

SCHEDULES

SCHEDULE 7

TRANSITIONAL PROVISIONS

PART II

OTHER TRANSITIONAL PROVISIONS AND SAVINGS

- 1 In so far as any regulation, order, licence or other instrument made or issued, or having effect as if made or issued, under any enactment repealed by this Act or any other thing done or deemed to have been done under any such enactment, could have been made, issued or done under a corresponding provision of this Act it shall not be invalidated by the repeals effected by section 39(5) of this Act, but shall have effect as if made, issued or done under that corresponding provision.

Provided that this paragraph shall not be construed as saving the order specified in Part II of Schedule 8 to this Act.

- 2 Without prejudice to paragraph 1 above, any provision of this Act relating to anything done or required or authorised to be done under, or by reference to, that provision, this Act or any other provision of this Act shall have effect as if any reference to that provision, to this Act or to that other provision, as the case may be, included a reference to the corresponding provision of the enactments repealed by this Act or to the Act containing the corresponding provision so repealed.

- 3 No licence or other instrument issued or made or having effect as if issued or made by a local authority under any enactment repealed by this Act and nothing done or deemed to have been done by or in relation to a local authority under any such enactment shall be prevented from being treated for the purposes of the foregoing paragraphs as a licence or other instrument or other thing which could have been issued, made or done under a corresponding provision of this Act by reason only that it could have been issued, made or done under that corresponding provision by or in relation to the Secretary of State and not by or in relation to a local authority.

In this paragraph " local authority " has the same meaning as it has in the Vehicle and Driving Licences Act 1969.

- 4 No licence issued under this Act and in force when any of the following modifications of this Act contained in Part I of this Schedule ceases to have effect under section 39(2) of this Act shall be affected by reason of any such modification so ceasing to have effect; nor shall any right to be repaid by way of rebate of duty any such amount as is referred to in section 17(2) accruing on a surrender of a licence before the modification contained in paragraph 13 of the said Part I ceases to have effect under the said section 39(2) be affected by reason of that modification so ceasing to have effect.

The modifications of this Act referred to above are those contained in paragraphs 1,2, 3,5,12 and 17 of the said Part I.

Status: This is the original version (as it was originally enacted).

- 5 Nothing in this Act shall affect the enactments repealed thereby in their operation in relation to offences committed before the commencement of this Act.
- 6 In relation to a vehicle for which a licence was issued before and is in force after the commencement of this Act, or the last licence was issued between the commencement of the Vehicles (Excise) Act 1949 and the commencement of this Act, section 1(3) of this Act shall have effect as if for the reference in paragraph (a) to the same Schedule to this Act there were substituted a reference to the Schedule to this Act corresponding to the enactment under which duty was chargeable for the licence.
- 7 In relation to a vehicle exempted from duty under the Vehicles (Excise) Act 1962 by virtue of section 6(2A) or (2B) thereof to which the provisions of section 6(3) of this Act apply, the reference in the said section 6(3) to the vehicle being deemed never to have been exempted from duty under subsection (1) or (2) of that section shall include a reference to the vehicle being deemed never to have been exempted from duty under the said section 6(2A) or (2B).
- 8 In relation to a vehicle for which a licence was taken out before and is in force at the commencement of this Act, section 18 of this Act shall have effect as if—
- (a) any reference to any rate of duty or amount payable under this Act included a reference to a rate of duty or an amount payable under the Vehicles (Excise) Act 1962 ;
 - (b) for any reference to duty paid in respect of a vehicle at a rate applicable under Schedule 4 to this Act, there were substituted a reference to duty paid at a rate applicable under Schedule 4 to the said Act of 1962.
- 9 For the purposes of section 22 of this Act a person shall be treated as having been previously convicted of an offence under that section if he has been convicted of an offence under the corresponding enactment in the Vehicles (Excise) Act 1949 or the Vehicles (Excise) Act 1962.
- 10 Where in pursuance of section 12(7) of the Vehicles (Excise) Act 1962 (which relates to appeals to the Secretary of State from refusals of local authorities to issue trade licences) an appeal is pending at the transfer date, the making of the appeal shall be treated as a request in pursuance of subsection (1) of section 25 of this Act in respect of such a refusal as is mentioned in paragraph (c) of that subsection.
- 11 Any enactment passed before the commencement of this Act referring, whether specifically or by means of a general description, to an enactment repealed by this Act shall, unless the contrary intention appears, be construed as referring to the corresponding provision of this Act, and any document made or issued (whether before or after the commencement of this Act) referring, whether specifically or by means of a general description, to an enactment repealed by this Act shall, unless the contrary intention appears, be similarly construed.
- 12 Nothing in this Act shall require any charge or fee to be paid which would not have been payable if this Act had not been passed.
- 13 Unless the context otherwise requires, references in this Schedule to enactments repealed by this Act include references to the order revoked by this Act.