

2008 No. 2849

ROAD TRAFFIC

**The Road Vehicles (Registration and Licensing) (Amendment
No. 3) Regulations 2008**

<i>Made</i>	- - - -	<i>3rd November 2008</i>
<i>Laid before Parliament</i>		<i>6th November 2008</i>
<i>Coming into force</i>	- -	<i>15th December 2008</i>

The Secretary of State makes these Regulations in exercise of the powers conferred by section 22(1)(c) of the Vehicle Excise and Registration Act 1994(a):

Citation and commencement

1.—(1) These Regulations may be cited as the Road Vehicles (Registration and Licensing) (Amendment No.3) Regulations 2008.

(2) These Regulations shall come into force on 15th December 2008.

Amendment of regulation 27 of the Road Vehicles (Registration and Licensing) Regulations 2002

2.—(1) Regulation 27 of the Road Vehicles (Registration and Licensing) 2002(b) is amended in accordance with this regulation.

(2) For paragraph (1)(a), substitute—

- “(a) (i) by a local authority for any purpose connected with the investigation of an offence,
- (ii) by a local authority in Scotland, for any purpose connected with the investigation of a decriminalised parking contravention, or
- (iii) by a local authority in England and Wales, for any purpose connected with its activities as an enforcement authority within the meaning of Part 6 of the Traffic Management Act 2004(c);”.

(3) In paragraph (3)(a), omit paragraphs (i) and (ii).

(a) 1994 c.22.

(b) S.I. 2002/2742, amended by S.I. 2003/2154. There are other amending instruments but none is relevant.

(c) 2004 c. 18. That Act only extends to England and Wales. For an overview of the road traffic contraventions in respect of which and circumstances in which those powers may be exercised, see sections 72 to 74 and Schedules 7 and 8. Regulations under Part 6 are S.I. 2007/3483 (applying only to England) and S.I. 2008/1214 (applying only to Wales).

Signed by authority of the Secretary of State for Transport

3rd November 2008

Paul Clark
Parliamentary Under Secretary of State
Department for Transport

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend regulation 27 of the Road Vehicles (Registration and Licensing) 2002 (“regulation 27”), which allows the Secretary of State to make available, for certain purposes, the particulars kept on the vehicle register under the Vehicle Excise and Registration Act 1994. One of those purposes is the investigation by a local authority of a “decriminalised parking contravention”, which is defined as any act or omission which would have been an offence but for certain provisions in the Road Traffic Act 1991 (c. 40). In England and Wales, the Traffic Management Act 2004 repealed those provisions (see Schedule 12, Part 1, to that Act), and created, in its Part 6, a power to subject, by Regulations, certain road traffic contraventions to a civil enforcement regime it created.

Regulation 2(2) restricts to Scotland the application of the power of the Secretary of State to make particulars available to local authorities for purposes connected with decriminalised parking contraventions. In England and Wales, the regulation creates a power for the Secretary of State to make particulars available for use by a local authority in relation to its activities under the civil enforcement regime created by Part 6 of the Traffic Management Act 2004.

Regulation 2(3) amends the definition of “decriminalised parking contravention” in regulation 27, to delete the reference to two provisions of the Road Traffic 1991 that related to Greater London.

A full regulatory impact assessment has not been produced for this instrument as no impact on the private or voluntary sectors is foreseen.

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