

2008 No.1715

ROAD TRAFFIC

The Vehicles Crime (Registration of Registration Plate Suppliers) Regulations 2008

<i>Made</i> - - - -	<i>30th June 2008</i>
<i>Laid before Parliament</i>	<i>3rd July 2008</i>
<i>Coming into force</i> - -	<i>1st August 2008</i>

The Secretary of State for Transport makes the following Regulations in exercise of the powers conferred by sections 17(3), 18(2), 19(1), 24(1) and (3), 25(1) and (2) and 41(2) of the Vehicles (Crime) Act 2001((a).

Citation and commencement

1. These Regulations may be cited as the Vehicles Crime (Registration of Registration Plate Suppliers) Regulations 2008 and shall come into force on 1st August 2008.

Interpretation

2.—(1) In these Regulations—

“the Act” means the Vehicles (Crime) Act 2001;

“company” means a body corporate but does not include a limited liability partnership or a Scottish partnership;

“fixed” in relation to a registration plate, means fixed in accordance with regulations made under section 22(2) or 23(2) of the 1994 Act;

“insurer” means a person who is an “authorised insurer” within the meaning of Part VI of the Road Traffic Act 1988((b);

“limited liability partnership” has the same meaning as that expression bears in the Limited Liability Partnerships Act 2000((c) or the Limited Liability Partnerships Act (Northern Ireland) 2002((d), as appropriate;

“limited partnership” has the same meaning as that expression bears in the Limited Partnerships Act 1907((e);

“partnership” includes a partnership under the Partnership Act 1890((f) and a limited partnership registered in England and Wales but does not include a limited liability partnership or a Scottish partnership;

(a) 2001 c.3; Part 2 of the Act (sections 17 to 31) was amended by sections 44 to 46 of the Road Safety Act 2006 (c.49).
(b) 1988 c.52.
(c) 2000 c.12.
(d) 2002 c.12.
(e) 1907 c.24
(f) 1890 c.39.

“the register” means the register maintained by the Secretary of State under section 18 of the Act;

“registration certificate” has the same meaning as that expression bears in Council Directive 1999/37/EC on the registration documents for vehicles^(a);

“registration document” means a registration certificate issued in accordance with regulations under section 22(1) of the 1994 Act;

“relevant policy” means an insurance policy issued by an insurer in respect of a vehicle which has sustained damage;

“relevant repairer” means a person carrying on the business of a vehicle repairer who, in respect of the sale of a registration plate, is acting under the instruction or direction of an insurer;

“Scottish partnership” means a firm within the meaning of section 4(2) of the Partnership Act 1890 or, where a firm is registered in Scotland, within the meaning of section 3 of the Limited Partnerships Act 1907;

“sole trader” includes a representative of an unincorporated association other than a partnership.

(2) In these Regulations a reference to a document in terms of the letter V and a number is a reference to the document issued by the Secretary of State bearing that letter and number and a reference to such document includes any equivalent of that document issued in Northern Ireland or Wales, as appropriate.

Exempted activity

3. The transfer of possession of a registration plate in consequence of the sale or other transfer of the vehicle to which it is fixed and to which the registration mark which is displayed on that registration plate has been assigned shall be treated for the purposes of Part 2 of the Act as not being an activity which consists in selling registration plates where the seller or transferor, as the case may be, of the vehicle is a dealer in vehicles and—

- (a) he has arranged the first registration in the United Kingdom of the vehicle on behalf of the intended purchaser or keeper; or
- (b) the registration plate was not fixed to the vehicle by him or on his behalf.

Prescribed particulars of register

4. The register shall contain the following particulars as respects each registered person’s entry—

- (a) in the case of a sole trader—
 - (i) the full name and residential address of the trader;
 - (ii) any other name under which he trades;
 - (iii) the address of all premises where he carries on business as a registration plate supplier;
- (b) in the case of a partnership in England and Wales or Northern Ireland—
 - (i) the firm name;
 - (ii) the name and address of each partner;
 - (iii) the address of the firm’s principal place of business and, in the case of a limited partnership, this address shall be that which is registered as such under the Limited Partnerships Act 1907;
 - (iv) the address of any other premises where the firm carries on business as a registration plate supplier;

(a) OJ No. L138, 1.6.1999, p.57.

