
STATUTORY INSTRUMENTS

2004 No. 3298

ROAD TRAFFIC

**The Road Vehicles (Registration and Licensing)
(Amendment) (No. 5) Regulations 2004**

Made - - - - *9th December 2004*
Laid before Parliament *14th December 2004*
Coming into force - - *15th January 2005*

The Secretary of State for Transport, being a Minister designated⁽¹⁾ for the purposes of section 2(2) of the European Communities Act 1972⁽²⁾ in relation to measures relating to data protection, in exercise of the powers conferred by that section and by section 22(1)(d), (e) and (f) of the Vehicle Excise and Registration Act 1994⁽³⁾, hereby makes the following Regulations:

Citation and commencement

1. These Regulations may be cited as the Road Vehicles (Registration and Licensing) (Amendment) (No. 5) Regulations 2004 and shall come into force on 15th January 2005.

Amendments

2. The Road Vehicles (Registration and Licensing) Regulations 2002⁽⁴⁾ shall be further amended in accordance with the following regulations.

The Directive

3.—(1) In regulation 3(1), after the definition of “bicycle” there shall be added—

““the Directive” means Council Directive [1999/37/EC](#) of 29 April 1999 on the registration documents for vehicles⁽⁵⁾ as amended by Commission Directive [2003/127/EC](#) of 23 December 2003⁽⁶⁾.”

(2) In regulation 10A—

(a) in paragraph (1), there shall be added at the beginning “Subject to paragraph (1A),”;

(1) [S.I. 1998/2793](#).

(2) [1972 c. 68](#).

(3) [1994 c. 22](#).

(4) [S.I. 2002/2742](#), amended by [S.I. 2003/2635](#) and [2003/3073](#); there are other amending instruments but none is relevant.

(5) OJ No. L.138, 1.6.1999, p. 57.

(6) OJ No. L.10, 16.1.2004, p. 29.

- (b) after paragraph (1), there shall be added—
 - “(1A) Paragraph (3A) applies to any vehicle registered under the 1994 Act or its predecessor legislation.”;
 - (c) in paragraph (2), for “Council Directive 1999/37/EC on the registration documents for vehicles” there shall be substituted “the Directive”;
 - (d) in paragraph (3), for “Council Directive 1999/37/EC on the registration documents for vehicles” there shall be substituted “the Directive”;
 - (e) after paragraph (3), there shall be added—
 - “(3A) Notwithstanding any other provision of these Regulations, the Secretary of State may, without charge and on surrender by the registered keeper of a registration document issued before 31st January 2004, issue to the registered keeper a registration document which is in a form provided for by the Directive in respect of the same vehicle if it appears proper and reasonable to him to do so.”; and
 - (f) in paragraph (4), for “Council Directive 1999/37/EC” there shall be substituted “the Directive”.
- (3) In regulation 27A, for “Council Directive 1999/37/EC on the registration documents for vehicles” there shall be substituted “the Directive”.

Destruction or export of a vehicle

4. In regulation 17, the words “and, at the same time, surrender the registration document to him” shall be omitted.

Signed by authority of the Secretary of State

9th December 2004

David Jamieson
Parliamentary Under Secretary of State
Department for Transport

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend the Road Vehicles (Registration and Licensing) Regulations 2002 (“the 2002 Regulations”) to implement Commission Directive [2003/127/EC](#) of 23 December 2003 (“the 2003 Directive”), which amends Council Directive [1999/37/EC](#) of 29 April 1999 on the registration documents for vehicles (“the 1999 Directive”).

Regulation 3(1) introduces a definition of the 1999 Directive, referring to its amendment by the 2003 Directive, and *Regulation 3(2)(c), (d), (f) and (3)* replace references to the 1999 Directive elsewhere in the 2002 Regulations with a reference to the new definition. The effect of the 2003 Directive and *regulation 3(1)* is to enable the harmonised vehicle registration document provided for by the 1999 Directive and regulation 10A of the 2002 Regulations to be issued in microprocessor smart card format. *Regulation 3* transposes Article 1 of the 2003 Directive by ensuring that references to the 1999 Directive in regulations 10A and 27A of the 2002 Regulations are now to the 1999 Directive as amended by the 2003 Directive. These provisions are made under section 2(2) of the European Communities Act 1972. This note serves as the Transposition Note that would otherwise be required.

Regulation 3(2)(a), (b) and (e) also amends regulation 10A of the 2002 Regulations to provide for the Secretary of State to issue a new registration document in the form provided for by the Directives, without charging a fee, where a keeper surrenders the old-style document. *Regulation 4* amends the regulation on permanent export of a vehicle, to remove the requirement for the registration document to be surrendered to the Secretary of State. These provisions are made under powers contained in section 22 of the Vehicle and Excise Registration Act 1994.

A full regulatory impact assessment has not been produced for this instrument as it has no impact on the costs of business.

Copies of the Directives referred to in these Regulations may be obtained from the Stationery Office.