2002 No. 2382

ROAD TRAFFIC

The Road Vehicles (Registration and Licensing) (Amendment) Regulations 2002

Made - - - - - *18th September 2002*

Laid before Parliament *18th September 2002*

Coming into force in accordance with regulation 1(2)

The Secretary of State for Transport, in exercise of the powers conferred by sections 22(1)(a), (f) and (h), 22A and 57(1), (2), (3) and (5) of the Vehicle Excise and Registration Act 1994(**a**) and of all other powers enabling him in that behalf, hereby makes the following Regulations:

Citation and commencement

1.—(1) These Regulations may be cited as the Road Vehicles (Registration and Licensing) (Amendment) Regulations 2002.

(2) This regulation and regulations 2 and 3 shall come into force on 9th October 2002 and regulations 4 and 5 on 7th April 2003.

Amendment to the Road Vehicles (Registration and Licensing) Regulations 1971

2. The Road Vehicles (Registration and Licensing) Regulations 1971(**b**) shall be further amended in accordance with the following provisions of these Regulations.

Registration books

3. Regulation 8 (registration books) shall be amended by—

(a) adding to paragraph (1) the words—

"or that the vehicle is the registered vehicle"; and

(b) inserting after paragraph (1)—

"(1A) The Secretary of State may refuse to issue a registration book or duplicate in respect of a vehicle if he is not satisfied that the vehicle for which the book or duplicate is being sought accords with such particulars or is the registered vehicle.".

(**a**) 1994 c. 22 section 22(1)(h) was amended by the Finance Act 1996 (c. 8), Schedule 2 paragraph 4(4) and by section 33(1) of the Vehicles (Crime) Act 2001 (c. 3); section 57(1) was amended by the Finance Act 1996, Schedule 2, paragraph 16 and Schedule 41; section 22A was inserted, by section 33 of the Vehicles (Crime) Act 2001.

(**b**) S.I. 1971/450. Relevant amending instruments are S.I. 1995/1470 and 1997/401.

[DfT 12920]

Mandatory examinations

4. There shall be inserted after regulation 8 (registration books) the following:

"Mandatory application of regulation 8(1)

8A—(1) This regulation applies where—

(a) a vehicle falls within category M1 of Annex II to Council Directive 70/156/EEC(**a**); and

(b) either on or after the coming into force of this regulation an insurance company has informed the Secretary of State that it has decided to pay the value of the vehicle to the owner in preference to paying for the cost of repairing it or the registration book has been surrendered to the Secretary of State under regulation 12B.

(2) Before issuing a new registration document, the Secretary of State shall, in order to be satisfied that the vehicle for which the document is being sought is the registered vehicle require—

(a) the completing of a written application for an examination by a person seeking (whether or not on behalf of someone else) the new registration document;

(b) the production of the vehicle and such other evidence (if any) under regulation 8(1) at such time and place and in such manner as the Secretary of State may determine; and

(c) the payment, prior to the examination of the vehicle by the Secretary of State, of a fee.

(3) If the Secretary of State is not satisfied that the vehicle in question is the registered vehicle, he shall give notice to the applicant of his decision, the reason for it, and the person and address to which an appeal may be made.

(4) Within 28 days of the issue of the Secretary of State's notice the person who produced the vehicle or other evidence may appeal in writing in accordance with that notice.

(5) Such an appeal may be on the grounds that the reason given by the Secretary of State is insufficient or that he has made an error in the examination either of the vehicle or of other evidence.

(6) An appeal by the person producing the vehicle or other evidence under this regulation shall be given or sent to the person and address contained in the notice given under paragraph (3), and shall be taken to have been made at the time it is received by the Secretary of State.

(7) The appellant shall pay to the Secretary of State a fee, in respect of the re-examination of the vehicle, on appeal, but that further fee shall be refunded unless paragraph (13) applies if the appeal officer decides that the vehicle in question is the registered vehicle.

(8) The appeal shall be determined by an appeal officer, being a person authorised by the Secretary of State for that purpose and not being the person who conducted the original examination.

