



Date: 2 June 2005

Dear

Freedom of Information

Thank you for your letter of 1 May 2005 in which you requested information under the terms of the Freedom of Information Act 2000 (FOIA). I can confirm that DVLA holds some of the information that falls within your request. I will answer your request in the order made:

- a. How many vehicle keepers have been penalised for failure to renew a licence or declare SORN.*

Statutory Off Road Notification (SORN) legislation was introduced on 31 January 1998 and statistics are held on these enforcement cases from April 1999. The objectives of this legislation were reinforced with the introduction of Continuous Registration (CR) in January 2004. The statistics held show the number of keepers penalised for failure to renew a licence or declare SORN to date is 1,123,664.

- b. The total amount of penalties paid by them*

The information you have asked for is being withheld as it falls under the exemptions listed in Section 31 (1) (d) of the FOIA. We consider that such information is exempt because the amount of 'penalties' paid pertains to our enforcement policy of vehicle licensing legislation and is information which, if disclosed, would or would be likely to prejudice DVLA's ability to ascertain whether a person is liable for payment of a supplement and/or guilty of an offence under Section 31A of the Vehicle Excise and Registration Act (VERA) 1994. This could, therefore, prevent the collection of fines and penalties from those who have failed to comply with their vehicular statutory obligations.

This exemption can only be relied upon where, in all circumstances of the case, the public interest in maintaining the exemption outweighs the public interest in disclosing the information. Having considered the public interest test, I have decided to withhold the information for the reasons given in Annex A.

- c. In how many of these cases was there any evidence that a vehicle had been used or kept on a road contrary to S 29 of VERA?*



CUSTOMER SERVICE EXCELLENCE INVESTOR IN PEOPLE



An executive agency of the
Department for
Transport

Processing this part of your request would require manual interrogation of each individual enforcement case in order to determine whether or not following the initiation of enforcement action in accordance with SORN/CR legislation, a further offence was committed under Section 29 of VERA 1994. Whilst DVLA holds information likely to be within this part of your request, it is the Agency's policy not to process requests likely to exceed the cost limit for provision of information under 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.

If you are unhappy with the way the Agency has handled your request, you may ask for an internal review. You should contact the Local Operations Directorate Freedom of Information Champion.

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 on DfT complaints procedures are detailed in Annex B.

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

Yours sincerely

Exemption – Section 31(1): Information which is not exempt information by virtue of Section 30 is exempt information if its disclosure under this Act would or would be likely to prejudice-

(d): the assessment or collection of any tax or duty or of any imposition of a similar nature.

Factors for disclosure	Factors for withholding
<ul style="list-style-type: none"> • To reinforce that it is an absolute offence for the registered keeper of a vehicle not to re-license it on time or alternatively to declare that the vehicle is being kept off-road, thereby enabling DVLA to continue to collect Vehicle Excise Duty (VED) on behalf of the Secretary of State. ♦ To demonstrate that discretion can be shown in limited exceptional circumstances, when mitigation is presented in enforcement cases. • To demonstrate that DVLA deals with all enforcement cases with a consistent, even handed and fair approach and thereby providing members of the public with a transparent view of our enforcement policy. 	<ul style="list-style-type: none"> • To ensure that DVLA are able to collect Vehicle Excise Duty (VED) and to pursue those who fail to comply with their statutory obligations by enforcing Continuous Registration (CR) legislation. • More specifically, to ensure that information about circumstances where enforcement action is not commenced or continued is not utilised to avoid or frustrate that action. • To ensure DVLA’s policy of enforcement in relation to Statutory Off Road Notification (SORN) legislation and subsequently Continuous Registration (CR) legislation remains effective and continues to deter or prevent the evasion of VED, and the inaccuracy of the vehicle register. • Disclosure of statistical information relating to revenue raised from DVLA’s enforcement of SORN and subsequently CR legislation may enable members of the public to make an informed decision regarding the success rate of CR enforcement, which in turn could lead to his/her evasion of their vehicular statutory obligations

Reasons why public interest favours withholding information

- To disclose statistics relating to revenue raised by DVLA from Continuous Registration cases would affect the Agency’s ability to detect those who have failed to adhere to vehicle licensing legislation and could prejudice DVLA’s ability to collect Vehicle Excise Duty on behalf of the Secretary of State.

DfT COMPLAINTS PROCEDURES

You have the right to complain about the way in which your request for information was handled and/or about the decision not to disclose all or part of the information requested. In addition a complaint can be made that DfT has not complied with its FOI publication scheme.

Your complaint will be acknowledged and you will be advised of a target date by which to expect a response. Initially your complaint will be re-considered by the official who dealt with your request for information. If, after careful consideration, that official decides that his/her decision was correct, your complaint will automatically be referred to a senior independent official who will conduct a further review. You will be advised of the outcome of your complaint and if a decision is taken to disclose information originally withheld this will be done as soon as possible.

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. The Information Commissioner can be contacted at:

Information Commissioner's Office
Wycliffe House
Water Lane
Wilmslow
Cheshire
SK9 5AF