



# Vehicle Excise and Registration Act 1994

## 1994 CHAPTER 22

### PART III

#### OFFENCES

##### *Other offences relating to licences*

#### <sup>F1</sup>33 Not exhibiting licence.

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##### Textual Amendments

F1 S. 33 omitted (1.10.2014) by virtue of [Finance Act 2014 \(c. 26\)](#), [Sch. 19 paras. 13, 22](#)

#### <sup>F2</sup>33A Not exhibiting licence: period of grace

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##### Textual Amendments

F2 S. 33A omitted (1.10.2014) by virtue of [Finance Act 2014 \(c. 26\)](#), [Sch. 19 paras. 14, 22](#)

#### 34 Trade licences: penalties.

- (1) A person holding a trade licence or trade licences is guilty of an offence if he—
- (a) uses at any one time on a public road a greater number of vehicles (not being vehicles for which vehicle licences are for the time being in force) than he is authorised to use by virtue of the trade licence or licences,

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- (b) uses a vehicle (not being a vehicle for which a vehicle licence is for the time being in force) on a public road for any purpose other than a purpose which has been prescribed under section 12(2)(b), or
  - (c) uses the trade licence, or any of the trade licences, for the purposes of keeping on a public road in any circumstances other than circumstances which have been prescribed under section 12(1)(c) a vehicle which is not being used on that road.
- (2) A person guilty of an offence under subsection (1) is liable on summary conviction to an excise penalty of—
- (a) level 3 on the standard scale, or
  - (b) five times the amount of the vehicle excise duty chargeable in respect of (in the case of an offence under subsection (1)(a)) the vehicles which he is not authorised to use or (in the case of an offence under subsection (1)(b) or (c)) the vehicle concerned,
- whichever is the greater.
- (3) The amount of the vehicle excise duty chargeable in respect of a vehicle is to be taken for the purposes of subsection (2) to be an amount equal to the annual rate of duty applicable to the vehicle at the date on which the offence was committed.
- (4) Where in the case of a vehicle kept (but not used) on a public road that annual rate differs from the annual rate by reference to which the vehicle was at that date chargeable under [F3section 2(3) to (6)] , the amount of the vehicle excise duty chargeable in respect of the vehicle is to be taken for those purposes to be an amount equal to the latter rate.
- (5) In the case of a conviction for a continuing offence, the offence is to be taken for the purposes of subsections (3) and (4) to have been committed on the date or latest date to which the conviction relates.

**Textual Amendments**

**F3** Words in s. 34(4) substituted (30.11.2003) by [Finance Act 2002 \(c. 23\)](#), s. 19, [Sch. 5 para. 11](#); S.I. 2003/3086, [art. 2\(b\)](#)

**<sup>F4</sup>35 Failure to return licence.**

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**Textual Amendments**

**F4** S. 35 omitted (1.10.2014) by virtue of [Finance Act 2014 \(c. 26\)](#), [Sch. 19 paras. 15, 22](#)

**[<sup>F5</sup>35A [<sup>F6</sup>Failed payments].**

- (1) In a case where—
- (a) a notice sent as mentioned in section 19A(2)(b) [<sup>F7</sup>or 19B(2)(c)] or a further notice sent as mentioned in section 19A(3)(d)[<sup>F8</sup>, 19B(3)(d) or 19B(5)(f)] [<sup>F9</sup>requires a person to pay the amount specified in subsection (4) within such reasonable period as is specified in the notice], and

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(b) the person fails to comply with the requirement [F10 within that period], he shall be liable on summary conviction to a penalty of an amount found under subsection (2).

(2) The amount is whichever is the greater of—

- (a) level 3 on the standard scale;
- (b) an amount equal to five times the annual rate of duty that was payable on the grant of the licence or would have been so payable if it had been taken out for a period of twelve months.

[F11] .....  
[F12] (3)

(4) The amount referred to in [F13 subsection (1)(a)] is an amount equal to one-twelfth of the appropriate annual rate of vehicle excise duty for each month, or part of a month, in the relevant period.

(5) The reference in subsection (4) to the appropriate annual rate of vehicle excise duty is a reference

- [F14] (a) in the case of a vehicle licence, to the annual rate which at the beginning of the relevant period was applicable to a vehicle of the description specified in the application, or
- (b) in the case of a trade licence, to the basic goods vehicle rate (within the meaning of section 13) which was applicable at that time (or to the annual rate which at that time was applicable] to a vehicle falling within sub-paragraph [F15(1)(d)] of paragraph 2 of that Schedule if the licence was to be used only for vehicles to which that paragraph applies).

