



Vehicle Excise and Registration Act 1994

1994 CHAPTER 22

PART III

OFFENCES

Offence of using or keeping unlicensed vehicle

29 Penalty for using or keeping unlicensed vehicle

- (1) If a person uses, or keeps, on a public road a vehicle (not being an exempt vehicle) which is unlicensed he is guilty of an offence.
- (2) For the purposes of subsection (1) a vehicle is unlicensed if no vehicle licence or trade licence is in force for or in respect of the vehicle.
- (3) 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 the vehicle,whichever is the greater.
- (4) Where a vehicle for which a vehicle licence is in force is transferred by the holder of the licence to another person, the licence is to be treated for the purposes of subsection (2) as no longer in force unless it is delivered to the other person with the vehicle.
- (5) Where—
 - (a) an application is made for a vehicle licence for any period, and
 - (b) a temporary licence is issued pursuant to the application,subsection (4) does not apply to the licence applied for if, on a transfer of the vehicle during the currency of the temporary licence, the temporary licence is delivered with the vehicle to the transferee.

- (6) The amount of the vehicle excise duty chargeable in respect of a vehicle is to be taken for the purposes of subsection (3)(b) to be an amount equal to the annual rate of duty applicable to the vehicle at the date on which the offence was committed.
- (7) 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 section 2(2) to (4), 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.
- (8) In the case of a conviction for a continuing offence, the offence is to be taken for the purposes of subsections (6) and (7) to have been committed on the date or latest date to which the conviction relates.

30 Additional liability for keeper of unlicensed vehicle

- (1) Where the person convicted of an offence under section 29 is the person by whom the vehicle in respect of which the offence was committed was kept at the time at which it was committed, 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 annual rate of vehicle excise duty appropriate to the vehicle for each month, or part of a month, in the relevant period (within the meaning of section 31).
- (3) In relation to any month or part of a month in the relevant period, the reference in subsection (2) to the annual rate of vehicle excise duty appropriate to the vehicle is a reference to the annual rate applicable to it at the beginning of that month or part.
- (4) A vehicle is to be taken for the purposes of this section to have belonged throughout the relevant period to the description of vehicle to which it belonged for the purposes of vehicle excise duty at—
 - (a) the date on which the offence was committed, or
 - (b) if the prosecution so elect, the date when a vehicle licence for it was last issued, except so far as it is proved to have fallen within some other description for the whole of any month or part of a month in that period.
- (5) In the case of a conviction for a continuing offence, the offence is to be taken for the purposes of this section to have been committed on the date or latest date to which the conviction relates.

31 Relevant period for purposes of section 30

- (1) For the purposes of section 30 the relevant period is the period—
 - (a) ending with the date on which the offence was committed, and
 - (b) beginning as provided by subsections (2) to (4).
- (2) Subject to subsection (4), if the person convicted has before the date of the offence notified the Secretary of State of his acquisition of the vehicle in accordance with regulations made by the Secretary of State, the relevant period begins with—
 - (a) the date on which the notification was received by the Secretary of State, or
 - (b) the expiry of the vehicle licence last in force for the vehicle,whichever is the later.

- (3) Subject to subsection (4), in any other case the relevant period begins with—
- (a) the expiry of the vehicle licence last in force for the vehicle before the date on which the offence was committed, or
 - (b) if there has not at any time before that date been a vehicle licence in force for the vehicle, the date on which the vehicle was first kept by the person convicted.
- (4) Where—
- (a) the person convicted has been ordered to pay an amount under section 30 on the occasion of a previous conviction for an offence in respect of the same vehicle, and
 - (b) that offence was committed after the date specified in subsection (2) or (3) as the date with which the relevant period begins,
- the relevant period instead begins with the month immediately following that in which the earlier offence was committed.
- (5) Where the person convicted proves—
- (a) that throughout any month or part of a month in the relevant period the vehicle was not kept by him, or
 - (b) that he has paid the duty due (or an amount equal to the duty due) in respect of the vehicle for any such month or part of a month,
- any amount which the person is ordered to pay under section 30 is to be calculated as if that month or part of a month were not in the relevant period.
- (6) Where a person has previously been ordered under section 36 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 section 30 in the case of the vehicle is to be calculated as if no part of that month were in the relevant period.
- (7) In this section references to the expiry of a vehicle licence include a reference to—
- (a) its surrender, and
 - (b) its being treated as no longer in force for the purposes of subsection (2) of section 29 by subsection (4) of that section.
- (8) In the case of a conviction for a continuing offence, the offence is to be taken for the purposes of this section to have been committed on the date or latest date to which the conviction relates.

