

2018 No. 1295

EXITING THE EUROPEAN UNION

ROAD TRAFFIC

The Road Vehicles (Registration, Registration Plates and Excise Exemption) (Amendment) (EU Exit) Regulations 2018

<i>Sift requirements satisfied</i>	<i>23rd October 2018</i>
<i>Made - - - -</i>	<i>3rd December 2018</i>
<i>Laid before Parliament</i>	<i>6th December 2018</i>
<i>Coming into force in accordance with regulation 1</i>	

The Secretary of State makes these Regulations in exercise of the powers conferred by sections 22(1)(a), (e) and (h), 23(3) and (4) and 57(1), (2) and (5) of the Vehicle Excise and Registration Act 1994(a) and section 8(1) of, and paragraph 21(a) and (b) of Schedule 7 to, the European Union (Withdrawal) Act 2018(b).

The requirements of paragraph 3(2) of Schedule 7 to the European Union (Withdrawal) Act 2018 (relating to the appropriate Parliamentary procedure for these Regulations) have been satisfied.

PART 1

Introduction

Citation and commencement

1.—(1) These Regulations may be cited as the Road Vehicles (Registration, Registration Plates and Excise Exemption) (Amendment) (EU Exit) Regulations 2018.

(2) Subject to paragraph (3), these Regulations come into force on exit day.

(3) This regulation and—

(a) regulation 2(2)(a) and (c), and regulation 2(1) so far as it relates to those provisions, and

(b) regulation 3(2) to (4) and (6), and regulation 3(1) so far as it relates to those provisions,

come into force on the twenty second day after the day on which these Regulations are laid.

(a) 1994 c. 22; section 22(1)(h) was amended by the Finance Act 1996 (c. 8), Schedule 2, paragraph 4(1) and (4), and by the Vehicle (Crime) Act 2001 (c. 3), section 33(1).

(b) 2018 c. 16.

PART 2

Vehicle Registration

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

2.—(1) The Road Vehicles (Registration and Licensing) Regulations 2002(a) are amended as follows.

(2) In regulation 10A (registration document)(b)—

- (a) omit paragraph (1);
- (b) for paragraph (2) substitute—

“(2) A registration document issued on or after exit day must contain the following information, unless it is not available to the Secretary of State, and be in such form, and contain such other particulars, as the Secretary of State may specify—

- (a) the registration mark(c) of the vehicle;
- (b) the name and address of the keeper(d) of the vehicle;
- (c) the date of first registration of the vehicle in the United Kingdom;
- (d) the date of first registration of the vehicle in, and under the law of, a country or territory outside the United Kingdom, if applicable;
- (e) the following information about the vehicle—
 - (i) the make, type and model;
 - (ii) the engine cylinder capacity;
 - (iii) the type approval number;
 - (iv) the vehicle identification number;
 - (v) the engine number;
 - (vi) the chassis or frame number;
 - (vii) the fuel type;
 - (viii) the seating capacity;
 - (ix) the unladen weight;
 - (x) the maximum authorised mass.”;
- (c) omit paragraph (3);
- (d) in paragraph (3A)—
 - (i) for “31st January 2004” substitute “exit day”;
 - (ii) omit “which is in a form provided for by the Directive”;
- (e) in paragraph (4)—
 - (i) for “1st June 2004” substitute “exit day”;
 - (ii) for “another” substitute “a”;
 - (iii) omit “other”;
 - (iv) for “Annex I or Annexes I and II of the Directive” substitute “EU law or the law of Gibraltar, as the case may be”.

(a) S.I. 2002/2742.

(b) Regulation 10A was inserted by S.I. 2003/3073 and amended by S.I. 2004/3298.

(c) “Registration mark” is defined in section 62 of the Vehicle Excise and Registration Act 1994 (c. 22).

(d) “Keeper” is defined in regulation 3(1) of S.I. 2002/2742.

