



Finance Act 1967

1967 CHAPTER 54

PART I

CUSTOMS AND EXCISE

- 1 Termination of surcharge under Finance Act 1961 s. 9 and related increases in duties.**
- (1) As from 12th April 1967 or, in the case of the duties referred to in subsection (3) of this section, as from six o'clock in the evening on 11th April 1967, the adjustment of ten per cent. having effect under subsection (2) of section 9 of the Finance Act 1961 by virtue of the Surcharge on Revenue Duties Order 1966 shall no longer have effect in relation to the duties or taxes to which that Order applies or any drawback, rebate, allowance or other payments in connection with any of those duties or taxes; but—
- (a) the provisions of subsections (2) to (4) of this section shall have effect with a view to making in the rates of those duties and taxes increases which, taking into account international agreements and other relevant matters, are comparable to the amount of the adjustment aforesaid, together, in the case of goods to which certain of those duties relate, with a further amount towards offsetting in part the loss of revenue in connection with those goods resulting from the provisions of sections 4 and 5 of this Act; and
 - (b) the period after which orders of the Treasury under the said section 9 may not be made or continue in force (which, by section 16 of the Finance Act 1966, was extended until the end of August 1967) shall extend until the end of August 1968 or such later date as Parliament may hereafter determine.
- (2) As from 12th April 1967, for the following provisions of the Finance Act 1964, as amended by section 1(1) of the Finance Act 1965, setting out rates of customs and excise duties and of drawback, namely—
- (a) Table 1 in Schedule 1 (spirits other than imported perfumed spirits);
 - (b) Schedule 2 (beer);
 - (c) Schedule 3 (wine);
 - (d) Schedule 4 (British wine),

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there shall be substituted the provisions set out in Schedules 1, 2, 3 and 4 respectively to this Act; but this subsection shall not affect the rates of drawback payable in the case of goods in respect of which duty has been paid otherwise than at the rates having effect by virtue of this subsection.

- (3) As from six o'clock in the evening of 11th April 1967—
- (a) section 2 of the Finance (No. 2) Act 1964 (which provides for a duty of customs at the rate of three shillings and threepence a gallon to be charged on imported hydrocarbon oils and for a duty of excise at the same rate to be charged on hydrocarbon oils produced in the United Kingdom, on petrol substitutes, and on spirits used for making power methylated spirits) shall have effect with the substitution for the words " three shillings and threepence " of the words " three shillings and sevenpence " ;
 - (b) the rate at which rebate of the customs or excise duty on hydrocarbon oils is allowed under section 199 of the Act of 1952 for heavy oils delivered for home use shall in all cases be a rate 2.2 pence a gallon less than the rate at which the duty in question is for the time being chargeable;
 - (c) section 6(4) of the Finance Act 1964 (which provides in certain cases where light oils charged with the customs or excise duty on hydrocarbon oils are delivered for home use as furnace fuel for a rebate of duty at a rate twopence a gallon less than the rate at which the duty is charged) shall have effect with the substitution for the word " twopence " of the words " 2-2 pence " ;
 - (d) subsection (2) of section 92 of the Finance Act 1965 (which provides that the amount of a grant under subsection (1) of that section by the Minister of Transport to the operator of a bus service towards defraying customs or excise duties charged on bus fuel shall not exceed sixpence for every gallon of fuel used or estimated to have been used in operating the bus service during the period to which the grant relates) and section 1(1)(b) of the Bus Fuel Grants Act 1966 (which amends the said subsection (2)) shall have effect as if for any reference therein to sixpence there were substituted a reference to tenpence, and so much of subsection (9) of the said section 92 as enables the Parliament of Northern Ireland to make laws for purposes similar to the purposes of the provisions of that section shall apply to those provisions as amended by this paragraph.
- (4) As from 12th April 1967, Schedule 1 to the Purchase Tax Act 1963 shall have effect with the substitution for any reference to 10 per cent., 15 per cent. or 25 per cent. of a reference respectively to 11 per cent., 16 ½ per cent. or 27 ½ per cent.
- (5) The provisions of Schedule 5 to this Act shall have effect for the purpose of—
- (a) revising the definition of light oils for the purposes of the duties on hydrocarbon oils ; and
 - (b) making certain amendments as respects drawback, remission, or repayment of duty on beer.