32 Sections 29 to 31: supplementary

- (1) Where in the case of an offence under section 29 there is made against a person—
- (a) an order under section 1A of the Powers of Criminal Courts Act 1973 discharging him absolutely or conditionally,
 - (b) an order under section 383 of the Criminal Procedure (Scotland) Act 1975 discharging him absolutely or under section 384 of that Act placing him on probation, or
 - (c) an order under the Probation Act (Northern Ireland) 1950 discharging him absolutely or conditionally or placing him on probation,
- he is to be treated for the purposes of sections 29 to 31 as having been convicted.

- (2) Section 30 has effect subject to the provisions (applying with the necessary modifications) of any enactment relating to the imposition of fines by magistrates' courts and courts of summary jurisdiction, other than any conferring a discretion as to their amount.
- (3) Where a sum is payable by virtue of an order under section 30—
- (a) in England and Wales, the sum is to be treated as a fine, and the order as a conviction, for the purposes of Part III of the Magistrates' Courts Act 1980 (including any enactment having effect as if contained in that Part) and of any other enactment relating to the recovery or application of sums ordered to be paid by magistrates' courts,
 - (b) in Scotland, the sum is to be treated as a fine, and the order as a conviction, for the purposes of any enactment relating to the recovery or application of sums ordered to be paid by courts of summary jurisdiction, and
 - (c) in Northern Ireland, the sum is recoverable as a sum adjudged to be paid by a conviction and is to be treated for all purposes as a fine within the meaning of section 20 of the Administration of Justice Act (Northern Ireland) 1954.

Other offences relating to licences

33 Not exhibiting licence

- (1) A person is guilty of an offence if—
- (a) he uses, or keeps, on a public road a vehicle in respect of which vehicle excise duty is chargeable, and
 - (b) there is not fixed to and exhibited on the vehicle in the manner prescribed by regulations made by the Secretary of State a licence for, or in respect of, the vehicle which is for the time being in force.
- (2) A person guilty of an offence under subsection (1) is liable on summary conviction to a fine not exceeding level 1 on the standard scale.
- (3) Subsection (1)—
- (a) has effect subject to the provisions of regulations made by the Secretary of State, and
 - (b) is without prejudice to section 29.

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,
 - (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 section 2(2) to (4), 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.

35 Failure to return licence

- (1) A person who knowingly fails to comply with section 10(3) is guilty of an offence.
- (2) A person guilty of an offence under subsection (1) is liable on summary conviction to a fine not exceeding level 3 on the standard scale.

36 Dishonoured cheques: additional liability

- (1) Where a person has been convicted of an offence under section 102 of the Customs and Excise Management Act 1979 (payment for licence by dishonoured cheque) 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 to the annual rate which at the beginning of the relevant period—
- (a) in the case of a vehicle licence, was applicable to a vehicle of the description specified in the application, or
 - (b) in the case of a trade licence, was applicable to a vehicle falling within paragraph 1(b) of Schedule 1 (or to a vehicle falling within sub-paragraph (1) (c) of paragraph 2 of that Schedule if the licence was to be used only for vehicles to which that paragraph applies).
- (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—
 - (i) the end of the month in which the order is made,
 - (ii) the date on which the licence was due to expire,
 - (iii) the end of the month during which the licence was delivered up, and
 - (iv) the end of the month preceding that in which there first had effect a new licence for the vehicle specified in the application for the licence or (in the case of a trade licence) a new trade licence to be used for the same description of vehicles.
- (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.

Offence of not paying duty chargeable at higher rate

37 Penalty for not paying duty chargeable at higher rate

- (1) Where—
- (a) a vehicle licence has been taken out for a vehicle at any rate of vehicle excise duty,
 - (b) at any time while the licence is in force the vehicle is so used that duty at a higher rate becomes chargeable in respect of the licence for the vehicle under section 15, and
 - (c) duty at that higher rate was not paid before the vehicle was so used,
- the person so using the vehicle is guilty of an offence.
- (2) A person guilty of an offence under subsection (1) is liable on summary conviction (or, in Scotland, on indictment or on summary conviction) to an excise penalty of—
- (a) level 3 on the standard scale (or, in Scotland, the statutory maximum), or
 - (b) five times the difference between the duty actually paid on the licence and the amount of the duty at the higher rate,
- whichever is the greater.