- (3) In regulation 15A (issue of new registration document from 26th October 2015)(a)—
- (a) in paragraph (5), for “the relevant vehicle falls within a category described in paragraph (6)” substitute “paragraph (6) applies”;
 - (b) for paragraph (6) substitute—
 - “(6) This paragraph applies where the relevant vehicle is—
 - (a) designed and constructed primarily for the carriage of passengers and their luggage, has no more than eight seats in addition to the driver’s seat and has no space for standing passengers,
 - (b) designed and constructed primarily for the carriage of goods and has a maximum authorised mass not exceeding 3.5 tonnes, or
 - (c) of a type within categories L1e to L7e described in Annex 1 to Regulation (EU) 168/2013 of the European Parliament and of the Council on the approval and market surveillance of two or three-wheel vehicles and quadricycles.”.
- (4) In regulation 17A (vehicles to which the end-of-life vehicles directive applies)(b)—
- (a) in the heading to the regulation, for “Directive applies” substitute “Regulations 2003 apply”;
 - (b) in paragraph (1), for “Directive 2000/53 of the European Parliament and of the Council on end-of-life vehicles(c) applies” substitute “the End-of-Life Vehicles Regulations 2003(d) apply”;
 - (c) in paragraph (2)(b), omit “other than the United Kingdom”.
- (5) In Schedule 8 (regulations to which section 59(2)(a) of the 1994 Act applies), in the entry in column (2) opposite “17A” in column (1), for “Directive applies” substitute “Regulations 2003 apply”.

PART 3

Vehicle Registration Plates

Amendment of the Road Vehicles (Display of Registration Marks) Regulations 2001

3.—(1) The Road Vehicles (Display of Registration Marks) Regulations 2001(e) are amended as follows.

- (2) In regulation 2(1) (interpretation: general)(f)—
- (a) for the definition of “agricultural machine” substitute—
 - ““agricultural machine” means a vehicle which is an agricultural tractor, an off-road tractor, a light agricultural vehicle, an agricultural engine or a mowing machine;”;
 - (b) after the definition of “agricultural machine” insert—
 - ““agricultural tractor” means a tractor used on public roads solely for—
 - (a) purposes relating to agriculture, horticulture or forestry,
 - (b) cutting verges bordering public roads, or
 - (c) cutting hedges or trees bordering public roads or bordering verges which border public roads;”;

(a) Regulation 15A was inserted by S.I. 2015/1657.
 (b) Regulation 17A was inserted by S.I. 2003/2635 and amended by S.I. 2015/403.
 (c) OJ No L 269, 21.10.2000, p. 34, to which there are amendments not relevant to these Regulations.
 (d) S.I. 2003/2635; relevant amending instruments are S.I. 2007/3538, S.I. 2010/1094, S.I. 2016/1154 and S.I. 2018/235.
 (e) S.I. 2001/561.
 (f) Regulation 2(1) has been amended but none of the amendments are relevant.

- (c) for the definition of “EEA State” substitute ““EEA State” has the meaning given by Schedule 1 to the Interpretation Act 1978(a)”;
- (d) before the definition of “motor cycle” insert—
 - ““light agricultural vehicle” means a vehicle which—
 - (a) has a revenue weight(b) not exceeding 1,000 kilograms,
 - (b) is designed and constructed so as to seat only the driver,
 - (c) is designed and constructed primarily for use otherwise than on roads, and
 - (d) is used solely for purposes relating to agriculture, horticulture or forestry;”;
- (e) after the definition of “motor tricycle” insert—
 - ““off-road tractor” means a tractor which is not an agricultural tractor and which—
 - (a) is designed and constructed primarily for use otherwise than on roads, and
 - (b) is incapable by reason of its construction of exceeding a speed of twenty five miles per hour on the level under its own power;”.

(3) In regulation 4 (interpretation of Part II), omit the definition of “relevant type-approval directive”.

(4) In regulation 5(3) (fixing of rear registration plates: vehicles registered on or after the relevant date), for “the relevant type-approval directive, whether or not it is” substitute “EU law in force at the time of construction as regards the space to be provided for the fixing of the rear registration plate, whether or not it was”.

(5) In regulation 5(3) (fixing of rear registration plates: vehicles registered on or after the relevant date), after “EU law” insert “, or retained EU law,”.

(6) In regulation 9(3) (lighting of rear registration plates), for “the relevant type-approval directive, whether or not it is” substitute “EU law in force at the time of construction as regards the rear registration plate lamp, whether or not it was”.

(7) In regulation 9(3) (lighting of rear registration plates), after “EU law” insert “, or retained EU law,”.

Amendment of the Vehicles Crime (Registration of Registration Plate Suppliers) Regulations 2008.

4.—(1) The Vehicles Crime (Registration of Registration Plate Suppliers) Regulations 2008(c) are amended as follows.

