STATUTORY INSTRUMENTS

2018 No. 52

ROAD TRAFFIC

The Road Vehicles (Registration and Licensing) (Amendment) Regulations 2018

Made - - - -	*17th January 2018*
Laid before Parliament	*24th January 2018*
Coming into force - -	*19th February 2018*

The Secretary of State, in exercise of the powers conferred by sections 22(1)(a), (d), (e), (f), (h), (i), 22(1B), 22(2), 57(1), 57(2)(a), 57(3)(b), 57(5) and 59(2)(a) of the Vehicle Excise and Registration Act 1994(**1**), makes the following Regulations.

Citation and commencement

1. These Regulations may be cited as the Road Vehicles (Registration and Licensing) (Amendment) Regulations 2018 and come into force on 19th February 2018.

Amendment of Regulations

2. The Road Vehicles (Registration and Licensing) Regulations 2002(**2**) are amended as follows.

3. For regulation 3(1A)(b) substitute—

"(b) the insurer of the vehicle has notified the Secretary of State that the vehicle is suitable for repair; and".

4. In regulation 14(2)(b), for "registration fee document exemption" substitute "registration document fee exemption".

5. In regulation 15A(7)—

(a) in sub-paragraph (a), for "the pre-accident value of the relevant vehicle is less than the cost of repairing it;" substitute "the relevant vehicle has sustained damage;"; and

(**1**) 1994 c. 22. Relevant amendments to section 22(1) were made by the Finance Act 1996 (c. 8) Schedule 2, paragraph 4 and the Vehicles (Crime) Act 2001 (c. 3) section 33(1). Section 22(1) was also amended by the Road Safety Act 2006 (c. 49) section 47(4) to (10), which have yet to be brought into force. Section 22(1B) was inserted by the Finance Act 1995 (c. 4) Schedule 4, paragraph 34(3) and amended by the Finance Act 1996 (c. 8) Schedule 2, paragraph 5 and Schedule 41, Part 2, paragraph 6. Section 57(1) was amended by the Finance Act 1996 (c. 8) Schedule 41, Part 2, paragraph 6. There are other amendments to sections 22 and 57 but none is relevant.

(**2**) S.I. 2002/2742; relevant amending instruments are S.I. 2004/1773, S.I. 2015/403, S.I. 2015/1657.

(b) in sub-paragraph (c), for "the pre-accident value of the vehicle is less than the cost of repairing it." substitute "it has sustained damage.".

6. In regulation 16(1A)(b), for "registration fee document exemption" substitute "registration document fee exemption".

7. For regulation 20(4)(a), substitute—

"(a) a vehicle has sustained structural damage and the cost of repair, or the total cost of repair and associated ancillary costs, would exceed the value of the vehicle when repaired or it has been replaced with another vehicle under a policy of insurance; and".

8. In Schedule 3A—

(a) for paragraph 1, substitute—

"**Duty of the insurer**

1.—(1) If an insurer determines that the relevant vehicle for which it provides a policy of insurance has sustained damage such that the repair costs, or the total cost of repair and associated ancillary costs, exceed the pre-accident value of that vehicle or the insurer is required to replace the damaged vehicle with another vehicle under a policy of insurance—

(a) that insurer must notify the Secretary of State whether the relevant vehicle is suitable for repair or not and, if it is suitable for repair and this notification is made on or after 20th February 2018, whether that vehicle sustained any structural damage or not; and

(b) unless that insurer is also the keeper of the relevant vehicle, the insurer must notify the keeper of that vehicle—

(i) of the reason that it has decided not to repair the vehicle;

(ii) if the vehicle is suitable for repair or not; and

(iii) if this notification is made on or after 20th February 2018, whether the vehicle sustained structural damage or not.

(2) Following notification in accordance with paragraph (1)(a), the insurer must destroy the registration document if this is in its possession, unless the vehicle is suitable for repair and has not sustained structural damage.".

(b) in paragraph 2(1), for "less that the cost of repairing it," substitute "either less than the cost of repairing it or the total cost of repairing it and associated ancillary costs,".

(c) after paragraph 2(1)(a)(ii), insert—

"(iii) if the notification is made on or after 20th February 2018, the vehicle has sustained structural damage; and".

(d) in paragraph 2(1)(b), after "the registration document for that vehicle", insert "unless the vehicle is suitable for repair and has not sustained structural damage".

(e) in paragraph 2(2), after "unless that document is held by the insurer", insert "or the vehicle is suitable for repair and has not sustained structural damage".