



Driver and Vehicle Licensing Agency

Telephone
Fax
Minicom
Email
Website www.direct.gov.uk/motoring

Your Ref
Our Ref FOIR 692

Date: 3 August 2007

Dear

Freedom of Information Request

I am writing regarding your letter of 5 July 2007 received at the Continuous Registration Enforcement Centre (CREC) in Bournemouth on 6 July 2007.

Bournemouth CREC responded to you on 12 July 2007 advising that your request for information under the Freedom of Information Act 2000 (FOIA) was being managed separately. This response deals specifically with that request.

At the outset, I need to advise you that, whilst the Agency may hold the information you have requested, some of the statistical data is not held in the format requested and cannot be provided.

I will answer your requests in the order listed.

In answer to your 1st request –

"The number of cases per year where you have demanded a penalty for failure to relicence a vehicle and the recipient has advised you that the V5 appropriately completed was sent to you within the time limit. The total amount of such penalties per year."

It has already been explained that, under the system of Continuous Registration (CR) legislation and corresponding regulations, the registered keeper will remain responsible for re-licensing or declaration of Statutory Off Road Notification (SORN) until he or she has formally notified DVLA of the vehicle's transfer, destruction, export or theft.

Each month, DVLA carries out a check of the vehicle register to identify vehicles apparently without a valid licence or SORN declaration in force. Where a breach of the CR legislation is thought to have occurred, penalty letters are issued automatically to the registered keepers.

Since the introduction of the CR system in January 2004 enforcement action in respect of a failure to re-license or declare SORN for a vehicle has been taken under the CR legislation from March 2004. Therefore, statistical information for either of these offences has been recorded under the 'CR offence umbrella'.



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I should explain that the Agency does not hold statistics to readily identify vehicle keepers who have found themselves in similar circumstances to your own, and who have received a CR penalty letter.

To process your request would require manual interrogation of each individual enforcement case to determine the reasons why alleged offenders had failed to relicence their vehicle or declare SORN. Whilst DVLA may hold this information, it is the Agency's policy not to process requests likely to exceed the cost limit of £600 for provision of information under the FOIA. This information will not, therefore, be made available to you as in the circumstances we are not obliged to do so by virtue of section 12 of the FOIA.

In answer to your 2nd request –

“The number of such cases where you have persisted in your demands for a penalty and have passed the cases to debt collection agencies, together with the total value.”

This part of your request could again be answered only by manual interrogation of the CR enforcement cases actioned. For the reasons stated above this information will not be made available to you.

In answer to your 3rd request –

“The full legal basis for the penalty that you seek to impose in my circumstances whereby I provided the appropriate notification by the normal means.”

DVLA operates under legislation passed by Parliament that has an element of enforcement in it. In the matter of CR, the Agency is charged with specific enforcement duties based on the legislative framework.

As already explained the legislation providing for the CR scheme is held in VERA 1994. Section 7A gives the civil penalty of late renewal of the vehicle licence, whilst Section 31A provides for the criminal offence of being the registered keeper of an unlicensed vehicle.

The legislation which authorises the charge of an £80 supplement from January 1 2004 is contained in Section 7A of VERA 1994 (as amended). That section was inserted into VERA by the Finance Act 2002, Section 19 and Schedule 5.

The Regulations which detail the supplement were created by SI 2003/2981 and SI 2003/3073, which inserted Regulation 9A into the Road Vehicle (Registration and Licensing) Regulation 2002.

Other legislation can to be found in Regulation 22 and 23 of the Road Vehicles (Registration and Licensing) Regulations 2002, made on 4th November 2002 laid before Parliament on 8th November 2002 and which came into force on 30th November 2002 (SI 2002/2742). The legislation states that, on disposal of a vehicle, the registered keeper shall forthwith deliver notification to the Secretary of State.

The reliance on a 3rd party (e.g. the Royal Mail or a Motor Trader) for the delivery of such notification is not accepted at Court as a valid reason for the non-receipt of notification by the Agency and, therefore, the responsibility for notification remains with the registered keeper.

If you require copies of the legislative provisions they are available from HMSO bookshops and from Webster <http://www.HMSO.gov.uk>. You should also find reference to each in most legal libraries.

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<http://www.opsi.gov.uk/click-use/index.htm>.

If you are unhappy with the way the Agency has handled your request, you may ask for an internal review.

If you are not content with the outcome of the internal review, you have the right to apply directly to the Information Commissioner for a decision. Further guidance of DfT complaints procedures are detailed in **Annex A**.

If you have any queries about this letter, please contact me, quoting the above reference in any future communications.

Yours sincerely