- (2) In regulation 2 (interpretation), for the definition of “registration certificate” substitute—
 - ““registration certificate” means the document issued in accordance with EU law which certifies that a vehicle is registered in a member State;”.

Amendment of Regulation (EC) 2411/98

5.—(1) Council Regulation (EC) 2411/98 of 3 November 1998, on the recognition in intra-Community traffic of the distinguishing sign of the member State in which motor vehicles and their trailers are registered, is amended as follows.

- (2) In Article 1, for “Community” substitute “United Kingdom”.

(a) The definition of “EEA State” was inserted into the Interpretation Act 1978 (c. 30) by the Legislative and Regulatory Reform Act 2006 (c. 51), section 26(1). The definition is prospectively repealed and replaced by the European Union (Withdrawal) Act 2018 (c. 16), Schedule 8, paragraph 22(c) and (e).

(b) “Revenue weight” is defined in section 60A of the Vehicle Excise and Registration Act 1994.

(c) S.I. 2008/1715.

(3) For Article 2(2) substitute—

“2. “vehicle” means any power-driven vehicle, including its trailer if any, which is normally used for:

- carrying persons or goods by road, or
- for drawing on the road vehicles used for the carriage of persons or goods,

but does not include vehicles, such as agricultural or forestry tractors, which are only incidentally used for such purposes, vehicles which run on rails or mobile machinery.”.

(4) For Article 3 substitute—

“Article 3

The United Kingdom shall recognise the distinguishing sign of the Member State of registration displayed on the extreme left of the registration plate of a vehicle in accordance with the Annex to this Regulation as being equivalent to any other distinguishing sign that it recognises for the purpose of identifying the State in which the vehicle is registered.”.

(5) Omit Article 4.

(6) In the words after Article 4, omit “This Regulation shall be binding in its entirety and directly applicable in all Member States”.

PART 4

Excise Exemption

Amendment of the Motor Vehicles (International Circulation) Order 1975

6.—(1) The Motor Vehicles (International Circulation) Order 1975(a) is amended as follows.

(2) In Article 5 (excise exemption and documents for vehicles brought temporarily into the United Kingdom)—

(a) in paragraph (2)—

(i) for sub-paragraph (a) substitute—

“(a) in the case of a vehicle to which paragraph (2A) or (2B) applies, the vehicle shall be exempt from excise duty for a period, continuous or otherwise, of not more than six months in any period of twelve consecutive months;”;

(ii) after sub-paragraph (a) insert—

“(aa) in the case of a vehicle to which paragraph (2C) or (2D) applies, the vehicle shall be exempt from excise duty for as long as the criteria in paragraph (2C) or (2D) are met;”;

(iii) for sub-paragraph (c) (ii) substitute—

“(ii) the vehicle is being used only for or in connection with the carriage of vehicles which are—

(aa) designed and constructed primarily for the carriage of passengers and their luggage, which have no more than eight seats in addition to the driver’s seat, and have no space for standing passengers, or

(bb) designed and constructed primarily for the carriage of goods and have a maximum authorised mass not exceeding 3.5 tonnes; and”;

(a) S.I. 1975/1208; relevant amending instruments are S.I. 1985/459, S.I. 1996/1929, S.I. 2010/771, and S.I. 2013/3150.

