

**EXPLANATORY MEMORANDUM TO**  
**THE ROAD VEHICLES (DISPLAY OF REGISTRATION MARKS) (AMENDMENT)**  
**REGULATIONS 2020**

**2020 No. 1276**

**1. Introduction**

- 1.1 This explanatory memorandum has been prepared by Department of Transport and is laid before Parliament by Command of Her Majesty.

**2. Purpose of the instrument**

- 2.1 The purpose of this instrument, which amends the Road Vehicles (Display of Registration Marks) Regulations 2001 (S.I. 2001/561) (“the 2001 Regulations”) is to introduce into the 2001 Regulations the legal requirements for a new optional feature of displaying a green background on the left-hand side of a registration plate for eligible vehicles with zero tailpipe emissions, as a means of identifying those types of zero emission vehicles.
- 2.2 The Department for Transport consulted on the proposed amendments in October 2019, and this instrument reflects the policy formulated following consideration of the responses to the public consultation.

**3. Matters of special interest to Parliament**

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

- 3.1 None.

*Matters relevant to Standing Orders Nos. 83P and 83T of the Standing Orders of the House of Commons relating to Public Business (English Votes for English Laws)*

- 3.2 As the instrument is subject to negative resolution procedure there are no matters relevant to Standing Orders Nos. 83P and 83T of the Standing Orders of the House of Commons relating to Public Business at this stage.

**4. Extent and Territorial Application**

- 4.1 The territorial extent of this instrument is United Kingdom.
- 4.2 The territorial application of this instrument is United Kingdom.

**5. European Convention on Human Rights**

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

**6. Legislative Context**

- 6.1 The amendments made by this instrument to the 2001 Regulations have been made using powers under the Vehicle Excise and Registration Act 1994 (“the 1994 Act”).

- 6.2 The 2001 Regulations set out the legislative requirements for the display of registration marks on registration plates fixed to vehicles in the United Kingdom and also the technical specification for the plates themselves.
- 6.3 Regulation 16(1) of the 2001 Regulations specifies that no material other than a registration mark and material complying with Schedule 2 of the 2001 Regulations may be displayed on a registration plate subject to the further provisions of that regulation. An exception to regulation 16(1) is for an emblem or national identifying letters, which can optionally be displayed to the left-hand side of a registration plate on a “plate or other device”. Regulation 16(3) to 16(10) specifies the legal requirements for the emblems and national identifying letters displayed on a “plate or other device”.
- 6.4 This instrument amends regulation 16 to insert new provisions for the additional option to display on an eligible vehicle, a green background or as it is referred to in the regulation, a green “plate or other device” on the left-hand side of a registration plate, either on its own or in combination with an emblem and the national identifying letters. Eligible vehicles are those with zero tailpipe emissions. The provisions also apply to a plate displayed on a trailer being towed by an eligible vehicle.

## **7. Policy background**

### *What is being done and why?*

- 7.1 The Instrument inserts new provisions into regulation 16, allowing the optional display of a “green plate or other device”, to be displayed to the left-hand side of a registration plate for eligible vehicles. It will be possible for the green background to be displayed in conjunction with a national identifying symbol, or other permitted symbol, and the associated letters.
- 7.2 The Department for Transport consulted in October 2019 on the proposals for displaying an identifying feature alongside the registration plate to signify the vehicle as being an ultra low emissions vehicle. As informed by the consultation, the new provisions will apply to plates fitted to new and existing vehicles with zero tailpipe emissions.
- 7.3 The introduction of a green background on a plate will provide a UK-wide mechanism to enable road users to readily identify and differentiate vehicles based on their environmental impact, helping to inform road users and normalise the idea of clean vehicles on roads.
- 7.4 Only vehicles with zero tailpipe emissions will be permitted to display the green plate or other device. Currently, this means that only full battery electric and hydrogen fuel cell vehicles are eligible. Hybrids and plug-in hybrids, and vehicles with range extender engines, are not eligible as they have tailpipe emissions.
- 7.5 The instrument does not confer any additional benefits to an eligible vehicle; the objective of the instrument is to introduce a visual identifier for these types of vehicles.
- 7.6 For the vast majority of vehicles, for enforcement purposes, the eligibility to display a green “plate or other device” can be confirmed through the ‘Type of Fuel’ field recorded for each vehicle on the official vehicle register held by the Driver and Vehicle Licencing Agency (“DVLA”). This information will be contained on the vehicle registration document which will show that the vehicle is powered only by

electricity or hydrogen fuel cell. For those vehicles which have been converted to solely electric power, the vehicle register will not always have been updated with this information, and accordingly, an owner of an eligible vehicle will need to provide evidence to confirm eligibility if required by enforcement authorities.

