

VEHICLES (CRIME) ACT 2001

EXPLANATORY NOTES

COMMENTARY ON SECTIONS

Part 1: Regulation of Motor Salvage Operators

Sections 1, 2, 3, 4, 5, 6 and 13: Registration

23. The intention of these sections is to require motor salvage operators to register with the local authority. A person, including a body corporate, who carries on a business as a motor salvage operator will be required to register with the local authority. Local authorities will be responsible for maintaining registers, which will contain details to be prescribed by regulation. Such details are likely to include the name of the person and the address of the premises where the business is conducted. Local authorities will determine the fee to be paid on application for registration. The fee must, however, be set only at a level which recovers reasonable costs of administering the registration scheme. Registration will lapse after three years, although it can be renewed.
24. The registration authority will have the discretion to decide whether a person is "fit and proper" to carry on business as a motor salvage operator. If it decides that a person is not "fit and proper", it can refuse or cancel registration. If registration is refused or cancelled on this ground, the local authority need not consider a further application for registration from the applicant for a period of three years.
25. A person is entitled to make representations to the local authority where that local authority is minded to refuse an application for registration or the renewal of a registration, or where the local authority is minded to cancel a registration. If the local authority proceeds with the refusal or cancellation, the person may appeal to the magistrates' court.

Sections 7 and 8: Keeping of Records etc.

26. Any registered motor salvage operator must maintain records to be specified in regulations. Such records will need to be kept for three years. Further, registered motor salvage operators will be obliged to notify the destruction of any vehicles to such persons as are specified (the main intended recipient of the notification being the DVLA).
27. A person who does not maintain the appropriate records, or notify as required, will be guilty of an offence and liable on summary conviction to a fine.

Sections 9, 10, 11 and 12: Supplementary Provisions and Offences

28. **Section 9** gives the police powers of entry to registered premises without warrant. For entry to unregistered premises, or entry to registered premises where entry has previously been refused, a warrant issued by a justice of the peace can be obtained to secure entry with the use of force if necessary.

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(c.3) which received Royal Assent on 10 April 2001*

29. A police constable may inspect any motor vehicles or salvaged parts kept at the premises and inspect or copy any records which the motor salvage operator is required to keep.
30. **Section 10** makes it an offence knowingly or recklessly to supply materially false information in an application for registration as a salvage operator. It allows a higher penalty for such an offence where the offender has previously been refused registration or had his registration cancelled.
31. **Section 11** requires the person registered or applying to be registered to notify the local authority of any changes affecting the accuracy of information provided within 28 days of the changes occurring. Failure to do so will be an offence, although there is a due diligence defence.
32. **Section 12** makes it an offence for a person to give a false name or address when selling a motor vehicle to a registered motor salvage operator.

Sections 14, 15 and 16: General

33. **Section 14** provides for the police or local authorities to bring prosecutions. Prosecutions by anyone else must have the consent of the Attorney General. **Section 15** allows the Secretary of State to amend or repeal any private or local Act if it appears to conflict with this Act.
34. **Section 16** defines the terms used in this Part of the Act including what constitutes carrying on a business as a motor salvage operator in the area of a local authority and a motor salvage yard.

Part 2: Regulation of Registration Plate Suppliers

Sections 17, 18, 19, 20, 21, 22 and 23: Requirement of registration of registration plate suppliers

35. **Section 17** requires any person who carries on a business as a registration (number) plate supplier in England or Wales, and is not an exempt person, to be registered by the Secretary of State. It would be an offence to conduct business as a registration plate supplier without being registered.
36. **Section 18** requires the Secretary of State (in practice the DVLA) to establish and maintain a register of registration plate suppliers containing particulars to be prescribed by regulation. The Secretary of State may disclose information from the register and may charge a fee for such disclosure.
37. **Section 19** provides for applications for registration and empowers the Secretary of State to charge a fee to recover reasonable costs.
38. **Sections 20 to 23** provide for the removal or suspension of a registration by a court where a person has been convicted of an offence under this Part and for the cancellation of a registration where the Secretary of State is satisfied that a registered person has not been carrying on business as a registration plate supplier for at least 28 days. An intention to cancel must be notified and the supplier given a reasonable opportunity to persuade the authority not to proceed. In the event of cancellation the supplier has a right of appeal exercisable within 21 days.

Sections 24 and 25: Keeping of Records etc.

39. **Section 24** enables the making of regulations to provide for the keeping of records by registration plate suppliers. It will be an offence to fail to keep records as prescribed, subject to a due diligence defence.

40. **Section 25** requires registration plate suppliers to obtain prescribed information from prospective purchasers. It will be an offence to fail to obtain this information before completing a sale, subject to a due diligence defence.

Sections 26, 27, 28 and 29: Supplementary Provisions and Offences

41. **Section 26** gives a police officer or a person appointed by a local authority the right to enter and inspect the premises of a registered business. A police officer or a person appointed by a local authority may enter other premises where he suspects that there is an unregistered business, provided that a justice of the peace has issued a warrant. Reasonable force may be used in pursuance of the warrant.
42. **Section 27** requires a registered person to notify within 28 days any changes to details held on the register or the cessation of business as a registration plate supplier. Failure to notify will be an offence, subject to a due diligence defence. **Section 28** makes it an offence knowingly or recklessly to sell as a registration plate a device which is not a registration plate. It also makes it an offence knowingly to supply components to a person who is in the business of selling fake registration plates for the purposes of that business.
43. **Section 29** makes it an offence in certain circumstances to supply a plate to an unregistered person, other than an exempt person, who is carrying on business as a registration plate supplier.

