



Vehicle Excise and Registration Act 1994

1994 CHAPTER 22

PART I

VEHICLE EXCISE DUTY AND LICENCES

Main provisions

1 Duty and licences

- (1) A duty of excise (“vehicle excise duty”) shall be charged in respect of every mechanically propelled vehicle which is used, or kept, on a public road in the United Kingdom and shall be paid on a licence to be taken out by the person keeping the vehicle.
- (2) A licence taken out for a vehicle is in this Act referred to as a “vehicle licence”.

2 Annual rates of duty

- (1) Vehicle excise duty in respect of a vehicle of any description is chargeable by reference to the annual rate currently applicable to it in accordance with the provisions of Schedule 1 which relate to vehicles of that description.
- (2) But where vehicle excise duty is chargeable in respect of the keeping of a vehicle on a road (and not in respect of its use), the duty is chargeable in accordance with subsection (3) or (4).
- (3) Where one or more vehicle licences have previously been issued for the use of the vehicle, duty in respect of the keeping of the vehicle on a road is chargeable by reference to the annual rate currently applicable to a vehicle of the same description as that of the vehicle on the occasion of the issue of that licence (or the last of those licences).
- (4) In any other case, duty in respect of such keeping is chargeable by reference to whichever of the annual rates currently specified in Part I of Schedule 1 is applicable to a vehicle constructed at the same time as the vehicle.

3 Duration of licences

- (1) A vehicle licence may be taken out for any vehicle for any period of twelve months running from the beginning of the month in which the licence first has effect.
- (2) Where the annual rate of vehicle excise duty in respect of vehicles of any description exceeds £50, a vehicle licence may be taken out for a vehicle of that description for a period of six months running from the beginning of the month in which the licence first has effect.
- (3) The Secretary of State may by order provide that a vehicle licence may be taken out for a vehicle for such period as may be specified in the order.
- (4) An order under subsection (3) may specify—
 - (a) a period of a fixed number of months (not exceeding fifteen) running from the beginning of the month in which the licence first has effect,
 - (b) in the case of a licence taken out on the first registration under this Act of a vehicle of such description as may be specified in the order, a period exceeding by such number of days (not exceeding thirty) as may be determined by or under the order the period for which the licence would otherwise have effect by virtue of subsection (1) or (2) or of an order under paragraph (a), or
 - (c) in the case of a vehicle of such description (or of such description and used in such circumstances) as may be specified in the order, a period of less than one month.
- (5) An order under subsection (3)—
 - (a) may be made so as to apply only to vehicles of specified descriptions, and
 - (b) may make different provision for vehicles of different descriptions or for different circumstances.
- (6) The power to make an order under subsection (3) includes power to make transitional provisions and to amend or repeal subsection (1) or (2).

4 Amount of duty

- (1) Where a vehicle licence for a vehicle of any description is taken out for any period of twelve months, vehicle excise duty shall be paid on the licence at the annual rate of duty applicable to vehicles of that description.
- (2) Where a vehicle licence for a vehicle of any description is taken out for a period of six months, vehicle excise duty shall be paid on the licence at a rate equal to fifty-five per cent. of that annual rate.
- (3) In determining a rate of duty under subsection (2) any fraction of five pence—
 - (a) if it exceeds two and a half pence, shall be treated as five pence, and
 - (b) otherwise, shall be disregarded.
- (4) Where a vehicle licence for a vehicle of any description is taken out for a period specified in an order under section 3(3), vehicle excise duty shall be paid on the licence at such rate as may be specified in the order.
- (5) A rate of vehicle excise duty specified in an order under section 3(3) in relation to a licence taken out for a vehicle for a period of—
 - (a) a fixed number of months other than twelve, or

(b) less than one month,

shall be such as to bear to the annual rate of duty applicable to the vehicle no less proportion than the period for which the licence is taken out bears to a year.

- (6) A rate of vehicle excise duty specified in an order under section 3(3) in relation to a licence taken out for a vehicle for a period of three months or a period of four months shall not exceed for each month of the period ten per cent. of the annual rate of duty applicable to the vehicle.
- (7) The power to make an order under section 3(3) includes power to amend or repeal subsection (2) or (3) of this section.

5 Exempt vehicles

- (1) No vehicle excise duty shall be charged in respect of a vehicle if it is an exempt vehicle.
- (2) Schedule 2 specifies descriptions of vehicles which are exempt vehicles.

6 Collection etc. of duty

- (1) Vehicle excise duty shall be levied by the Secretary of State.
- (2) For the purpose of levying vehicle excise duty the Secretary of State and his officers (including any body or person authorised by the Secretary of State to act as his agent for the purposes of this Act) have the same powers, duties and liabilities as the Commissioners of Customs and Excise and their officers have with respect to—
- (a) duties of excise (other than duties on imported goods),
 - (b) the issue and cancellation of licences on which duties of excise are imposed, and
 - (c) other matters (not being matters relating only to duties on imported goods),
- under the enactments relating to duties of excise and excise licences.
- (3) The enactments relating to duties of excise, or punishments and penalties in connection with those duties, (other than enactments relating only to duties on imported goods) apply accordingly.
- (4) Subsections (2) and (3) have effect subject to the provisions of this Act (including in particular, in the case of subsection (3), subsection (6) of this section and sections 47, 48 and 56).
- (5) The Secretary of State has with respect to vehicle excise duty and licences under this Act the powers given to the Commissioners of Customs and Excise by the enactments relating to duties of excise and excise licences for the mitigation or remission of any penalty or part of a penalty.
- (6) Vehicle excise duty, and any sums received by the Secretary of State by virtue of this Act by way of fees, shall be paid into the Consolidated Fund.

Vehicle licences

7 Issue of vehicle licences

- (1) Every person applying for a vehicle licence shall—

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- (a) make such a declaration, and
 - (b) furnish such particulars,
- (whether or not with respect to the vehicle for which the licence is to be taken out) as may be prescribed by regulations made by the Secretary of State.
- (2) The declarations and particulars which may be so prescribed include, in relation to a person applying for a licence for a goods vehicle, a declaration as to, and particulars of, any of the matters specified in subsection (3) as to which the Secretary of State may require information with a view to an alteration in the basis on which vehicle excise duty is chargeable in respect of goods vehicles.
- (3) The matters referred to in subsection (2) are—
- (a) the construction of the vehicle,
 - (b) the vehicle's plated gross weight or plated train weight (or, in Northern Ireland, relevant maximum weight or relevant maximum train weight) or, if the vehicle has no such weight, the vehicle's weight when laden with the maximum load which it is constructed or adapted to carry, and
 - (c) the use to which the vehicle has been or is likely to be put.
- (4) A vehicle licence—
- (a) is issued for the vehicle specified in the application for the licence, and
 - (b) does not entitle the person to whom it is issued to use or keep any other vehicle.
- (5) The Secretary of State is not required to issue a vehicle licence for which an application is made unless he is satisfied—
- (a) that the licence applied for is the appropriate licence for the vehicle specified in the application, and
 - (b) in the case of an application for a licence for a vehicle purporting to be the first application for a licence for the vehicle, that a licence has not previously been issued for the vehicle.
- (6) Regulations made by the Secretary of State may provide for—
- (a) the issue of a new vehicle licence in the place of a licence which is or may be lost, stolen, destroyed or damaged, and
 - (b) the fee to be paid on the issue of a new licence.
- (7) Where, following an application made in accordance with regulations under paragraph 13 of Schedule 1, a licence is issued for a goods vehicle at the rate of duty applicable to a weight specified in the application which is lower than its actual weight, that lower weight is to be shown on the licence.

