



Date: 31 May 2005

Dear

Freedom of Information Request

I am writing to confirm that the Driver and Vehicle Licensing Agency (DVLA) has now completed its search for the information you requested on 21 March 2005. Your request has been dealt with under the terms of the Freedom of Information Act 2000 (FOIA). At the outset, I need to advise you that the information requested cannot be disclosed. The reasons for this are given in Annex A attached to this letter.

Your request can be categorised as follows:

- (i) *How much revenue has been raised from fines since the Continuous Registration system was introduced?*
- (ii) *How many 'exceptional cases' you have allowed?*

It might help if I explain that there are two ways in which Continuous Registration (CR) enforcement action can be initiated. Each month, DVLA carries out a check of the vehicle register to identify vehicles without a valid licence or Statutory Off Road Notification (SORN) declaration in force. Once identified, penalty letters are issued automatically to the registered keeper. Enforcement action is taken directly from the vehicle record, instead of relying on a sighting of the vehicle on the public road. These penalties will target the short-term evader.

Late Licensing Penalties (LLPs) are issued in accordance with Section 7A of the Vehicle Excise and Registration Act 1994 (VERA). The penalties are for the amount of £80, reduced to £40 on early settlement. County Court action will ensue where the penalty remains unpaid to afford recovery of the debt to the Crown. County Court Claim packs are issued to those who fail to pay the LLP.

Further to the afore-mentioned action, a secondary enforcement case may also be verified for which action is initiated under Section 31A of VERA for the offence of being the registered keeper of an unlicensed vehicle. DVLA has the power in these cases to offer Out of Court



Settlements (OCS) to the registered keeper, by virtue of Sections 6 (2) and 6 (5) of VERA. Prosecutions for these offences are taken in the Magistrates Court.

More specifically when dealing with your first request, we have taken your reference to 'fines' to mean not just the criminal penalty imposed following a successful prosecution under Section 31A but also the LLP.

Information concerning the amount of fines (strictly excise penalties) imposed following Section 31A prosecutions and also the amount of supplements paid under Section 7A of VERA is being withheld as it falls under the exemption in Section 31 (1) (d) of the FOIA. We consider that disclosing statistics relating to the amount of fines imposed in respect of Continuous Registration (CR) enforcement cases would prejudice DVLA's ability to collect VED on behalf of the Secretary of State.

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 provided in Annex A.

The information asked for in your second request is being withheld as it falls under the exemptions listed in Sections 31 (1) (d) of the FOIA. We consider that such information is exempt because the number of 'exceptional cases' allowed 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. This could, therefore, prevent the collection of fines and penalties of those who have failed to comply with their vehicular statutory obligations.

Again 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.

In answer to your third request:

'What reduction in car crime has been achieved'

I should explain that, whilst DVLA plays a vital role in helping to combat vehicle crime by maintaining a comprehensive register of vehicles and their keepers, it is the Police to whom you should address this specific request.

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 the Continuous Registration (CR) regulations remain effective and continue 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 the 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
- To disclose information concerning mitigation in Continuous Registration cases would have a high potential to prejudice DVLA's ability to ascertain whether a person is liable for payment of a supplement and could therefore prevent the collection of fines and penalties of those who have failed to comply with their vehicular statutory obligations.

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