38 Additional liability for keeper of vehicle chargeable at higher rate

- (1) Where the person convicted of an offence under section 37 is the person by whom the vehicle in respect of which the offence was committed was kept at the time at which it was committed, 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 difference between—
- (a) the rate of duty at which the licence in relation to which the offence was committed was taken out, and
 - (b) the relevant higher rate of duty (within the meaning of section 39) in relation to the vehicle,

for each month, or part of a month, in the relevant period (within the meaning of section 40).

- (3) A vehicle is to be taken for the purposes of subsection (2) to have belonged throughout the relevant period to the description of vehicle to which it belonged for the purposes of vehicle excise duty at the date on which the offence was committed, except so far as it is proved to have fallen within some other description for the whole of any month or part of a month in that period.
- (4) Where a person is convicted of more than one offence under section 37 in respect of the same vehicle (whether or not in the same proceedings), the court shall (in calculating the amount payable under this section in respect of any of the offences) reduce the amount in relation to any period by any amount ordered to be paid under this section in relation to the period in respect of any other such offence.

39 Relevant higher rate of duty for purposes of section 38

- (1) For the purposes of section 38 the relevant higher rate of duty in relation to a vehicle is the rate provided by this section.

- (2) Where—

- (a) at the time of the offence the vehicle had a plated gross weight or plated train weight (or, in Northern Ireland, a relevant maximum weight or relevant maximum train weight) which exceeded that which it had when the licence in relation to which the offence was committed was taken out, and
- (b) the licence was taken out at the rate applicable to the previous weight,

the relevant higher rate of duty is the rate which would have been applicable had the licence been taken out by reference to the higher weight.

- (3) Where—

- (a) the vehicle is a tractive unit,
- (b) the licence in relation to which the offence was committed was taken out at a rate applicable to the use of the vehicle—
 - (i) only with semi-trailers having not fewer than two axles, or
 - (ii) only with semi-trailers having not fewer than three axles, and
- (c) the offence consisted in using the vehicle with a semi-trailer with a smaller number of axles,

the relevant higher rate of duty is the rate which would have been applicable had the licence been taken out by reference to the use of the vehicle which constituted the offence.

- (4) Where—

- (a) the licence in relation to which the offence was committed was taken out at a rate applicable, by virtue of paragraph 13 of Schedule 1, to a weight lower than the plated gross weight or plated train weight (or, in Northern Ireland, relevant maximum weight or relevant maximum train weight) of the vehicle, and
- (b) the offence consisted in using the vehicle in contravention of a condition imposed under or by virtue of sub-paragraph (2) of that paragraph,

the relevant higher rate of duty is the rate which would have been applicable had the licence been taken out by reference to the plated gross weight or plated train weight (or relevant maximum weight or relevant maximum train weight) of the vehicle.

(5) Where—

- (a) the licence in relation to which the offence was committed was taken out at a rate lower than that applicable to it by reference to its plated gross weight or plated train weight (or, in Northern Ireland, relevant maximum weight or relevant maximum train weight), and
- (b) none of subsections (2) to (4) apply,

the relevant higher rate of duty is the rate which would have been applicable had the licence been taken out by reference to the plated gross weight or plated train weight (or relevant maximum weight or relevant maximum train weight) of the vehicle.

(6) Where—

- (a) the licence in relation to which the offence was committed was taken out at a rate lower than that at which duty was chargeable in respect of the condition, manner or purpose of use of the vehicle which constituted the offence, and
- (b) none of subsections (2) to (5) apply,

the relevant higher rate of duty is the rate which would have been applicable had the licence been taken out by reference to the condition, manner or purpose of use of the vehicle which constituted the offence.

40 Relevant period for purposes of section 38

(1) For the purposes of section 38 the relevant period is the period—

- (a) ending with the date on which the offence was committed, and
- (b) beginning as provided by subsection (2) or (3).