(6) For the purposes of subsection (4) the relevant period is the period—

- (a) beginning with the first day of the period for which the licence was applied for or, if later, the day on which the licence first was to have effect, and
- (b) ending with whichever is the earliest of the times specified in subsection (7).

[F16] (7) In the case of a requirement in a notice relating to a vehicle licence, those times are—

- (a) the end of the month in which the notice under section 19A(2)(b) or 19B(2)(c) or the further notice under section 19A(3)(d), 19B(3)(d) or 19B(5)(f) was sent,
- (b) the date on which the licence was due to expire, and
- (c) the end of the month preceding that in which there first had effect a new vehicle licence for the vehicle in question;

and, in a case of a requirement in a notice relating to a trade licence, those times are the times specified in paragraphs (a) and (b).]]

[ In a case where a notice is sent as mentioned in section 19B(5)(f) the amounts specified [F17] (8) in subsections (2)(b) and (4) are to be calculated on the basis of the rate described in section 4(1)(b) or 13(3A) (whichever is relevant).]]

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**Textual Amendments**

- F5** S. 35A inserted (1.5.1995 with effect as mentioned in Sch. 4 para. 33(4) of the amending Act) by 1995 c. 4, s. 19, Sch. 4 Pt. V para. 32(2)(4)
- F6** Words in s. 35A heading substituted (1.10.2014) by Finance Act 2014 (c. 26), s. 89(7)(c)(10)
- F7** Words in s. 35A(1)(a) inserted (19.3.1997) by 1997 c. 16, s. 19(2)(a)

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- F8** Words in s. 35A(1)(a) substituted (1.10.2014) by [Finance Act 2014 \(c. 26\), s. 89\(7\)\(a\)\(10\)](#)
- F9** Words in s. 35A(1)(a) substituted (1.10.2014) by [Finance Act 2014 \(c. 26\), Sch. 19 paras. 16\(2\)\(a\), 22](#)
- F10** Words in s. 35A(1)(b) substituted (1.10.2014) by [Finance Act 2014 \(c. 26\), Sch. 19 paras. 16\(2\)\(b\), 22](#)
- F11** S. 35A(3) omitted (1.10.2014) by virtue of [Finance Act 2014 \(c. 26\), Sch. 19 paras. 16\(3\), 22](#)
- F12** S. 35A(3)-(7) inserted (31.7.1998 with effect as mentioned in s. 19(5) of the amending Act) by [1998 c. 36, s. 19\(3\)\(5\)](#)
- F13** Words in s. 35A(4) substituted (1.10.2014) by [Finance Act 2014 \(c. 26\), Sch. 19 paras. 16\(4\), 22](#)
- F14** S. 35A(5)(a)(b) substituted for words (7.4.2005 with effect as mentioned in s. 7(15) of the amending Act) by [Finance Act 2005 \(c. 7\), s. 7\(6\)](#)
- F15** Words in s. 35A(5)(b) substituted (24.7.2002 with application as mentioned in s. 18(4) of the amending Act) by [Finance Act 2002 \(c. 23\), s. 18\(2\)](#)
- F16** S. 35A(7) substituted (1.10.2014) by [Finance Act 2014 \(c. 26\), Sch. 19 paras. 16\(5\), 22](#)
- F17** S. 35A(8) inserted (1.10.2014) by [Finance Act 2014 \(c. 26\), s. 89\(7\)\(b\)\(10\)](#)

### 36 [F18]Failed payments]: additional liability.

- (1) Where a person has been convicted of an offence under section [F19]35A] in relation to a vehicle licence or a trade licence, the court shall (in addition to any penalty which it may impose under that section) order him to pay the amount specified in subsection (2).
- (2) The amount referred to in subsection (1) is an amount equal to one-twelfth of the appropriate annual rate of vehicle excise duty for each month, or part of a month, in the relevant period.
- (3) The reference in subsection (2) to the appropriate annual rate of vehicle excise duty is a reference
  - [F20](a) in the case of a vehicle licence, to the annual rate which at the beginning of the relevant period was applicable to a vehicle of the description specified in the application, or
  - (b) in the case of a trade licence, to the basic goods vehicle rate (within the meaning of section 13) which was applicable at that time (or to the annual rate which at that time was applicable] to a vehicle falling within sub-paragraph [F21(1)(d)] of paragraph 2 of that Schedule if the licence was to be used only for vehicles to which that paragraph applies).
- [F22](4) For the purposes of this section the relevant period is the period—
  - (a) beginning with the first day of the period for which the licence was applied for or, if later, the day on which the licence first was to have effect, and
  - (b) ending with whichever is the earliest of the times specified in subsection (4A).]
- [F23(4A) In the case of a vehicle licence, those times are—
  - (a) the end of the month in which the relevant notice was sent,
  - (b) the date on which the licence was due to expire, and
  - (c) the end of the month preceding that in which there first had effect a new licence for the vehicle in question;
 and, in the case of a trade licence, those times are the times specified in paragraphs (a) and (b).

