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SCOTTISH STATUTORY INSTRUMENTS

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**2005 No. 651**

**TRANSPORT**

**The Road User Charging (Liability for Charges) (Scotland) Regulations 2005**

*Made* - - - - - *19th December 2005*  
*Laid before the Scottish*  
*Parliament* - - - - - *20th December 2005*  
*Coming into force* - - - - - *30th January 2006*

The Scottish Ministers, in exercise of the powers conferred by sections 49(4)(b), and 81(2) of the Transport (Scotland) Act 2001(1) and of all other powers enabling them in that behalf, hereby make the following Regulations:

**Citation and commencement**

1. These Regulations may be cited as the Road User Charging (Liability for Charges) (Scotland) Regulations 2005 and shall come into force on 30th January 2006.

**Interpretation**

2.—(1) In these Regulations—

“charging authority” and “charging authorities” have the meanings given by section 49(5) of the Transport (Scotland) Act 2001;

“charging area” means all roads in respect of which the charging authority, or either (or any) of the charging authorities, are the local traffic authority or such of those roads as may be specified in a charging scheme;

“hiring agreement” means an agreement for the hire of a vehicle—

- (a) under the terms of which the vehicle is let to the hirer for a fixed period of any duration (whether or not that period is capable of extension by agreement between the parties or otherwise);
- (b) which contains such particulars as may for the time being be prescribed for the purpose of section 66(8) of the Road Traffic Offenders Act 1988(2); and

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(1) 2001 asp 2.  
(2) 1988 c. 53

- (c) which is not a hire purchase agreement within the meaning of the Consumer Credit Act 1974<sup>(3)</sup>;

“initial charge” means the charge imposed by a charging scheme by reference to the happening of events in respect of a motor vehicle being used or kept on a road;

“relevant vehicle” means a vehicle in respect of which a charge is imposed by a charging scheme arising out of its having been used or kept on a road in a charging area;

“relevant time” in relation to a relevant vehicle means the time at which the vehicle was so used or kept on such a road;

“the 2002 Regulations” means the Road Vehicles (Registration and Licensing) Regulations 2002<sup>(4)</sup>;

“vehicle” means motor vehicle; and

“vehicle-hire firm” means any person engaged in hiring vehicles in the course of a business.

### **Liability of registered keeper for charges**

**3.** The initial charge imposed in respect of any motor vehicle by a charging scheme shall be payable by the registered keeper unless regulation 4 applies.

### **Liability of persons other than the registered keeper for charges**

**4.—(1)** The initial charge imposed in respect of any motor vehicle by a charging scheme shall be payable—

- (a) where the relevant vehicle is not registered under the Vehicle Excise and Registration Act 1994, by the person by whom the relevant vehicle was used or kept on a road at the relevant time;
- (b) where the registered keeper has demonstrated to the charging authority that either the circumstances specified in regulation 4(2)(a) or those specified in regulation 4(2)(b) exist, by the person by whom the relevant vehicle was kept at the relevant time;
- (c) where the registered keeper has—
  - (i) demonstrated to the charging authority that the circumstances specified in regulation 4(2)(c) exist; and
  - (ii) provided the charging authority with a statement of the name and address of that person,
 by the hirer of the vehicle at the relevant time.

(2) The circumstances specified are that—

- (a) at the relevant time the relevant vehicle was kept by a person who was a vehicle trader as defined by regulation 20(6) of the 2002 Regulations;
- (b) before the relevant time the registered keeper had notified the Secretary of State in writing, in accordance with regulation 21, 22, 23, 24, or 25 of the 2002 Regulations, that there had been a change in the keeper of the relevant vehicle so that it was no longer kept by him; or
- (c) at the relevant time—
  - (i) the registered keeper of the relevant vehicle was a vehicle-hire firm;
  - (ii) the relevant vehicle was hired from that firm under a hiring agreement; and

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<sup>(3)</sup> 1974 c. 39.

<sup>(4)</sup> S.I.2002/2742.

(iii) the person hiring it had signed a statement of liability acknowledging that the person accepts liability for any charges incurred under a charging scheme during the currency of the hiring agreement.

(3) The date on which the registered keeper shall be taken for the purposes of these Regulations to have notified the Secretary of State as mentioned in paragraph (2)(b) shall be the date on which service on the Secretary of State is to be taken to have been effected in accordance with section 7 of the Interpretation Act 1978~~(5)~~—

- (a) in a case where regulation 21 of the 2002 Regulations applies, the information specified in regulation 21(2)(b) of those Regulations;
- (b) in a case where regulation 22 of the of the 2002 Regulations applies, parts of the registration document in accordance with regulation 22(2)(b) of those Regulations;
- (c) in a case where regulation 23 of the 2002 Regulations applies, notification in accordance with regulation 23(2) of those Regulations;
- (d) in a case where regulation 24 of the 2002 Regulations applies, the information and declarations in accordance with regulation 24(5)(a) of those Regulations; or
- (e) in a case where regulation 25 of the 2002 Regulations applies, notification in accordance with regulation 25(1)(a) of those Regulations.

St Andrew's House, Edinburgh  
19th December 2005

*TAVISH SCOTT*  
A member of the Scottish Executive

**Status:** This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

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## **EXPLANATORY NOTE**

*(This note is not part of the Regulations)*

These Regulations specify the persons liable for charges for road user charging schemes, under section 49(4) of the Transport (Scotland) Act 2001.