- (c) in the case of a Scottish partnership—
 - (i) the firm name;
 - (ii) the name and address of each partner;
 - (iii) the address of the firm’s principal place of business;
 - (iv) the address of any other premises where the firm carries on business as a registration plate supplier;
- (d) in the case of a limited liability partnership—
 - (i) the name and number under which it is registered pursuant to the Limited Liability Partnerships Act 2001 or the Limited Liability Partnerships Act (Northern Ireland) 2002;
 - (ii) its registered office for the purposes of the Act pursuant to which it is registered;
 - (iii) the address of its principal place of business if different from its registered office;
 - (iv) the address of any other premises where it carries on business as a registration plate supplier;
- (e) in the case of a company—
 - (i) the name and number under which it is registered pursuant to the Companies Act 2006(a);
 - (ii) its registered office for the purposes of that Act;
 - (iii) the address of its principal place of business if different from its registered office;
 - (iv) the address of any other premises where it carries on business as a registration plate supplier; and
- (f) in all cases—
 - (i) a telephone number for the registered person or firm;
 - (ii) the date of registration and of any suspension of registration;
 - (iii) details of any conviction of that person, or any partner in that firm, for an offence under Part 2 of the Act where less than five years or, in the case of any natural person aged under eighteen years at the date of his conviction, less than thirty months has elapsed since the date of that conviction;
 - (iv) the identification number allocated to the person or firm upon registration under Part 2 of the Act.

Application for registration

5. An application for registration under section 19 of the Act shall—
- (a) contain the particulars which an entry in the register in respect of that applicant would be required to contain under regulation 4, save for sub-paragraphs (ii) to (iv) of paragraph (f), were the applicant to be registered; and
 - (b) be accompanied by a fee of £40 in respect of each of the premises to be entered in the register as the principal place of business or one at which the business of supplying registration plates is to be carried on.

Information on sale of registration plates

6.—(1) Subject to paragraphs (4) and (5), a registered person (other than a relevant repairer in circumstances where paragraph (9) applies) shall obtain from the prospective purchaser of a registration plate the information referred to in paragraph (2) before the sale takes place.

(2) The information is—

(a) 2006 c.46.

- (a) where the prospective purchaser is the partnership or is one or more partners of a partnership purchasing on behalf of the partnership, the firm name and the address of the principal place of business or that firm;
- (b) where the prospective purchaser is a Scottish partnership, the firm name and the address of the principal place of business of that firm;
- (c) where the prospective purchaser is a limited liability partnership, its name and office as registered under the Limited Liability Partnerships Act 2001 or the Limited Liability Partnerships Act (Northern Ireland) 2002 and its principal place of business if different from its registered office;
- (d) where the prospective purchaser is a company, its name and office as registered under the Companies Act 2006 and its principal place of business if different from its registered office;
- (e) where the prospective purchaser is not within sub-paragraph (a), (b), (c) or (d), the purchaser's name and residential or other address;
- (f) where a person is acting as agent for a prospective purchaser, the name and address of that agent;
- (g) the registration mark to be displayed on the plate; and
- (h) the connection of the prospective purchaser with the registration mark or the vehicle on which the registration plate is intended to be fixed.

(3) Subject to paragraph (4), where a registered person is a relevant repairer and paragraph (9) applies he shall, before the sale takes place, obtain from the prospective purchaser—

- (a) the information referred to in—
 - (i) paragraph (2)(a), (b), (c), (d) or (e), as appropriate; and
 - (ii) paragraph (2)(f) and (h); and
- (b) the number of the relevant policy and the name of the insurer who issued it.

(4) The information referred to in paragraph (2) is not required to be obtained where the prospective purchaser is a registered person or a dealer in vehicles who has arranged the first registration of the vehicle as mentioned in regulation 3(a).

(5) The information referred to in paragraph (2)(g) and (h) is not required to be obtained where paragraph (9) applies and the registered person is not a relevant repairer .

(6) Save where paragraph (9) applies, the information referred to in paragraph (2)(a), (b), (c), (d), (e) or (f) which is obtained by the registered person shall be verified by him using one or more of the documents referred to in Part I of the Schedule.

(7) The information referred to in paragraph (2)(h) which is obtained by a registered person, other than a relevant repairer, shall be verified by him using one or more of the documents referred to in Part II of the Schedule.

(8) Where the registered person is a relevant repairer the information referred to in paragraph (2)(h) which is obtained by him shall be verified by him using one or more of the documents referred to in Part II of the Schedule unless that information is verified using the information referred to in paragraph (3)(b).

(9) This paragraph applies where the registration plate is fixed to the vehicle to which there has been assigned the registration mark displayed on the registration plate and that vehicle is to be sold or transferred with the registration plate fixed to it.

(10) Section 25(3) of the Act shall apply to the provisions of this regulation.

Keeping of records by registered persons

7.—(1) A registered person shall keep at his principal place of business, or at any other premises at which he carries on business as a registration plate supplier, records which meet the requirements of paragraphs (2) to (4).

(2) Each sale of a registration plate shall be recorded by date and the record relating to that sale shall be kept for a period of at least three years after such date.

(3) In respect of each sale there shall be recorded—

- (a) the information obtained in accordance with regulation 6;
- (b) the registration mark displayed on the registration plate (where not recorded under subparagraph (a)); and
- (c) details of all documents used for verification in accordance with regulation 6(6), (7) or (8).

