

ASK THE ADVISER

12) MOTORING MATTERS - The latest in a series of articles by Iain Gregory of Caithness CAB

Many decades ago, in a remote area of the Gaidhealtachd, I had occasion to pull over an ancient vehicle which transpired to be driven by an equally venerable gentleman of the cloth who had apparently been so intent upon the composition of his sermon that his attention had been completely diverted from earthly matters, in particular due concentration upon the speed limit. We agreed that the generosity of The Lord was unbounded, but I pointed out that in this instance said bounty was a trifle excessive as “thy speedometer runneth over”. We agreed that we would not so transgress again and, from that day on, whenever I passed his reverence I noted that he was proceeding at a suitably ecclesiastical pace. We would always respectfully acknowledge one another and all was therefore well. I was reminded of this recently when a friend of mine, who was similarly at fault, glanced in his mirror and was most dispirited to note blue lights and the alarming word “ECILOP” clearly visible behind him. He was spoken to by two charming young officers who put him courteously, but firmly, in the picture and from that day on he has complied rigorously with the limit. These cases are an example of what was always known as the “Commonsense Scotland Act” – in other words use of discretion. In both cases the drivers were out of order, but there was no real danger and the best way to prevent a recurrence was to advise them clearly where they stood without the need for any formal process and this leads us neatly to today’s topic – motoring and the law.

It goes without saying that we must all have a valid Driving Licence but there are one or two areas where you need to be careful. Have a look at the front of your photocard licence, in particular at 4b where the expiry date is shown. You must renew the licence by this date with a current, up to date photo. Unfortunately, although DVLA are meant to remind us to do so, things have been known to go wrong and a very nasty fine can follow. Also, whilst Licences usually last for 10 years, once you hit 70 you need to renew every 3 years. You also need to update DVLA if you change your address or your name. It is all actually quite simple and all that needs to be done is to be aware of the requirements – everything is on GOV.UK – and make sure that you are up to date.

Insurance is another area where things frequently go wrong. At Caithness CAB we quite often get inquiries from drivers who have bought a new car and happily driven off under the entirely erroneous impression that their insurance would cover them for the new vehicle and that they could notify the insurers in due course. This is categorically not the case – it used to be many years ago, but it isn’t now. You must inform your insurers and pay any premium due before you go near a public place or road. A quick phone call whilst clutching your plastic in your hand and you can enjoy your new car knowing that the

cover is in order. Another fairly new piece of legislation is what is called “continuous insurance enforcement” which means that you must make sure that your car is continuously insured at all times unless you have made a “statutory off-road notification”. (By the way if you do SORN a car it really does have to be off the road – not on the street). There are nasty penalties for non-compliance – you can get a fixed penalty of £100, have your vehicle wheel-clamped, impounded or destroyed or face a court prosecution, with a possible maximum fine of £1,000, so always best to keep things right!

What used to be called the “Road Fund Licence” (judging by the state of the roads in our County it must be a very small fund), but is now usually called Road Tax, is another area where confusion reigns. The abolition of the tax disc has certainly not helped and quite a number of people consult us about the new requirements. Put simply, if you drive on the public roads then you need tax. It used to be that vehicles were often sold with a current tax disc and all you had to do was tell DVLA that you were the new keeper and all was well. (More about DVLA later). This is no longer the case – tax cannot be transferred with a vehicle so when you sell your car it ceases to be taxed and the new owner must obtain same before driving off – clearly the same applies when you buy a new car and you must get it taxed right away. The Government guidelines are simple - when you tax your new vehicle, you’ll need the new keeper supplement slip (V5C/2) if you’ve just bought the vehicle or the vehicle isn’t registered in your name - use the 12 digit reference number. You can’t use the seller’s V11 tax reminder. The dealer should keep you right but remember it is your responsibility to tax it right away. This can be done online (GOV.UK – Tax your Vehicle), by phone (0300 123 4321) or at the Post Office. As always there will be a demand for money so have a means of payment to hand.

The MOT Test is often a cause of friction as we all know. The Govt. website states that “The MOT test checks that your vehicle meets road safety and environmental standards. You must get an MOT for your vehicle by either: the third anniversary of its registration; the anniversary of its last MOT, if it’s over 3 years old.” There is a strong argument today that this should be extended to perhaps 5 years and this may yet happen but there is much debate about it so we will have to wait and see. So what if your MOT has expired and you need to take the car to a garage? Well the law says “you can’t drive your vehicle on the road if the MOT has run out. You can be prosecuted if caught. The only exceptions are to drive it: to or from somewhere to be repaired or to a pre-arranged MOT test” and the key word is “pre-arranged” – in the book and recorded.

Just as an aside, there are lots of people with classic cars in Caithness and for once the Government, under pressure from one or two MP’s who are into cars, have acted wisely so you get a free tax disc if your vehicle was made before 1 January 1976 (just remember you still need to apply for the license) and this is a “rolling exemption” so next year it should be 1977 and so on. MOT tests (and this is apparently controversial) are no longer a requirement if

the car was “made before 1960”. I rather hope this applies to me as well! And as regards DVLA it is an excellent idea, if you are posting anything at all to them, to make sure you send it by secure post with proof of posting and receipt. Also, keep a photocopy of anything you send off. This way you are in a good position if anything mysteriously goes adrift. Discretion does not apply to their systems.

Unfortunately motorists have recently become the target of an extremely unfair practice – the issue of “parking charges” by private firms for alleged failure to comply with rules when parking in private / supermarket car parks. There is a huge profit in this and “charges” which are certainly not criminal, but are civil matters (as opposed to “tickets” issued for parking illegally on a street) are dished out frequently and for very large sums. We get a lot of clients who have picked these up in Inverness and we will happily fight them for you. I have been in touch with an MSP who raised a debate at Holyrood on this subject and I sincerely hope that we get some legislation soon to sort this out in Scotland – this will also stop DVLA making lots of money by selling your data to these firms. So do come and see us – we will help.

So there we have it - as a summary, we all need to have a valid Driving Licence, Tax, MOT and Insurance and the simple rule is to comply with traffic rules and regulations, never, ever use a mobile phone when driving, and equally do not drive after consuming any alcohol at all. We can then all enjoy driving and everyone is happy. And on that note it is now time to join the queue trying to negotiate the “temporary” traffic lights at the Toll and avoid the potholes.