(9) If required by the appeal officer, the vehicle and the original or other evidence shall be produced for examination.

(10) Where the Secretary of State is satisfied as to the identity of the vehicle, he shall issue a certificate recording each decision as to the identity of the vehicle made under this regulation (whether originally or following an appeal) and may at any time issue a replacement certificate to correct an error in the certificate.

(11) A certificate or notice issued by the Secretary of State under this regulation may be issued—

(a) by giving it to the person producing the vehicle; or

(b) by properly addressing, pre-paying and posting a letter to the person who completed the application referred to in paragraph (2)(a) above and such notice shall be taken to have been issued at the time when it is so given or the letter containing it posted.

(**a**) O.J. No. L42 23.2.1970, p.1, to which there are amendments not relevant to these Regulations.

(12) The fee payable under paragraph (2) or (7) above shall be—

(a) where the examination of the vehicle is carried out between the hours of 8 a.m. and 5 p.m. on a Monday, Tuesday, Wednesday or Thursday, or between the hours of 8 a.m. and 4.30 p.m. on a Friday, unless such days are Christmas Day, Good Friday, or a Bank Holiday (as defined in the Banking and Financial Dealings Act 1971)(**a**), £26.50 if the examination is carried out at a testing station provided by the Secretary of State under section 52(2) of the Road Traffic Act 1988(**b**) or £32 if the examination is carried out elsewhere;

(b) where the examination is carried out at any time in respect of which a fee specified in (a) above is not payable, £34 if the examination is carried out at a testing station provided by the Secretary of State under section 52(2) of the Road Traffic Act 1988, or £39.50 if the examination is carried out elsewhere.

(13) Any fee paid under this regulation shall not be refunded by the Secretary of State in the event of the examination not taking place as a result of an act or omission on the part of the person who paid the fee.

(14) Notwithstanding the provisions of this regulation the Secretary of State shall not be under a duty to carry out an examination of a vehicle which is—

(a) obviously unroadworthy on visual inspection;

(b) not in a condition for the examination to be carried out safely;

(c) so dirty as to make examination excessively difficult;

(d) not capable of being driven by normal means; or

(e) unfuelled.".

Notification of substantial damage

5.—(1) In paragraph (1) of both regulations 12 and 12A (change of ownership), after the word "applies" there shall be in each case inserted the words "subject to regulation 12B".

(2) There shall be inserted after regulation 12A the following—

"Notification of substantial damage

12B—(1) This regulation applies, and regulations 12 and 12A do not apply, where—

(a) a mechanically propelled vehicle in respect of which a registration book has been issued has substantial damage to its bodywork; and

(b) either the owner does not have insurance which covers such damage to the bodywork of the vehicle or the owner is an insurance company.

(2) On a change of ownership of a mechanically propelled vehicle the registered keeper shall forthwith surrender the registration book to the Secretary of State, or, in the case of an insurance company, destroy it.

(3) In this regulation, "substantial damage" means damage the cost of commercial repair of which would exceed the value of the vehicle.".

Signed by the authority of the Secretary of State for Transport.

John Spellar

18th September 2002

Minister of State, Department for Transport

(**a**) 1971 c. 80.
(**b**) 1988 c. 52.

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations further amend the Road Vehicles (Registration and Licensing) Regulations 1971 in order to—

(a) make examination of the vehicle or other evidence mandatory in specified circumstances before a replacement registration document is issued (new regulation 8A inserted by regulation 3). The purpose of the examination is to satisfy the Secretary of State of the identity of the vehicle. The regulation applies to vehicles in category MI under Council Directive 70/156/EEC, i.e. broadly a car with no more than 8 seats in addition to the driver's;

(b) require the surrender or the destruction by an insurance company of the registration document on a change of ownership where there is substantial bodywork damage and either the owner's insurance does not cover that damage or the owner is an insurer (new regulation 12B inserted by regulation 4).

Regulations 1, 2 and 3 of these Regulations come into force on 9th October 2002 and Regulations 4 and 5 come into force on 7th April 2003.

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