

*Draft Order in Council laid before Parliament under section 1(5) of the Motor Vehicles (International Circulation) Act 1952 and paragraph 2(2) of Schedule 2 to the European Communities Act 1972 for approval by resolution of each House of Parliament. This draft Statutory Instrument supersedes the draft of the same title which was laid before Parliament and published on 17th October 2013 (ISBN 978-0-11-110483-5). It is being issued free of charge to all known recipients of that draft Statutory Instrument.*

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## DRAFT STATUTORY INSTRUMENTS

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**2013 No. 0000**

## **ROAD TRAFFIC**

### **The Motor Vehicles (International Circulation) (Amendment) Order 2013**

*Made - - - - 2013*

*Coming into force in accordance with article 1*

At the Court at Buckingham Palace, the day of 2013

Present,

The Queen's Most Excellent Majesty in Council

A draft of this Order was laid before Parliament in accordance with section 1(5) of the Motor Vehicles (International Circulation) Act 1952(1) and paragraph 2(2) of Schedule 2 to the European Communities Act 1972(2) and approved by a resolution of each House of Parliament.

Her Majesty, in exercise of the powers conferred on Her by section 1(1), (2)(b) and (4) of the Motor Vehicles (International Circulation) Act 1952, as extended by article 14(1) of, and paragraph 16 of Schedule 5 to, the Northern Ireland (Modification of Enactments—No. 1) Order 1973(3), and section 2(2) of the European Communities Act 1972, is pleased, by and with the advice of Her Privy Council, to order, and it is hereby ordered as follows:-

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- (1) 1952 c.39. By virtue of section 8 of the Road Traffic (Amendment) Act 1967 (c.70), the power under section 1 to make provision modifying an enactment relating to motor vehicles includes power to make provision corresponding to any such enactment. The power under section 1 has also been amended to extend provisions to Northern Ireland (S.I. 1973/2163), but that amendment is not relevant to this Order.
  - (2) 1972 c.68; relevant amendments to section 2 were made by section 27(1) of the Legislative and Regulatory Reform Act 2006 (c. 51) and section 3(3) and Part I of the Schedule to the European Union (Amendment) Act 2008 (c. 7).
  - (3) S.I. 1973/2163 (1973 III, p. 7541). The instrument remains in force by virtue of section 95(1)(c) of the Northern Ireland Act 1998 (c.47).

## Citation and commencement

1. This Order may be cited as the Motor Vehicles (International Circulation) (Amendment) Order 2013 and comes into force on the day after the day on which it is made.

## Amendment of the Motor Vehicles (International Circulation) Order 1975

2.—(1) The Motor Vehicles (International Circulation) Order 1975(4) is amended as follows.

(2) In article 2(7)(5) (visitors' driving permits), omit the definitions of "EEA Agreement" and "EEA State" and substitute—

““EEA Agreement” and “EEA State” have the meanings given in Schedule 1 to the Interpretation Act 1978(6).”.

(3) In article 5 (excise exemption and documents for vehicles brought temporarily into the United Kingdom), after paragraph (2)(b) insert—

“(c) in a case of a vehicle being used for or in connection with a cabotage operation in Great Britain that is not exempt from excise duty under sub-paragraph (b), the vehicle shall be exempt from excise duty if and so long as—

(i) that cabotage operation consists of national carriage for hire or reward by a haulier who is a holder of a Community licence and whose driver, if a national of a country which is not a member State, holds a driver attestation;

(ii) the vehicle is being used only for or in connection with the carriage of vehicles in categories M<sub>1</sub> and N<sub>1</sub>, as defined in Annex II to [Directive 2007/46/EC](#) of the European Parliament and of the Council of 5 September 2007 establishing a framework for the approval of motor vehicles and their trailers, and of systems, components and separate technical units intended for such vehicles(7); and

(iii) the vehicle is being used at any time during a period beginning with—

(aa) 22nd February and ending with 31st March; or

(bb) 25th August and ending with 30th September.”.

(4) In paragraph (9) after the definition of “the date of importation” insert—

““Community licence” and “driver attestation” have the same meanings as in the Regulation of the European Parliament and of the Council on common rules for access to the international road haulage market;”.

Date

Clerk of the Privy Council

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(4) [S.I. 1975/1208](#); relevant amending instruments are [S.I. 1985/459](#), [1996/1929](#) and [2010/771](#).

(5) The definitions of “EEA agreement” and “EEA state” were inserted by paragraph 1(4) of Schedule 5 to the Driving Licences (Community Driving Licence) Regulations 1996 ([S.I. 1996/1974](#)). There are other amendments to article 2(7) that are not relevant to this Order.

(6) [1978 c.30](#); definitions of EEA Agreement and EEA State were inserted by the Legislative and Regulatory Reform Act 2006 ([c.51](#)), section 26(1).

(7) OJ No. L263, 9.10.2007, p.1. The Directive has been amended by [Commission Regulation \(EC\) No. 1060/2008](#) of 7 October 2008 (OJ No. L292 1, 31.10.2008), Regulation (EC) No. 78/2009 of the European Parliament and of the Council of 14 January 2009 (OJ No. L35 1, 4.2.2009), Regulation (EC) No. 79/2009 of the European Parliament and of the Council of 14 January 2009 (OJ No. L35 32, 4.2.2009), [Commission Regulation \(EC\) No. 385/2009](#) of 7 May 2009 (OJ No. L 118 13, 13.5.2009), Regulation (EC) No. 661/2009 of the European Parliament and of the Council of 13 July 2009 (OJ No. L200 1, 31.7.2009), Commission Directive 2010/19/EU of 9 March 2010 (OJ L72 17, 20.3.2010) and Commission Regulation (EU) No. 371/2010 of 16 April 2010, (OJ L110 1, 1.5.2010). It has also been amended by Commission Regulation (EU) No. 678/2011 of 14 July 2011 (OJ L185 30, 15.7.2011) which replaced Annex II.

## EXPLANATORY NOTE

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

This Order amends article 5 of the Motor Vehicles (International Circulation) Order 1975, which exempts from excise duty certain vehicles brought temporarily into the United Kingdom and updates definitions in article 2(7) of the same Order.

Relief from excise duty is already available under article 5(2)(b) to vehicles used for goods transport cabotage (domestic goods operations by operators registered in another Member State) within the scope of Regulation (EC) No. 1072/2009 of the European Parliament and of the Council of 21 October 2009 on common rules for access to the international road haulage market (OJ L300 72, 14.11.2009).

*Article 2(2)* updates the definitions of “EEA Agreement” and “EEA State” to align them with the Interpretation Act 1978.

*Article 2(3)* exempts a vehicle from excise duty when used for certain types of cabotage operations which are not already exempt under article 5(2)(b). The vehicle is exempt if it is used by a haulier resident outside the United Kingdom who is the holder of a Community licence provided that the vehicle is being used in Great Britain for the carriage only of vehicles in categories M<sub>1</sub> (vehicles designed and constructed for the carriage of passengers and comprising no more than eight seats in addition to the driver’s seat) and N<sub>1</sub> (vehicles designed and constructed for the carriage of goods and having a maximum mass not exceeding 3.5 tonnes), and the use is in specific times in the year being the period between 22nd February and 31st March and that between 25th August and 30th September.

A full impact assessment of the effect that this instrument will have on the costs of business and the voluntary sector is published with the Explanatory Memorandum alongside the instrument on <http://www.legislation.gov.uk>.