact value on the impact for each individual business. For those suppliers who may not rely on pre-printed plates but instead purchase blank plates, they will simply stop printing the EU symbol on the plates that they supply. The DVLA will issue communications to all suppliers to ensure that the changes made by this instrument are understood by industry.
- 13.4 To minimise the impact of the requirements on small businesses (employing up to 50 people), the date for mandatory compliance with the new British Standard was extended to the 1st September 2021. The BNMA have confirmed that there will be no or minimal additional costs incurred in adapting machinery to manufacture and supply registration plates under the new standard but requested that a sufficient period of time is allowed between making the SI and the coming into force date to ensure existing stocks of registration plates and raw materials meeting the current technical standard. It has, therefore, been agreed with the BNMA that the 1 September 2021 provides sufficient time for manufacturers and supplying outlets to fully prepare for the technical changes contained in the new British standard.

14. Monitoring & review

- 14.1 The approach to monitoring of this legislation is to engage with police and manufacturers at regular intervals to determine any levels of non-compliance after the changes come into force. The Regulations do not include a statutory review clause and, in line with the requirements of the Small Business, Enterprise and Employment Act 2015, Rachel Maclean has made the following statement:

“Having had regard to sections 28 to 32 of the Small Business Enterprise and Employment Act 2015 and the Statutory Review Guidance for Departments published under section 31(3) of that Act, I have decided that it is not appropriate to make provision for review in this instrument because it would be disproportionate taking into account the economic impact of the amendment made by these Regulations.”.

15. Contact

- 15.1 Marcus Stephenson at the Driver and Vehicle Licensing Agency. Telephone: (01792782124) or email: Marcus.stephenson@dvla.gov.uk can be contacted with any queries regarding the instrument.
- 15.2 Lynette Rose, Director of Strategy, Policy and Communications at the Driver and Vehicle Licensing Agency can confirm that this Explanatory Memorandum meets the required standard.

15.3 Rachel Maclean MP, at the Department for Transport can confirm that this Explanatory Memorandum meets the required standard.