Sections 30 and 31

44. The police or local authorities may bring prosecutions. Prosecutions by anyone else must have the consent of the Attorney General. Prosecutions may be brought against corporate bodies and against senior employees of those bodies. **Section 31** defines the terms used in this Part of the Act, including the terms “carrying on a business as a registration plate supplier” and “registration plate”.

Part 3: Other Provisions Relating to Vehicle Crime

Section 32: Vehicle Licence Applications

45. **Section 32** amends section 7 of the Vehicle Excise and Registration Act 1994 to enable the Secretary of State to specify documents and other evidence which must be produced in support of a vehicle excise licence application. Corresponding amendments are also made to section 22 of the 1994 Act in relation to nil licences.

Section 33: Vehicle Identity Checks

46. The main intention of this section is to require a compulsory vehicle identity check of any ‘written-off’, scrapped vehicle, prior to the issue of replacement registration documents to the vehicle keeper.
47. The purpose of the vehicle identity check is to help prevent a criminal from swapping the identity of a vehicle he has stolen with that of a written-off or scrapped vehicle (“ringing”).
48. **Section 33** inserts new regulation-making powers after section 22 of the Vehicle Excise and Registration Act 1994 (registration regulations). They ensure that the Secretary of State:
- can refuse to issue a registration document in respect of a vehicle if he is not satisfied that the vehicle is the registered vehicle; and
 - can make regulations to provide for the examination of vehicles for the purpose of ascertaining whether they are the registered vehicles.

49. **Section 33** also ensures that the vehicle identity check regime can apply to the issue of new registration documents in place of surrendered documents.

Section 34: Registration Plates

50. This section provides for the inclusion of additional information to be held on registration plates. It provides a power to make regulations to prescribe the form and manner in which such information may be held. The purpose of this provision is to enable the Secretary of State to prescribe that registration plates should contain information that would link the registration plate to the vehicle for which it is intended, making the registration plate more secure and difficult to copy.

Sections 35 and 36: Information Requirements

51. **Section 35** enables regulations to be made obliging scrap metal dealers registered under the Scrap Metal Dealers Act 1964 to notify specified persons if they finally dispose of a motor vehicle. The intention is to ensure that the DVLA are notified of such destructions, with the aim of preventing the re-registration of a stolen motor vehicle which has been given the destroyed motor vehicle's identity. The provision mirrors the provision in section 8 applying to registered motor salvage operators.
52. **Section 36** will have the effect of enabling the police to have bulk access to an insurance industry database which will help them to detect people driving without insurance.

Sections 37 and 38: Miscellaneous

53. **Section 37** amends a time limit in the Theft Act 1968 so that proceedings relating to the unauthorised taking of a mechanically propelled vehicle may be commenced at any time within six months from the date on which sufficient evidence to bring a prosecution came to the knowledge of the prosecutor. It is subject to a general requirement that any prosecution must be brought within three years of the offence taking place.
54. **Section 38** allows the Secretary of State to make payments to public authorities in respect of their expenditure on the prevention and detection of speed and red light offences and on enforcement action relating to such offences. This will in turn, with the agreement of the Treasury, enable money from fixed penalties for such offences to be recycled to fund such future prevention, detection and enforcement activities. In practice this will enable resources to be directed towards the installation and use of safety cameras.

Part 4: Supplementary

Sections 39, 40, 41, 42, and 43: General

55. **Section 39** - if an offence under this Act, committed by a body corporate, is proved to have been committed with the consent of, or is attributed to, a director, manager, secretary or other relevant officer, this person may be prosecuted, as well as the body corporate.
56. **Section 40** relates to the service of documents required or authorised by the Act, and enables documents to be served by electronic means where appropriate. Section 41 states that any order making powers or regulations as a result of this Act will be exercisable by statutory instrument. All statutory instruments made under the Act apart from commencement orders are to be subject to the negative resolution procedure.
57. **Section 42** ensures that sums received by a Minister of the Crown in consequence of the Act are paid into the Consolidated Fund. Section 43 refers to the Schedule to the Act which lists the consequential amendments to other Acts as a result of this Act.

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(c.3) which received Royal Assent on 10 April 2001*

Sections 44, 45, and 46: Final

58. The substantive provisions of this Act will come into effect when it is decided appropriate by the Secretary of State who will issue a commencement order. Different dates might be considered appropriate for different parts of the Act or in respect of different geographical areas.
59. [Parts 1 and 2](#) and sections 35, 37 and 38 extend to England and Wales only. Section 36 extends to England and Wales and Scotland. Sections 32 to 34 inclusive extend to England and Wales, Scotland and Northern Ireland.

Schedule

60. The Schedule provides details of the consequential amendments to other legislation as a result of this Act.