



# Vehicles (Excise) Act 1971

## 1971 CHAPTER 10

### *Supplementary*

#### **36 Fractions of a new penny**

- (1) Subject to subsection (2) below, for the purpose of calculating any amount due on or after 15th February 1971 from or to any person under any provision of this Act any fraction of a new penny in that amount shall be disregarded.
- (2) Subsection (1) above shall not apply for the purpose of calculating any amount due under any provision of section 2(4) or 16(5) of this Act relating to the duty on a vehicle licence or trade licence for a period of less than twelve months.

#### **37 Regulations**

- (1) Regulations under this Act may be made generally for the purpose of carrying this Act (except section 31) into effect and may—
  - (a) make different provision for different circumstances ;
  - (b) provide for exemptions from any provisions of the regulations; and
  - (c) contain such incidental and supplemental provisions as the Secretary of State considers expedient for the purposes of the regulations ;and nothing in any other provision of this Act shall be construed as prejudicing the generality of the foregoing provisions of this subsection.
- (2) Regulations under this Act may contain provisions prescribing any matter which is to be prescribed under this Act, but any fee prescribed under this Act, except a fee for which provision is made by section 23(c) thereof, shall be of an amount approved by the Treasury.
- (3) Regulations under this Act except regulations under section 2(5) or 11(3) may provide that a person who contravenes or fails to comply with any specified provision of the regulations shall be guilty of an offence and a person guilty of such an offence shall be liable on summary conviction to a fine of an amount not exceeding—

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- (a) in the case of regulations made under section 24 or of a contravention or failure to comply with requirements imposed in pursuance of section 23(a) of this Act, £50 ;
  - (b) in any other case, £20.
- (4) Any power to make regulations which is exercisable by the Secretary of State by virtue of section 11(3), 14, 15(1), 17(1), 20, 23 or 24 of this Act includes power to provide by the regulations that any document for which provision is made by the regulations shall be in such form and contain such particulars as may be specified by a person specified in the regulations.
- (5) Any power to make regulations conferred on the Secretary of State by this Act shall be exercisable by statutory instrument which, except in the case of a statutory instrument containing only regulations made under section 7(4) or (5) or 38(5) of this Act, shall be subject to annulment in pursuance of a resolution of either House of Parliament.

### **38 Interpretation**

- (1) In this Act, unless the context otherwise requires—
- " gas " means any fuel which is wholly gaseous at a temperature of 60 degrees Fahrenheit under a pressure of 30 inches of mercury ;
  - " hackney carriage " means a mechanically propelled vehicle standing or plying for hire, and includes any mechanically propelled vehicle let for hire by a person whose trade it is to sell mechanically propelled vehicles or to let mechanically propelled vehicles for hire, so however that for the purposes of this definition a letting under a hire-purchase agreement (as defined in section 1 of the Hire-Purchase Act 1965 or section 1 of the Hire-Purchase (Scotland) Act 1965) shall not be treated as a letting for hire;
  - " licence " means a vehicle licence or a trade licence ;
  - " motor dealer " means a person carrying on the business of selling or supplying mechanically propelled vehicles;
  - " prescribed " means prescribed by regulations made by the Secretary of State ;
  - " public road " means a road which is repairable at the public expense;
  - " seven day licence " has the meaning assigned to it by section 2(1)(c) of this Act;
  - " temporary licence " has the meaning assigned to it by section 13(1) of this Act;
  - " trade licence " means a licence issued under section 16(1) of this Act; and
  - " transfer date " has the same meaning as in the Vehicle and Driving Licences Act 1969, that is to say, such date as the Secretary of State may by order appoint for the purposes of section 1(1) of that Act;
  - " vehicle licence " means a licence under this Act for a mechanically propelled vehicle.
- (2) For the purposes of any provision of this Act and any subsequent enactment relating to the keeping of mechanically propelled vehicles on public roads, a person keeps such a vehicle on a public road if he causes it to be on such a road for any period, however short, when it is not in use there.
- (3) A mechanically propelled vehicle shall not be treated as an electrically propelled vehicle for the purposes of this Act unless the electrical motive power is derived either

from a source external to the vehicle or from any electrical storage battery which is not connected to any source of power when the vehicle is in motion.

- (4) References in this Act to the unladen weight of any mechanically propelled vehicle shall be construed in accordance with the provisions of Schedule 6 to this Act.
- (5) The unit of horse-power or cylinder capacity for the purposes of any rate of duty under this Act shall be calculated in accordance with regulations under this Act.
- (6) References in this Act to any enactment shall be construed, unless the context otherwise requires, as references to that enactment as amended by or under any other enactment.

### **39 Transitional provisions, savings, repeals and revocation**

- (1) This Act shall have effect subject to the modifications specified in Part I of Schedule 7 thereto (being modifications required during the transition to the provisions of this Act from the law in force at the passing of this Act relating to the system of vehicle licensing and registration).
- (2) The modifications of this Act so specified shall cease to have effect on such day as the Secretary of State may appoint by order made by statutory instrument which shall be subject to annulment in pursuance of a resolution of either House of Parliament; and different days may be appointed under this subsection for different modifications so specified or for different modifications so far as they apply to such cases only as may be specified in the order.
- (3) Where during the period between the passing and the commencement of this Act any provision of the Vehicle and Driving Licences Act 1969 is brought into force and either—
  - (a) this Act or any provision thereof is by virtue of subsection (1) above and any modifications specified in Part I of Schedule 7 thereto directed to have effect as if the corresponding provision of this Act were omitted; or
  - (b) there would be at the commencement of this Act, if the power given by this subsection were not exercised, any other inconsistency in effect between the provision of any enactment repealed by this Act and the corresponding provision of this Act,the Secretary of State may, without prejudice to section 37 of the Interpretation Act 1889 (exercise of statutory powers before commencement of Acts), exercise the power given him by subsection (2) above at any time after the passing of this Act.
- (4) The other transitional provisions and savings contained in Part II of Schedule 7 to this Act shall have effect.
- (5) The enactments specified in Part I of Schedule 8 to this Act are hereby repealed to the extent specified in the third column of that Schedule; and the order specified in Part II of that Schedule is hereby revoked.
- (6) The provisions of Part II of Schedule 7 to this Act shall not be taken as prejudicing the operation of section 38 of the Interpretation Act 1889 (which relates to the effect of repeals).

### **40 Short title, commencement and extent**

- (1) This Act may be cited as the Vehicles (Excise) Act 1971.

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- (2) This Act except section 39(2) and (3) and this section shall come into force on the transfer date.
- (3) This Act does not extend to Northern Ireland.