2 Provisions as to continental shelf.

- (1) Any goods brought into the United Kingdom which are shown to the satisfaction of the Commissioners to have been grown, produced or manufactured in any area for the time being designated under section 1 (7) of the Continental Shelf Act 1964 and to have been so brought direct from that area shall be deemed for the purposes of any charge to duty under the Import Duties Act 1958 not to be imported.

- (2) The Board of Trade may by regulations prescribe cases in which, with a view to exempting any goods from any duty, or charging any goods with duty at a reduced or preferential rate, under any of the enactments relating to duties of customs the continental shelf of any country prescribed by the regulations, or of any country of a class of countries so prescribed, shall be treated for the purposes of such of those enactments or of any instruments made thereunder as may be so prescribed as if that shelf formed part of that country and any goods brought from that shelf were consigned from that country; and in this subsection the expression "continental shelf", in relation to any country, means—
- (a) if that country is the United Kingdom, any area for the time being designated as aforesaid ;
 - (b) in any other case, the seabed and sub-soil of the submarine areas adjacent to the coast, but outside the seaward limits of the territorial waters, of that country over which the exercise by that country of sovereign rights in accordance with international law is recognised or authorised by Her Majesty's Government in the United Kingdom.
- (3) Any regulations under subsection (2) of this section shall be made by statutory instrument and be subject to annulment in pursuance of a resolution of the Commons House of Parliament.
- (4) Anything required or authorised by or under subsections (2) and (3) of this section to be done by, to or before the Board of Trade may be done by, to or before the President of the Board, any Minister of State with duties concerning the affairs of the Board, any secretary, under-secretary or assistant secretary of the Board, or any person authorised in that behalf by the President.

3 Disclosure of information by Commissioners.

- (1) On being notified at any time by the Secretary of State that he is satisfied that it is in the national interest that the information in question should be disclosed to persons other than the Commissioners, the Commissioners may disclose through such person as may be specified in the notification such information to which this section applies in respect of imported goods of such descriptions as may be so specified.
- (2) The information to which this section applies is information contained in any document with which the Commissioners have been provided after 7th March 1967 in pursuance of the Act of 1952 for the purpose of making entry of any goods on their importation, being information of the following descriptions only, namely—
- (a) the description of the goods, including any maker's catalogue number;
 - (b) the quantities of the goods imported in a particular period, so, however, that if any quantity is given by value it shall not also be given in any other form;
 - (c) the name of the maker of the goods ;
 - (d) the country of origin of the goods ;
 - (e) the country from which the goods were consigned.
- (3) The Secretary of State may by order add to the descriptions of information to which this section applies any further description of information contained in any document such as is mentioned in subsection (2) of this section other than the price of the goods or the name of the importer of the goods; and any such order shall be made by statutory instrument and—
- (a) may vary or revoke any previous order under this subsection; and

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- (b) shall be subject to annulment in pursuance of a resolution of either House of Parliament.