(2) If the offence consists in the vehicle having a plated gross weight or a plated train weight (or, in Northern Ireland, a relevant maximum weight or relevant maximum train weight) which exceeds that which it had when the licence in relation to which the offence was committed was taken out, the relevant period begins with the date on which the vehicle was plated with (or rated at) the higher weight.

(3) In any other case, the relevant period begins with the date on which the licence in relation to which the offence was committed first took effect.

(4) Where the person convicted proves—

- (a) that throughout any month or part of a month in the relevant period the vehicle was not kept by him, or
- (b) that he has paid the duty due (or an amount equal to the duty due) at the relevant higher rate in respect of the vehicle for any such month or part of a month,

any amount which the person is ordered to pay under section 38 is to be calculated as if that month or part of a month were not in the relevant period.

41 Sections 37 to 40: supplementary

(1) Where in the case of an offence under section 37 there is made against a person—

- (a) an order under section 1A of the Powers of Criminal Courts Act 1973 discharging him absolutely or conditionally,
- (b) an order under section 182 or 383 of the Criminal Procedure (Scotland) Act 1975 discharging him absolutely or under section 183 or 384 of that Act placing him on probation, or

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- (c) an order under the Probation Act (Northern Ireland) 1950 discharging him absolutely or conditionally or placing him on probation,
he is to be treated for the purposes of sections 38 to 40 as having been convicted.
- (2) Section 38 has effect subject to the provisions (applying with the necessary modifications) of any enactment relating to the imposition of fines by magistrates' courts and courts of summary jurisdiction, other than any conferring a discretion as to their amount.
- (3) Where a sum is payable by virtue of an order under section 38—
- (a) in England and Wales, the sum is to be treated as a fine, and the order as a conviction, for the purposes of Part III of the Magistrates' Courts Act 1980 (including any enactment having effect as if contained in that Part) and of any other enactment relating to the recovery or application of sums ordered to be paid by magistrates' courts,
 - (b) in Scotland, the sum is to be treated as a fine, and the order as a conviction, for the purposes of any enactment relating to the recovery or application of sums ordered to be paid by courts of summary jurisdiction, and
 - (c) in Northern Ireland, the sum is recoverable as a sum adjudged to be paid by a conviction and is to be treated for all purposes as a fine within the meaning of section 20 of the Administration of Justice Act (Northern Ireland) 1954.

Offences relating to registration marks

42 Not fixing registration mark

- (1) If a registration mark is not fixed on a vehicle as required by virtue of section 23, the relevant person is guilty of an offence.
- (2) A person guilty of an offence under subsection (1) is liable on summary conviction to a fine not exceeding level 3 on the standard scale.
- (3) In subsection (1) “the relevant person” means the person driving the vehicle or, where it is not being driven, the person keeping it.
- (4) It is a defence for a person charged with an offence under subsection (1) to prove that—
- (a) he had no reasonable opportunity to register the vehicle under this Act, and
 - (b) the vehicle was being driven for the purpose of being so registered.
- (5) It is a defence for a person charged with an offence under subsection (1) in relation to a vehicle—
- (a) to which section 47 of the Road Traffic Act 1988 applies by virtue of subsection (2)(b) of that section, or
 - (b) to which Article 34 of the Road Traffic (Northern Ireland) Order 1981 applies by virtue of paragraph (2)(b) of that Article,
- (vehicles manufactured before the prescribed period and used before registration) to prove that he had no reasonable opportunity to register the vehicle under this Act and that the vehicle was being driven in accordance with subsection (6).
- (6) A vehicle is being driven in accordance with this subsection if—
- (a) it is being driven for the purposes of, or in connection with, its examination under section 45 of the Road Traffic Act 1988 in circumstances in which its

use is exempted from subsection (1) of section 47 of that Act by regulations under subsection (6) of that section, or

- (b) it is being driven for the purposes of, or in connection with, its examination under Article 33 of the Road Traffic (Northern Ireland) Order 1981 in circumstances in which its use is exempted from paragraph (1) of Article 34 of that Order by regulations under paragraph (5) of that Article.

