



# Vehicle Excise and Registration Act 1994

## 1994 CHAPTER 22

### PART IV

#### LEGAL PROCEEDINGS

##### *Evidence*

#### **55 Guilty plea by absent accused.**

- (1) This section applies where, under section [<sup>F1</sup>12(5)] of the <sup>M1</sup>Magistrates' Courts Act 1980 or Article 24(2) of the <sup>M2</sup>Magistrates' Courts (Northern Ireland) Order 1981, a person is convicted in his absence of [<sup>F2</sup>an offence under section 29 or 35A] and it is appropriately proved that a relevant notice was served on the accused with a 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 [<sup>F3</sup>Criminal Procedure Rules], 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.

[<sup>F4</sup>(2A) This section also applies if—

- (a) a person is convicted of an offence under section 29 or 35A while being tried in accordance with section 16A of the Magistrates' Courts Act 1980 (trial by single justice on the papers), and
- (b) it is proved to the satisfaction of the court, in the manner prescribed by Criminal Procedure Rules, that a relevant notice was served on the accused with the written charge.]

**Changes to legislation:** Vehicle Excise and Registration Act 1994, Section 55 is up to date with all changes known to be in force on or before 02 January 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

- (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) <sup>F5</sup>if the offence is an offence under section 29], under section 30, or
  - (b) <sup>F6</sup>if the offence is an offence under section 35A], 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) <sup>F7</sup>Where this section applies by virtue of subsection (1), the court shall not proceed as described in subsection (4)] if it is stated in the notification purporting to be given by or on behalf of the accused under—
- (a) section <sup>F8</sup>12(4)] of the <sup>M3</sup>Magistrates’ Courts Act 1980, or
  - (b) Article 24(2) of the <sup>M4</sup>Magistrates’ Courts (Northern Ireland) Order 1981, that the amount specified in the relevant notice is inappropriate.
- <sup>F9</sup>(6) Where this section applies by virtue of subsection (2A), the court shall not proceed as described in subsection (4) if the written notification served by the accused or the legal representative of the accused in accordance with the single justice procedure notice includes a statement that the amount specified in the relevant notice is inappropriate.
- (7) In subsection (6) “single justice procedure notice” has the meaning given by section 29 of the Criminal Justice Act 2003.]

#### Textual Amendments

- F1** Words in s. 55(1) substituted (1.9.1998) by 1998 c. 15, s. 4(2)(c); S.I. 1998/1837, art. 2
- F2** Words in s. 55(1) substituted (29.4.1996 with effect as mentioned in Sch. 2 para. 14(3) of the amending Act) for s. 55(1)(a)(b) by 1996 c. 8, s. 23, Sch. 2 para. 14(2)(3)
- F3** Words in s. 55(2)(a)(ii) substituted (1.9.2004) by Courts Act 2003 (c. 39), s. 109(1), Sch. 8 para. 362(b); S.I. 2004/2066, art. 2(c)(xvi) (subject to art. 3)
- F4** S. 55(2A) inserted (13.4.2015) by Criminal Justice and Courts Act 2015 (c. 2), s. 95(1), Sch. 11 para. 13(2); S.I. 2015/778, art. 3, Sch. 1 para. 77
- F5** Words in s. 55(3)(a) substituted (13.4.2015) by Criminal Justice and Courts Act 2015 (c. 2), s. 95(1), Sch. 11 para. 13(3)(a); S.I. 2015/778, art. 3, Sch. 1 para. 77
- F6** Words in s. 55(3)(b) substituted (13.4.2015) by Criminal Justice and Courts Act 2015 (c. 2), s. 95(1), Sch. 11 para. 13(3)(b); S.I. 2015/778, art. 3, Sch. 1 para. 77
- F7** Words in s. 55(5) substituted (13.4.2015) by Criminal Justice and Courts Act 2015 (c. 2), s. 95(1), Sch. 11 para. 13(4); S.I. 2015/778, art. 3, Sch. 1 para. 77
- F8** Words in s. 55(5)(a) substituted (1.9.1998) by 1998 c. 15, s. 4(1)(b); S.I. 1998/1837, art. 2
- F9** S. 55(6)(7) inserted (13.4.2015) by Criminal Justice and Courts Act 2015 (c. 2), s. 95(1), Sch. 11 para. 13(5); S.I. 2015/778, art. 3, Sch. 1 para. 77

#### Marginal Citations

- M1** 1980 c. 43.
- M2** S.I. 1981/1675 (N.I.26).
- M3** 1980 c. 43.
- M4** S.I. 1981/1675 (N.I.26).

**Changes to legislation:**

Vehicle Excise and Registration Act 1994, Section 55 is up to date with all changes known to be in force on or before 02 January 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\(2\)\(a\)\(i\)\(7\)](#)