8 Vehicles removed into UK

- (1) Where an application is made for a vehicle licence for a vehicle which—
- (a) appears to the Secretary of State to have been removed into the United Kingdom from a place outside the United Kingdom, and
 - (b) is not already registered under this Act,
- the Secretary of State may refuse to issue the licence unless subsection (2) applies to the vehicle.
- (2) This subsection applies to a vehicle if the Secretary of State is satisfied in relation to the removal of the vehicle into the United Kingdom—

- (a) that any value added tax charged on the acquisition of the vehicle from another member State, or on any supply involving its removal into the United Kingdom, has been or will be paid or remitted,
- (b) that any value added tax or customs duty charged on the importation of the vehicle from a place outside the member States has been or will be paid or remitted, or
- (c) that no such tax or duty has been charged on the acquisition or importation of the vehicle or on any supply involving its removal into the United Kingdom.

9 Temporary vehicle licences

- (1) Where an application is made for a vehicle licence for a vehicle for any period, the Secretary of State may, if he thinks fit, instead of issuing immediately a vehicle licence for that period—
 - (a) issue a vehicle licence (a “temporary licence”) for fourteen days, or such other period as may be prescribed by regulations made by the Secretary of State, having effect from such day as may be so prescribed, and
 - (b) from time to time issue a further temporary licence for the vehicle.
- (2) Nothing in this section affects the amount of any duty payable on a vehicle licence.
- (3) Where an application for a vehicle licence is made to a body (other than a Northern Ireland department) authorised by the Secretary of State to act as his agent for the purpose of issuing licences, the body may, before issuing a licence under subsection (1) (a), require the applicant to pay to it in connection with the issue a fee of £2.
- (4) The Secretary of State may by regulations substitute for the sum for the time being specified in subsection (3) such other sum as may be prescribed by the regulations.

10 Transfer and surrender of vehicle licences

- (1) Any vehicle licence may be transferred in the manner prescribed by regulations made by the Secretary of State.
- (2) The holder of a vehicle licence may at any time surrender the licence to the Secretary of State.
- (3) Where—
 - (a) a person surrenders under subsection (2) a temporary licence issued pursuant to an application for a vehicle licence, and
 - (b) a further vehicle licence issued pursuant to the application is either held by him at the time of the surrender of the temporary licence or received by him after that time,the further licence ceases to be in force and the person shall immediately return it to the Secretary of State.

Trade licences

11 Issue of trade licences

- (1) Where—
 - (a) a motor trader or vehicle tester, or

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- (b) a person who satisfies the Secretary of State that he intends to commence business as a motor trader or vehicle tester,
- applies to the Secretary of State (in the manner prescribed by regulations made by the Secretary of State) to take out a licence under this section (a “trade licence”), the Secretary of State may, subject to the conditions so prescribed, issue such a licence to him on payment of vehicle excise duty at the rate applicable to the licence.
- (2) In the case of a motor trader who is a manufacturer of vehicles, a trade licence is a licence for—
- (a) all vehicles which are from time to time temporarily in his possession in the course of his business as a motor trader,
- (b) all vehicles kept and used by him solely for purposes of conducting research and development in the course of his business as such a manufacturer, and
- (c) all vehicles which are from time to time submitted to him by other manufacturers for testing on roads in the course of that business.
- (3) In the case of any other motor trader, a trade licence is a licence for all vehicles which are from time to time temporarily in his possession in the course of his business as a motor trader.
- (4) In the case of a vehicle tester, a trade licence is a licence for all vehicles which are from time to time submitted to him for testing in the course of his business as a vehicle tester.

12 Use of vehicles by holders of trade licences

- (1) The holder of a trade licence is not entitled by virtue of the licence—
- (a) to use more than one vehicle at any one time,
- (b) to use a vehicle for any purpose other than a purpose prescribed by regulations made by the Secretary of State, or
- (c) except in such circumstances as may be so prescribed, to keep any vehicle on a road if it is not being used on the road.
- (2) The Secretary of State shall by regulations prescribe—
- (a) the conditions subject to which trade licences are to be issued, and
- (b) the purposes for which the holder of a trade licence may use a vehicle by virtue of the licence.
- (3) The purposes which may be prescribed as those for which the holder of a trade licence may use a vehicle under the licence shall not include the conveyance of goods or burden of any description other than—
- (a) a load which is carried solely for the purpose of testing or demonstrating the vehicle or any of its accessories or equipment and which is returned to the place of loading without having been removed from the vehicle except for that purpose or in the case of accident,
- (b) in the case of a vehicle which is being delivered or collected, a load consisting of another vehicle used or to be used for travel from or to the place of delivery or collection,
- (c) a load built in as part of the vehicle or permanently attached to it,
- (d) a load consisting of parts, accessories or equipment designed to be fitted to the vehicle and of tools for fitting them to the vehicle, or
- (e) a load consisting of a trailer other than a trailer which is for the time being a disabled vehicle.

- (4) For the purposes of subsection (3), where a vehicle is so constructed that a trailer may by partial superimposition be attached to the vehicle in such a manner as to cause a substantial part of the weight of the trailer to be borne by the vehicle, the vehicle and the trailer are deemed to constitute a single vehicle.
- (5) In subsection (3)(e) “disabled vehicle” includes a vehicle which has been abandoned or is scrap.

13 Trade licences: duration and amount of duty

- (1) A trade licence may be taken out—
 - (a) for one calendar year,
 - (b) for a period of six months beginning with the first day of January or of July, or
 - (c) where subsection (2) applies, for a period of seven, eight, nine, ten or eleven months beginning with the first day of any month other than January or July.
- (2) This subsection applies where the person taking out the licence—
 - (a) is not a motor trader or vehicle tester (having satisfied the Secretary of State as mentioned in section 11(1)(b)), or
 - (b) does not hold any existing trade licence.
- (3) The rate of duty applicable to a trade licence taken out for a calendar year is—
 - (a) the annual rate currently applicable to a vehicle under sub-paragraph (1)(c) of paragraph 2 of Schedule 1 if the licence is to be used only for vehicles to which that paragraph applies, and
 - (b) otherwise, the annual rate currently applicable to a vehicle under paragraph 1(b) of Schedule 1.
- (4) The rate of duty applicable to a trade licence taken out for a period of six months is fifty-five per cent. of the rate applicable to the corresponding trade licence taken out for a calendar year.
- (5) The rate of duty applicable to a trade licence taken out for a period of seven, eight, nine, ten or eleven months is the aggregate of—
 - (a) fifty-five per cent. of the rate applicable to the corresponding trade licence taken out for a calendar year, and
 - (b) one-sixth of the amount arrived at under paragraph (a) in respect of each month in the period in excess of six.
- (6) In determining a rate of duty under subsection (4) or (5) any fraction of five pence—
 - (a) if it exceeds two and a half pence, shall be treated as five pence, and
 - (b) otherwise, shall be disregarded.

14 Trade licences: supplementary

- (1) Nothing in sections 11 to 13 prevents a person entitled to take out a trade licence from holding two or more trade licences.
- (2) The holder of a trade licence may at any time surrender the licence to the Secretary of State.
- (3) Where—

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- (a) the Secretary of State refuses an application for a trade licence by a person entitled to make such an application, and
- (b) the applicant, within the period prescribed by regulations made by the Secretary of State, requests him to review his decision,

the Secretary of State shall comply with the request and (in doing so) consider any representations made to him in writing during that period by the applicant.

- (4) Regulations made by the Secretary of State may provide for—
 - (a) the issue of a new trade licence in the place of a licence which is or may be lost, stolen, destroyed or damaged, and
 - (b) the fee to be paid on the issue of a new licence.

Additional duty, rebates etc.

