



# Vehicle Excise and Registration Act 1994

## 1994 CHAPTER 22

### PART III

#### OFFENCES

##### *Other offences relating to licences*

#### **33 Not exhibiting licence.**

(1) A person is guilty of an offence if—

- (a) he uses, or keeps, on a public road a vehicle in respect of which vehicle excise duty is chargeable, and
- (b) there is not fixed to and exhibited on the vehicle in the manner prescribed by regulations made by the Secretary of State a licence for, or in respect of, the vehicle which is for the time being in force.

[<sup>F1</sup>(1A) A person is guilty of an offence if—

- (a) he uses, or keeps, on a public road an exempt vehicle,
- (b) that vehicle is one in respect of which regulations under this Act require a nil licence to be in force, and
- (c) there is not fixed to and exhibited on the vehicle in the manner prescribed by regulations made by the Secretary of State a nil licence for that vehicle which is for the time being in force.]

[<sup>F2</sup>(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

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- (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.]
- (2) A person guilty of an offence under subsection (1) [<sup>F3</sup>or (1A)] is liable on summary conviction to a fine not exceeding level 1 on the standard scale.
- [<sup>F4</sup>(3) Subsections (1) and (1A)—
- (a) have effect subject to the provisions of regulations made by the Secretary of State, and
- (b) are without prejudice to sections 29 [<sup>F5</sup>, 31A] and 43A.]
- [<sup>F6</sup>(4) The Secretary of State may make regulations prohibiting a person from exhibiting on a vehicle [<sup>F7</sup> which is kept or used on a public road] anything—
- (a) which is intended to be, or
- (b) which could reasonably be,
- mistaken for a licence which is for, or in respect of, the vehicle and which is for the time being in force.]
- [<sup>F8</sup>(5) The reference to a licence in subsection (4) includes a reference to a nil licence.]

#### Textual Amendments

- F1** S. 33(1A) inserted (1.4.1998) by 1997 c. 16, s. 18, **Sch. 3 para. 4(1)**; S.I. 1998/560, **art. 2**
- F2** S. 33(1B)-(1D) inserted (21.7.2008) by Finance Act 2008 (c. 9), **s. 147**
- F3** Words in s. 33(2) inserted (1.4.1998) by 1997 c. 16, s. 18, **Sch. 3 para. 4(2)**; S.I. 1998/560, **art. 2**
- F4** S. 33(3) substituted (1.4.1998) by 1997 c. 16, s. 18, **Sch. 3 para. 4(3)**; S.I. 1998/560, **art. 2**
- F5** Words in s. 33(3)(b) inserted (19.12.2003) by Finance Act 2002 (c. 23), s. 19, **Sch. 5 para. 10**; S.I. 2003/3086, **art. 2(a)**
- F6** S. 33(4) inserted (29.4.1996) by 1996 c. 8, s. 23, **Sch. 2 para. 10**
- F7** Words in s. 33(4) substituted (1.4.1998) by 1997 c. 16, s. 18, **Sch. 3 para. 4(4)**; S.I. 1998/560, **art. 2**
- F8** S. 33(5) inserted (1.4.1998) by 1997 c. 16, s. 18, **Sch. 3 para. 4(5)**; S.I. 1998/560, **art. 2**

### 34 Trade licences: penalties.

- (1) A person holding a trade licence or trade licences is guilty of an offence if he—
- (a) uses at any one time on a public road a greater number of vehicles (not being vehicles for which vehicle licences are for the time being in force) than he is authorised to use by virtue of the trade licence or licences,

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- (b) uses a vehicle (not being a vehicle for which a vehicle licence is for the time being in force) on a public road for any purpose other than a purpose which has been prescribed under section 12(2)(b), or
  - (c) uses the trade licence, or any of the trade licences, for the purposes of keeping on a public road in any circumstances other than circumstances which have been prescribed under section 12(1)(c) a vehicle which is not being used on that road.
- (2) A person guilty of an offence under subsection (1) is liable on summary conviction to an excise penalty of—
- (a) level 3 on the standard scale, or
  - (b) five times the amount of the vehicle excise duty chargeable in respect of (in the case of an offence under subsection (1)(a)) the vehicles which he is not authorised to use or (in the case of an offence under subsection (1)(b) or (c)) the vehicle concerned,
- whichever is the greater.
- (3) The amount of the vehicle excise duty chargeable in respect of a vehicle is to be taken for the purposes of subsection (2) to be an amount equal to the annual rate of duty applicable to the vehicle at the date on which the offence was committed.
- (4) Where in the case of a vehicle kept (but not used) on a public road that annual rate differs from the annual rate by reference to which the vehicle was at that date chargeable under [F9section 2(3) to (6)] , the amount of the vehicle excise duty chargeable in respect of the vehicle is to be taken for those purposes to be an amount equal to the latter rate.
- (5) In the case of a conviction for a continuing offence, the offence is to be taken for the purposes of subsections (3) and (4) to have been committed on the date or latest date to which the conviction relates.