7.7 The existing display offences contained in Section 59 of the 1994 Act apply where a person is displaying a plate in a way which is non-compliant with the 2001 Regulations. These offences also apply to a person who does not comply with the conditions for a green plate or other device, as set out in the instrument. The penalty for a breach under this section is a fine of level 2 on the standard scale (currently £500) for a person who does not comply with the requirements of the 2001 Regulations.

7.8 Offences will be identified through checks of the DVLA register already conducted by the police as part of the existing vehicle registration plate enforcement regime.

## **8. European Union (Withdrawal) Act/Withdrawal of the United Kingdom from the European Union**

8.1 This instrument does not relate to withdrawal from the European Union / trigger the statement requirements under the European Union (Withdrawal) Act.

## **9. Consolidation**

9.1 The Department has no current plans to consolidate the 2001 Regulations, and does not consider it proportionate to do so now.

## **10. Consultation outcome**

10.1 The Department for Transport carried out a public consultation on the introduction of a green identifier to be displayed alongside the registration plates of qualifying vehicles, which ran from 22 October 2019 to 14 January 2020.

10.2 The consultation received 1200 responses, 1134 from individuals and 66 from organisations including vehicle manufacturers, motoring and consumer groups; local authorities and public bodies; and the number plate manufacturers association and wider industry. The majority of respondents supported the proposals set out in the consultation, including that the green identifier should be for vehicles with zero tailpipe emissions only (74.3% supported), and that the green ‘flash’ (ie. a green background or “plate or other device” to the left-hand side of a registration plate), was the preferred design (57.5% supported).

10.3 The consultation and the Government’s response to this is available at: <https://www.gov.uk/government/consultations/introduction-of-green-number-plates-for-ultra-low-emission-vehicles>. Hard copies can be obtained from the Department upon request at the contact details provided for in paragraph 15.

10.4 DVLA have engaged with the British Number Plate Manufacturers Association (BNMA), the trade representatives for the majority of UK number plate component manufacturers, who have confirmed that there would be either no or minimal additional costs incurred, or changes required to existing machinery to manufacture and supply number plates containing the green plate or device. The BNMA were also engaged around the colour reference for the shade of green to be prescribed, to ensure consistency in the display of the colour on a plate.

- 10.5 Manufacturers are already producing emblems and national identifying letters, which are printed on the plate or other device that are positioned to the left-hand side of a registration plate, in accordance with the provisions set out in regulation 16.

## **11. Guidance**

- 11.1 Information on displaying a green plate or other device will be available on the Gov.uk website at <https://www.gov.uk/government/consultations/introduction-of-green-number-plates-for-ultra-low-emission-vehicles> and communications on the new requirements will be available through a range of media, including information issued by the DVLA and through communications to vehicle traders and the number plate manufacturing and supply industries.

## **12. Impact**

- 12.1 There is no, or no significant, impact on business, charities or voluntary bodies.
- 12.2 There is no, or no significant, impact on the public sector.
- 12.3 An Impact Assessment has not been prepared for this instrument because for this instrument because it has been established in enquiries with industry that there is no or minimal impact or additional set-up costs for those businesses who manufacture and supply vehicle registration plates or to vehicle owners. It is optional to display this feature on an eligible vehicle.

## **13. Regulating small business**

- 13.1 The legislation applies to activities that are undertaken by small businesses.
- 13.2 To minimise the impact of the requirements on small businesses (employing up to 50 people), the approach taken is government has ensured the scheme is a light touch intervention and does not place a cost or administrative burden on businesses.
- 13.3 The public consultation allowed individuals and businesses to convey any concerns and help shape the implementation of the policy. Government also ensured that businesses are suitably engaged and informed well in advance of the changes, through public communications, industry forums and trade bodies.

## **14. Monitoring & review**

- 14.1 The regulation does not include a statutory review clause and, in line with the requirements of the Small Business, Enterprise and Employment Act 2015, Rachel Maclean MP has made the following statement:
- 14.2 “Having had regard to sections 28 to 32 of the Small Business Enterprise and Employment Act 2015 and the Statutory Review Guidance for Departments published under section 31(3) of that Act, I have decided that it is not appropriate to make provision for review in this instrument because it would be disproportionate taking into account the economic impact of the amendment made by these Regulations.”.

## **15. Contact**

- 15.1 Edward Nelson at the Office for Low Emission Vehicles Telephone: 07977 421115 or email: Edward.Nelson@dft.gov.uk can be contacted with any queries regarding the instrument.

- 15.2 Natasha Robinson, Head of the Office for Low Emission Vehicles (OLEV) can confirm that this Explanatory Memorandum meets the required standard.
- 15.3 Rachel Maclean MP at the Department for Transport can confirm that this Explanatory Memorandum meets the required standard.