15 Vehicles becoming chargeable to duty at higher rate

- (1) Where—
 - (a) a vehicle licence has been taken out for a vehicle at any rate of vehicle excise duty, and
 - (b) at any time while the licence is in force the vehicle is used so as to subject it to a higher rate,
 duty at the higher rate becomes chargeable in respect of the licence for the vehicle.
- (2) For the purposes of subsection (1) a vehicle is used so as to subject it to a higher rate if it is used in an altered condition, in a manner or for a purpose which—
 - (a) brings it within, or
 - (b) if it was used solely in that condition, in that manner or for that purpose, would bring it within,
 a description of vehicle to which a higher rate of duty is applicable.
- (3) For the purposes of subsection (1) a vehicle in respect of which a lower rate of duty is chargeable by virtue of regulations under paragraph 13 of Schedule 1 is also used so as to subject it to a higher rate if it is used in contravention of a condition imposed under or by virtue of sub-paragraph (2) of that paragraph.
- (4) Where duty at a higher rate becomes chargeable under subsection (1) in respect of a vehicle licence, the licence may be exchanged for a new vehicle licence for the period—
 - (a) beginning with the date on which the higher rate of duty becomes chargeable, and
 - (b) ending with the period for which the original licence was issued.
- (5) A new vehicle licence may be obtained under subsection (4) only on payment of the appropriate proportion of the difference between—
 - (a) the amount of duty payable on the original licence, and
 - (b) the amount of duty payable on a vehicle licence taken out for the period for which the original licence was issued but at the higher rate of duty.
- (6) For the purposes of subsection (5) “the appropriate proportion” means the proportion which the number of months in the period—

- (a) beginning with the date on which the higher rate of duty becomes chargeable, and
 - (b) ending with the period for which the original licence was issued,
- bears to the number of months in the whole of the period for which the original licence was issued (any incomplete month being treated as a whole month).
- (7) If the higher rate has been changed since the issue of the original licence, the amount under subsection (5)(b) is calculated as if that rate had been in force at all material times at the level at which it is in force when it becomes chargeable.

16 Exceptions from charge at higher rate in case of tractive units

- (1) Duty at a higher rate does not become chargeable under section 15—
- (a) where subsection (2) applies in relation to a tractive unit, by reason of the tractive unit being used in accordance with subsection (3),
 - (b) where subsection (4) applies in relation to a tractive unit, by reason of the tractive unit being used in accordance with subsection (5), or
 - (c) where subsection (6) applies in relation to a tractive unit, by reason of the tractive unit being used in accordance with subsection (7).
- (2) This subsection applies in relation to a tractive unit where—
- (a) a vehicle licence for—
 - (i) a tractive unit having two axles which is to be used only with semi-trailers with not fewer than two axles, or
 - (ii) a tractive unit having two axles which is to be used only with semi-trailers with not fewer than three axles,has been taken out for the tractive unit, and
 - (b) the rate of duty paid on taking out the licence is equal to or exceeds the rate of duty applicable to a tractive unit having two axles which—
 - (i) has a plated train weight (or, in Northern Ireland, a relevant maximum train weight) equal to the maximum laden weight at which a tractive unit having two axles may lawfully be used in Great Britain with a semi-trailer with a single axle, and
 - (ii) is to be used with semi-trailers with any number of axles.
- (3) The tractive unit is being used in accordance with this subsection where—
- (a) it is used with a semi-trailer with a single axle, and
 - (b) when so used, the laden weight of the tractive unit and semi-trailer taken together does not exceed the maximum laden weight mentioned in subsection (2)(b)(i).
- (4) This subsection applies in relation to a tractive unit where—
- (a) a vehicle licence for a tractive unit having two axles which is to be used only with semi-trailers with not fewer than three axles has been taken out for the tractive unit, and
 - (b) the rate of duty paid on taking out the licence is equal to or exceeds the rate of duty applicable to a tractive unit having two axles which—
 - (i) has a plated train weight (or, in Northern Ireland, a relevant maximum train weight) of 33,000 kilograms, and
 - (ii) is to be used with semi-trailers with not fewer than two axles.

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- (5) The tractive unit is being used in accordance with this subsection where—
- (a) it is used with a semi-trailer with two axles, and
 - (b) when so used, the laden weight of the tractive unit and semi-trailer taken together does not exceed 33,000 kilograms.
- (6) This subsection applies in relation to a tractive unit where—
- (a) a vehicle licence for a tractive unit having three or more axles which is to be used only with semi-trailers with not fewer than two axles has been taken out for the tractive unit, and
 - (b) the rate of duty paid on taking out the licence is equal to or exceeds the rate of duty applicable to a tractive unit having three or more axles which—
 - (i) has a plated train weight (or, in Northern Ireland, a relevant maximum train weight) equal to the maximum laden weight at which a tractive unit having three or more axles may lawfully be used in Great Britain with a semi-trailer with a single axle, and
 - (ii) is to be used with semi-trailers with any number of axles.
- (7) The tractive unit is being used in accordance with this subsection where—
- (a) it is used with a semi-trailer with a single axle, and
 - (b) when so used, the laden weight of the tractive unit and semi-trailer taken together does not exceed the maximum laden weight mentioned in subsection (6)(b)(i).

17 Other exceptions from charge at higher rate

- (1) Where a vehicle licence has been taken out for a vehicle of any description, duty at a higher rate applicable to a vehicle of another description does not become chargeable under section 15 unless the vehicle as used while the licence is in force satisfies all the conditions which must be satisfied in order to bring the vehicle into the other description of vehicle for the purposes of vehicle excise duty.
- (2) Where—
- (a) duty has been paid in respect of a vehicle at a rate applicable under Part VIII of Schedule 1, and
 - (b) the vehicle is to a substantial extent being used for the conveyance of goods or burden belonging to a particular person (whether the person keeping the vehicle or not),
- duty at a higher rate does not become chargeable under section 15 by reason only that the vehicle is used for the conveyance without charge in the course of their employment of employees of the person to whom the goods or burden belong.
- (3) Where duty has been paid in respect of a vehicle at a rate applicable to a farmer's goods vehicle under Part VIII of Schedule 1, duty at a higher rate does not become chargeable under section 15 by reason only of use such as is specified in subsection (4) if it is shown that the conditions specified in subsection (5) are satisfied.
- (4) The use referred to in subsection (3) is use, on an occasion when the vehicle is being used by the person in whose name it is registered under this Act for the conveyance of produce of agricultural land which he occupies or of articles required for the purposes of such land, for the conveyance for another person engaged in agriculture of—
- (a) produce of agricultural land occupied by the other person, or

- (b) articles required for the purposes of such land.
- (5) The conditions referred to in subsection (3) are—
 - (a) that the use is only occasional,
 - (b) that the goods conveyed for the other person represent only a small proportion of the total amount of goods which the vehicle is conveying on the occasion, and
 - (c) that no payment or reward of any kind is, or is agreed to be, made or given for the conveyance of the goods of the other person.
- (6) Where duty has been paid in respect of a vehicle either—
 - (a) as an agricultural tractor under Part IV of Schedule 1, or
 - (b) as a farmer’s goods vehicle under Part VIII of that Schedule,duty at a higher rate does not become chargeable under section 15 by reason only that the vehicle is used, by the person in whose name it is registered under this Act, for conveying to or from any agricultural land occupied by him livestock owned by him in connection with the agricultural activities carried on by him on that land.
- (7) Subsection (6)—
 - (a) applies only in Northern Ireland, and
 - (b) does not have effect in relation to a vehicle used for conveying any livestock which for the time being is part of the stock in trade of a dealer in cattle and is conveyed in the course of his business as such a dealer.
- (8) This section does not have effect where section 15 applies by reason of the use of a vehicle in contravention of a condition imposed under or by virtue of paragraph 13(2) of Schedule 1.

