

# DVLA CONSULTATION ON ACCESS TO GOODS VEHICLE TEST RECORD DATABASE FOR PURPOSES OF VEHICLE RELICENSING

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## SUMMARY

1. The DVLA is required by legislation to confirm that when a vehicle licence commences there is a valid test certificate in force for the vehicle.
2. The purpose of this consultation is to canvas the opinion of those with an interest in the relicensing of goods vehicles registered in Great Britain. It is our intention to replace The Goods Vehicles (Production of Test Certificates) Regulations 1970 to permit the use of electronic records as evidence that, where appropriate, a goods vehicle test certificate has been issued.
3. Your views are sought on the proposal to introduce the additional option of using electronic records as an alternative to paper certificates as proof of the issue of a goods vehicle test certificate. This will permit business processes for vehicle relicensing used by Post Office Ltd and the Driver and Vehicle Licensing Agency (DVLA) to be changed to offer customers additional choices when relicensing their vehicles.
4. A Regulatory Impact Assessment (RIA) is at Annex B.
5. Your contribution to this proposal would be valued to ensure that all concerns are addressed. Responses may be sent by post, fax or e-mail to the address below by 13 August. I must advise that no acknowledgements will be sent unless requested and that DVLA will be unable to reply to individual responses.

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Vehicle Policy Group  
DVLA  
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e-mail: vehpol.dvla@gtnet.gov.uk

## **INTRODUCTION**

6. Vehicle licences are issued either by the Post Office® or a DVLA Local Office. Before a licence for a goods vehicle that is subject to goods vehicle testing may be issued, the applicant must produce either a valid goods vehicle test certificate or a certificate of temporary exemption or make a declaration prescribed by Regulations as to the proposed limited use of the vehicle.

## **BACKGROUND**

7. The Government is committed to offering all its services electronically by 2005 and the Electronic Vehicle Licensing (EVL) Project is a key part of the Agency's contribution to this aim. EVL will offer customers two new methods of relicensing their vehicle: on the telephone via Interactive Voice Recognition (IVR) or via the Internet. This will be in addition to existing channels provided by the Post Office Limited and DVLA Local Offices.

8. Phase I was introduced for licences commencing 1 March 2004 and applies to cars and light vans not subject to roadworthiness testing. Phase II should include all other classes of vehicle. Existing checks for valid insurance and road-worthiness will remain in place but will be carried out via electronic links with insurance and MOT databases.

9. A goods vehicle database is maintained by the Vehicle Operator Services Agency (VOSA) – which contains details of roadworthiness test results. Introduction of heavy goods vehicles (HGVs) into EVL is dependent on the setting up of an electronic link with VOSA to allow DVLA to verify the testing status of these vehicles. DVLA is currently working with VOSA to set up this link. A regulation change to allow the use of electronic records is essential to enable EVL for vehicles that are subject to goods vehicle testing. Failure to amend the regulations would prevent progress towards EVL for goods vehicles that require a test certificate. Around 466,000 vehicle relicensing transactions per year currently require the production of a goods vehicle test certificate.

10. A copy of the draft regulations are shown in Annex A.

## **OPTIONS UNDER CONSIDERATION**

11. The review will consist of two options. Your views and comments are invited.

### **Option 1**

12. Replace the Goods Vehicle (Production of Test Certificates) Regulations 1970 with new regulations to allow the additional option of using electronic records as proof of the issue of a test certificate as an alternative to paper certificates.

### **Option 2**

13. Retain the 1970 regulations and continue to rely solely on the paper certificate.

## **OPTION 1**

14. Goods vehicles require testing after one year from date of first registration. All goods vehicle tests are recorded on VOSA's goods vehicle database. At present, the sole proof acceptable at vehicle relicensing that a goods test has been carried out is the paper certificate. Our intention is to allow access to the goods vehicle database to check that a goods vehicle test certificate has been issued when a licensing application is made over the telephone or electronically.

15. A link would be set up between the VOSA database and DVLA. An automatic check of the database would be built into both the telephone and electronic licensing systems. When accessed, a message would be relayed over the IVR or on the EVL screen to make it clear to the applicant that an automatic check of the testing position of the vehicle would be carried out during the transaction. If no current test record could be found for the vehicle, the application would not be able to proceed any further.

16. Exceptions are built in for certain vehicles identified as exempt from testing by virtue of use. The applicant will be required to make a declaration that the vehicle is exempt from the testing requirement, and the system will seek to verify that.

