STATUTORY INSTRUMENTS

1989 No. 1938

ROAD TRAFFIC

The Sale of Registration Marks Regulations 1989

Made - - - -	*20th October 1989*
Laid before Parliament	*30th October 1989*
Coming into force	*20th November 1989*

The Secretary of State for Transport, in exercise of the powers conferred by section 12 of the Finance Act 1989(**a**), and of all other enabling powers, hereby makes the following Regulations:

1. These Regulations may be cited as the Sale of Registration Marks Regulations 1989 and shall come into force on 20th November 1989.

2. The Sale of Registration Marks scheme set out in the Schedule shall have effect.

Cecil Parkinson
Secretary of State for Transport

20th October 1989

SCHEDULE

THE SALE OF REGISTRATION MARKS SCHEME

Interpretation

1.—(1) In this scheme –

"the 1971 Act" means the Vehicles (Excise) Act 1971(**b**);

"the 1988 Act" means the Road Traffic Act 1988(**c**);

"the Registration and Licensing Regulations" means the Road Vehicles (Registration and Licensing) Regulations 1971(**d**);

"certificate of entitlement" means the certificate mentioned in paragraph 4(4);

"purchaser" means a person who enters into an agreement under this scheme to acquire a relevant right;

"relevant right" means the right mentioned in paragraph 2.

(**a**) 1989 c.26. (**b**) 1971 c.10. (**c**) 1988 c.52. (**d**) S.I. 1971/450.

(2) In this scheme unless the context otherwise requires –

(a) any reference to a numbered paragraph is a reference to the paragraph bearing that number in the scheme; and

(b) any reference to a numbered sub-paragraph is a reference to the sub-paragraph bearing that number in the paragraph in which the reference occurs.

Acquisition of a relevant right

2. Subject to the following provisions of this scheme, a person may acquire a right from the Secretary of State to have a particular registration mark to which section 12 of the Finance Act 1989 applies assigned to a vehicle registered –

(a) in his name; or

(b) in the name of some other person nominated by him in accordance with paragraph 3;

on payment of such sum as is payable under an agreement made in accordance with this scheme.

3. The nomination of some other person (hereinafter called "the nominated person") which is referred to in sub-paragraph (b) of paragraph 2 shall be made by a purchaser at any time before he makes the payment referred to in that paragraph or when he makes the payment.

4.—(1) An agreement for the acquisition of a relevant right may be made by means of –

(a) public auction;

(b) tender; or

(c) private treaty.

(2) An agreement –

(a) may contain terms affecting the rights and liabilities of the Secretary of State and the purchaser, including in particular rights and liabilities arising in the event of non-payment of the sum payable under the agreement; and

(b) may be made by reference to standard terms.

(3) The Secretary of State may determine as he thinks fit –

(a) the prices at which particular relevant rights are to be sold or (as the case may be) the reserve prices applicable to the sale of any such rights; or

(b) the manner in which any such prices are to be determined.

(4) Upon payment of the sum payable under the agreement, the Secretary of State shall issue to the purchaser a certificate which –

(a) identifies the registration mark which is the subject of the agreement;

(b) records the name and address of the purchaser and, where applicable, of the nominated person;

(c) records the date of the agreement; and

(d) identifies the date on which the period of one year mentioned in paragraph 6(2)(a) expires.

Issue of duplicate certificates of entitlement

5.—(1) If a purchaser to whom a certificate of entitlement has been issued notifies the Secretary of State that it has been lost or destroyed, the Secretary of State, upon being satisfied that the certificate has been lost or destroyed, shall issue a copy of the certificate marked as a duplicate.

(2) In any case where a duplicate of a lost certificate has been issued and the lost certificate subsequently comes into the possession of the purchaser he shall forthwith return it to the Secretary of State.

(3) If a certificate of entitlement becomes defaced or illegible, the purchaser to whom it relates may return it to the Secretary of State so that the Secretary of State may issue a copy of the certificate marked as a duplicate.

Exercise of a relevant right

6.—(1) A relevant right shall be exercisable only on a single occasion falling within the period mentioned in sub-paragraph (2) by means of the surrender by the purchaser to the Secretary of State of –

(a) either –

(i) the certificate of entitlement; or

(ii) a duplicate certificate mentioned in paragraph 5(1) or (3); and

(b) such of the documents mentioned in sub-paragraph (3) as are applicable.

(2) The period referred to in sub-paragraph (1) is –

(a) one year from the date of the payment of the sum payable under the agreement made relating to the relevant right; or

(b) such further period as the Secretary of State thinks fit in the circumstances of any particular case.

(3) The documents referred to in sub-paragraph (1)(b) are –

(a) the registration document issued under the 1971 Act in respect of the vehicle in relation to which the purchaser proposes to exercise the relevant right (in this sub-paragraph referred to as "the vehicle") in which the name and address of the purchaser or, where appropriate, the nominated person are stated as the owner of the vehicle within the meaning of the Registration and Licensing Regulations;

(b) the vehicle licence for the time being in force taken out in respect of the vehicle under the 1971 Act or the application for such a licence;

(c) the test certificate for the time being in force issued in respect of the vehicle under section 45 of the 1988 Act; and

(d) the plating certificate and the goods vehicle certificate for the time being in force issued in respect of the vehicle under regulations made under section 49 of the 1988 Act.

Non-transferability of a relevant right

7. A relevant right shall be non-transferable but without prejudice to the vesting of any such right in a person by operation of law.

Conditions for the assignment of a registration mark under the scheme

8.—(1) A registration mark may not be assigned to a vehicle in pursuance of a relevant right unless the conditions specified in sub-paragraph (2) are satisfied.

(2) The conditions are –

(a) where the registered number in a registration mark contains a single letter of the alphabet, that the assignment of that mark to a vehicle would not give an indication that the vehicle was first registered more recently than is the case;

(b) that a vehicle licence taken out under the 1971 Act must be in force for the vehicle or an application for such a licence must have been made;

(c) that the vehicle must be a vehicle to which –

(i) section 45 of the 1988 Act applies; or

(ii) section 49 of the 1988 Act applies; and

(d) that the Secretary of State is satisfied as to the origins of the vehicle and the date on which the vehicle was first used.

(3) In this paragraph, "registered number" has the meaning given by regulation 9 of the Registration and Licensing Regulations.

Revocation of a relevant right

9. The Secretary of State may revoke a relevant right if it appears to him that there are special reasons for doing so.

Payment of charge upon an assignment

10. In respect of any assignment of a registration mark in pursuance of a relevant right, such charge as is for the time being prescribed by virtue of section 12(1) of the Finance Act 1976(**a**) shall be payable.

Arrangements with other persons

11. The Secretary of State is authorised to make arrangements with other persons whereby such persons –

(a) are given authority (whether irrevocable or otherwise) to act on his behalf in offering for sale, and entering into agreements for the sale of, relevant rights in the case of such registration marks, and during such periods, as he may determine; and

(b) are required to account to him for sums due to him under such agreements whether they have received any sums payable from the purchasers under the agreements or not.

(**a**) 1976 c.40.

EXPLANATORY NOTE

(This note is not part of the Regulations)

The scheme made by these Regulations provides for registration marks to which section 12 of the Finance Act 1989 applies to be assigned to vehicles registered in the names of, or of the nominees of, persons who have acquired rights under the scheme to have the marks so assigned.

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