



Vehicle Excise and Registration Act 1994

1994 CHAPTER 22

PART III

OFFENCES

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.
- [^{F1}(4) The Secretary of State may make regulations prohibiting a person from exhibiting on a vehicle in respect of which excise duty is chargeable anything—
 - (a) which is intended to be, or
 - (b) which could reasonably be,mistaken for a licence which is for, or in respect of, the vehicle and which is for the time being in force.]

Status: Point in time view as at 19/03/1997.

Changes to legislation: Vehicle Excise and Registration Act 1994, Cross Heading: Other offences relating to licences is up to date with all changes known to be in force on or before 27 October 2023. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

Textual Amendments

F1 S. 33(4) inserted (29.4.1996) by 1996 c. 8, s. 23, Sch. 2 para. 10

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.

[^{F2}35A Dishonoured cheques.

- (1) In a case where—

Status: Point in time view as at 19/03/1997.

Changes to legislation: Vehicle Excise and Registration Act 1994, Cross Heading: Other offences relating to licences is up to date with all changes known to be in force on or before 27 October 2023. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

- (a) a notice sent as mentioned in section 19A(2)(b) [^{F3}or 19B(2)(c)] or a further notice sent as mentioned in section 19A(3)(d) [^{F4}or 19B(3)(d)] requires the person to deliver up the licence within such reasonable period as is specified in the notice, and
 - (b) the person fails to comply with the requirement within that period,
- he shall be liable on summary conviction to a penalty of an amount found under subsection (2).
- (2) The amount is whichever is the greater of—
- (a) level 3 on the standard scale;
 - (b) an amount equal to five times the annual rate of duty that was payable on the grant of the licence or would have been so payable if it had been taken out for a period of twelve months.]

Textual Amendments

- F2** S. 35A inserted (1.5.1995 with effect as mentioned in Sch. 4 para. 33(4) of the amending Act) by 1995 c. 4, s. 19, Sch. 4 Pt. V para. 32(2)(4)
- F3** Words in s. 35A(1)(a) inserted (19.3.1997) by 1997 c. 16, s. 19(2)(a)
- F4** Words in s. 35A(1)(a) inserted (19.3.1997) by 1997 c. 16, s. 19(2)(b)

36 Dishonoured cheques: additional liability.

- (1) Where a person has been convicted of an offence under section [^{F5}35A] in relation to a vehicle licence or a trade licence, the court shall (in addition to any penalty which it may impose under that section) order him to pay the amount specified in subsection (2).
- (2) The amount referred to in subsection (1) is an amount equal to one-twelfth of the appropriate annual rate of vehicle excise duty for each month, or part of a month, in the relevant period.
- (3) The reference in subsection (2) to the appropriate annual rate of vehicle excise duty is a reference 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 [^{F6}1] of Schedule 1 (or to a vehicle falling within sub-paragraph (1) (c) of paragraph 2 of that Schedule if the licence was to be used only for vehicles to which that paragraph applies).
- (4) For the purposes of this section the relevant period is the period—
 - (a) beginning with the first day of the period for which the licence was applied for or, if later, the day on which the licence first was to have effect, and
 - (b) ending with whichever is the earliest of—
 - (i) the end of the month in which the order is made,
 - (ii) the date on which the licence was due to expire,
 - (iii) the end of the month during which the licence was delivered up, and
 - (iv) the end of the month preceding that in which there first had effect a new licence for the vehicle specified in the application for the licence

Status: Point in time view as at 19/03/1997.

Changes to legislation: Vehicle Excise and Registration Act 1994, Cross Heading: Other offences relating to licences is up to date with all changes known to be in force on or before 27 October 2023. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

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.

Textual Amendments

- F5** Words in s. 36(1) substituted (1.5.1995 with effect as mentioned in Sch. 4 para. 32(4) of the amending Act) by 1995 c. 4, s. 19, **Sch. 4 Pt. V para. 32(3)(4)**
- F6** Words in s. 36(3)(b) substituted (29.4.1996 with effect as mentioned in s. 18(5) of the amending Act) by 1996 c. 8, **s. 18(4)(c)(5)**

Status:

Point in time view as at 19/03/1997.

Changes to legislation:

Vehicle Excise and Registration Act 1994, Cross Heading: Other offences relating to licences is up to date with all changes known to be in force on or before 27 October 2023. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations.