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Date: 20 September 2016

Dear Mike Allwood

RE: Penalty Charge Notices and no keeper details

Thank you for your letter of the 22nd August copied to the Secretary of State and subsequent Freedom of Information request of the 9th September to the Driver and Vehicle Licensing Agency (DVLA) about vehicles in trade. Your requests have been passed to the Strategy, Policy and Communications Directorate and I have been asked to respond. For ease of reference I have responded jointly to both requests and answered the questions you have raised at Annex A.

I empathise with the Council's situation, when issuing penalty charge notices for vehicles that may show no keeper details on the DVLA vehicle database. As for your specific point, the Driver Vehicle Record Enquiry (DVRE) team has thoroughly investigated the record FL11 UOP and informed me that five responses have been issued from them. On four occasions it was confirmed that we hold no keeper details for the date of event quoted 31/03/2016. However, one response has been issued and due to a clerical error surrounding the date of event, unfortunately incorrect keeper details have been released to you.

Traceability of vehicles is around 95% at the Agency and we are always open to proposals about how to improve accuracy of our vehicle records and making taxing a vehicle very easy. I should explain that no consideration has been given to link taxation of a vehicle to an insurance policy and there are no plans to do this.

Motor traders are able to transact on-line through the GOV.UK site. They are also able to transact on behalf of the keeper to notify disposal to trade, using the V5C/3, disposal to motor trader/insurer/dismantler document reference number from the vehicle registration certificate (V5C). Additionally, they can declare disposal out of trade, using the V5C document reference number to update the new keeper who has purchased a vehicle from them. All measures are in place to improve accuracy of the record. We have also recently issued a Dealer leaflet to promote accuracy.

I trust this explains the Agency's position.

Yours sincerely,

Simon Andrew

Simon Andrew
Strategy, Policy and Communications Directorate

Annex A

Question 1 – The number of vehicles that currently have no registered keeper? Does this include those with the DVLA address? What % is this of the total?

Table VEH0104 shows vehicle that are in-between keepers.

There is a between keepers figure on row 21.

This is 1.9 % of the total Great Britain vehicles.

<https://www.gov.uk/government/statistical-data-sets/all-vehicles-veh01#table-veh0104>

Question 2 – The number of vehicles that only have trader details? Can anyone be classed as a trader? If not what is the requirement?

The data is unavailable, as this would require a scan of the vehicle database and is too costly to put in place. DVLA is not in a position to provide definitive advice on the difference between a 'private seller' of vehicles and a 'motor trader' of vehicles. However, the definition of a motor trader and motor dealer for business purposes is defined in law. The law states that a "motor dealer" means a person carrying on the business of selling or supplying vehicles. A "motor trader" means a manufacturer or repairer of, or dealer in, vehicles. Another reference is; A "motor trader" is a person treated as a dealer in vehicles if he carries on a business consisting wholly or mainly of collecting and delivering vehicles, and not including any other activities except activities as a manufacturer or repairer of, or dealer in, vehicles.

Question 3 - What % of vehicles were untaxed prior to the change in not issuing the paper tax disc and what is the current %?

The Vehicle Excise Duty evasion statistics published in 2015 estimated a compliance rate of 98.6% which shows a reduction from the previous survey conducted in 2013, which estimated a compliance rate of 99.4%. An evasion rate of 1.4% equates to an estimated revenue loss to HM Treasury of around £80 million. While the Government did recognise that getting rid of the tax disc after nearly 100 years had the potential for the number of untaxed vehicles to temporarily increase, some of this revenue would have been recovered through enforcement action. The Agency operates a comprehensive package of measures to tackle vehicle tax evasion. These measures range from reminder letters, penalties and court prosecutions through to the use of

Automatic Number Plate Recognition cameras, wheel clamping and the removal of untaxed vehicles.

<https://www.gov.uk/government/statistics/vehicle-excise-duty-evasion-estimates-2013>
<https://www.gov.uk/government/statistics/vehicle-excise-duty-evasion-statistics-2015>

Question 4 – Traders are not placed on the records as a keeper. However, they are in fact the keeper of the vehicle during the transition from the purchase to the sale. Whilst we appreciate they do not appear on the log book as such why is this information not available to the council as they are in fact keepers of the vehicle? We have many so called traders who use these vehicles on the highway and are in fact untaxed vehicles so what action do the DVLA take against such individuals.

The Road Vehicles (Registration and Licensing) Regulations 2002 define a registered keeper; in relation to a vehicle means the person from the time being shown in the vehicle register as the keeper of that vehicle. A motor trader is not classed as a registered keeper of a vehicle for vehicles they have in their stock. As the trader details cannot be populated on the registered keeper fields on a vehicle record, then these details are not automatically provided to the Council when a request is made through their electronic request for keeper information route. The Agency can only take action against the registered keeper of a vehicle.

Question 5 - I understand that the DVLA take no action against vehicle until the tax is over 6 weeks overdue. Is this correct? If someone is traced in such a situation and indicate the vehicle has just been purchased do they pay the tax from that time? If this is the case do you have any figures concerning possible lost tax and if so how much?

The registered keeper is legally obliged to renew a vehicle licence or make a Statutory Off Road Notification, until the DVLA is notified that it has been sold, transferred, scrapped or exported. An untaxed vehicle that is used or kept, may be clamped or removed and impounded. The vehicle keeper may also be subject to prosecution. When a keeper purchases/takes ownership of a newly purchased vehicle they are legally required to tax or declare the vehicle off road (SORN) immediately. Vehicle tax is valid from the first of each month, therefore even when the vehicle is purchased mid-month, the commencement date of the tax would commence from the 1st of that month. Therefore, there are no figures available to show any lost revenue in the instance you have highlighted as it is not applicable. Furthermore, it may also help if I explain Electronic Vehicle Licensing (EVL), makes compliance quicker and easier for vehicle keepers. Additionally, the introduction of direct debit has allowed motorists to spread the cost of vehicle excise duty (tax) over the year. Existing and new vehicle keepers of second hand vehicles have the option to license their vehicle either online or by phone. There is also the option of paying for the vehicle tax at the Post Office.

END

