

Report on the DVLA Consultation on changes to the Regulation of Number Plate Supply in the United Kingdom

1. Background

RNPS

The Register of Number Plate Suppliers (RNPS) was established in January 2003 to regulate the supply of number plates and reduce the opportunity for criminals to obtain false plates to disguise the identity of stolen vehicles or to use vehicles in criminal activity. All number plate suppliers in England and Wales must register with DVLA and conduct certain checks before selling plates. Over 35,000 businesses in England and Wales are currently registered.

Prior to this scheme being introduced it was possible to buy number plates for any vehicle from any supplier without any checks or controls. This made it very easy for criminals or penalty evaders to obtain false plates. The scheme makes it more difficult for criminals and penalty evaders to get number plates by requiring them to provide confirmation of name, address and entitlement to the registration mark.

A major gap in the scheme is the fact that it applies only to England and Wales, but powers are contained in S46 of the Road Safety Act 2006 to extend it to Scotland and Northern Ireland.

Supply of non-compliant plates

Another issue that makes the identification of vehicles more difficult is the use of number plates that do not comply with the Road Vehicle (Display of Registration Marks) Regulations 2001. Examples of non-compliance are the use of an italicised font or mis-spacing of characters to make the registration number look like a name. This can make it difficult for Automatic Number Plate Recognition (ANPR) to correctly read the number and vehicles used in criminal activity might escape detection as a result.

ANPR equipment used by DVLA for the purpose of vehicle excise duty enforcement failed to recognise vehicle registration marks in 12% of cases between June and October 2007 due to defective number plates. Unlicensed vehicles detected by ANPR often prove to be uninsured or unroadworthy as well, so anything that renders ANPR less effective has road safety implications. The Association of Chief Police Officers identifies non-compliant number plates as a serious countermeasure to the effectiveness of ANPR. The police see ANPR as a vital tool for the detection and prevention of crime and this is by no means confined to the evasion of tax or traffic related fines and charges. It is also important for dealing with crime ranging from vehicle theft to terrorist

activity, so the use of standard number plates is an important part of the crime reduction effort in the UK.

It is already an offence to display such non-compliant plates on the road and motorists that do so could be issued a defect rectification notice or fixed penalty notice by the police. Section 45 of the Road Safety Act will also make it an offence for a supplier to sell non-compliant number plates.

Purpose of Consultation

A consultation on changes to the regulation of number plate supply in the United Kingdom was issued on 3 July and the consultation closed on 25 September. The purpose of the consultation exercise was to invite views on proposals relating to RNPS and the sale of non-compliant plates arising from powers contained in the Road Safety Act 2006.

In extending RNPS to Scotland and Northern Ireland under S46, it is necessary to extend the regulations operating in England and Wales. The consultation paper gave consultees the opportunity to comment on whether the details of the scheme in Scotland and Northern Ireland should exactly match those operating in England and Wales or whether any differences were necessary.

Section 45 of the Act makes it an offence to sell a number plate that does not comply with the Road Vehicles (Display of Registration Marks) Regulations 2001. However, there are also powers to make regulations to allow exemptions to this requirement. The consultation paper sought comments on whether there should be an exemption for non-compliant plates that display wording such as 'not for road use' (listed as option 2 in the paper).

2. Responses

DVLA issued 515 consultation documents to motoring organisations, local authority organisations, police organisations, motor dealers, motor factors and various other stakeholders. In addition, the consultation document was published on the DVLA website.

A total of 31 organisations commented on the proposals. Although the responses were small in number, they did include key police bodies who are actively involved in dealing with vehicle crime and vehicle identification in Scotland, Northern Ireland, England and Wales. Also among those who responded were the leading UK number plate manufacturers, including the representative trade organisation and a sample of motor factors, number plate suppliers, motor dealers, Northern Ireland local authorities, Government Departments and other stakeholders.

RNPS

The only difference to the existing RNPS scheme identified in the consultation paper was that a local council rates bill should be substituted for a council tax bill as one of the acceptable documents to confirm name/address in Northern Ireland. None of the respondents proposed any additional divergence.

Offence of supplying non – compliant plates

The enforcement authorities all supported option 1, to ban the sale of all number plates that do not conform to the display regulations. Their reasoning was that this would provide the industry, public and enforcement authorities with clear guidance and remove any doubt as to what is a legal number plate. Some of the respondents felt that if the sale of non – compliant plates was to continue, they should be totally different in colour and format to legitimate number plates.

Organisations involved in the supply of number plates or the motor industry tended to favour option 2, but this was not universal. Some commented that the features identifying the plates as not for road use should not be too overbearing as this would ruin the appearance of the plates.

Several respondents expressed the view that more enforcement is needed whatever option is chosen, to ensure the scheme is credible.

