



Driver and Vehicle Licensing Agency

Head of Data Sharing/FOI Team

D16

DVLA

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SA6 7JL

R Austin

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Email

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Website

www.direct.gov.uk/motoring

Your Ref

Our Ref

FOIR2214

Date:

16 December 2010

Dear Mr Austin

Freedom of Information Request

Thank you for your e-mail of 18 November requesting information under the terms of the Freedom of Information Act 2000 (FOIA).

You asked for:

Information confirming your legal definition of the term road and legal references.

For the purposes of vehicle licensing and registration DVLA must rely upon the definition of 'public road' as defined in the Vehicle Excise and Registration Act 1994 (VERA) (as amended). DVLA does not rely upon any legal definition of the term 'road'. VERA requires any mechanically propelled vehicle that is used on a public road to be licensed (i.e. display a tax disc) and registered. Section 62(1) of VERA defines a public road as:

- (a) in England and Wales, a road which is repairable at the public expense, and
- (b) in Scotland, as having the same meaning as in the Roads (Scotland) Act 1984.

The legal reference to define 'Highway'.

The Highways Act 1980 Section 41 (3) (a and b) define a Highway as:

- (a) any highway maintainable at the public expense by a local highway authority, and
- (b) any highway other than a highway falling within paragraph (a) above or a highway maintainable under a special enactment or by reason of tenure, enclosure or prescription.

Definition of Vehicle



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Department for
Transport

The definition of a 'vehicle is defined in Part 1 of VERA and states the following:

(1) A duty of excise ("vehicle excise duty") shall be charged in respect of every mechanically propelled vehicle that—

- (a) is registered under this Act (see section 21), or
- (b) is not so registered but is used, or kept, on a public road in the United Kingdom.

(1A) Vehicle excise duty shall also be charged in respect of every thing (whether or not it is a vehicle)

that has been, but has ceased to be, a mechanically propelled vehicle and--

- (a) is registered under this Act, or
- (b) is not so registered but is used, or kept, on a public road in the United Kingdom.

(1B) In the following provisions of this Act "vehicle" means--

- (a) a mechanically propelled vehicle, or
- (b) anything (whether or not it is a vehicle) that has been, but has ceased to be, a mechanically propelled vehicle.

In relation to the term Offence, the dictionary definition of 'offence' is:

A violation or breach of a law, custom, rule, etc.

Copy of the original agreement, or contract to act as Agent to the Department of transport.

Please find attached a copy of DVLA's Framework document which states the role of DVLA.

Please provide a location where I am able to review the public accounts of DVLA.

Please find below the link to the link to DVLA's annual report and accounts

<http://www.dft.gov.uk/dvla/publications.aspx>

The annual report and accounts also provides an organisational structure of DVLA's Executive Board.

The information which follows concerns the copyright conditions that apply to any information provided by the Agency and the procedures for making any complaint you might have about the reply. Please quote the reference number of this letter in any future communications about it.

Yours sincerely

A handwritten signature in dark ink, appearing to be 'Robert Toft', written over a faint rectangular box.

Robert Toft
Head of Data Sharing/FOI Team

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If you are unhappy with the way in which your request for information has been handled, about the decision not to disclose all or part of the information requested and/or that the DVLA has not complied with its FOI publication scheme, you have the right to complain within two calendar months of the date of this letter. You may complain by writing to the Freedom of Information Team, DSPG/FOI, D16, DVLA, Swansea, SA6 7JL or e-mail foi@dvla.gsi.gov.uk.

Your complaint will be acknowledged and you will be advised of a date by which you should have received a response. Initially, your complaint will be re-considered by the official who dealt with your request for information. If, after careful consideration, that person decides that his/her decision was correct, your complaint will automatically be referred to an independent official who will conduct a further review (an Internal 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 by writing to the Information Commissioner's Office, Wycliffe House, Water Lane, Wilmslow, Cheshire, SK9 5AF.