STATUTORY INSTRUMENTS

1962 No. 1344

ROAD TRAFFIC

The Motor Vehicles (International Circulation) (Amendment) Order, 1962

Laid before Parliament in draft

Made - - - - *27th June*, 1962

Coming into Operation (*On a date to be notified in the London Gazette*)

15.4.63 — 65/2 fol 22

At the Court at Buckingham Palace, the 27th day of June, 1962

Present,

The Queen's Most Excellent Majesty in Council

Whereas a draft of this Order has in pursuance of subsection (5) of section one of the Motor Vehicles (International Circulation) Act, 1952(a), been laid before Parliament and approved by resolution of each House of Parliament:

Now, therefore, Her Majesty, in pursuance of section one of the Motor Vehicles (International Circulation) Act, 1952, is pleased by and with the advice of Her Privy Council, to order, and it is hereby ordered, as follows:—

Citation, Commencement and Interpretation

1.—(1) This Order may be cited as the Motor Vehicles (International Circulation) (Amendment) Order, 1962, and shall come into operation on the date on which the Convention on the Taxation of Road Vehicles engaged in International Passenger Transport concluded at Geneva in 1956 and the Convention on the Taxation of Road Vehicles for Private Use in International Traffic concluded at Geneva in 1956 are both first in force for the United Kingdom, which date shall be notified in the London Gazette:

Provided that regulations may be made under this Order before that date, but not so as to take effect before that date.

(2) This Order and the Motor Vehicles (International Circulation) Order, 1957(b), may be cited together as the Motor Vehicles (International Circulation) Orders, 1957 and 1962.

2.—(1) In this Order the expression "the principal Order" means the Motor Vehicles (International Circulation) Order, 1957.

(2) The Interpretation Act, 1889(c), shall apply for the interpretation of this Order as it applies for the interpretation of an Act of Parliament.

(a) 15 & 16 Geo. 6 & 1 Eliz. 2. c. 39. (b) S.I. 1957/1074 (1957 II, p. 2154).
(c) 52 & 53 Vict. c. 63.

Documents for drivers and vehicles going abroad

3. The principal Order shall be varied by inserting after paragraph (4) and before paragraph (5) of Article 1, the following paragraph:—

"(4A). The Minister may assign to a motor vehicle to which the Decision of 1957 of the Council of the Organisation for European Economic Co-Operation applies, an identification mark in the form of such a trade plate as may be required to be carried on such a vehicle under the provisions of Section I of the Regulation attached to that Decision. In this paragraph, "the Decision of 1957 of the Council of the Organisation for European Economic Co-Operation" means the decision of the Council of the Organisation for European Economic Co-Operation concerning the International Circulation of Hired Private Road Motor Vehicles adopted by that Council at its 369th Meeting, in June, 1957."

Visitors' driving permits

4. The principal Order shall be varied by substituting for Article 2, the following Article:—

"2.—(1) Subject to the provisions of this Article, it shall be lawful for a person resident outside the United Kingdom who is temporarily in Great Britain and holds—

(*a*) a Convention driving permit, or

(*b*) a domestic driving permit issued in a country outside the United Kingdom, or

(*c*) a British Forces (BFG) driving licence,

during a period of twelve months from the date of his last entry into the United Kingdom to drive, and, except in the case of a holder of a British Forces (BFG) driving licence, be employed in driving, in Great Britain a motor vehicle of any class or description which he is authorised by that permit or that licence to drive, notwithstanding that he is not the holder of a driving licence under Part II of the Road Traffic Act, 1960(a).

(2) Subject to the provisions of this Article, it shall be lawful for a person resident outside the United Kingdom who is temporarily in Great Britain and holds—

(*a*) a Convention driving permit, or

(*b*) a domestic driving permit issued in a country outside the United Kingdom,

during a period of twelve months from the date of his last entry into the United Kingdom to drive, and be employed in driving, in Great Britain a public service or heavy goods vehicle brought temporarily into Great Britain which he is authorised by that permit to drive, notwithstanding that he is not the holder either of such a licence as is required by section one hundred and forty-four of the Road Traffic Act, 1960, or of such a licence as may be required by section one hundred and ninety-two of that Act.

(3) The foregoing provisions of this Article shall be without prejudice to subsection (1) of section ninety-seven of the said Act of 1960 (which imposes minimum age limits for persons driving motor vehicles of various classes or descriptions therein specified) except that paragraph 4 of the Table in that subsection (which makes it unlawful for a person under the age of twenty-one years to drive certain heavy motor vehicles)

(a) 8 & 9 Eliz. 2. c. 16.

shall not apply in relation to a person driving in pursuance of this Article a motor vehicle brought temporarily into Great Britain if he has attained the age of eighteen years.