17. The anticipated commencement date for full roll-out of EVL to most tax classes is August 2004. Introduction of HGVs into EVL is dependent on the setting up of the electronic link and it is planned that HGV relicensing should

be available via EVL for licences commencing 1 January 2005.

18. The Post Office® already delivers an electronic system using barcoded data to update the licensing record. A link to the goods vehicle database via DVLA would be built into the system. By the middle of 2005 it should be possible for an automatic check to be made of the test record of the vehicle being licensed. If the record showed that there was no test certificate in force, the application would only be accepted if supported by a valid goods vehicle test certificate (VTG5).

## OPTION 2

19. To continue to use existing methods of relicensing which require production of a paper certificate. This would not realise any of the benefits of accessing electronic test records for goods vehicle relicensing and would prevent customers from being able to relicense via EVL.

## DEADLINE FOR RESPONSES

20. Please send any suggestions or comments on this consultation by **13 August** at the latest to:

John Vale  
Vehicle Policy Group  
DVLA  
Longview Road  
Swansea SA6 7JL  
Fax: 01792 76-5210  
e-mail: [vehpol.dvla@gtnet.gov.uk](mailto:vehpol.dvla@gtnet.gov.uk)

Responses received after this date will only be taken into consideration in exceptional circumstances.

21. DVLA is unable to acknowledge or reply to individual concerns. A summary of the responses will however be sent to those who have responded following consideration by DVLA. The summary should be available four months from the end of the consultation.

22. Businesses that consider they will be affected by the proposals are invited to briefly describe the activities they undertake, explain how they will be affected and what costs and/or benefits it is anticipated might arise.

23. If you have any questions about the consultation or require clarification of any matters relating to this document you may send them to John Vale by post, fax or e-mail to the DVLA address above.

24. Those being consulted are listed at Annex C.

25. Representative groups are asked to provide comments that summarise the views of the people and organisations that they represent. It would be helpful if, when responding, representative groups could indicate the people and organisations that they represent.

26. If you know of anyone whom you consider would be interested in receiving a consultation document please contact us by post, fax or e-mail to the DVLA address above or by telephoning the answering service on 0870 241 7341.

27. A hard copy of this document can be requested by writing to the above address.

28. The Code of Practice on the Written Consultation is shown as Annex D.

29. A list of the acronyms used in this document is given at Annex E.

# DISCLOSURE OF INFORMATION

30. DVLA may wish to publish responses to this consultation document in due course. Please ensure that your response is marked clearly if you wish your response or name to be kept confidential. No reference to this point in your response will be taken as agreement to your reply being published. If you are replying by e-mail, we will assume that your consent overrides any confidentiality disclaimer that is generated by your organisation's IT system, unless you specifically include a request to the contrary in the main text of your submission to us. Confidential responses will be included in any statistical summary of numbers of comments received and views expressed.

31. Please note that information supplied to the Department may be disclosed in response to a request under the Code of Practice on Access to Government Information. If you consider that any such information is either confidential or commercially sensitive, you should identify the information to the Department and specify any reason for its sensitivity. The Agency will consult you about the information before making a decision on any Code of Practice on Access to Government Information request received.

## Annex A - Copy of Draft Regulations

STATUTORY INSTRUMENTS 2004 NO. \*\*\*

Road Traffic Goods Vehicles (Evidence of Test Certificates) Regulations 2004

Made \*\*\*2004

Laid before Parliament \*\*\*2004

Coming into force 15th November 2004

The Secretary of State for Transport, in exercise of the powers conferred upon him by section 66(3) of the Road Traffic Act 1988(1), and after consultation with representative organisations in accordance with section 195(2) of that Act, hereby makes the following Regulations:

### Citation and commencement

1. These Regulations may be cited as the Goods Vehicles (Evidence of Test Certificates) Regulations 2004 and shall come into force on 15th November 2004.

### Revocation

2. The Goods Vehicles (Production of Test Certificates) Regulations 1970(2) are revoked.

### Interpretation

3. In these Regulations –

"testing records" means records maintained by the Secretary of State of vehicles submitted for a goods vehicle test in accordance with regulations made under section 49 of the 1988 Act; and "the 1988 Act" means the Road Traffic Act 1988. Application for vehicle licence for goods vehicle to which section 53(2) of the 1988 Act applies

4. Where an application is made under the Vehicle Excise and Registration Act 1994( ) for a vehicle licence for a vehicle to which section 53(2) of the 1988 Act applies, the licence shall not be granted unless one of the following requirements is satisfied-

- (a) an effective goods vehicle test certificate is produced;
- (b) evidence is produced from testing records that an effective goods vehicle test certificate has been issued;
- (c) the applicant makes a declaration in the form specified in the Schedule to these Regulations or a form to the like effect; or
- (d) a certificate of temporary exemption issued by virtue of section 53(5)(b) of the 1988 Act, for a period which includes the date on which the licence is to come into force, is produced in respect of the vehicle.