#### Textual Amendments

- F9** Words in s. 34(4) substituted (30.11.2003) by [Finance Act 2002 \(c. 23\)](#), s. 19, [Sch. 5 para. 11](#); [S.I. 2003/3086](#), [art. 2\(b\)](#)

### 35 Failure to return licence.

- (1) A person who knowingly fails to comply with section 10(3) is guilty of an offence.
- (2) A person guilty of an offence under subsection (1) is liable on summary conviction to a fine not exceeding level 3 on the standard scale.

### [F10]35A Dishonoured cheques.

- (1) In a case where—
  - (a) a notice sent as mentioned in section 19A(2)(b) [F11or 19B(2)(c)] or a further notice sent as mentioned in section 19A(3)(d) [F12or 19B(3)(d)] [F13contains a relevant requirement], and
  - (b) the person fails to comply with the requirement [F14contained in the notice],he shall be liable on summary conviction to a penalty of an amount found under subsection (2).

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- (2) The amount is whichever is the greater of—
- (a) level 3 on the standard scale;
  - (b) an amount equal to five times the annual rate of duty that was payable on the grant of the licence or would have been so payable if it had been taken out for a period of twelve months.]
- [<sup>F15</sup>(3) For the purposes of subsection (1)(a), a relevant requirement is—
- (a) a requirement to deliver up the licence within such reasonable period as is specified in the notice; or
  - (b) a requirement to deliver up the licence within such reasonable period as is so specified and, on doing so, to pay the amount specified in subsection (4).
- (4) The amount referred to in subsection (3)(b) is an amount equal to one-twelfth of the appropriate annual rate of vehicle excise duty for each month, or part of a month, in the relevant period.
- (5) The reference in subsection (4) to the appropriate annual rate of vehicle excise duty is a reference
- [<sup>F16</sup>(a) in the case of a vehicle licence, to the annual rate which at the beginning of the relevant period was applicable to a vehicle of the description specified in the application, or
  - (b) in the case of a trade licence, to the basic goods vehicle rate (within the meaning of section 13) which was applicable at that time (or to the annual rate which at that time was applicable] to a vehicle falling within sub-paragraph [<sup>F17</sup>(1)(d)] of paragraph 2 of that Schedule if the licence was to be used only for vehicles to which that paragraph applies).
- (6) For the purposes of subsection (4) the relevant period is the period—
- (a) beginning with the first day of the period for which the licence was applied for or, if later, the day on which the licence first was to have effect, and
  - (b) ending with whichever is the earliest of the times specified in subsection (7).
- (7) In a case where the requirement is a requirement to deliver up a vehicle licence, those times are—
- (a) the end of the month during which the licence was required to be delivered up,
  - (b) the end of the month during which the licence was actually delivered up,
  - (c) the date on which the licence was due to expire, and
  - (d) the end of the month preceding that in which there first had effect a new vehicle licence for the vehicle in question;

and, in a case where the requirement is a requirement to deliver up a trade licence, those times are the times specified in paragraphs (a) to (c).]

