



Vehicle Excise and Registration Act 1994

1994 CHAPTER 22

PART IV

LEGAL PROCEEDINGS

Institution and conduct of 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, [F¹31A,] 34 [F²,35A] 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 [F³section 136 of the Criminal Procedure (Scotland) Act 1995] (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.

Changes to legislation: Vehicle Excise and Registration Act 1994, Section 48 is up to date with all changes known to be in force on or before 14 April 2024. 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) View outstanding changes

- (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.

Textual Amendments

- F1** Word in s. 48(3)(a) inserted (19.12.2003) by Finance Act 2002 (c. 23), s. 19, **Sch. 5 para. 13**; S.I. 2003/3086, **art. 2(a)**
- F2** Words in s. 48(3) inserted (29.4.1996 with effect as mentioned in Sch. 2 para. 14(3) of the amending Act) by 1996 c. 8, s. 23, **Sch. 2 para. 14(1)(b)(3)**
- F3** Words in s. 48(4) substituted (1.4.1996) by 1995 c. 40, ss. 5, 7(2), **Sch. 4 para. 90(4)**

Changes to legislation:

Vehicle Excise and Registration Act 1994, Section 48 is up to date with all changes known to be in force on or before 14 April 2024. 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.

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

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

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