4 Amendments as to excise licences for certain trades.

- (1) The duty of excise charged on—
- (a) a licence to manufacture spirits granted under section 93 of the Act of 1952 ; or
 - (b) a licence to brew beer for sale granted under section 125 of that Act; or
 - (c) a licence to add solutions to beer granted under section 126 of that Act; or
 - (d) a licence to manufacture tobacco granted under section 175 of that Act,
- shall in every case be fifteen pounds fifteen shillings; and accordingly in subsection (2) of each of the said sections 93, 125, 126 and 175 for the words from " calculated " to " Act " there shall in each case be substituted the words " of fifteen pounds fifteen shillings " , and Schedules 1, 2, 3 and 5 to the Act of 1952 shall cease to have effect.
- (2) Section 168 of the Act of 1952 (which provides for a reduced duty on certain part-year licences) shall apply to any licence such as is mentioned in paragraph (a), (b), (c) or (d) of subsection (1) of this section as it applies to the licences mentioned in the said section 168; and section 169(2) of the Act of 1952 (which provides for relief from duty on the permanent discontinuance of a trade) shall apply to a licence such as is mentioned in the said paragraph (d) as it applies to the licences mentioned in the said paragraphs (a), (b) and (c).
- (3) The foregoing provisions of this section shall have effect in relation to licences bearing a date after 11th April 1967.
- (4) In subsection (5) of the said section 93 (which provides that the Commissioners may in certain cases refuse to grant a distiller a licence to manufacture spirits unless he provides lodgings for the officers placed in charge of his distillery) for the words " equal to the gross annual value of the lodgings as determined for the purposes of income tax under Schedule A " (being words relating to the rent to be paid for the lodgings in default of agreement) there shall be substituted the words " equal—
- (a) if the lodgings are in England or Wales, to their gross value for the purposes of section 19 of the General Rate Act 1967;
 - (b) if the lodgings are in Scotland, to their gross annual value ascertained in accordance with the provisions of section 6(2) to (4) of the Valuation and Rating (Scotland) Act 1956 for the purpose of making up the valuation roll;
 - (c) if the lodgings are in Northern Ireland, to their annual value ascertained in accordance with Schedule 5 to the Finance Act 1963."
- (5) Without prejudice to the provisions of section 226 of the Act of 1952 (which requires a licence under that section to be held by any person keeping or using a still otherwise than as a holder of a licence of certain descriptions), an excise licence shall not be required for the purpose of carrying on the trade of a maker of vinegar for sale; and accordingly—
- (a) the following provisions of the Act of 1952 shall cease to have effect, namely—
 - (i) section 225 ;
 - (ii) in section " 226(1) the words " or vinegar-maker ";
 - (iii) in section 227(1)(a) and (c), the words " or vinegar-makers ";
 - (iv) section 237(2)(d);

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- (v) in section 307(1), the paragraph beginning " vinegar-maker " ; and
(b) in section 106(1)(d) of that Act at the beginning there shall be inserted the words " not being a vinegar-maker, " ;

and the foregoing provisions of this subsection shall be deemed to have come into force on 6th July 1967, and, in the case of any licence under the said section 225 bearing a date after 11th April 1967, no excise duty shall be chargeable thereon and any duty paid thereon shall be repaid.

- (6) Subsections (1) to (4) of this section shall extend to Northern Ireland, but—
- (a) their application to Northern Ireland shall be without prejudice to the operation after the passing of this Act of section 21(3) of the Government of Ireland Act 1920;
 - (b) section 22(1) of that Act shall not apply to the duty on any licence such as is mentioned in the said subsection (1) which bears a date after 11th April 1967;
 - (c) for the purposes of section 6 of that Act, the said subsections (1) to (4) shall be deemed to have been passed before the day appointed for the purposes of that section; and
 - (d) it is hereby declared that the Parliament of Northern Ireland has power to make laws for purposes similar to the purposes of sections 93(3) to (6) and 125(4), and of the proviso to section 175(1), of the Act of 1952, but that, for the purpose of the exercise of that power in relation to section 93(5) of that Act, section 314(1) of that Act shall apply only to the first reference to the Commissioners in the said section 93(5).

