

**EXPLANATORY MEMORANDUM TO THE  
ROAD VEHICLES (REGISTRATION AND LICENSING) (AMENDMENT)  
(No. 5) REGULATIONS 2004**

**2004 No. 3298**

1. This explanatory memorandum has been prepared by the Department for Transport and is laid before Parliament by Command of Her Majesty.

**2. Description**

2.1 These Regulations amend the Road Vehicles (Registration and Licensing) Regulations 2002 to implement Commission Directive 2003/127/EC of 23 December 2003, which amends Council Directive 1999/37/EC of 29 April 1999 on the registration documents for vehicles. The effect of this amendment is to provide for Member States to introduce, should they choose, a SMART vehicle registration document, ie a card in microprocessor format, instead of a paper document.

**3. Matters of special interest to the Joint Committee on Statutory Instruments**

None.

**4. Legislative background**

4.1 The Secretary of State (acting through his executive agency, the Driver and Vehicle Licensing Agency) has statutory responsibility under section 21 of the Vehicle Excise and Registration Act 1994 for the registration of mechanically propelled vehicles in the United Kingdom.

4.2 The Road Vehicles (Registration and Licensing) Regulations 2002 (S.I. 2002/2742) provide for the issue of registration documents in respect of registered vehicles.

4.3 The regulations meet our obligation to implement Commission Directive 2003/127/EC. A transposition note is contained in the Explanatory Note.

4.4 These regulations are made under section 2(2) of the European Communities Act 1972 and s22(1) of the Vehicle Excise and Registration Act 1994. A description of which powers support which provisions is contained in the Explanatory Note. They are laid before both Houses of Parliament in accordance with section 57(7) of the 1994 Act and paragraph 2 of Schedule 2 to the 1972 Act, and are subject to annulment by resolution of either House.

**5. Extent**

This instrument applies to all of the United Kingdom.

## **6. European Convention on Human Rights**

Not applicable.

## **7. Policy background**

7.1 From 2004 the DVLA commenced issuing new-style “harmonised” registration certificates to comply with Directive 1999/37/EC. By July 2005 all keepers of licensed vehicles should have received a new registration document, as any old-style registration document will cease to have effect on 1 July 2005. Regulation 3(2) also recognises however that there may be occasions when the Secretary of State will wish to issue free of charge a replacement new-style registration after the old-style document has ceased to have effect.

7.2 European Directive 2003/127/EC and these regulations simply provide Member States with the option for the voluntary introduction of a Smart registration card to replace the paper version. The DVLA would wish to consult widely before deciding whether or not to introduce a Smart registration card. This would be accompanied by a full regulatory impact assessment.

## **8. Impact**

8.1 A Regulatory Impact Assessment has not been prepared for this instrument as it has no impact on business, charities or voluntary bodies. A full regulatory impact assessment would be conducted prior to any decision to introduce a card to replace the paper certificate.

8.2 There is no impact on the public sector.

## **9. Contact**

9.1 Robert Pick at the Driver and Vehicle Licensing Agency on 01792 765169 or [rob.pick@dvla.gsi.gov.uk](mailto:rob.pick@dvla.gsi.gov.uk) can answer any queries about the instrument.