

EXPLANATORY MEMORANDUM TO
THE ROAD VEHICLES (DISPLAY OF REGISTRATION MARKS)
(AMENDMENT) REGULATIONS 2009

2009 No. 811

1. This explanatory memorandum has been prepared by the Driver and Vehicle Licensing Agency on behalf of the Department of Transport and is laid before Parliament by Command of Her Majesty.

2. Purpose of the instrument

2.1 The Regulations amend the Road Vehicles (Display of Registration Marks) Regulations 2001 so as to provide for the voluntary display of images of national flags and identifiers on the number plates of vehicles registered in Great Britain.

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

3.1 None.

4. Legislative Context

4.1 The Secretary of State acting through his executive agency, the Driver and Vehicle Licensing Agency (DVLA) in Great Britain and the Driver and Vehicle Agency (DVA) in Northern Ireland has statutory responsibility under section 23(4) of the Vehicle Excise and Registration Act 1994 for regulating the display of registration marks assigned to mechanically propelled vehicles in the United Kingdom. The Secretary of State may prescribe the manner of display of the mark on a registration plate so as to render it easily distinguishable.

4.2 The Road Vehicles (Display of Registration Marks) Regulations 2001 (S.I. 2001/561) came fully into force on 1 September 2001 and prescribe the requirements (colour, size, spacing etc) to which number plates must conform. Those Regulations were amended by:

- Road Vehicles (Display of Registration Marks) (Amendment) Regulations 2001 (S.I. 2001/1079) to correct minor errors and
- Road Vehicles (Display of Registration Marks) (Amendment) Regulations 2002 (S.I. 2002/2687) so as to allow the display of smaller characters on number plates for certain imported vehicles and to prohibit the use of background patterns on number plates.

4.3 The existing Regulations also make provision for the voluntary display of the European flag (12 yellow stars on a blue background) with the international distinguishing sign of the member state, "GB" in the case of the United Kingdom. This allows the United Kingdom motorist the choice when travelling elsewhere in the Community to either display his national identity on the rear of the number plate of a vehicle, or alternatively to display the oval sticker (one or the other must be displayed when travelling elsewhere in the Community). The 2001 Regulations as they stand do not allow for any other flag, emblem or identifier to be displayed on the number plate.

4.4 The amending Regulations will allow for the voluntary display of prescribed images of national flags and identifiers for vehicles registered in GB, subject to

conditions relating to placing and size intended to ensure that registration marks remain easily distinguishable. Advice from the Department of Trade and Industry, back in July 2004, is that the proposed Regulations are notifiable to the European Commission Technical Standards Committee. This was done on 2 December 2008. No comments were received from the Committee.

5. Territorial Extent and Application

5.1 This instrument applies to the United Kingdom, but the legislative impact is restricted to Great Britain.

6. European Convention on Human Rights

6.1 As the instrument is subject to negative resolution procedure and does not amend primary legislation, no statement is required.

7. Policy background

- *What is being done and why*

7.1 Since the introduction of the Regulations in 2001, there has been public demand for the voluntary display of national flags on number plates. Ministers have considered how to respond to this demand while taking into account requirements in the devolved areas of the United Kingdom. After consultation Ministers have decided to allow the display of specified national symbols on number plates for cars registered in Great Britain. The regulations bringing this into effect will not apply in Northern Ireland.

- *Consolidation*

7.2 This is the third amendment to the Road Vehicles (Display of Registration Marks) Regulations 2001. It is not intended to consolidate at this time.

8. Consultation outcome

8.1 A consultation took place between 27 January 2009 and 2 March 2009. Twenty-eight interested stakeholders were consulted and included representatives from Government; enforcement and prosecution agencies; and bodies representing Equality/Human rights and the number plate industry.

8.2 Two replies were received. Both welcome this initiative which would clarify the current uncertainty surrounding this issue.

9. Guidance

9.1 DfT is providing a press release to announce this change. In addition the Government website and information leaflets on number plates will be updated to reflect the acceptability of number plates with images of national flags. Additional information will be included at the same time to clarify that while these number plates will remain legal when travelling abroad, the number plates themselves are not sufficient for identification purposes under European Community and international law. The separate international decal will also need to be displayed when travelling outside the United Kingdom. No formal guidance is necessary.

10. Impact

10.1 The impact on business, charities or voluntary bodies is negligible. Number plate manufacturers and suppliers have been providing these voluntary number plates on request since 2001.

10.2 The impact on the public sector is negligible as the Regulations effectively permit the voluntary use (and hence encourage the manufacture) of number plates displaying national flags and identifiers in the specific manner

10.3 An Impact Assessment has not been prepared for this instrument, as there is no mandatory costs to business. Many businesses' offering this service invested in the technology in 2001 or earlier.

11. Regulating small business

11.1 The legislation applies to small business.

11.2 To minimise the impact of the requirements on firms employing up to 20 people, the approach taken is to put in place this legislation that will remove the possibility of enforcement action against small business for supplying illegal number plates or their customers for displaying illegal number plates.

11.3 The basis for the final decision on what action to take to assist small business does not include any exemptions, inspections or any reporting. Small businesses have been supplying these voluntary number plates on request to customers since 2001. Business practices, hardware and software are already in place.

12. Monitoring & review

12.1 This legislation as well as providing for the voluntary display of national flags and identifiers on number plates aims to clarify the enforcement position by removing the current concession to national flags. There is evidence that motorists as well as displaying national flags are displaying a wide range of symbols and emblems which include football club crests, cartoon characters, etc. Clear legislation will allow enforcement bodies to crack down on motorists who are going beyond what is permitted on number plates.

12.2 The outcome will be subject to internal review after 12 months and the legislation may be amended accordingly.

13. Contact

Mrs Suzanne Rees at the Driver and Vehicle Licensing Agency, Policy Research and Development, Longview Road, Morrision, Swansea, SA6 7JL, Tel: 01792 783983 or email: suzanne.rees@dvla.gsi.gov.uk can answer any queries regarding the instrument.