(4) The details referred to in paragraph (3)(c) shall include—

- (a) in the case of a document used for verification in accordance with regulation 6(6), such particulars or numbers (if any) appearing on the document as purport to make it, or those particulars or numbers (or both), unique to the purchaser and which in the case of a document referred to in paragraph 1(a) or 2(a) of the Schedule shall be the driver number;
- (b) in the case of a document referred to in paragraph 1(c) or 4(a) of the Schedule the reference number of that document and in the case of the document referred to in paragraph 4(g) of the Schedule, the reference number referred to in that document.

(5) The record of the details of a document used for verification may consist of a copy of that document.

(6) Section 24(4) of the Act shall apply to the provisions of this regulation.

Revocations

8. The Vehicles Crime (Registration of Registration Plate Suppliers) (England and Wales) Regulations 2002(a), the Vehicles Crime (Registration of Registration Plate Suppliers) (England and Wales) (Amendment) Regulations 2003(b) and the Vehicles Crime (Registration of Registration Plate Suppliers) (England and Wales) (Amendment) Regulations 2005(c) are hereby revoked.

Signed by authority of the Secretary of State

Jim Fitzpatrick
Parliamentary Under Secretary of State
Department for Transport

30th June 2008

THE SCHEDULE

Regulation 6

Verification documents

PART 1

Name or address

1. The documents to be used for verification under regulation 6(6) are—

- (a) a valid driving licence which bears a photograph of its holder (whether or not issued in the United Kingdom);
- (b) one (or more) of the documents mentioned in paragraph 2 or 3; or

(a) S.I. 2002/2977.
(b) S.I. 2003/228.
(c) S.I. 2005/2981.

- (c) a registration document or registration certificate provided that such document or certificate is also used to verify the information referred to in regulation 6(2)(h).
2. The documents referred to as being mentioned in this paragraph are—
- (a) a driving licence (whether or not issued in the United Kingdom),
 - (b) a passport (whether or not issued in the United Kingdom),
 - (c) a national identity card issued by the government of a state or of a territory other than the United Kingdom,
 - (d) a debit card or a credit card issued by a bank or a building society,
a police warrant card, or
 - (e) an armed forces identity card,
- which in each case is valid at the time when used for the purpose of validation.
3. The documents referred to as being mentioned in this paragraph are—
- (a) a bill or statement of account issued in respect of the supply of gas, electricity, water or telecommunications services to premises at a specified address,
 - (b) a bill or statement of account issued in respect of council tax,
 - (c) a bill or statement of account issued in respect of rates payable in Northern Ireland, or
 - (d) a statement relating to an account held at a bank or building society,
which in each case is dated, or relates to a period ending, no earlier than six months before its use for the purpose of validation.

PART 2

Connection with registration mark or vehicle

4. The documents to be used for verification under regulation 6(7) or (8) are—
- (a) a registration document or registration certificate or that part of such document or certificate as is required by regulations made under section 22(1)(d) of the 1994 Act to be furnished to a new keeper of the vehicle upon its sale or disposal;
 - (b) Form V750 (certificate of entitlement to a registration mark);
 - (c) Form V778 (retention document relating to a right of retention in a registration mark);
 - (d) Form V11 (vehicle licensing reminder issued to a registered keeper);
 - (e) Form V379 (temporary registration certificate);
 - (f) Form V948 (authorisation to purchase a number plate); or
 - (g) an authorisation to purchase the number plate, issued by a company owning more than one vehicle, stating that it holds the registration document or the registration certificate and giving the reference number of that document or certificate.

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations revoke the Vehicles Crime (Registration of Registration Plate Suppliers) (England and Wales) Regulations 2002 (“the principal Regulations”) and make provision for the registration of registration plate suppliers which extends to the whole of the United Kingdom.

These Regulations—

- (a) provide that the selling of registration plates when fixed to a vehicle is exempted as not being the sale of a registration plate under section 17 of the Vehicles (Crime) Act 2001 where the seller is a dealer in vehicles and has arranged first registration of the vehicle or has not himself fixed the plates to the vehicle (*regulation 3*);
- (b) prescribe the particulars to be contained in the register (*regulation 4*);
- (c) prescribe the requirements for an application for registration and the fee (*regulation 5*);
- (d) provide that a seller must obtain and verify information from a prospective purchaser before selling a plate (*regulation 6 and the Schedule*);
- (e) provide for the keeping of records by registered persons (*regulation 7*); and
- (f) revoke the principal Regulations and amending regulations (*regulation 8*).

A full impact assessment of the effect that this instrument will have on the costs of business and the voluntary sector is available from the Policy and External Communications Directorate at the Driver and Vehicle Licensing Agency, Swansea, SA6 7JL and is annexed to the Explanatory Memorandum which is available alongside the instrument on the OPSI website, www.opsi.gov.uk. A copy of the assessment has been placed in the library of each House of Parliament.

STATUTORY INSTRUMENTS

2008 No.1715

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