(4) This Article shall not authorise a person to drive a motor vehicle of any class or description if, in consequence of a conviction or of the order of a court, he is disqualified from holding a driving licence under Part II of the said Act of 1960.

(5) The Minister may by order contained in a statutory instrument withdraw the right conferred by sub-paragraph (*b*) of paragraph (1) of this Article or the right conferred by sub-paragraph (*c*) of paragraph (1) of this Article or the right conferred by sub-paragraph (*b*) of paragraph (2) of this Article, or any two or more of those rights, either in the case of all domestic driving permits or British Forces (BFG) driving licences, or in the case of domestic driving permits or British Forces (BFG) driving licences of a description specified in the order or held by persons of a description so specified.

The power to make orders under this paragraph shall include power to vary or revoke an order so made.

(6) In this Article—

"Convention driving permit" means a driving permit in the form A in the First Schedule to this Order issued under the authority of a country outside the United Kingdom, whether or not that country is a party to the Convention on Road Traffic concluded at Geneva in the year 1949, or a driving permit in the form B in the said Schedule issued under the authority of a country outside the United Kingdom which is a party to the International Convention relative to Motor Traffic concluded at Paris in the year 1926 but not to the Convention of 1949;

"domestic driving permit" in relation to a country outside the United Kingdom means a document issued under the law of that country and authorising the holder to drive motor vehicles, or a specified class or description of motor vehicles, in that country, and includes a driving permit issued by the armed forces of any country outside the United Kingdom for use in some other country outside the United Kingdom;

"British Forces (BFG) driving licence" means a driving licence issued in Germany to members of the British Forces or of the civilian component thereof or to the dependents of such members by the British authorities in that country in such a form and in accordance with such licensing system as may from time to time be approved by those authorities; and

"dependents" in relation to such a member of the British Forces or of the civilian component thereof, means any of the following persons, namely:—

(*a*) the wife or husband of that member; and

(*b*) any other person wholly or mainly maintained by him or in his custody, charge or care.

(7) The provisions of this Article which authorise the holder of a permit or a licence to drive a vehicle during a specified period shall not be construed as authorising the driving of a vehicle at a time when the permit or the licence has ceased to be valid."

Excise exemption and documents for vehicles brought temporarily into Great Britain

5. The principal Order shall be varied by substituting for Article 5, the following Article:—

"5.—(1) The next following paragraph shall apply to a vehicle brought temporarily into Great Britain by a person resident outside the United Kingdom if the person bringing that vehicle into Great Britain:—

(*a*) satisfies a registration authority that he is resident outside the United Kingdom and that the vehicle is only temporarily in Great Britain, and

(*b*) complies with any regulations made under paragraph (3) of this Article.

(2) A vehicle to which this paragraph applies shall be exempt from any duty of excise under the Excise Act to the following extent:—

(i) a vehicle which would, but for this Order, be chargeable with excise duty under section one of the Excise Act and the First or Fifth Schedules thereto and which is exempt from customs duty by virtue of the Temporary Importation (Private Vehicles, Vessels and Aircraft) Regulations, 1961(a) shall be exempt from excise duty for such period, not exceeding one year from the date of importation, as that vehicle may remain so exempt from customs duty;

(ii) a vehicle which would, but for this Order, be chargeable with excise duty under section one of the Excise Act and the Second or Fifth Schedules thereto and which is exempt from customs duty by virtue of the Temporary Importation (Hired Vehicles) Regulations, 1961(b), shall be exempt from excise duty for such period, not exceeding one year from the date of importation, as that vehicle may remain so exempt from customs duty;

(iii) a vehicle which would, but for this Order, be chargeable with excise duty under section one of the Excise Act and the Second Schedule thereto and which is exempt from customs duty by virtue of the Temporary Importation (Commercial Vehicles and Aircraft) Regulations, 1961(c), shall be exempt from excise duty for such period from the date of importation as that vehicle may remain so exempt from customs duty;

(iv) a vehicle which, if used for the conveyance of goods or burden, would, but for this Order, be chargeable with excise duty under section one of the Excise Act and the Fourth Schedule thereto and which is exempt from customs duty by virtue of the Temporary Importation (Commercial Vehicles and Aircraft) Regulations, 1961, shall be exempt from excise duty for such period, not exceeding one year from the date of importation, as that vehicle may remain so exempt from customs duty and shall be used otherwise than for remuneration or reward and otherwise than in connection with any trade or business;

(3) The Minister may by regulations provide:—

(*a*) for the furnishing to a registration authority by a person who imports a vehicle to which the preceding paragraph applies of such particulars as may be prescribed, and

(a) S.I. 1961/1525 (1961 II, p. 3172). (b) S.I. 1961/1524 (1961 II, p. 3168).
(c) S.I. 1961/1523 (1961 II, p. 3163).

