

**EXPLANATORY MEMORANDUM TO  
THE ROAD VEHICLES (REGISTRATION AND LICENSING) (AMENDMENT)  
(NO. 2) REGULATIONS 2010**

**2010 No. 1092**

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

**2. Purpose of the instrument**

The instrument amends the Road Vehicles (Registration and Licensing) Regulations 2002 (“the 2002 Regulations”) so as to add the Department for Regional Development of Northern Ireland (“the DRD”) and the Motor Insurers’ Bureau (“the MIB”) to the categories of bodies or persons to whom the Secretary of State may make available particulars contained in the vehicle register kept by him under section 21 of the Vehicle Excise and Registration Act 1994.

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

None

**4. Legislative Context**

Regulation 27 of the 2002 Regulations specifies those persons or bodies to whom the Secretary of State may release information held on the vehicle register. This instrument amends regulation 27 in order to permit the Secretary of State to disclose particulars to the DRD and to the MIB for specified purposes.

**5. Territorial Extent and Application**

This instrument extends to all of the United Kingdom.

**6. European Convention on Human Rights**

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

**7. Policy background**

At present sub-paragraphs (a) to (d) of regulation 27(1) list specific bodies or persons to whom the Secretary of State may disclose particulars from the vehicle register for specified purposes. Regulation 27(1)(e) contains a general power which allows the Secretary of State to make particulars from the vehicle register available for use by any person who can show “reasonable cause” for wanting them. A fee may be charged for disclosures made under regulation 27(1)(e), but this is a discretionary power.

- **The DRD amendment**

- 7.1 In October 2006 parking offences in Northern Ireland were decriminalised and the DRD, as the sole road authority in Northern Ireland, took on responsibility for the enforcement of decriminalised parking contraventions. Since then the DRD has relied on regulation 27(1)(e) of the 2002 Regulations to obtain keeper details from the register to enable it to take action against persons contravening parking restrictions or in connection with the exercise of its powers under articles 18(1)(b) (immobilisation of vehicles) or 21(1)(b) (removal of vehicles) of the Traffic Management (Northern Ireland) Order 2005.
- 7.2 The DRD considers that it would be preferable to have a specific disclosure provision for the DRD and the Secretary of State has concluded that it is appropriate to make such provision.

- **The MIB amendment**

- 7.3 Section 22 of the Road Safety Act 2006 introduces a new offence of being the registered keeper of a vehicle which does not meet statutory insurance requirements. This provision makes amendments to the Road Traffic Act 1988 by adding five new sections (144A, 144B, 144C, 144D and 159A), and one new schedule (Schedule 2A). If a vehicle registered under the Vehicle Excise and Registration Act 1994 does not meet insurance requirements, then the vehicle keeper in whose name the vehicle is registered is guilty of an offence under section 144A of the Road Traffic Act 1988. Keepers committing an offence will be liable to a fixed penalty of £100, and/or further sanctions.
- 7.4 Section 22 of the Road Safety Act 2006 is not yet in force. It is anticipated that a commencement order covering section 22, and regulations as envisaged by sections 144B and 144C, will be made and brought into force later this year.
- 7.5 The Continuous Insurance Enforcement scheme relies upon the transfer, between the MIB and the Driver and Vehicle Licensing Agency (“DVLA” - which is an agency of the Secretary of State), of information held on their respective databases in order to identify potentially uninsured motorists. It will operate by identifying those vehicles that appear to be kept uninsured from a comparison of the DVLA vehicles register and the Motor Insurance database held by the MIB, and by acting on that information by warning and then penalising vehicle keepers who commit a section 144A offence.
- 7.6 Amendment to regulation 27 to specify the MIB is considered appropriate given the significant volumes, and the frequency of disclosure, of information from the DVLA to the MIB. The new provision will not operate until section 22 of the Road Safety Act 2006, and accordingly section 144A of the Road Traffic Act 1988, are in force.

- **Consolidation**

7.7 The Department for Transport does not consider that these changes warrant a consolidation of the 2002 Regulations.

## **8. Consultation outcome**

8.1 In view of the nature of the change being made, a consultation has not been carried out in relation to the DRD amendment.

8.2 A 12 week consultation beginning on 20 January 2009 was carried out regarding the Continuous Insurance Enforcement scheme. The response to the consultation was published in September 2009 and it is available on the Department's website at <http://www.dft.gov.uk/consultations/closed/motor/>. There was broad support for implementation of the scheme, and no adverse comments were received on the proposed exchange of data between the DVLA and the MIB, which is necessary for its operation.

## **9. Guidance**

Guidance is not considered necessary.

## **10. Impact**

10.1 The impact on business, charities or voluntary bodies is nil.

10.2 The impact on the public sector is that the DRD will no longer have to show the Secretary of State that it has reasonable cause for wanting access to information from the vehicle register. The impact on public sector spending will be negligible.

10.3 An impact assessment has not been prepared for this instrument because no impact on the private or voluntary sectors is foreseen and the impact on the public sector is negligible.

## **11. Regulating small business**

The legislation does not apply to small business.

## **12. Monitoring & review**

In view of the nature of these amendments there is no plan to monitor or review the changes.

## **13. Contact**

Pauline Morgan at the Department for Transport telephone 020 7944 2461 or e-mail: [Pauline.Morgan@dft.gsi.gov.uk](mailto:Pauline.Morgan@dft.gsi.gov.uk) can answer any queries regarding the instrument.