18 Vehicles for export becoming liable to VAT

- (1) Where, by virtue of sub-paragraph (2) of paragraph 23 of Schedule 2, a vehicle which is an exempt vehicle under sub-paragraph (1) of that paragraph is deemed never to have been an exempt vehicle under that sub-paragraph, vehicle excise duty is payable—
 - (a) by the person by whom the vehicle was acquired from its manufacturer, in relation to the whole period since the registration of the vehicle, or
 - (b) by any other person who is for the time being the keeper of the vehicle, in relation to the period since the vehicle was first kept by him,unless, or except to the extent that, the Secretary of State waives payment of the duty.
- (2) Subsection (1) is without prejudice to section 30; but duty with respect to a vehicle is not payable by a person under that subsection in relation to any part of a period if an amount with respect to it has been ordered to be paid by him under that section in relation to the part of the period.

19 Surrender of licences

- (1) Where a licence is surrendered to the Secretary of State under section 10(2) or 14(2), the holder is entitled to receive from the Secretary of State (by way of rebate of the duty paid on the licence) an amount equal to one-twelfth of the annual rate of duty chargeable on the licence in respect of each complete month of the period of the currency of the licence which is unexpired at the date of the surrender.

- (2) If during the currency of a temporary licence issued in pursuance of an application for a vehicle licence for any period the temporary licence is surrendered under section 10(2), it is treated for the purposes of subsection (1) as issued for that period.

20 Combined road-rail transport of goods

- (1) This section applies where—
- (a) goods are loaded on a relevant goods vehicle for transport between member States,
 - (b) the vehicle is transported by rail between the nearest suitable rail loading station to the point of loading and the nearest suitable rail unloading station to the point of unloading, and
 - (c) part of the rail transport of the vehicle takes place in the United Kingdom at a time when a vehicle licence for it is in force.
- (2) Where this section applies, the holder of the licence is, on making a claim, entitled to receive from the Secretary of State (by way of rebate of the duty paid on the licence) an amount calculated by the method prescribed by regulations made by the Secretary of State.
- (3) In this section “relevant goods vehicle” means a goods vehicle which—
- (a) has a plated gross weight or plated train weight (or, in Northern Ireland, a relevant maximum weight or relevant maximum train weight) which exceeds 3,500 kilograms, or
 - (b) does not have a plated gross weight or plated train weight (or relevant maximum weight or relevant maximum train weight) but has a design weight which exceeds 3,500 kilograms.
- (4) The Secretary of State may by regulations prescribe—
- (a) when and how a claim for a rebate under this section is to be made, and
 - (b) the evidence to be provided in support of such a claim.

PART II

REGISTRATION OF VEHICLES

Registration

21 Registration of vehicles

- (1) The Secretary of State shall, on the first issue by him of a vehicle licence for a vehicle, register the vehicle in such manner as he thinks fit without any further application by the person taking out the licence.
- (2) Where particulars in respect of a vehicle are furnished to the Secretary of State in accordance with regulations under section 24 before he first issues a vehicle licence for the vehicle, he shall so register the vehicle on receiving the particulars.

22 Registration regulations

- (1) The Secretary of State may by regulations—
 - (a) make provision with respect to the registration of vehicles (including, in particular, the form of and the particulars to be included in the register of trade licences),
 - (b) require the Secretary of State to make with respect to registered vehicles the returns prescribed by the regulations,
 - (c) provide for making any particulars contained in the register available for use by the persons prescribed by the regulations on payment, in cases so prescribed, of a fee of such amount as appears to the Secretary of State reasonable in the circumstances of the case,
 - (d) require a person by or to whom any vehicle is sold or disposed of to furnish the particulars prescribed by the regulations in the manner so prescribed,
 - (e) provide for the issue of registration documents in respect of the registration of a vehicle,
 - (f) provide for the transfer, surrender and production of registration documents,
 - (g) provide for the inspection of registration documents by the persons prescribed by the regulations, and
 - (h) provide for the issue of new registration documents in place of registration documents which are or may be lost, stolen, destroyed or damaged.
- (2) Regulations made by the Secretary of State may—
 - (a) extend any of the provisions as to registration (and provisions incidental to any of those provisions) to, and
 - (b) provide for the identification of,
any exempt vehicles, any vehicles belonging to the Crown or any trailers (within the meaning of Part VIII of Schedule 1).
- (3) Regulations under subsection (2) which require a person to furnish information relating to a vehicle which is an exempt vehicle under paragraph 19 of Schedule 2 may require him to furnish (in addition) such evidence of the facts giving rise to the exemption as is prescribed by the regulations.

Registration marks

23 Registration marks

- (1) Where the Secretary of State registers a vehicle under section 21(1) he shall assign to the vehicle a mark (a “registration mark”) indicating the registered number of the vehicle.
- (2) The Secretary of State may, in such circumstances as he may determine—
 - (a) assign a registration mark to a vehicle to which another registration mark has previously been assigned,
 - (b) assign to a vehicle (whether on its first registration or later) a registration mark previously assigned to another vehicle,
 - (c) (whether or not in connection with an assignment within paragraph (a) or (b)) withdraw any registration mark for the time being assigned to a vehicle, and
 - (d) re-assign to a vehicle a registration mark previously assigned to it but subsequently withdrawn.

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- (3) The Secretary of State may by regulations provide that the registration mark for the time being assigned to a vehicle shall be fixed, in the manner prescribed by the regulations, on the vehicle, on any other vehicle drawn by the vehicle or on both.
- (4) The Secretary of State may by regulations prescribe—
 - (a) the size, shape and character of registration marks to be fixed on any vehicle, and
 - (b) the manner in which registration marks are to be displayed and rendered easily distinguishable (whether by day or by night).
- (5) The Secretary of State may by regulations—
 - (a) make provision for assigning general registration marks to persons holding trade licences and (in particular) prescribe the registration marks to be carried by vehicles the use of which is authorised by a trade licence, and
 - (b) make provision for the issue of trade plates to holders of trade licences and for the charging of a fee for the replacement of trade plates which are or may be lost, stolen, destroyed or damaged.

24 Assignment of registration marks by motor dealers

- (1) The Secretary of State may by regulations make such provision as he considers appropriate with respect to the allocation of registration marks for vehicles to motor dealers who—
 - (a) apply for such allocations, and
 - (b) appear to the Secretary of State suitable to receive them,and with respect to the assigning of the marks to vehicles by motor dealers.
- (2) Regulations under this section may, in particular, include provision—
 - (a) as to the mode of application for the allocation of registration marks,
 - (b) as to the transfer of registration marks allocated to a motor dealer in cases where the motor dealer dies or becomes incapacitated or bankrupt and in such other cases as may be prescribed by the regulations, and
 - (c) as to the cancellation of allocations of registration marks.
- (3) The provision which may be made by regulations under this section also includes provision for—
 - (a) restricting the circumstances in which a motor dealer may assign a registration mark to a vehicle,
 - (b) securing that registration marks allocated to a motor dealer are assigned by him in such sequence as the Secretary of State considers appropriate and that no registration mark is assigned to a vehicle to which a registration mark has already been assigned, and
 - (c) requiring a motor dealer to furnish to the Secretary of State within the period prescribed by the regulations such particulars in respect of each vehicle to which the motor dealer assigns a registration mark as are so prescribed.
- (4) Where—
 - (a) the Secretary of State—
 - (i) rejects an application by a motor dealer for an allocation of registration marks, or
 - (ii) cancels an allocation of registration marks made to a motor dealer, and

- (b) the motor dealer, within the period prescribed by regulations made by the Secretary of State, requests him to review his decision,
the Secretary of State shall comply with the request and (in doing so) consider any representations made to him in writing during that period by the motor dealer.
- (5) Where the Secretary of State cancels an allocation of registration marks made to a motor dealer—
 - (a) the cancellation does not take effect before the end of the period prescribed by regulations made by the Secretary of State, and
 - (b) where during that period the motor dealer requests the Secretary of State to review his decision, the cancellation does not take effect before the Secretary of State gives notice in writing of the result of the review to the motor dealer.
- (6) For the purposes of subsection (5)(b) notice may be given to a person by—
 - (a) delivering it to him,
 - (b) leaving it at his proper address, or
 - (c) sending it to him by post;and for the purposes of this subsection, and of section 7 of the Interpretation Act 1978 in its application to this subsection, the proper address of a person is his latest address as known to the Secretary of State.