Signed by authority of the Secretary of State

\*\* 2004 Parliamentary Under Secretary of State Department for Transport,  
SCHEDULE Regulation 4 FORM OF DECLARATION

I DECLARE that this goods vehicle is not intended to be used during the period covered by this application except-

- (a) for a purpose prescribed by regulation 44(1) of the Goods Vehicles (Plating and Testing) Regulations 1988; or
- (b) in an area prescribed by regulation 44(2) of those Regulations.

#### **EXPLANATORY NOTE**

(This note is not part of the Regulations)

These Regulations revoke and replace the Goods Vehicles (Production of Test Certificates) Regulations 1970.

Regulation 4 prescribes the requirements that must be met where an application is made for a vehicle licence under the Vehicle Excise and Registration Act 1994 for a vehicle to which section 53 (obligatory goods vehicle test certificates) of the Road Traffic Act 1988 applies, in order that the Secretary of State may be satisfied that (if one is required) an effective goods vehicle test certificate is in force for the vehicle.

Regulation 4(c) and the Schedule prescribe the form of declaration to be made by an applicant who does not intend to use the vehicle during the period of the licence except for a purpose for which, or in an area in which, exemption from testing applies by virtue of regulation 44(1) or (2) of the Goods Vehicles (Plating and Testing) Regulations 1988.

A full regulatory impact assessment of the effect that this instrument will have on the costs of business is available from the Driver and Vehicle Licensing Agency, [address]. A copy has been placed in the library of both Houses of Parliament.

## **Annex B - REGULATORY IMPACT ASSESSMENT THE GOODS VEHICLES (EVIDENCE OF TEST CERTIFICATES) REGULATIONS 2004**

### **BACKGROUND**

At present The Goods Vehicles (Production of Test Certificates) Regulations 1970 provide that where application is made for a goods vehicle licence under the Vehicles (Excise) Act 1962 the applicant must, before the licence will be granted, produce either a test certificate in force on the date on which the licence is to come into force or a certificate of temporary exemption or make a prescribed declaration of exemption.

### **ISSUES AND OBJECTIVES**

#### Issues

The regulations need to be changed to permit the use of electronic records as evidence that a test certificate has been issued.

Primary legislation referred to in the existing regulations has now been replaced. It is therefore sensible to update these references. It is neater to replace rather than amend the 1970 regulations.

#### Objective

To replace the 1970 regulations with updated regulations including the additional option of using electronic records as proof of test status.

### **RISK ASSESSMENT**

Failure to amend these regulations would prevent progress towards Electronic Vehicle Licensing (EVL) for most goods vehicles that require a test certificate.

### **OPTIONS**

Option 1

Replace the regulations to enable the electronic test records to be used for the relicensing of vehicles via the internet and by telephone.

Option 2

Do not replace the regulations and continue to rely solely on the paper certificate.

## **BENEFITS**

Option 1

contributes towards EVL, both by telephone and internet. It is a key part of the Agency's contribution to the Government's commitment to offering all its services electronically by 2005.

Option 2

would impede progress towards delivery of EVL and frustrate the progress of e-government.

## **QUANTIFYING AND VALUING THE BENEFITS**

Option 1

This option allows all the relicensing benefits of electronic test records for relicensing to be achieved. These benefits are summarised above.

It is virtually impossible to translate these benefits into monetary values.

The benefits are therefore expressed in qualitative terms.

Option 2

If this course of action were followed, none of the benefits of using electronic test records for vehicle relicensing will be realised.

## **ISSUES OF EQUITY OR FAIRNESS**

These regulations will impact equally across the whole industry and the motoring public.

## **COMPETITION ASSESSMENT**

Since the impact will be equal there is unlikely to be a negative competition impact from these changes to the regulations.

## **COST BENEFITS**

Option 1 costs

The costs of developments to business processes to allow electronic test records are as yet uncertain. However, these regulations permit rather than require the use of electronic test records, and any changes to the overall cost of the relicensing process will, if necessary, be dealt with in regulation changes when these costs vary. It is considered that there is no cost for the purposes of this RIA.

Option 2 costs

Similarly, there are no direct costs of not changing the regulations. However, with no regulation change, any costs incurred to prepare for EVL would be wasted.

