Finance Act 2008

2008 CHAPTER 9

PART 8

MISCELLANEOUS

Vehicle excise duty

144 Rebates

(1) VERA 1994 is amended as follows.

(2) In section 10 (transfer and surrender of vehicle licences), omit subsections (2) and (3) and, in the heading, "**and surrender**".

(3) For section 19 (rebates on surrender of licences) substitute—

"**19 Rebates**

(1) If the relevant person makes an application to the Secretary of State under this subsection for a rebate of the duty paid on a vehicle licence in force for a vehicle, the person is entitled to receive from the Secretary of State the amount specified in subsection (2).

(2) That amount is an amount equal to one-twelfth of the annual rate of duty chargeable on the licence (at the time when it was taken out) in respect of each complete month of the period of the currency of the licence which is unexpired when the application is made.

(3) An application under subsection (1) may only be made if—

(a) the vehicle has been stolen,

(b) the vehicle has been destroyed and the Secretary of State is notified of that,

(c) an application for a nil licence for the vehicle is made in accordance with regulations under section 22,

(d) the vehicle is neither used nor kept on a public road and the particulars and declaration required to be furnished and made by regulations under section 22(1D) are furnished and made in relation to it in accordance with the regulations,

(e) the vehicle has been sold or disposed of and the particulars prescribed by regulations under section 22(1)(d) are furnished in relation to it in accordance with the regulations, or

(f) the vehicle has been removed from the United Kingdom with a view to its remaining permanently outside the United Kingdom and the Secretary of State is notified of that.

(4) In subsection (1) "the relevant person" means the person in whose name the vehicle is registered at the time when the application is made; but in a case within subsection (3)(e) also includes the person in whose name it was registered immediately before being sold or disposed of.

(5) The Secretary of State may specify conditions which must be complied with by a person before making an application under subsection (1).

(6) The conditions that may be specified include (in particular)—

(a) a condition requiring the surrender of the licence,

(b) a condition requiring that particulars which are required to be furnished to the Secretary of State are transmitted to the Secretary of State by such electronic means as may be specified, and

(c) in a case within subsection (3)(a), conditions relating to the reporting to the police that the vehicle has been stolen.

(7) Where an application is made under subsection (1) and the licence is not surrendered on the making of the application, it ceases to be in force when the application is made.

(8) Where a trade licence is surrendered to the Secretary of State under section 14(2), the holder of the licence 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 (at the time when it was taken out) in respect of each complete month of the period of the currency of the licence which is unexpired at the date of the surrender."

(4) In section 22(1D) (requirement to furnish particulars etc in certain circumstances), omit paragraph (a) (surrender under section 10(2)).

(5) In—

(a) section 31(7)(a),

(b) section 31B(9)(a)(i), and

(c) section 31C(7)(a),

(meaning of "expiry"), after "surrender" insert "or ceasing to be in force under section 19(7)".

(6) In consequence of the amendment made by subsection (3), omit section 14 of FA 2001.

(7) The amendments made by this section come into force on 1 January 2009.

145 Offence of using or keeping unlicensed vehicle

Schedule 45 contains provision in relation to the offence of using or keeping an unlicensed vehicle.

146 Rates for new lower-emission vans

(1) Part 1B of Schedule 1 to VERA 1994 (annual rates of duty: light goods vehicles) is amended as follows.

(2) In paragraph 1J(a) and (b) (rates), after "a" insert "pre-2007 or post-2008".

(3) In paragraph 1K (meaning of "lower-emission van"), for ""lower-emission van"" substitute ""pre-2007 lower-emission van"".

(4) After paragraph 1L insert—

"1M For the purposes of paragraph 1J, a vehicle to which this Part of this Schedule applies is a "post-2008 lower-emission van" if—

(a) the vehicle is first registered on or after 1 January 2009 and before 1 January 2011,

(b) it is a vehicle to which Regulation (EC) No 715/2007 of the European Parliament and of the Council applies (see Article 2 of that Regulation),

(c) it is powered by a compression ignition engine, and

(d) the emissions from it do not exceed any of the emission limit values specified in Table 1 of Annex 1 to that Regulation in relation to vehicles so powered."

147 Not exhibiting licence: period of grace

In section 33 of VERA 1994 (not exhibiting licence), after subsection (1A) insert—

"(1B) A person is not guilty of an offence under subsection (1) or (1A) by using or keeping a vehicle on a public road during any of the 5 working days following the time when a licence or nil licence for the vehicle, or a relevant declaration applying to the vehicle, ceases to be in force, if an application for a licence or nil licence for or in respect of the vehicle to run from that time has been received before that time.

(1C) In subsection (1B) "working day" means any day other than—

(a) a Saturday or Sunday, or

(b) a day which is Christmas Eve, Christmas Day, Good Friday or a bank holiday under the Banking and Financial Dealings Act 1971 in any part of the United Kingdom.

(1D) For the purposes of subsection (1B)—

(a) there is a relevant declaration applying to a vehicle if the particulars and declaration required to be furnished and made by regulations under section 22(1D) have been furnished and made in relation to the vehicle in accordance with the regulations, and

(b) the relevant declaration ceases to be in force if, after the particulars and declaration have been furnished and made—

(i) the vehicle is used or kept on a public road (otherwise than under a trade licence), or

(ii) the period of 12 months beginning with the day on which the particulars and declaration were furnished and made expires."

148 Reduced pollution certificates

(1) Section 61B of VERA 1994 (certificates as to reduced pollution) is amended as follows.

(2) In subsection (1), after paragraph (b) insert—

"(ba) for the production of information and making of declarations for the purposes of a determination (including provision about the person to whom, and the time at which and manner in which, the information is to be produced and the declarations are to be made);".

(3) In paragraph (c) of that subsection, for "examination of an eligible vehicle, for the purposes of the determination mentioned in paragraph (b)," substitute "Secretary of State to specify cases in which a determination is to be made only after an examination of an eligible vehicle".

(4) In paragraph (d) of that subsection, for "for such an examination" substitute "in respect of a determination".

(5) In paragraph (e) of that subsection, for "on a prescribed examination," substitute "in accordance with the regulations,".

(6) In subsection (3)—

(a) in paragraph (a), for "in accordance with the regulations" substitute "(or, if not previously examined, examined) in accordance with the regulations ("a post-certification examination")",

(b) in paragraph (b), for "such a re-examination" substitute "a post-certification examination", and

(c) in paragraph (c), for "the prescribed re-examination" substitute "a post-certification examination".