25 Charge on request for registration mark

- (1) The Secretary of State may by regulations provide for a charge prescribed by the regulations to be made in cases where, by request, a particular registration mark is assigned to a vehicle (whether on its first registration or later), having previously been assigned to another vehicle.
- (2) The regulations may—
 - (a) require—
 - (i) the vehicle to which a mark is requested to be assigned, and
 - (ii) in cases prescribed by the regulations, the other vehicle,to be made available for inspection at a place designated by or under the regulations, and
 - (b) provide for a charge prescribed by the regulations to be made for the inspection and for the whole or part of the charge to be retained whether or not the mark is assigned as requested.
- (3) Charges prescribed for the purposes of this section need not be related to the costs of—
 - (a) making an assignment, or
 - (b) arranging for a vehicle to be inspected.

26 Retention of registration mark pending transfer

- (1) The Secretary of State may by regulations provide for a person in whose name a vehicle is registered under this Act to be granted a right, exercisable on a single occasion falling within a period prescribed by the regulations, to have the registration mark for the time being assigned to the vehicle assigned to some other vehicle which is registered under this Act—
 - (a) in that person's name, or

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- (b) in the name of some other person nominated by him in accordance with the regulations.
- (2) Regulations under this section may, in particular, make provision—
- (a) for the manner in which an application for the grant of such a right (a “right of retention”) is to be made to the Secretary of State,
 - (b) for the payment of a fee prescribed by the regulations on the making of such an application and for the whole or part of the fee to be retained whether or not the application is granted,
 - (c) for requiring the vehicle to which the registration mark is for the time being assigned to be made available for inspection at a place designated by or under the regulations,
 - (d) for authorising the Secretary of State to refuse such an application on such grounds as he thinks fit,
 - (e) with respect to the manner in which rights of retention are to be exercisable,
 - (f) for enabling or requiring the Secretary of State, on the payment to him of a fee prescribed by the regulations, to extend or (on one or more occasions) further extend the period referred to in subsection (1) where—
 - (i) the conditions so prescribed are fulfilled, and
 - (ii) he thinks fit to do so in the circumstances of the case,
 - (g) for rights of retention to be non-transferable (but without prejudice to the vesting of any such right in a person by operation of law),
 - (h) with respect to the conditions which must be satisfied before a registration mark may be assigned to a vehicle pursuant to a right of retention,
 - (i) for authorising the Secretary of State to revoke a right of retention—
 - (i) if it appears to him that there are special reasons for doing so, or
 - (ii) in any other circumstances prescribed by the regulations,
 - (j) for allowing a person to be nominated when an application for the grant of a right of retention is made or to be nominated at a later time,
 - (k) for allowing a different person to be nominated in place of a person already nominated,
 - (l) for the manner in which a nomination is to be made and for the payment of a fee prescribed by the regulations where a nomination is made in circumstances so prescribed, and
 - (m) for the payment, in connection with the assignment of a registration mark pursuant to a right of retention, of such charge as is for the time being prescribed by virtue of section 25(1).
- (3) Regulations under this section may exempt extensions or assignments of any class or description prescribed by the regulations from any fee or charge payable by virtue of subsection (2)(f) or (m).
- (4) An extension or nomination is exempt from a fee payable by virtue of subsection (2)(f) or (l) if the Secretary of State considers it appropriate in the circumstances of the case.
- (5) Where regulations under this section provide in any case for there to be no charge in connection with the assignment of a registration mark pursuant to a right of retention—
- (a) the fee prescribed by virtue of paragraph (b) of subsection (2) in relation to an application for that right may include an amount representing the charge for which provision could have been made by virtue of paragraph (m) of that subsection, and

- (b) the regulations may provide for the part of any such fee which represents a charge for which provision could have been so made to be retained, except where conditions prescribed by the regulations are fulfilled, whether or not there is an assignment.
- (6) The assignment by the Secretary of State of a registration mark to a vehicle pursuant to a right of retention is without prejudice to the subsequent exercise by him, in relation to the mark, of any of his powers under section 23(2).

27 Sale of rights to particular registration marks

- (1) This section applies to registration marks which either—
- (a) have never been assigned to a vehicle, or
 - (b) have been assigned to a vehicle but (as a result of having been subsequently withdrawn) are not for the time being so assigned,
- and which are such as the Secretary of State may from time to time determine.
- (2) The Secretary of State may by regulations make a scheme providing for registration marks to which this section applies to be assigned to vehicles registered under this Act in the names of, or of the nominees of, persons who have acquired rights under the scheme to have the marks so assigned.
- (3) Regulations under this section may, in particular, make provision—
- (a) for a person to acquire a right under the scheme to have a particular registration mark to which this section applies assigned to a vehicle registered under this Act in his name, or in the name of some other person nominated by him in accordance with the scheme, on payment of such sum as is payable in accordance with the scheme—
 - (i) in respect of the acquisition of the right, and
 - (ii) where no charge is to be made by virtue of paragraph (m) in connection with an assignment pursuant to the right, in respect of such an assignment,
 - (b) with respect to—
 - (i) the manner in which agreements for the sale of such a right (a “relevant right”) may be effected,
 - (ii) the terms which may be contained in, or incorporated into, such agreements, and
 - (iii) rights and liabilities arising in connection with such agreements otherwise than under any such terms,
 - (c) for enabling the Secretary of State to determine as he thinks fit—
 - (i) the prices at which particular relevant rights are to be sold or the reserve prices applicable to the sale of any such rights, or
 - (ii) the manner in which any such prices are to be determined,
 - (d) with respect to the manner in which relevant rights are to be exercisable,
 - (e) for relevant rights to be exercisable only on a single occasion falling within a period prescribed by the regulations (subject to any provision made by virtue of paragraph (f)),
 - (f) for enabling or requiring the Secretary of State, on the payment to him of a fee prescribed by the regulations, to extend or (on one or more occasions) further extend any such period where—
 - (i) the conditions so prescribed are fulfilled, and