5 Abolition of retailer's licences and club licences and consequential provisions.

- (1) As from 1st October 1967, an excise licence shall not be required for the sale by retail of intoxicating liquor or for the supply of such liquor in a registered club to members of that club and their guests; and accordingly as from that date—
- (a) the enactments specified in Part I of Schedule 16 to this Act (other than section 4(6) of the Finance Act 1959) shall cease to have effect;
 - (b) the provisions of the excise Acts specified in Schedule 6 to this Act shall have effect subject to the amendments so specified;
 - (c) the Licensing Act 1964 shall have effect subject to the provisions of Schedule 7 to this Act;
 - (d) the Licensing (Scotland) Acts 1959 and 1962 shall have effect subject to the provisions of Schedule 8 to this Act;
 - (e) in section 107(1) of the Children and Young Persons Act 1933, in the definition of " intoxicating liquor ", for the words from " means " onwards there shall be substituted the words " has the same meaning as in the Licensing Act 1964 " .
- (2) No duty of excise shall be charged on any licence under any of sections 149 to 154 of the Act of 1952 or section 4 of the Finance Act 1959 which is granted so as to come into force after 11th April 1967, and any such duty paid on such a licence so granted shall be repaid; and as from 11th April 1967 section 4(6) of the said Act of 1959 (which relates to certain repayments in respect of club licences under the said section 4) shall have effect as if—
- (a) for paragraphs (a) and (b) there were substituted the words " before 1st February 1968 or such later date as the Commissioners may allow " ;

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(b) in paragraph (i) for the words " period for which the licence was in force " there were substituted the words " period beginning with the coming into force of the licence and ending with 31st December 1967 ".

(3) In this section the expression " registered club " means a club which is registered within the meaning of the Licensing Act 1964 or which is a registered club within the meaning of the Licensing (Scotland) Act 1959.

6 Abolition of permits for spirits and tobacco and consequential provisions.

(1) It shall not be necessary for—

- (a) spirits sent out from a distillery, or removed from a warehouse, or otherwise removed from any place in the United Kingdom to any other such place; or
- (b) unmanufactured tobacco removed from a warehouse or otherwise removed as aforesaid,

to be accompanied by a permit; but the provisions of subsections (2) and (3) of this section shall apply to the sending out or removal of spirits.

(2) The person by whom any spirits—

- (a) are sent out from a distillery; or
- (b) are removed from a warehouse ; or
- (c) not being spirits to which the requirement imposed by the Finance Act 1960 to send a spirits consignment note applies, are otherwise removed from any place in the United Kingdom to any other such place in a quantity exceeding one gallon of the same denomination at a time for any one person,

shall, subject to any dispensation granted by the Commissioners, send to the person to whom the spirits are to be delivered a spirits advice note, and shall send that note either with the spirits or so that it is either delivered or posted on the day on which the spirits are sent out or removed.

(3) A distiller shall not send out from his distillery, or, save as permitted by the Commissioners in the case of samples, remove from a distiller's warehouse associated with his distillery, any spirits in a quantity of less than nine gallons.

(4) The following provisions shall cease to have effect, namely—

- (a) in the Act of 1952, section 108, section 147(1) from " and where " onwards, and sections 147(2), 174, 241(1), (3) and (4) and 242(1)(a) and (b);
- (b) in the Finance Act 1960, section 3(3);

and the provisions of the Act of 1952 specified in Schedule 9 to this Act shall have effect subject to the amendments there specified, being amendments for the purpose of applying those provisions to spirits advice notes or otherwise consequential on the provisions of this section.

(5) In this Act and the Act of 1952, the expression " spirits advice note " means a document containing such particulars as the Commissioners may direct.

(6) This section and the said Schedule 9 shall have effect as from the expiration of the period of seven days beginning with the date of the passing of this Act.