(*b*) for the recording by a registration authority of any particulars which the Minister may by the regulations direct to be recorded, and for the manner of such recording, and

(*c*) for the production to a registration authority of prescribed documents, and

(*d*) for the registration of vehicles which by virtue of this Article are exempt from excise duty and for the assignment of registration marks to, and for the issue of registration cards for, such vehicles.

(4) The following provisions of the Excise Act, that is to say:—

(*a*) paragraphs (*d*) and (*e*) of sub-section (1) of section sixteen (which enable the Minister to make regulations as respects registration books for vehicles in respect of which excise licences are issued), and

(*b*) paragraph (*f*) of sub-section (1) of section sixteen (which enables the Minister to make regulations as to the display on a vehicle of the registration mark assigned to it), and

(*c*) sub-section (1) of section seventeen (which relates to forgery of licences, registration marks or registration books),

shall apply in relation to a registration card issued, or a registration mark assigned, in pursuance of this Article as they apply in relation to a registration book issued, or a registration mark assigned, under the Excise Act.

(5) If regulations under this Article provide for the assignment of a registration mark on production of some document relating to a vehicle which is exempt from excise duty by virtue of this Article, then paragraph (*d*) of sub-section (1) of section sixteen of the Excise Act shall apply in relation to that document so as to authorise the Minister to make regulations under that section requiring the production of that document for inspection by persons of classes prescribed by regulations made under that section.

(6) Paragraphs (*d*) and (*f*) of sub-section (1) of section sixteen, and sub-section (1) of section seventeen of the Excise Act shall apply in like manner in relation to a registration card issued, or a registration mark assigned, in pursuance of provisions corresponding to paragraph (3) of this Article in Northern Ireland.

(7) In this Article—

"the Excise Act" means the Vehicles (Excise) Act, 1962(a);

"the date of importation" in relation to a vehicle means the date on which that vehicle was last brought into the United Kingdom;

"registration authority" means the Royal Automobile Club, the Automobile Association, the Royal Scottish Automobile Club, or the London County Council,

references to registration marks shall, where appropriate, include references to nationality signs; and where after the making of this Order any regulations cited in this Article are amended or are revoked and other regulations replacing them with or without modification are made, references to the regulations so amended or revoked shall be construed as references to the regulations as amended or to the other such regulations so made."

W. G. Agnew.

(a) 10 & 11 Eliz. 2. c. 13.

EXPLANATORY NOTE

(This Note is not part of the Order, but is intended to indicate its general purport.)

This Order amends the Motor Vehicles (International Circulation) Order, 1957, and gives effect to the Convention on the Taxation of Road Vehicles engaged in International Passenger Traffic, 1956 (Cmnd. 320) and the Convention on the Taxation of Road Vehicles for Private Use in International Traffic, 1956 (Cmnd. 220).

It enables the Minister of Transport to issue on payment of a fee identification marks for hired chauffeur-driven vehicles going abroad from the United Kingdom, thus conforming to a Decision of the Council of the Organisation for European Economic Co-Operation adopted on 28th June, 1957.

The Order provides that a person resident outside the United Kingdom but temporarily visiting Great Britain, who holds a British Forces (BFG) driving licence, may drive in Great Britain (but not be employed in driving) for a period of one year without a further driving test. It amends the definition of the expression "Convention driving permit" so as to recognise driving permits conforming to the pattern laid down in the Convention on Road Traffic, 1949 (Cmd. 7997) even if issued by countries not party to that Convention; and driving permits conforming to the pattern laid down in the International Convention relative to Motor Traffic, 1926 (Cmd. 3510) are not to be recognised if issued by countries party to the 1949 Convention.

The period for which private vehicles (including goods vehicles when used otherwise than for hire, reward or business purposes) and public passenger vehicles carrying foreign tourists are exempt from vehicle excise duty is extended from 90 days to such period not exceeding one year (except in the case of public passenger vehicles) as they may remain exempted from customs duties and purchase tax. The International Circulation Permit, which has hitherto been required under the Motor Vehicles (International Circulation) Regulations, 1957, to be carried on visiting motor vehicles is abolished.