## **COMPLIANCE COSTS FOR BUSINESS, CHARITIES AND VOLUNTARY ORGANISATIONS**

Depending on the strategy adopted to deal with system faults that prevent access to the electronic records, there may be some very minor cost savings in the future from not always having to take a test certificate when relicensing a vehicle over the counter. These are not considered significant.

## **CONSULTATION WITH SMALL BUSINESS: "the litmus test"**

To be completed following consultation.

## **RESULTS OF CONSULTATION**

To be completed following consultation.

## **EFFECTS ON INTERNATIONAL COMPETITIVENESS**

The measure would have no effect on international competitiveness.

## **ARRANGEMENTS FOR MONITORING AND REVIEW**

The effect of these regulation changes will be monitored and reviewed as part of the Department for Transport's ongoing administration and enforcement of the scheme.

## CONTACT POINT

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E-mail: vehpol.dvla@gtnet.gov.uk

## Annex C - Consultation List

Alliance of Small Firms & Self Employed People  
Association of British Drivers  
Association of Car Fleet Operators  
Association of Chief Police Officers (London)  
Association of Chief Police Officers (S)  
Association of Chief Police Officers (T) – Surrey Police  
Association of Chief Police Officers Crime Committee  
Association of Independent Businesses  
Association of Independent Road Safety Officers  
Association of Tanker Container Operators  
Association of Vehicle Recovery Operators  
Automobile Association  
British Independent Motor Trade Association  
British Safety Council  
British Vehicle Rental and Leasing Association  
Commercial Motor Magazine  
Commission for Racial Equality  
Crime Prevention Agency  
Department for Transport  
Derbyshire Police  
DfT - Licensing & Enforcement Division  
Disabled Drivers Association  
Disabled Motorists Federation  
Durham Constabulary  
DVO Group  
Farmers Union of Wales  
Federation of Small Businesses  
Fleet & Leasing Association  
Forum of Private Businesses  
Freight Transport Association  
Glass's Information Ltd  
Grampian Police (Operational Support Division)  
Green Flag Group  
Halfords Ltd  
Heavy Transport Association  
Historic Commercial Vehicle Society  
HM Treasury  
Home Office  
Isle of Man Department of Transport  
Justices Clerks Society  
Keep Deaths Off Our Roads  
Legal Section  
London Association of Independent Businesses  
Metropolitan Police  
Ministry of Defence  
National Breakdown Recovery Club  
National Federation of Self Employed & Small Businesses

National Freight Consortium  
NCIS  
Norfolk Constabulary (Operations Department)  
PITO  
POCL  
Police Liaison Officers  
Property & Road Crime Reduction Group  
RAC  
Retail Motor Industry Federation  
Road Haulage Association  
Road Rescue Recovery Association  
Road Safety Council in Wales  
Road Transport (Industry)  
Road Transport Association  
Royal Scottish Automobile Club  
Scottish Courts Services  
Scottish Office  
Showman's Guild of Great Britain  
Society of Allied & Independent Funeral Directors  
Society of Motor Manufacturers & Traders  
Staffordshire Police  
Strathclyde Police  
The Police Federation  
Transport Week Magazine  
Truck & Driver  
Vehicle Certification Agency  
Vehicle Operator Services Agency  
Welsh Office

## **Annex D - CODE OF PRACTICE ON WRITTEN CONSULTATION**

This document seeks to comply with the "Code of Practice on Written Consultation" issued by Cabinet Office.

- Consult widely throughout the process, allowing a minimum of 12 weeks for written consultation at least during the development of the policy.
- Be clear about what your proposals are, who may be affected, what questions are being asked and the timescales for responses.
- Ensure that your consultation is clear, concise and widely accessible.
- Give feedback regarding the responses received and how the consultation process influenced the policy.
- Monitor your department's effectiveness at consultation, including through the use of a designated consultation co-ordinator.
- Ensure your consultation follows better regulation best practice, including carrying out a Regulatory Impact Assessment if appropriate.

If you consider that this document does not, without explanation, comply with the consultation criteria reproduced above, please write setting out the areas where you feel the document departs from the criteria, to:

Mrs Anne McAleer  
Consultation Co-ordinator  
Vehicle Policy Group  
DVLA  
Longview Road  
Morrison  
SWANSEA  
SA6 7JL

## **Annex E - LIST OF ABBREVIATIONS**

DVLA	Driver and Vehicle Licensing Agency
DVLNI	Driver and Vehicle Licensing Northern Ireland
EVL	Electronic Vehicle Licensing

IVR Interactive Voice Recognition  
RIA Regulatory Impact Assessment  
VOSA Vehicle & Operator Services Agency