- (b) after paragraph (2) insert—
- “(2A) This paragraph applies to a private vehicle where—
- (a) the person bringing the vehicle into the United Kingdom—
 - (i) has their normal residence in a member State, and
 - (ii) employs the vehicle in the United Kingdom for their private use, and
 - (b) the vehicle is not disposed of, or hired out, in the United Kingdom, or lent to a resident of the United Kingdom, provided that—
 - (i) a vehicle belonging to a car hire firm having its head office in a member State may be re-hired to a non-resident of the United Kingdom with a view to being re-exported, if the vehicle is in the United Kingdom as a result of a hire contract which ended in the United Kingdom, and
 - (ii) such a vehicle may be returned by an employee of the car hire firm to the member State from where it was originally hired, even if the employee is resident in the United Kingdom.
- (2B) This paragraph applies to a private vehicle where—
- (a) the person bringing the vehicle into the United Kingdom—
 - (i) has their normal residence in a member State,
 - (ii) employs the vehicle in the United Kingdom for business use, and
 - (iii) does not use the vehicle in the United Kingdom in order to carry passengers for hire or material reward of any kind, or for the industrial and or commercial transport of goods, whether for reward or not,
 - (b) the vehicle is not disposed of, hired out or lent in the United Kingdom, and
 - (c) the vehicle has been acquired or imported in accordance with the general conditions of taxation in force on the domestic market of the member State of normal residence of the vehicle user and is not subject by reason of its exportation to the United Kingdom to any exemption from or refund of turnover tax, excise duty or any other consumption tax and—
 - (i) subject to paragraph (ii), this sub-paragraph shall be presumed to be satisfied if the vehicle bears a standard registration plate of the member State of registration, other than any type of temporary plate;
 - (ii) where the vehicle is registered in a member State where the issue of a standard registration plate is not conditional upon compliance with the general conditions of taxation in force on the domestic market, the person bringing the vehicle into the United Kingdom produces appropriate evidence as proof of payment of consumption taxes.
- (2C) This paragraph applies to a private vehicle where—
- (a) paragraph (2B), other than sub-paragraph (a)(ii), applies,
 - (b) the vehicle is registered in the member State of normal residence of the person bringing it into the United Kingdom, and
 - (c) that person uses it regularly for the journey from their residence to their place of work in an undertaking in the United Kingdom and vice versa.
- (2D) This paragraph applies to a private vehicle where—
- (a) paragraph (2B), other than sub-paragraph (a)(ii), applies,
 - (b) the vehicle is registered in the member State of normal residence of the person bringing it into the United Kingdom,
 - (c) that person is a student and is the user of the vehicle, and
 - (d) that person resides in the United Kingdom for the sole purpose of pursuing their studies.”;

- (c) in paragraph (9)—
- (i) omit the definition of “the Council Directive on the temporary importation of a private vehicle from another member State”(a), and
 - (ii) after the definition of “the Regulation of the European Parliament and of the Council on common rules for access to the international road haulage market” insert—
 - ““business use” of a means of transport means the use of it in the direct exercise of an activity carried out for consideration or financial gain;
 - “commercial vehicle” means any road vehicle which, by its design or equipment, is suitable for and intended for transporting, whether for payment or not—
 - (a) more than nine persons, including the driver, or
 - (b) goods,
 - as well as any road vehicle for special use other than transport as such;”;
 - (iii) after the definition of “Community licence” and “driver attestation” insert—
 - ““normal residence” means—
 - (a) the place where a person usually lives for a least 185 days in each calendar year because of personal and occupational ties,
 - (b) in the case of a person with no occupational ties, the place where a person usually lives for a least 185 days in each calendar year because of personal ties which show close links between that person and that place, or
 - (c) where a person’s occupational ties are in a different place from their personal ties and who as a consequence lives in turn in different places in the United Kingdom and in a member State, or in two or more member States, the place of their personal ties provided they return there regularly, but—
 - (i) the criterion of returning regularly need not be met if they live in the United Kingdom, or in a member State, in order to carry out a task of a definite duration, and
 - (ii) attendance at a University or school shall not imply transfer of normal residence;
 - “private use” means any use other than business use;
 - “private vehicle” means any road vehicle, including its trailer, if any, other than a commercial vehicle;”.

Signed by authority of the Secretary of State for Transport

3rd December 2018

Sugg
Parliamentary Under Secretary of State
Department for Transport

(a) Council Directive 83/182/EEC (OJ No L 105, 23.4.1983, p. 59).

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations relate to vehicle registration, vehicle registration plates and exemption from vehicle excise duty for certain vehicles brought temporarily into the United Kingdom.

They are made in exercise of the powers conferred by section 8(1) of, and paragraph 21 of Schedule 7 to, the European Union (Withdrawal) Act 2018 (c. 16) (in particular section 8(2)(a) and (g), and (3)(a) apply), and under complementary powers in the Vehicle Excise and Registration Act 1994 (i.e. sections 22, 23 and 57), in order to address failures of retained EU law to operate effectively and other deficiencies arising from the withdrawal of the United Kingdom from the European Union.

They are also made in exercise of those powers in the Vehicle Excise and Registration Act 1994 to address some existing out of date references to European Union law and other existing deficiencies in the legislation on road vehicle registration and registration plates (regulations 2(2)(a) and (c), and 3(2) to (4) and (6)).

An impact assessment has not been produced for this instrument as no, or no significant, impact on the private or voluntary sector is foreseen. An Explanatory Memorandum is published alongside the instrument on www.legislation.gov.uk.

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