3. Conclusion

Extension of RNPS

The scheme will operate in the same way as it does in England and Wales, with the only exception being the acceptable evidence for identity in Northern Ireland, where they do not have council tax bills, but a council rates bill.

Offence of supplying non-compliant number plates

Having fully considered the options in light of responses to the consultation, the Government is of the view that powers contained in the Road Safety Act to make regulations prescribing exemptions to the offence under Section 45 should not be used at this time. This will mean a ban on the supply of number plates that do not conform to the display regulations and British Standard in all circumstances. Enforcement authorities supported this option, which would provide the industry, public and enforcement authorities with clear guidance and removes any doubts as to what can be sold as a legal number plate.

The term ‘show-plate’ is widely used in the number plate and motor industries but there is no universally accepted definition. There is clearly a role for ‘show plates’ that do not display a vehicle registration mark (VRM). An example of this would be plates fitted to new cars in show rooms with the name of the make/model of the car shown on the plate. These plates are not number plates in law and are outside the scope the offence. There

will be no barrier to this practice continuing. The same is true of practices such as hauliers fitting plates with their own identifying marks to their own vehicles or trailers, or plates showing a name or message for any corporate or personal use. It is only those plates that display a vehicle registration mark issued by DVLA or DVA in Northern Ireland that must conform to the display regulations, the British Standard and the requirements of the RNPS scheme. It is only plates that display a VRM that would be within the scope of the offence if they are non-compliant.

The power to make exemptions was included in the Act as a safeguard to ensure that any legitimate trade in non-compliant number plates intended for some use other than road use could continue. However, responses to the consultation and discussion with representatives of the industry have not produced any firm evidence that such a trade exists. On the contrary, there is ample evidence that non-compliant plates are fitted to vehicles and used on the road irrespective of the intentions of the manufacturer or supplier. There is some demand for number plates bearing a VRM for non-road use, e.g. to mark dedicated parking spaces. However, there is no reason why these plates need to be non-compliant. It is possible that there is some demand for non-compliant number plates for off-road use but there is no evidence that this is a significant market or indeed that it exists at all in any significant way.

People who buy non-compliant plates would not be attracted to plates with a 'not for road use' message in the background. Therefore it is concluded that any attempt to impose a requirement for such a message to allow a trade in off-road use would be self-defeating.

As part of the process of assessing the respective merits of options 1 and 2, DVLA used its own ANPR equipment to test plates with a 'not for road use' message displayed continuously in the background. While the VRM showed up well, the wording in the background did not and the words could not be distinguished. In any case, the ANPR system relies on matching VRMs to data held by the registration authority or police, e.g. unlicensed or stolen vehicles. It would not pick up plates marked as 'not for road use' fitted to vehicles within its range. Enforcement would therefore rely on observation.

The colour, size etc of the wording would have to be specified in legislation and it would be difficult for enforcement authorities to tell whether any given plates fully complied with this. This might lead to a tendency for some suppliers to try and make the message as unobtrusive as possible. This would defeat the purpose of making the exempt plates easily distinguishable from standard number plates. This consideration would still apply if the suggestion of making exempt plates a different colour was adopted. For example, a requirement for blue plates could lead to the production and sale of plates with a shade that might not be immediately distinguishable from white. Proving the offence in such cases could involve laboratory testing with the associated costs, and could be difficult for a police officer to deal with at the roadside.

There is no doubt that the introduction of an offence of selling non-compliant plates will necessitate a major change in direction for many number plate manufacturers and

suppliers throughout the UK. It should be noted, however, that the display of such plates on the road is illegal now. Therefore the supply of non-compliant plates while not yet constituting a specific offence in legislation does enable others to commit an offence. While some suppliers issue warnings to customers that the plates are not for road use, there is no reason to suppose that such warnings are heeded.

An impact assessment accompanies this document. It concludes that the benefits of introducing the offence without exemption outweigh the costs. The demand from the motor trade for number plates to fit to their stock of new and used vehicles will continue. The demand for replacement plates will also continue, but there might be a drop in this sector of the market as the facility to supply customers with non-compliant plates is cut off. Suppliers have the capability of producing plates with a wide range of fonts, colours, backgrounds etc, so producing them solely in the legal format should not provide any difficulty. Those businesses that specialise in 'show plates' will have to switch to the production of standard number plates. It is possible that they might lose a specialist niche in the market. However, it must be emphasised again that the use of such plates on the road is already illegal. The Government cannot condone the business practice of supplying commodities to be used for an illegal purpose.

Consideration will be given to the period of notice for the introduction of this offence to allow suppliers to manage the change. DVLA will write individually to all registered number plate suppliers in England and Wales to notify the change and suppliers in Scotland and Northern Ireland who are currently unregistered will be notified through press notices to national, local and trade media.