7 Pool betting duty.

- (1) As from 1st September 1967, and without prejudice to the requirements of any other enactment, no person shall carry on a business the carrying on of which involves or may involve any sums becoming payable by him by way of the pool betting duty unless he holds a permit authorising him to carry on that business granted by the Commissioners in respect of his relevant premises; and paragraph 2(a) of Schedule 1 to the principal Act (which requires seven days' notice of intention to carry on such a business to be given to the Commissioners) shall cease to apply in relation to the carrying on of such a business without prejudice to its application by virtue of paragraph 2 of Schedule 3 to the Finance Act 1966 to the carrying on of any other business.
- (2) A permit under this section shall be granted by the Commissioners within fourteen days of the date (which may be any time after the passing of this Act) when application is made therefor, and shall continue in force unless and until revoked under subsection (4) of this section, except that—
 - (a) the Commissioners may refuse to grant such a permit to any person or in respect of any premises if within the twelve months immediately preceding the application therefor a previous permit under this section granted to that person or in respect of those premises has been revoked under the said subsection (4); and
 - (b) the Commissioners may at any time revoke such a permit by notice in writing to the holder if it appears to them that the holder is not carrying on a business for which such a permit is required or is not using the premises in respect of which the permit was granted for the purposes of such a business.
- (3) If any dispute arises between the Commissioners and a conductor of dutiable betting as to the basis on which the pool betting duty payable by that conductor should be computed in connection with betting in accordance with any particular terms—
 - (a) the Commissioners shall by notice in writing to that conductor specify what in their opinion that basis should be; and
 - (b) in connection with betting in accordance with these terms the amount from time to time computed in accordance with that basis shall be recoverable as the duty properly due;but if that conductor disputes the correctness of the basis specified by the notice—
 - (i) he may at any time within three months of the date of the notice, and subject to his having paid and continuing to pay the full amount which, in accordance with that basis, is due from him by way of the duty, apply to the High Court or, in Scotland, to the Court of Session for a declaration as to the basis on which the duty should be computed in connection with betting in accordance with the terms in question; and
 - (ii) if on any such application the Court makes a declaration specifying a different basis from that specified in the notice, the notice shall be amended accordingly and any amount by which duty is found to have been overpaid shall be repaid by the Commissioners together with interest thereon from the date of the overpayment at such rate as the Court may determine or, as the case may be, any amount by which duty is found to have been underpaid shall be recoverable as duty properly due.
- (4) The pool betting duty chargeable on any bet shall be recoverable jointly and severally from all or any of the following persons, namely—
 - (a) the conductor of the dutiable betting by way of which the bet was made ;

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- (b) any other person responsible for the management of that conductor's relevant premises ;
- (c) where that conductor or that other person is a company, any director of that company ;

and if, after a notice under subsection (3) of this section has been given to any such conductor in respect of betting in accordance with particular terms, any amount determined in accordance with the basis specified in that notice which has become due from that conductor by way of the duty in respect of such betting is not paid in accordance with paragraph 1 of Schedule 1 to the principal Act, the Commissioners may by notice in writing to that conductor revoke his permit under this section.

