EXPLANATORY MEMORANDUM TO THE GOODS VEHICLES (EVIDENCE OF TEST CERTIFICATES) REGULATIONS 2004 No.2577

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

2. Description

2.1 These Regulations revoke and replace the Goods Vehicles (Production of Test Certificates) Regulations 1970. They prescribe the requirements that must be met to satisfy the Secretary of State when an application for a vehicle licence is made either that an effective goods vehicle test certificate is in force for the vehicle, or none is required. They prescribe the declaration to be made by an applicant whose vehicle is exempt from testing by virtue of a prescribed use or its use in a prescribed area.

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

3.1 None

4. Legislative Background

4.1 Section 66(3) of the Road Traffic Act 1988 permits the making of regulations to enable the Secretary of State to check that a roadworthiness test certificate has been issued for the vehicle before a goods vehicle licence (a tax disc) is granted. The Goods Vehicles (Production of Test Certificates) Regulations 1970 specified, for vehicles that needed a test certificate, what evidence of test status or alternative declaration was required before a licence could be issued.

4.2 This SI replaces the 1970 regulations. One purpose is to update the statutory references. The second purpose is to amend the declaration of exempt status provided for in the Schedule to enable it to be made electronically.. In addition, by providing simply (and in accordance with s66(4)(a) of the Road Traffic Act 1988) that evidence of an effective test certificate is produced (whereas the previous regulations required production of the certificate) the regulations will enable the keeper of a goods vehicle to apply for his annual vehicle licence by electronic means, as the DVLA can check whether a roadworthiness test certificate is in force for the vehicle by interrogating the Secretary of State's electronic records.

4.3 No implementation of EU legislation is involved.

5. Extent

5.1 The instrument applies to Great Britain.

6. European Convention on Human Rights

6.1 Not applicable.

7. Policy Background

7.1 Goods vehicle licences are issued either by the Post Office® or a DVLA Local Office, on behalf of the Secretary of State. Before a licence for a goods vehicle that is subject to goods vehicle testing may be issued, the Secretary of State must be satisfied that either a valid goods vehicle test certificate or a certificate of temporary exemption is in force, or the applicant for the licence has made a declaration prescribed by Regulations as to the proposed limited use of the vehicle.

7.2 DVLA introduced an Electronic Vehicle Licensing (EVL) service in February 2004. In addition to existing channels, it offers customers two new methods of relicensing their vehicle: on the telephone or via the Internet. Phase I was introduced for licences commencing 1 March 2004 and applies to cars and light vans not subject to roadworthiness testing. Phase II is intended to include all other classes of vehicle. Checks for valid insurance and roadworthiness will still be conducted but will be carried out via electronic links with insurance and roadworthiness test databases.

7.3 A goods vehicle database is maintained by the Vehicle and Operator Services Agency (VOSA) on behalf of the Secretary of State. The database contains details of roadworthiness test results. Introduction of heavy goods vehicles into EVL is dependent on the setting up of an electronic link with VOSA to allow DVLA to verify the testing status of these vehicles. DVLA is currently working with VOSA to set up this link. Around 466,000 vehicle relicensing transactions per year require evidence of a goods vehicle test certificate.

7.4 The Government is committed to offering all its services electronically by 2005 and the EVL is a key part of the DVLA's contribution to this aim.

7.5 A consultation on the initiative and the draft regulations was launched on 21 May and closed on 13 August 2004. Consultation packs were sent out to 294 organisations and individuals. The consultation was also posted on the Internet. Thirteen replies were received. Of these:

- all expressed positive support for the proposal to replace the Goods Vehicles (Production of Test Certificates) Regulations 1970;
- 6 offered no comment on the proposal.

8. Impact

8.1 A Regulatory Impact Assessment is attached to this memorandum. There are no identifiable costs to the public directly attributable to this instrument.

8.2 The impact on the public sector is as follows. Post Office business processes for vehicle licensing are being updated and the availability of electronic records is one element in those changes. There are no identifiable costs to the Exchequer directly attributable to this instrument.

9. Contact

9.1 Mr J Vale, Vehicle Policy Group at the Driver & Vehicle Licensing Agency, Longview Road, Swansea SA6 7JL (Tel: 01792 765182 or e-mail: vehpol.dvla@gtnet.gov.uk) can answer any queries regarding the instrument.