43 Obscured registration mark

- (1) If a registration mark fixed on a vehicle as required by virtue of section 23 is in any way—
 - (a) obscured, or
 - (b) rendered, or allowed to become, not easily distinguishable,
 the relevant person is guilty of an offence.
- (2) A person guilty of an offence under subsection (1) is liable on summary conviction to a fine not exceeding level 3 on the standard scale.
- (3) In subsection (1) “the relevant person” means the person driving the vehicle or, where it is not being driven, the person keeping it.
- (4) It is a defence for a person charged with an offence under this section to prove that he took all steps which it was reasonably practicable to take to prevent the mark being obscured or rendered not easily distinguishable.

Other offences

44 Forgery and fraud

- (1) A person is guilty of an offence if he forges, fraudulently alters, fraudulently uses, fraudulently lends or fraudulently allows to be used by another person anything to which subsection (2) applies.
- (2) This subsection applies to—
 - (a) a vehicle licence,
 - (b) a trade licence,
 - (c) a document in the form of a licence which is issued in pursuance of regulations under this Act in respect of a vehicle which is an exempt vehicle under paragraph 19 of Schedule 2,
 - (d) a registration mark,
 - (e) a registration document, and
 - (f) a trade plate (including a replacement trade plate).
- (3) A person guilty of an offence under this section is liable—
 - (a) on summary conviction, to a fine not exceeding the statutory maximum, and
 - (b) on conviction on indictment, to imprisonment for a term not exceeding two years or to a fine or (except in Scotland) to both.

45 False or misleading declarations and information

- (1) A person who in connection with—

- (a) an application for a vehicle licence or a trade licence,
 - (b) a claim for a rebate under section 20, or
 - (c) an application for an allocation of registration marks,
- makes a declaration which to his knowledge is either false or in any material respect misleading is guilty of an offence.
- (2) A person who makes a declaration which—
- (a) is required by regulations under this Act to be made in respect of a vehicle which is an exempt vehicle under paragraph 19 of Schedule 2, and
 - (b) to his knowledge is either false or in any material respect misleading,
- is guilty of an offence.
- (3) A person who—
- (a) is required by this Act to furnish particulars relating to, or to the keeper of, a vehicle, and
 - (b) furnishes particulars which to his knowledge are either false or in any material respect misleading,
- is guilty of an offence.
- (4) A person guilty of an offence under this section is liable—
- (a) on summary conviction, to a fine not exceeding the statutory maximum, and
 - (b) on conviction on indictment, to imprisonment for a term not exceeding two years or to a fine or (except in Scotland) to both.

46 Duty to give information

- (1) Where it is alleged that a vehicle has been used on a road in contravention of section 29, 34 or 37—
- (a) the person keeping the vehicle shall give such information as he may be required to give in accordance with subsection (7) as to the identity of the driver of the vehicle or any person who used the vehicle, and
 - (b) any other person shall give such information as it is in his power to give and which may lead to the identification of the driver of the vehicle or any person who used the vehicle if he is required to do so in accordance with subsection (7).
- (2) Where it is alleged that a vehicle has been kept on a road in contravention of section 29—
- (a) the person keeping the vehicle shall give such information as he may be required to give in accordance with subsection (7) as to the identity of the person who kept the vehicle on the road, and
 - (b) any other person shall give such information as it is in his power to give and which may lead to the identification of the person who kept the vehicle on the road if he is required to do so in accordance with subsection (7).
- (3) Where it is alleged that a vehicle has at any time been used on a road in contravention of section 29, the person who is alleged to have so used the vehicle shall give such information as it is in his power to give as to the identity of the person who was keeping the vehicle at that time if he is required to do so in accordance with subsection (7).
- (4) A person who fails to comply with subsection (1), (2) or (3) is guilty of an offence.

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- (5) A person guilty of an offence under subsection (4) is liable on summary conviction to a fine not exceeding level 3 on the standard scale.
- (6) If a person is charged with an offence under subsection (4) consisting of failing to comply with subsection (1)(a) or (2)(a), it is a defence for him to show to the satisfaction of the court that he did not know, and could not with reasonable diligence have ascertained, the identity of the person or persons concerned.
- (7) A person is required to give information in accordance with this subsection if he is required to give the information by or on behalf of—
 - (a) a chief officer of police or, in Northern Ireland, the Chief Constable of the Royal Ulster Constabulary, or
 - (b) the Secretary of State.