#### Textual Amendments

**F10** S. 35A inserted (1.5.1995 with effect as mentioned in Sch. 4 para. 33(4) of the amending Act) by 1995 c. 4, s. 19, Sch. 4 Pt. V para. 32(2)(4)

**F11** Words in s. 35A(1)(a) inserted (19.3.1997) by 1997 c. 16, s. 19(2)(a)

**F12** Words in s. 35A(1)(a) inserted (19.3.1997) by 1997 c. 16, s. 19(2)(b)

**F13** Words in s. 35A(1)(a) substituted (31.7.1998 with effect as mentioned in s. 19(5) of the amending Act) by 1998 c. 36, s. 19(1)(a)(5)

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- F14** Words in s. 35A(1)(b) substituted (31.7.1998 with effect as mentioned in s. 19(5) of the amending Act) by 1998 c. 36, s. 19(1)(b)(5)
- F15** S. 35A(3)-(7) inserted (31.7.1998 with effect as mentioned in s. 19(5) of the amending Act) by 1998 c. 36, s. 19(3)(5)
- F16** S. 35A(5)(a)(b) substituted for words (7.4.2005 with effect as mentioned in s. 7(15) of the amending Act) by Finance Act 2005 (c. 7), s. 7(6)
- F17** Words in s. 35A(5)(b) substituted (24.7.2002 with application as mentioned in s. 18(4) of the amending Act) by Finance Act 2002 (c. 23), s. 18(2)

### 36 Dishonoured cheques: additional liability.

- (1) Where a person has been convicted of an offence under section [F1835A] in relation to a vehicle licence or a trade licence, the court shall (in addition to any penalty which it may impose under that section) order him to pay the amount specified in subsection (2).
- (2) The amount referred to in subsection (1) is an amount equal to one-twelfth of the appropriate annual rate of vehicle excise duty for each month, or part of a month, in the relevant period.
- (3) The reference in subsection (2) to the appropriate annual rate of vehicle excise duty is a reference
- [F19(a) in the case of a vehicle licence, to the annual rate which at the beginning of the relevant period was applicable to a vehicle of the description specified in the application, or
- (b) in the case of a trade licence, to the basic goods vehicle rate (within the meaning of section 13) which was applicable at that time (or to the annual rate which at that time was applicable] to a vehicle falling within sub-paragraph [F20(1)(d)] of paragraph 2 of that Schedule if the licence was to be used only for vehicles to which that paragraph applies).
- [F21(4) For the purposes of this section the relevant period is the period—
- (a) beginning with the first day of the period for which the licence was applied for or, if later, the day on which the licence first was to have effect, and
- (b) ending with whichever is the earliest of the times specified in subsection (4A).
- (4A) the case of a vehicle licence those times are—
- (a) the end of the month in which the order is made,
- (b) the date on which the licence was due to expire,
- (c) the end of the month during which the licence was delivered up, and
- (d) the end of the month preceding that in which there first had effect a new licence for the vehicle in question;
- and, in the case of a trade licence, those times are the times specified in paragraphs (a) to (c).]
- (5) Where a person has previously been ordered under section 30 to pay an amount for a month or part of a month in the case of a vehicle, any amount which he is ordered to pay under this section in the case of a vehicle licence for the vehicle is to be calculated as if no part of that month were in the relevant period.
- [F22(6) Where—

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- (a) a person has been convicted of an offence under section 35A in relation to a vehicle licence or a trade licence, and
- (b) a requirement to pay an amount with respect to that licence has been imposed on that person by virtue of section 35A(3)(b),

the order to pay an amount under this section shall have effect instead of that requirement and the amount to be paid under the order shall be reduced by any amount actually paid in pursuance of the requirement.]

#### Textual Amendments

- F18** Words in s. 36(1) substituted (1.5.1995 with effect as mentioned in [Sch. 4 para. 32\(4\)](#) of the amending Act) by [1995 c. 4, s. 19](#), [Sch. 4 Pt. V para. 32\(3\)\(4\)](#)
- F19** S. 36(3)(a)(b) substituted for words (7.4.2005 with effect as mentioned in [s. 7\(15\)](#) of the amending Act) by [Finance Act 2005 \(c. 7\), s. 7\(6\)](#)
- F20** Words in s. 36(3)(b) substituted (24.7.2002 with application as mentioned in [s. 18\(4\)](#) of the amending Act) by [Finance Act 2002 \(c. 23\), s. 18\(2\)](#)
- F21** S. 36(4)(4A) substituted (31.7.1998 with effect as mentioned in [s. 19\(5\)](#) of the amending Act) for s. 36(4) by [1998 c. 36, s. 19\(3\)\(5\)](#)
- F22** S. 36(6) inserted (31.7.1998 with effect as mentioned in [s. 19\(5\)](#) of the amending Act) by [1998 c. 36, s. 19\(4\)\(5\)](#)

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