

Facts and myths

After living permanently in Spain for a few years and dealing with motoring issues for most of that time, I have heard many stories from fellow expats who have been convinced that this or the other “fact” is the absolute truth. Much of the information is from the know-all or the very convincing chap in the local drinking hole, whom I frequently refer to as “bar room lawyers”, so let’s try and dispel some myths

Firstly, in response to a question from a reader about UK driving licences, there is no absolute need to change to a Spanish licence, but there are circumstances when it is in your interest to do so; this is covered in this week’s letters page in response to a reader concerned about yet another rumour

SORN and road tax

If you have a Statutory Off Road Notice for your vehicle then it is against the law to drive the vehicle. SORN means that your vehicle is not being used on the public highway, so you pay neither road tax nor need an MOT/ITV. By definition if it is on the road you have made a false declaration and the car is being driven illegally. SORN and its equivalent, such as the Baja Temporal in Spain means that the vehicle cannot be driven anywhere in Europe, not just the country in which it is presently registered.

Road tax is levied to pay for the building and maintenance of roads. Not paying it means you are literally having a free ride. The tax needs to be paid in the country in which the car is registered, though I have come across instances of owners of UK vehicles paying road tax at their ayuntamiento. Well I guess if you went to a tax office and offered to pay money they are hardly going to refuse!

British road tax can be paid on line via the DVLA website, but to do so, you need to have an in-date MOT and insurance, establishing a clear link between these 3 important factors

MOT and ITV

The system of vehicle inspection known as MOT applies to vehicles registered in the UK (a statement of the blindingly obvious) and can only be legally obtained in the UK. Spanish registered vehicles have an ITV inspection. An MOT on a Spanish car and ITV on a British car are purely voluntary and have no legal standing, however many, but not all, insurance companies accept an ITV on a British car as proof of roadworthiness.

Insurance companies provide a very valuable service by pooling together all of the money gathered by them in order to pay out to someone who has had a misfortune. Without such companies situations such as your house burning down or your car being written off would be catastrophic. Insurers need to make a profit so are constantly on their guard for fraudulent claims as well as referring to the small print

when a claim is made in order to minimise the amount of money paid out. What does your small print say about your car being road legal?

The police and foreign cars

I can understand why some people accuse me of scaremongering, but I have no need to do so. Firstly I have gained a lot of knowledge, and have been blessed with the ability to pass on this information in order to help my fellow expats separate fact from myth. Secondly, I am fortunate that there are always many people who seek my services without scaring expats unnecessarily in order to generate an income

So what are the consequences of not taxing or MOTing or insuring your car? For many people there are none and they drive around for years without hassle. Do the Spanish police understand whether a UK vehicle is legal or not? In many cases no, so why do cars get impounded, drivers fined and forced re-registration take place? There are two main reasons; firstly is that the vehicle had been involved in an accident, so the police may go through the paperwork with a fine-tooth comb; the other reason is because the mayor or police chief decides to have a purge on foreign vehicles. Officers are briefed on the European laws relating to vehicles, cars are stopped, papers checked and found wanting, wallets are emptied and cars disappear. The good people of the North Costa Blanca are the latest to fall foul of this and have been faced with giving up their vehicles, or unexpectedly having to find money that they would rather have spent elsewhere

Basically, if your UK vehicle has no road tax, MOT or insurance, you are committing an offence under European and/or national laws. You may get away with it, or you may not. Similarly if your car has been in Spain for more than 6 months, it needs to be taken out of the country for 6 months or re-registered; just taking it to the UK for an MOT whilst better than nothing, will not make your car legal here. If you are a resident you have one month only to re-register

Buying a Spanish car

This is one area where the bar room lawyers generally get it right. When you buy a Spanish car it may have outstanding fines or sanctions against it which you may have difficulty in getting the seller to clear, in which case you pay them, so always have the Spanish equivalent of an HPI check undertaken before buying. When selling a vehicle, definitely do not allow the buyer to take care of the transfer alone as it will cost him money and as the registered keeper you remain liable for road tax. Always use a specialist service or gestor. A reputable company will make both the seller and buyer aware of the process so that they are comfortable that both of their interests are being taken care of

There is nothing mythical about facts!!

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