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(4B) In subsection (4A)(a), the “relevant notice” is the notice under section 19A(2)(b) or 19B(2)(c) or the further notice under section 19A(3)(d), 19B(3)(d) or 19B(5)(f) which contained the requirement which was not complied with, resulting in the conviction of an offence under section 35A.]

(5) Where a person has previously been ordered under section 30 to pay an amount for a month or part of a month in the case of a vehicle, any amount which he is ordered to pay under this section in the case of a vehicle licence for the vehicle is to be calculated as if no part of that month were in the relevant period.

[<sup>F24</sup>(6) Where—

- (a) a person has been convicted of an offence under section 35A in relation to a vehicle licence or a trade licence, and
- (b) a requirement to pay an amount with respect to that licence has been imposed on that person by virtue of [<sup>F25</sup>section 35A(1)(a)],

the order to pay an amount under this section shall have effect instead of that requirement and the amount to be paid under the order shall be reduced by any amount actually paid in pursuance of the requirement.]

[<sup>F26</sup>(7) In a case where a notice is sent as mentioned in section 19B(5)(f) the amount specified in subsection (2) is to be calculated on the basis of the rate described in section 4(1)(b) or 13(3A) (whichever is relevant).]

#### Textual Amendments

- F18** Words in s. 36 heading substituted (1.10.2014) by [Finance Act 2014 \(c. 26\), s. 89\(8\)\(b\)\(10\)](#)
- F19** Words in s. 36(1) substituted (1.5.1995 with effect as mentioned in [Sch. 4 para. 32\(4\)](#) of the amending Act) by [1995 c. 4, s. 19, Sch. 4 Pt. V para. 32\(3\)\(4\)](#)
- F20** S. 36(3)(a)(b) substituted for words (7.4.2005 with effect as mentioned in [s. 7\(15\)](#) of the amending Act) by [Finance Act 2005 \(c. 7\), s. 7\(6\)](#)
- F21** Words in s. 36(3)(b) substituted (24.7.2002 with application as mentioned in [s. 18\(4\)](#) of the amending Act) by [Finance Act 2002 \(c. 23\), s. 18\(2\)](#)
- F22** S. 36(4)(4A) substituted (31.7.1998 with effect as mentioned in [s. 19\(5\)](#) of the amending Act) for s. 36(4) by [1998 c. 36, s. 19\(3\)\(5\)](#)
- F23** S. 36(4A)(4B) substituted for s. 36(4A) (1.10.2014) by [Finance Act 2014 \(c. 26\), Sch. 19 paras. 17\(2\), 22](#)
- F24** S. 36(6) inserted (31.7.1998 with effect as mentioned in [s. 19\(5\)](#) of the amending Act) by [1998 c. 36, s. 19\(4\)\(5\)](#)
- F25** Words in s. 36(6)(b) substituted (1.10.2014) by [Finance Act 2014 \(c. 26\), Sch. 19 paras. 17\(3\), 22](#)
- F26** S. 36(7) inserted (1.10.2014) by [Finance Act 2014 \(c. 26\), s. 89\(8\)\(a\)\(10\)](#)

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**Changes and effects yet to be applied to the whole Act associated Parts and Chapters:**

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- s. 7(1A) inserted by [2006 c. 49 s. 47\(2\)](#)
- s. 7(5)(za) inserted by [2006 c. 49 s. 47\(3\)](#)
- s. 22(1)(aa) inserted by [2006 c. 49 s. 47\(6\)](#)
- s. 22(1AA) inserted by [2006 c. 49 s. 47\(9\)](#)
- s. 22(1BA) inserted by [2006 c. 49 s. 47\(10\)](#)
- Sch. 1 para. 1N inserted by [2023 c. 1 s. 10\(5\)\(e\)\(7\)](#)
- Sch. 2 para. 20G(2)(za)-(zc) inserted by [2023 c. 1 s. 10\(2\)\(a\)\(i\)\(7\)](#)