- (5) If any person carries on any business in contravention of subsection (1) of this section, he shall be liable to a penalty of five hundred pounds, and if any person so carries on any business after receiving notice under subsection (4) of this section of the revocation of a permit under this section previously granted to him he shall be liable to an additional penalty of twenty-five pounds for each day after the date of that notice on which he has so carried on his business; and where a person is convicted of an offence under this subsection the Court may, in lieu of or in addition to ordering him to pay such a penalty as aforesaid, order him to be imprisoned for a term not exceeding two years ; and paragraph 6 of Schedule 1 to the principal Act (which relates to offences committed by a body corporate) shall apply to any offence under this subsection as it applies to an offence under that Schedule.
- (6) Where a person is convicted of an offence under subsection (5) of this section and the offence continues after the conviction, he shall be guilty of a further offence under that subsection and may, on conviction, be punished accordingly.
- (7) If at any time the holder of a permit under this section fails to produce his permit for examination within such period, and at such time and place, as may be reasonably required by an officer, he shall be liable to a penalty of twenty pounds.
- (8) Paragraph 13(f) of Schedule 2 to the Betting, Gaming and Lotteries Act 1963 (which requires the rules applying to any competition promoted by a registered pools promoter to be notified to the accountant appointed for the purpose by the registering authority before the first of the relevant sporting or other events takes place) shall have effect with the insertion after the word " notified " of the words " to the Commissioners of Customs and Excise and "; and if any such promoter is, under paragraph 29(2) of the said Schedule 2, guilty of an offence by reason of a failure to comply with the duty imposed on him by virtue of this subsection—
 - (a) paragraph 29(3) of that Schedule (which empowers the registering authority to take proceedings for such an offence in England) shall not apply ; but
 - (b) sections 281 and 287 of the Act of 1952 (which relate respectively to the institution of proceedings and the application of penalties imposed and costs or, in Scotland, expenses awarded under the excise Acts) shall apply in relation to that offence and to any fine imposed or costs or expenses awarded in connection therewith as if they were an offence or, as the case may be, a penalty imposed or costs or expenses awarded under the excise Acts.
- (9) In this section, the following expressions have the following meanings respectively, namely—
 - " conductor of dutiable betting " means a person carrying on such a business as is mentioned in subsection (1) of this section;
 - " dutiable betting " means betting by way of pool betting or coupon betting;

" premises " includes a totalisator;

" principal Act " means the Betting Duties Act 1963 ;

" relevant premises ", in relation to any person, means premises of which that person has made entry in pursuance of paragraph 2 of Schedule 1 to the principal Act or about which that person has notified the Commissioners in accordance with section 7(4)(a) of the Finance Act 1964;

and any other expression used in this section which is also used in the principal Act or in section 7(3) of the Finance Act 1964 has the same meaning in this section as in that Act or, as the case may be, in the said section 7(3).

8 Relief from purchase tax for certain imported goods.

(1) Where any goods or articles such as are mentioned in subsection (4) of section 21 of the Purchase Tax Act 1963 have been imported into the United Kingdom for a registered wholesale merchant as stock for his business or for a registered manufacturer as materials, the provisions of this section shall have effect for the purpose of giving relief from tax on any chargeable transaction in the United Kingdom after the importation of the goods or articles in lieu of the relief from tax on their importation which, but for the exception from chargeability to tax on importation contained in section 11 of that Act, would have been given under the said section 21.

(2) If—

- (a) the importer makes application that relief be given from tax on the goods or articles on any such chargeable transaction; and
- (b) the Treasury are satisfied that, if the said exception had not been contained in the said section 11 and an application for relief had been made under subsection (1) of the said section 21, they would have given a direction under that subsection,

the Treasury may direct that tax shall not be payable on the goods or articles on any such transaction or, if it has already been paid, shall be repaid.

(3) Subsections (2) and (3) of the said section 21 shall apply to any application or direction under subsection (2) of this section as they apply to any application or direction under subsection (1) of that section and as if the reference in the said subsection (3) to the tax of which the importer was relieved by a direction under the said subsection (1) included a reference to the tax from which relief was given by a direction under this section.

9 Purchase tax-vehicles acquired for export.

(1) If in the case of any vehicle in respect of which the tax which would otherwise be payable by the manufacturer is remitted under section 23(1) of the Purchase Tax Act 1963 (which relates to vehicles acquired for export)—

- (a) the vehicle is found in the United Kingdom after the date by which the Commissioners on granting the remission directed that it should be exported; or
- (b) any other condition imposed by the Commissioners under the said section 23(1) on granting the remission is not complied with,

and the presence of the vehicle in the United Kingdom after that date or the non-observance of that condition has not been authorised for the purposes of this section by the Commissioners, the tax which, but for the said section 23(1), would have been

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payable by the manufacturer shall become payable forthwith by the person by whom the vehicle was acquired from the manufacturer, or by any other person in whose possession the vehicle is found in the United Kingdom, and be recoverable as a debt due to Her Majesty unless, or except to the extent that, the Commissioners see fit to waive payment of the whole or part thereof, and the vehicle shall be liable to forfeiture under the Act of 1952.