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- (ii) he thinks fit to do so in the circumstances of the case,
 - (g) for relevant rights to be non-transferable (but without prejudice to the vesting of any such right in a person by operation of law),
 - (h) with respect to the conditions which must be satisfied before a registration mark may be assigned to a vehicle pursuant to a relevant right,
 - (i) for authorising the Secretary of State to revoke a relevant right—
 - (i) if it appears to him that there are special reasons for doing so, or
 - (ii) in any other circumstances prescribed by the regulations,
 - (j) for allowing a person to be nominated when a relevant right is acquired or to be nominated at a later time,
 - (k) for allowing a different person to be nominated in place of a person already nominated,
 - (l) for the manner in which a nomination is to be made and for the payment of a fee prescribed by the regulations where a nomination is made in circumstances so prescribed,
 - (m) for the payment, in connection with the assignment of a registration mark pursuant to a relevant right, of such charge as is for the time being prescribed by virtue of section 25(1), and
 - (n) for so much of any sum paid by virtue of paragraph (a) in respect of the assignment of a registration mark to be retained, except where conditions prescribed by the regulations are fulfilled, whether or not there is such an assignment.
- (4) Regulations under this section may (without prejudice to the generality of subsection (3)(b)) make provision for authorising the Secretary of State to make arrangements with other persons by which such persons—
- (a) are given authority (whether irrevocable or otherwise) to act on his behalf in offering for sale, and entering into agreements for the sale of, relevant rights in the case of such registration marks, and during such periods, as he may determine,
 - (b) are required to account to him for sums due to him under such agreements (whether they have received any amounts due from the purchasers under the agreements or not), and
 - (c) may become entitled or subject to such rights or liabilities of the Secretary of State in connection with such agreements as may be prescribed by the regulations.
- (5) Regulations under this section may exempt extensions or assignments of any class or description prescribed by the regulations from any fee or charge payable by virtue of subsection (3)(f) or (m).
- (6) An extension or nomination is exempt from a fee payable by virtue of subsection (3)(f) or (l) if the Secretary of State considers it appropriate in the circumstances of the case.
- (7) The assignment by the Secretary of State of a registration mark to a vehicle pursuant to a relevant right is without prejudice to the subsequent exercise by him, in relation to the mark, of any of his powers under section 23(2).

Marking

28 Marking of engines and bodies

- (1) The Secretary of State may by regulations make such provision as he thinks appropriate with respect to the marking of the engines and bodies of vehicles.
- (2) Regulations under this section may, in particular, include provision—
 - (a) as to the persons by whom and the times at which engines and bodies of vehicles are to be marked,
 - (b) as to the form of any mark and the manner and position in which it is to be made, and
 - (c) for requiring particulars of marks made under the regulations to be furnished to the Secretary of State.

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—

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- (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

(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.
- (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.

PART IV

LEGAL PROCEEDINGS

Institution and conduct of proceedings

47 Proceedings in England and Wales or Northern Ireland

- (1) No proceedings for an offence under section 29, 34 or 37 shall be instituted in England and Wales or Northern Ireland except by the Secretary of State or a constable; and no such proceedings shall be instituted there by a constable except with the approval of the Secretary of State.
- (2) Proceedings for an offence under—
- (a) section 29, 34 or 37, or
 - (b) regulations under this Act,
- may be commenced in England or Wales or Northern Ireland by the Secretary of State or a constable at any time within six months from the date on which evidence sufficient in his opinion to justify the proceedings came to his knowledge.
- (3) No proceedings for any offence may be commenced by virtue of subsection (2) more than three years after the commission of the offence.
- (4) A certificate—
- (a) stating that the Secretary of State's approval is given for the institution by a constable of any proceedings specified in the certificate, and
 - (b) signed by or on behalf of the Secretary of State,
- is conclusive evidence of that approval.
- (5) A certificate—
- (a) stating the date on which evidence such as is mentioned in subsection (2) came to the knowledge of the Secretary of State or a constable, and
 - (b) signed by or on behalf of the Secretary of State or constable,
- is conclusive evidence of that date.
- (6) A certificate—
- (a) including a statement such as is mentioned in paragraph (a) of subsection (4) or (5), and

- (b) purporting to be signed as mentioned in paragraph (b) of the subsection concerned,
is to be deemed to be so signed unless the contrary is proved.
- (7) The following provisions of the Customs and Excise Management Act 1979 do not apply to proceedings in England and Wales or Northern Ireland for any offence under this Act—
 - (a) section 145 (which would require such proceedings to be instituted by order of the Secretary of State and certain such proceedings to be commenced in the name of an officer of his), and
 - (b) section 146A (which would impose time-limits for bringing such proceedings).

48 Proceedings in Scotland

- (1) Summary proceedings for an offence under this Act, except under section 44 or 45, may be instituted in Scotland by the Secretary of State.
- (2) The Secretary of State may (despite the provisions of any enactment) institute proceedings by virtue of subsection (1) in any court of summary jurisdiction in Scotland.
- (3) Summary proceedings in Scotland in respect of any offence under—
 - (a) section 29, 34, 37, 44 or 45, or
 - (b) regulations under this Act,may not be commenced more than three years after the commission of the offence.
- (4) Subject to that (and despite anything in section 331 of the Criminal Procedure (Scotland) Act 1975 (limitation of time for proceedings in statutory offences)), any such proceedings may be commenced—
 - (a) in the case of proceedings instituted by the procurator fiscal as a result of information supplied to him by the Secretary of State, at any time within six months from the date on which the information came to the knowledge of the Secretary of State, and
 - (b) in any other case, at any time within six months from the date on which evidence sufficient in the opinion of the person instituting the proceedings to justify the proceedings came to his knowledge;and subsection (3) of that section applies for the purposes of this subsection as it applies for the purposes of that section.
- (5) A certificate—
 - (a) stating the date on which information such as is mentioned in subsection (4) (a) came to the knowledge of the Secretary of State, and
 - (b) signed by or on behalf of the Secretary of State,is conclusive evidence of that date.
- (6) A certificate—
 - (a) stating the date on which evidence such as is mentioned in subsection (4)(b) came to the knowledge of the person instituting the proceedings, and
 - (b) signed by or on behalf of that person,is conclusive evidence of that date.

(7) A certificate—

- (a) including a statement such as is mentioned in paragraph (a) of subsection (5) or (6), and
- (b) purporting to be signed as mentioned in paragraph (b) of the subsection concerned,

is to be deemed to be so signed unless the contrary is proved.

49 Authorised persons

A person authorised by the Secretary of State for the purposes of this section may on behalf of the Secretary of State conduct and appear in any proceedings by or against the Secretary of State under this Act—

- (a) in England and Wales, in a magistrates' court or before a district judge of a county court,
- (b) in Scotland, in any court other than the High Court of Justiciary or the Court of Session, and
- (c) in Northern Ireland, in a court of summary jurisdiction or before a county court.

50 Time-limit for recovery of underpayments and overpayments

No proceedings shall be brought—

- (a) by the Secretary of State for the recovery of any underpayment of duty on a vehicle licence, or
- (b) by any person for the recovery of any overpayment of duty on a vehicle licence taken out by him,

after the end of the period of twelve months beginning with the end of the period in respect of which the licence was taken out.

Evidence

51 Admissions

(1) This section applies where in any proceedings in England and Wales or Northern Ireland for an offence under section 29 or 34—

- (a) it is appropriately proved that there has been served on the accused by post a requirement under section 46(1) or (2) to give information as to the identity of—
 - (i) the driver of, or a person who used, a particular vehicle, or
 - (ii) the person who kept a particular vehicle on a road,
 on the particular occasion on which the offence is alleged to have been committed, and
- (b) a statement in writing is produced to the court purporting to be signed by the accused that he was—
 - (i) the driver of, or a person who used, that vehicle, or
 - (ii) the person who kept that vehicle on a road,
 on that occasion.

- (2) Where this section applies, the court may accept the statement as evidence that the accused was—
 - (a) the driver of, or a person who used, that vehicle, or
 - (b) the person who kept that vehicle on a road, on that occasion.
- (3) In subsection (1) “appropriately proved” means proved to the satisfaction of the court—
 - (a) on oath, or
 - (b) in the manner prescribed—
 - (i) in England and Wales, by rules under section 144 of the Magistrates' Courts Act 1980, or
 - (ii) in Northern Ireland, by magistrates' courts rules, as defined by Article 2(3) of the Magistrates' Courts (Northern Ireland) Order 1981.

