

*Draft Order laid before the House of Commons under section 102(5) of the Finance (No. 2) Act 1987, for approval by a resolution of that House.*

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## DRAFT STATUTORY INSTRUMENTS

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# 2008 No. 0000

## FEES AND CHARGES

### The Department for Transport (Driver Licensing and Vehicle Registration Fees) (Amendment) Order 2008

*Made* - - - -

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*Coming into force in accordance with article 1*

The Secretary of State for Transport makes the following Order in exercise of the powers conferred by section 102(3) and (4) of the Finance (No. 2) Act 1987<sup>(1)</sup>. In accordance with section 102(5) of that Act, a draft of this Order was laid before the House of Commons and approved by a resolution of that House.

#### **Citation and commencement**

1. This Order may be cited as the Department for Transport (Driver Licensing and Vehicle Registration Fees) (Amendment) Order 2008 and shall come into force on the day after it is made.

#### **Amendment of the Department for Transport (Driver Licensing and Vehicle Registration Fees) Order 2003**

2. The Department for Transport (Driver Licensing and Vehicle Registration Fees) Order 2003<sup>(2)</sup> is amended in accordance with article 3.

3. In article 2 (costs to be taken into account in fixing driver licensing or vehicle registration fees)—

(a) in paragraph (2)(a), omit “and”; and

(b) after paragraph (2)(a) insert—

“(aa) the powers in section 99(7ZA) of the 1988 Act<sup>(3)</sup> (power to prescribe a fee for the renewal of a photocard driving licence);

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(1) 1987 c.51.

(2) S.I. 2003/2994.

(3) i.e. the Road Traffic Act 1988 (c.52) in accordance with the definition of “the 1988 Act” in article 1 of S.I. 2003/2994. Section 99(7ZA) was inserted by the Road Safety Act 2006 (c.49), section 40.

- (ab) the powers in section 105(2)(e)(4) of the 1988 Act (power to prescribe a fee for the issue of a driving licence in the place of a lost or defaced licence); and”.

Signed by authority of the Secretary of State for Transport

Parliamentary Under Secretary of State  
Department for Transport

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(4) Section 105(2)(e) was amended by the Driving Licences (Community Driving Licence) Regulations 1998 (S.I. 1998/1420), regulation 10.

## EXPLANATORY NOTE

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

This Order, which is made under section 102(3) and (4) of the Finance (No. 2) Act 1987, amends the Department for Transport (Driver Licensing and Vehicle Registration Fees) Order 2003 ([S.I. 2003/2994](#)) (“the Principal Order”). It specifies two additional powers in the Road Traffic Act 1988 (“the 1988 Act”) to fix a fee; the powers in section 99(7ZA) (power to prescribe a fee for the renewal of a photocard driving licence) and the powers in section 105(2)(e) (power to prescribe a fee for the replacement of a lost or defaced driving licence). This will require the Secretary of State for Transport, when setting those fees, to take account of the functions and matters specified in the Principal Order in addition to any other functions and matters already required to be taken into account. An additional effect of making an order under section 102(3) and (4) of the 1987 Act is that any earlier exercise of the power to fix a fee covered by it, which would have been validated by this Order had it been made before the exercise, is automatically validated by section 102(6).

A full impact assessment has not been produced for this instrument as no impact on the private or voluntary sectors is foreseen.