

EXPLANATORY MEMORANDUM TO
THE ROAD VEHICLES (DISPLAY OF REGISTRATION MARKS) (AMENDMENT)
REGULATIONS 2021

2021 No. 831

1. Introduction

- 1.1 This explanatory memorandum has been prepared by the Department for Transport and is laid before Parliament by Command of Her Majesty.
- 1.2 This memorandum contains information for the Joint Committee on Statutory Instruments (“JCSI”).

2. Purpose of the instrument

- 2.1 This instrument amends regulation 10(2) of the Road Vehicles (Display of Registration Marks) Regulations 2001 (S.I. 2001/561) (“the 2001 Regulations”). It is made to improve the clarity of regulation 10(2) in response to the suggestion made by the JCSI’s thirty-seventh report of Session 2019-21 that regulation 10(2) should state expressly that it is subject to regulation 10(4A), rather than this being implicit.

3. Matters of special interest to Parliament

Matters of special interest to the Joint Committee on Statutory Instruments

- 3.1 This instrument addresses the JCSI’s thirty-seventh report of Session 2019-21, in relation to an earlier amending instrument (S.I. 2020/1363), suggesting that regulation 10(2) of the 2001 Regulations should expressly state that it is subject to regulation 10(4A) for the purposes of clarification.

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 England and Wales, Scotland and Northern Ireland.
- 4.2 The territorial application of this instrument is England and Wales, Scotland and Northern Ireland.

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 2001 Regulations set out the requirements for the design of registration plates on vehicles.

- 6.2 They were amended by the Road Vehicles (Display of Registration Marks) (Amendment) (EU Exit) (No. 2) Regulations 2020 (S.I. 2020/1363) (“the 2020 Regulations”) which introduced new requirements for the design of registration plates.
- 6.3 The JCSI commented on the amendments made to regulation 10(2) of the 2001 Regulations by the 2020 Regulations in their review of the latter and this instrument is made to address those comments.

7. Policy background

What is being done and why?

- 7.1 Wording is being inserted into regulation 10(2) of the 2001 Regulations to expressly state that it is subject to regulation 10(4A).
- 7.2 Regulation 10(2) provides that registration plates on vehicles first registered on or after 1st September 2001 but before 1st September 2021 must conform to the requirements of Part 1 of Schedule 2 to the 2001 Regulations.
- 7.3 However regulation 10(4A) provides that where on or after 1st September 2021 a new registration plate is fixed to a vehicle to which regulation 10(2) applies, to replace a plate previously fixed to it, the plate must conform to the requirements of Part A1 of Schedule 2 to the 2001 Regulations.
- 7.4 Regulation 10(2) is thus subject to regulation 10(4A) by implication, as it would otherwise be contradictory. The instrument, however, inserts the words “Subject to paragraph (4A),” at the start of regulation 10(2) in order to provide for this expressly.
- 7.5 Part 1 of Schedule 2 to the 2001 Regulations provides in particular that plates must be made of retroreflecting material which, as regards construction, colour and other qualities, complies with the requirements of the British Standard specification for retroreflecting number plates published on 15th January 1998 under number BS AU 145d, or any other relevant standard or specification recognised for use in an EEA State and which, when in use, offers a performance equivalent to that offered by a plate complying with the British Standard specification.
- 7.6 Part 1A of Schedule 2 to the 2001 Regulations (as inserted by the 2020 Regulations) adopts the later British Standard specification for retroreflecting number plates published on 28th February 2018 under number BS AU 145e and sets out a number of new requirements for modern number plate design. A copy of the standard can be purchased from the BSI Group at <https://www.bsigroup.com/en-GB/> and searching for BS AU 145e.

8. European Union Withdrawal and Future Relationship

- 8.1 This instrument does not relate to withdrawal from the European Union.

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 the instrument and the Department has not done so because the instrument is made for clarification purposes only and the policy behind it has not changed.

11. Guidance

- 11.1 As the instrument has been made for clarification purposes only, and the underlying policy has not changed, no new guidance is being issued. The legislative requirements introduced by the 2020 Regulations for the display of number plates are already incorporated into guidance published on the GOV UK website (“displaying number plates”) at <https://www.gov.uk/displaying-number-plates>. Further clarification will be published on the website when the legislative requirements introduced by the 2020 Regulations become mandatory for new numberplates fixed to vehicles from 1 September 2021.

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 does not change the underlying policy on registration plate design.

13. Regulating small business

- 13.1 The legislation applies to activities that are undertaken by small businesses.
- 13.2 There is no impact on small business.

14. Monitoring & review

- 14.1 The instrument will not be subject to review as it does not change the underlying policy on registration plate design.
- 14.2 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 MP 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 of this instrument because it would be disproportionate taking into account the economic impact of the amendment made by it.”

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, Parliamentary Under Secretary of State at the Department for Transport, can confirm that this Explanatory Memorandum meets the required standard.