52 Records

- (1) A statement to which this section applies is admissible in any proceedings as evidence (or, in Scotland, sufficient evidence) of any fact stated in it with respect to matters prescribed by regulations made by the Secretary of State to the same extent as oral evidence of that fact is admissible in the proceedings.
- (2) This section applies to a statement contained in a document purporting to be—
 - (a) a part of the records maintained by the Secretary of State in connection with any functions exercisable by him under or by virtue of this Act,
 - (b) a copy of a document forming part of those records, or
 - (c) a note of any information contained in those records,and to be authenticated by a person authorised to do so by the Secretary of State.
- (3) In subsections (1) and (2) “statement” and “document”—
 - (a) in England and Wales, have the same meanings as in section 10(1) of the Civil Evidence Act 1968,
 - (b) in Scotland, have the same meanings as in section 17(3) of the Law Reform (Miscellaneous Provisions) (Scotland) Act 1968, and
 - (c) in Northern Ireland, have the same meanings as in section 6(1) of the Civil Evidence Act (Northern Ireland) 1971.
- (4) In subsection (2) the reference to a copy of a document is to be construed—
 - (a) in England and Wales, in accordance with section 10(2) of the Civil Evidence Act 1968,
 - (b) in Scotland, in accordance with section 17(4) of the Law Reform (Miscellaneous Provisions) (Scotland) Act 1968, and
 - (c) in Northern Ireland, in accordance with section 6(2) of the Civil Evidence Act (Northern Ireland) 1971.
- (5) Nothing in subsection (3) or (4) limits to civil proceedings the references to proceedings in subsection (1).

53 Burden of proof

Where in any proceedings for an offence under section 29, 34, 37 or 45 any question arises as to—

- (a) the number of vehicles used,
- (b) the character, weight or cylinder capacity of a vehicle,
- (c) the seating capacity of a vehicle, or
- (d) the purpose for which a vehicle has been used,

the burden of proof in respect of the matter lies on the accused.

54 Single witness sufficient in certain Scottish proceedings

In any proceedings in Scotland for an offence under section 29 or 33 the accused may be convicted on the evidence of one witness.

55 Guilty plea by absent accused

(1) This section applies where, under section 12(2) of the Magistrates' Courts Act 1980 or Article 24(2) of the Magistrates' Courts (Northern Ireland) Order 1981, a person is convicted in his absence of—

- (a) an offence under section 29, or
- (b) an offence under section 102 of the Customs and Excise Management Act 1979 in relation to a vehicle licence or a trade licence,

and it is appropriately proved that a relevant notice was served on the accused with the summons.

(2) In subsection (1) “appropriately proved” means—

- (a) in England and Wales, proved to the satisfaction of the court—
 - (i) on oath, or
 - (ii) in the manner prescribed by rules under section 144 of the Magistrates' Courts Act 1980, and
- (b) in Northern Ireland, proved to the satisfaction of the court—
 - (i) on oath,
 - (ii) by affidavit, or
 - (iii) in the manner prescribed by magistrates' courts rules, as defined by Article 2(3) of the Magistrates' Courts (Northern Ireland) Order 1981.

(3) In this section “relevant notice”, in relation to an accused, means a notice stating that, in the event of his being convicted of the offence, it will be alleged that an order requiring him to pay an amount specified in the notice falls to be made by the court—

- (a) in a case within subsection (1)(a), under section 30, or
- (b) in a case within subsection (1)(b), under section 36.

(4) Where this section applies, the court shall proceed under section 30, or section 36, as if the amount specified in the relevant notice were the amount calculated in accordance with that section.

(5) The court shall not so proceed if it is stated in the notification purporting to be given by or on behalf of the accused under—

- (a) section 12(2) of the Magistrates' Courts Act 1980, or
- (b) Article 24(2) of the Magistrates' Courts (Northern Ireland) Order 1981,

that the amount specified in the relevant notice is inappropriate.

Penalties etc.

56 Penalties and fines

- (1) Any penalty recovered under or by virtue of this Act shall be paid into the Consolidated Fund.
- (2) Section 151 of the Customs and Excise Management Act 1979 (application of penalties) does not apply to penalties recovered under or by virtue of this Act.
- (3) Any fine imposed under or by virtue of this Act which (apart from this subsection) would not be paid into the Consolidated Fund shall be so paid.

PART V

SUPPLEMENTARY

Regulations and orders

57 Regulations

- (1) The Secretary of State may make regulations generally for the purpose of carrying into effect the provisions of this Act (other than sections 7(2) and (3), 8, 26, 27, 52 and 54).
- (2) Regulations under this Act—
 - (a) may make different provision for different cases or circumstances, and
 - (b) may contain such incidental, consequential and supplemental provisions as the Secretary of State considers expedient for the purposes of the regulations.
- (3) Regulations under this Act (other than regulations under section 26 or 27)—
 - (a) may make different provision for different parts of the United Kingdom, and
 - (b) may provide for exemptions from any provision of the regulations.
- (4) Nothing in any other provision of this Act limits subsections (1) to (3).
- (5) Regulations under sections 20(4), 22, 23(4) and (5), 24(1) to (3) and 28 may provide that any document for which provision is made by the regulations—
 - (a) is to be in such form, and
 - (b) is to contain such particulars,as may be specified by a person prescribed by the regulations.
- (6) Any power to make regulations under this Act is exercisable by statutory instrument.
- (7) A statutory instrument containing regulations under this Act is subject to annulment in pursuance of a resolution of either House of Parliament.
- (8) Subsection (7) does not apply to a statutory instrument containing only regulations under paragraph 2(4) of Schedule 1.

58 Fees prescribed by regulations

- (1) Any fee prescribed by regulations under section 7(6)(b) or 14(4)(b), and any charge prescribed by regulations under section 25(1), shall be of an amount approved by the Treasury.
- (2) Section 128 of the Finance Act 1990 (power to provide for repayment of fees and charges) applies to any power under this Act to make provision for payment of a fee or charge as it applies to any power to make such provision conferred before that Act was passed.

59 Regulations: offences

- (1) A person who contravenes or fails to comply with any regulations under this Act (other than any regulations under section 24, 26, 27 or 28) 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—
 - (a) in the case of regulations prescribed by regulations made by the Secretary of State as regulations to which this paragraph applies, level 3 on the standard scale, and
 - (b) in any other case, level 2 on the standard scale.
- (3) The prescribing of regulations as regulations to which subsection (2)(a) applies does not affect the punishment for a contravention of, or failure to comply with, the regulations before they were so prescribed.
- (4) Regulations under section 24 or 28 may provide that a person who contravenes or fails to comply with any specified provision of the regulations is guilty of an offence.
- (5) A person guilty of such an offence is liable on summary conviction to a fine not exceeding—
 - (a) in the case of regulations under section 24, level 1 on the standard scale, and
 - (b) in the case of regulations under section 28, level 3 on the standard scale.

60 Orders

- (1) Any power of the Secretary of State to make an order under this Act is exercisable by statutory instrument.
- (2) A statutory instrument containing an order under section 3(3) or paragraph 8 of Schedule 4 is subject to annulment in pursuance of a resolution of either House of Parliament.
- (3) No order is to be made under paragraph 5(5) of Schedule 1 unless a draft of the order has been laid before, and approved by a resolution of, each House of Parliament.

*Interpretation***61 Vehicle weights**

- (1) In this Act a reference to the plated gross weight of a goods vehicle or trailer is a reference—

Status: This is the original version (as it was originally enacted).

