

Legal Rules when buying a UK registered Motorbike

Warning this is not intended to be a comprehensive statement of UK motoring law

The Basics

It is OK for overseas citizens to own a UK registered vehicle - but it has to be done right. To own and drive a UK registered vehicle on the public highway you need to comply with the following:

The vehicle must be registered to a UK address,

The vehicle must meet UK construction & use rules,

The vehicle must have valid UK road fund tax paid,

The vehicle, must as a minimum, have valid insurance cover for third parties;

Once a vehicle is 3 years old, it must also pass an annual MOT roadworthiness test

Drivers must hold a valid licence for the type of vehicle.

(Different rules apply in Northern Ireland)

Observations on each point above

(1) The UK recognises two legal entities. The registered owner and the registered keeper. They do not have to be the same people or have the same address. These details are recorded on the V5C form. Beware there are fakes out there, so check it has not been doctored and the form has the DVLA watermark, and the registration and serial numbers match those on the vehicle. Many cloned vehicles have been created by welding in replacement serial numbers. Look closely for any signs of tampering around the registration marks.

Hence the registered owner could be an overseas citizen or company - e.g. an Arab Sheik or Hertz Car Hire Inc USA. However the Registered Keeper must provide an address in the UK. You don't have to own the property, so it could be your girlfriends address, but it must be an address where the person using the registered vehicle can be contacted. (So they can send you speeding tickets etc!) This is why it's ABSOLUTELY essential to ensure the person selling it is the registered owner and not just the Keeper. Just in case it's not their car to sell. For instance some people purchase their car using a Hire Purchase loan agreement. If you unwittingly buy it from the registered keeper, you also accept liability for any unpaid loan amounts - which could be many thousand pounds. Hence never buy a vehicle without getting a warranted HPI check done on the vehicle first. (There are loads of online and SMS services which can do this in seconds for instance <https://hpicheck.com/> but make sure they check and provide warranted information on any loans charged against the vehicle - some of the cheapest services - don't cover this critical check!)

(2) Stock or basically stock cars/motorbikes are fine but, just in case you or the previous owner gets carried away and start fitting things like flame thrower attachments etc, any heavily modified vehicles will generally require examination and SVA (Special Vehicle Approval) approval. So if you stick a rocket engine on your moped it will need an SVA certificate as well. These are only available at dozen or so locations in the UK. NB Until a modified vehicle has the approval you can't drive the vehicle on the road, not even to take it to the test station, so you will need a trailer.

(3) This used to be known as a Road Tax disc but from October 2014 simply becomes an electronic entry on an online government database. The online system means the new owner must go online and pay this tax as soon as they purchase the vehicle, but cannot be obtained if the vehicle MOT has expired - you must get that sorted first. The online system allows the seller to immediately reclaim unused months tax and does not transfer when sold.

Tax is sold for 6 or 12 month periods. The whole online database is only accessible to the police and various approved bodies. Vehicle owners can however gain access to their own vehicle listing and pay online to extend cover at any time - using a special 12 digit code on the V5c. Before the tax expires a reminder with the same 12 digit number is sent to the owners registered address.

Costs increase with engine size and how much it pollutes. Vehicles no longer have to display a paper tax disc on the vehicle - it just needs to be covered on the online tax database. If your vehicle does not have valid tax, the fine can be massive and the vehicle taken away and crushed. These are enforced by a huge network of ANPR cameras (Automatic Number Plate Recognition), particularly around major cities and most motorways. Don't risk riding without valid tax.

(4) Any UK registered vehicle in use on the road MUST at the least have 3rd Party insurance cover. When you purchase insurance it is added to the Motor Industry Database which maintains a real-time listing of insured vehicles, which the police have access to.

The police carry out ANPR checks of millions of vehicles daily. Vehicles spotted on the road without valid insurance can be impounded and crushed, and the driver will be subject to fines and points on their licence. To be safe, make sure you arrange insurance for the vehicle in the registered keeper's name at their registered address. There are loads of firms who can do this on-line. Such as www.directline.com or www.gocompare.com

Many insurers are unwilling to offer cover if you hold an overseas or international licence, and may not offer any discount in respect of no claims bonus obtained outside the UK. Specialist firms like Adrian Flux may offer cover but expect the premiums to be high.

Even if you only plan to use your vehicle during a few summer months and plan to store it for the rest of the year - if you have not declared the vehicle SORN - you still need BOTH insurance and tax all year long. The UK "continuous insurance" law places the onus on the keeper to notify the authorities by completing a "SORN (Statutory Off Road Notice) when you intend to cease taxing and insuring your vehicle. It can be difficult to reverse the process, but the basics are (1) go online to obtain insurance, then (2) get tax BEFORE putting the vehicle back on the road. BUT If the vehicle is over 3 years old and the MOT has expired - then as stage (1a), you must PRE BOOK an inspection at a test station, and obtain a pass certificate - BEFORE you will be able to TAX the vehicle. If the vehicle passes the MOT test - then immediately go online to purchase tax BEFORE leaving the test station. If the vehicle fails it can only be taken on the road directly to a place for repair. (see (5) below).

(5) Once a vehicle is 3 years old its fitness for the road must be recertified annually. It has to be submitted to an MOT test by an authorised tester for that category of vehicle (motorbike test stations are quite hard to find). They will issue a computerised pass or failure certificate. The computer ANPR system is immediately updated. So if a vehicle fails the test it can't be used on the road except when it is being driven to a PRE BOOKED place of repair, or to a PRE BOOKED re-test. Most people refuse to buy any vehicle without a reasonably recent MOT. If you are off on a tour around Europe you really don't want the MOT to expire whilst you are mid-way through your trip, and have to return to the UK to renew it. You can always submit any vehicle for a test early. Note - if the MOT has expired then even if you have a valid insurance policy, it becomes invalid - apart from use on those "pre-booked" trips!

(6) - Driving Licences

Any person in charge of a vehicle on UK roads must hold a valid driving licence for that category of vehicle. Licence categories are harmonised across Europe so a category "a" driving licence holder from Belgium will be entitled to operate the same category of vehicles in the UK. Things get complicated when it comes to licences issued outside the EU, so do not assume a licence issued in Delhi or anywhere else will be valid in the UK. Many licences overseas will be valid for use on temporary (less than 12 month) visits, but for many other countries and for longer stays you may need to exchange your overseas licence for a UK one or potentially start from scratch and take a UK driving test to obtain a UK licence.

Please consult the DVLA website for the up to date information on what overseas licences are recognised. Licences issued in the following countries have hitherto been given equivalent status.

Andorra, Australia, Barbados, British Virgin Islands, Canada, Falkland Islands, Faroe Islands, Gibraltar, Hong Kong, Japan, Monaco, New Zealand, Republic of Korea, Singapore, South Africa, Switzerland and Zimbabwe.

But the list may change so check the latest list on the DVLA site.

<https://www.gov.uk/driving-non-uk-licence>

Other Useful stuff

It's not a legal requirement, but it's usually worth closely checking through all/any documents provided with the vehicle by the vendor, especially if the vehicle has a full service history. It will help you to spot any overdue expensive maintenance items like replacement cam belts etc. A bulging service history folder can also help confirm the vehicle ownership and show if it has been properly maintained and or reveal if it has been flogged over huge mileages or someone has been messing with the mileage trip meter. Look closely at the time sequence of bills for new tyres and servicing work (which usually show the date and mileage when the work was undertaken) as it may reveal if the speedo went back-wards many thousand miles!

Be willing to use this to negotiate hard on the price. NEVER pay the advertised price!