- (a) in the case of a trailer which may lawfully be used in Great Britain without a Ministry plate (within the meaning of regulations under section 41 or 49 of the Road Traffic Act 1988), to the maximum laden weight at which the trailer may lawfully be used in Great Britain, and
 - (b) otherwise, to the weight which is the maximum gross weight which may not be exceeded in Great Britain for the vehicle or trailer as indicated on the appropriate plate.
- (2) In this Act a reference to the plated train weight of a vehicle is a reference to the weight which is the maximum gross weight which may not be exceeded in Great Britain for an articulated vehicle consisting of the vehicle and any semi-trailer which may be drawn by it as indicated on the appropriate plate.
- (3) In subsections (1) and (2) “appropriate plate”, in relation to a vehicle or trailer, means—
 - (a) where a Ministry plate (within the meaning of regulations under section 41 or 49 of the Road Traffic Act 1988) has been issued, or has effect as if issued, for the vehicle or trailer following the issue or amendment of a plating certificate (within the meaning of Part II of that Act), that plate,
 - (b) where paragraph (a) does not apply but such a certificate is in force for the vehicle or trailer, that certificate, and
 - (c) where neither paragraph (a) nor paragraph (b) applies but the vehicle or trailer has been equipped with a plate in accordance with regulations under section 41 of the Road Traffic Act 1988, that plate.
- (4) In this Act a reference to the relevant maximum weight of a goods vehicle or trailer is a reference—
 - (a) where it is required by regulations under Article 28 of the Road Traffic (Northern Ireland) Order 1981 to have the maximum gross weight in Great Britain for it marked on a plate attached to it, to the maximum gross weight in Great Britain marked on the plate,
 - (b) where regulations under that Article do not apply to it but the maximum gross weight in Great Britain is marked by the same means as would be required by those regulations if they did apply to it, to the maximum gross weight in Great Britain so marked, and
 - (c) otherwise, to its notional maximum gross weight ascertained in accordance with the Goods Vehicles (Ascertainment of Maximum Gross Weights) Regulations (Northern Ireland) 1976 (or any regulations replacing those Regulations, whether with or without amendments).
- (5) In this Act a reference to the relevant maximum train weight of a vehicle is a reference to the maximum gross weight which may not be exceeded in Great Britain for an articulated vehicle consisting of the vehicle and any semi-trailer which may be drawn by it.
- (6) In this Act “weight unladen”—
 - (a) in England and Wales and Scotland, has the same meaning as it has for the purposes of the Road Traffic Act 1988 by virtue of section 190 of that Act, and
 - (b) in Northern Ireland, has the same meaning as it has for the purposes of the Road Traffic (Northern Ireland) Order 1981 by virtue of Article 2(3) of that Order.
- (7) In this Act “design weight”, in relation to a vehicle, means the weight which the vehicle is designed or adapted not to exceed when in normal use and travelling on a road laden.

(8) In this section “trailer” has the same meaning as in Part VIII of Schedule 1.

62 Other definitions

(1) In this Act, unless the context otherwise requires—

“axle”, in relation to a vehicle, includes—

- (a) two or more stub axles which are fitted on opposite sides of the longitudinal axis of the vehicle so as to form a pair in the case of two stub axles or pairs in the case of more than two stub axles,
- (b) a single stub axle which is not one of a pair, and
- (c) a retractable axle,

(“stub axle” meaning an axle on which only one wheel is mounted),

“built-in road construction machinery”, in relation to a vehicle, means road construction machinery built in as part of, or permanently attached to, the vehicle,

“business” includes the performance by a local or public authority of its functions,

“disabled person” means a person suffering from a physical or mental defect or disability,

“exempt vehicle” means a vehicle in respect of which vehicle excise duty is not chargeable,

“farmer’s goods vehicle” means a goods vehicle registered under this Act in the name of a person engaged in agriculture and used on public roads solely by him—

- (a) for the purpose of the conveyance of the produce of, or of articles required for, the agricultural land which he occupies, and
- (b) for no other purpose except a purpose not involving the conveyance of goods or burden for hire or reward or for or in connection with a trade or business,

“goods vehicle” means a vehicle constructed or adapted for use and used for the conveyance of goods or burden of any description, whether in the course of trade or not,

“motor dealer” means a person carrying on the business of selling or supplying vehicles,

“motor trader” means—

- (a) a manufacturer or repairer of, or dealer in, vehicles, or
- (b) any other description of person who carries on a business of such description as may be prescribed by regulations made by the Secretary of State,

and a person is treated as a dealer in vehicles if he carries on a business consisting wholly or mainly of collecting and delivering vehicles, and not including any other activities except activities as a manufacturer or repairer of, or dealer in, vehicles,

“public road”—

- (a) in England and Wales and Northern Ireland, means a road which is repairable at the public expense, and
 - (b) in Scotland, has the same meaning as in the Roads (Scotland) Act 1984,
- “registration mark” is to be construed in accordance with section 23(1),

Status: This is the original version (as it was originally enacted).

“relevant right” is to be construed in accordance with section 27(3)(a) and (b),

“right of retention” is to be construed in accordance with section 26(1) and (2)(a),

“rigid goods vehicle” means a goods vehicle which is not a tractive unit,

“road construction machinery” means a machine or device suitable for use for the construction or repair of roads and used for no purpose other than the construction or repair of roads at the public expense,

“road construction vehicle” means a vehicle—

(a) which is constructed or adapted for use for the conveyance of built-in road construction machinery, and

(b) which is not constructed or adapted for the conveyance of any other load except articles and material used for the purposes of such machinery,

“showman’s goods vehicle” means a showman’s vehicle which—

(a) is a goods vehicle, and

(b) is permanently fitted with a living van or some other special type of body or superstructure forming part of the equipment of the show of the person in whose name the vehicle is registered under this Act,

“showman’s vehicle” means a vehicle—

(a) registered under this Act in the name of a person following the business of a travelling showman, and

(b) used solely by him for the purposes of his business and for no other purpose,

“temporary licence” is to be construed in accordance with section 9(1),

“tractive unit” means a goods vehicle to which a semi-trailer may be so attached that—

(a) part of the semi-trailer is superimposed on part of the goods vehicle, and

(b) when the semi-trailer is uniformly loaded, not less than twenty per cent. of the weight of its load is borne by the goods vehicle,

“trade licence” is to be construed in accordance with section 11,

“vehicle” means a mechanically propelled vehicle,

“vehicle excise duty” is to be construed in accordance with section 1(1),

“vehicle licence” is to be construed in accordance with section 1(2), and

“vehicle tester” means a person, other than a motor trader, who regularly in the course of his business engages in the testing on roads of vehicles belonging to other persons.

- (2) For the purposes of this Act and any other enactment relating to the keeping of vehicles on public roads, a person keeps a vehicle on a public road if he causes it to be on such a road for any period, however short, when it is not in use there.

Other supplementary provisions

63 Consequential amendments

The enactments and instruments specified in Schedule 3 are amended in accordance with that Schedule in consequence of the provisions of this Act.

64 Transitionals etc

Schedule 4 has effect for—

- (a) making transitional provisions in consequence of this Act and savings in connection with the repeals and revocations made by this Act,
- (b) re-enacting provisions repealed by this Act when not in force, and
- (c) making transitory modifications of this Act.

65 Repeals and revocations

The enactments specified in Part I of Schedule 5 are repealed, and the instruments specified in Part II of that Schedule are revoked, to the extent specified in the third column of that Schedule.

66 Commencement

- (1) This Act shall come into force on 1st September 1994.
- (2) Subsection (1) is subject to Schedule 4.

67 Extent

This Act extends to Northern Ireland.

68 Short title

This Act may be cited as the Vehicle Excise and Registration Act 1994.