- (2) Where a vehicle in respect of which tax has been remitted under the said section 23(1) has been exported but is subsequently brought back into the United Kingdom, then, without prejudice to subsection (1) of this section, the vehicle shall not when so brought back be treated for the purposes of section 11 of the said Act of 1963 as imported into the United Kingdom.
- (3) Section 23(2) of the said Act of 1963 (which imposes upon the manufacturer liability for tax in the event of non-observance of any conditions imposed under the said section 23(1)) shall cease to have effect.
- (4) This section shall come into force on such day as the Commissioners may by order made by statutory instrument appoint; and any such order shall be subject to annulment in pursuance of a resolution of the Commons House of Parliament.

10 Abolition of functions of Commissioners and officers of Customs and Excise with respect to grant of representation in the case of small estates.

As from such date as the Lord Chancellor and the Secretary of State acting jointly may by order made by statutory instrument appoint, the enactments specified in Part V of Schedule 16 to this Act, being enactments conferring on the Commissioners and officers of Customs and Excise certain functions with respect to applications for grants of representation in the case of small estates, shall cease to have effect.

11 Vehicles excise duty: increased penalties for evasion, and effect of transferring vehicle without licence.

- (1) The following provisions of the Vehicles (Excise) Act 1962—
 - (a) section 7 (offence of using or keeping unlicensed vehicle),
 - (b) section 10(4) (offence of failing to pay additional duty before using licensed vehicle so as to attract higher rate), and
 - (c) section 12(9) (offence of exceeding number of vehicles authorised to be used by trade licence),

being provisions under which the person convicted is liable to an excise penalty of twenty pounds or, if greater, three times the duty there specified, shall be amended by substituting " fifty " for " twenty " and " five " for " three ".

This subsection shall not have effect in relation to offences committed before the passing of this Act.

- (2) Where a vehicle for which a licence is in force under that Act is transferred by the holder of the licence to another person, the licence shall be treated for the purposes of the said section 7 as no longer in force unless it is delivered to that other person with the vehicle.

12 Vehicles excise duty: additional liability for keeping unlicensed vehicle.

- (1) Where a person convicted of an offence under section 7 of the Vehicles (Excise) Act 1962 (using or keeping an unlicensed vehicle) is the person by whom the vehicle in respect of which the offence was committed was kept at the time it was committed, the court shall, in addition to any penalty which it may impose under that section, order him to pay an amount calculated in accordance with subsections (2) to (4) below.
- (2) The said amount shall, subject to subsection (3) below, be an amount equal to one-twelfth of the annual rate of duty appropriate to the vehicle in question for each calendar month or part of a calendar month in the relevant period, and the relevant period shall be one ending with the date of the offence and beginning—
 - (a) if the person convicted has before that date notified the county council of his acquisition of the vehicle in accordance with regulations under the said Act of 1962, with the date on which the notification was received by the council or, if later, with the expiry of the licence last in force for the vehicle, or
 - (b) in any other case, with the expiry of the licence last in force for the vehicle before the date of the offence or, if there has not at any time before that date been a licence in force for the vehicle, with the date on which the vehicle was first kept by that person:

Provided that, where the person convicted has been ordered to pay an amount under this section on the occasion of a previous conviction in respect of the same vehicle, and the offence then charged was committed after the date specified above for the beginning of the relevant period, that period shall begin instead with the calendar month immediately following that in which the former offence was committed.

- (3) Where the person convicted proves—
 - (a) that throughout any month or part of a month comprised in the relevant period the vehicle in question was not kept by him, or was neither used nor kept by him on a public road in Great Britain, or was not chargeable with duty, or
 - (b) that he has paid duty in respect of the vehicle for any such month or part, whether or not on a licence,

the said amount shall be calculated as if that month or part were not comprised in the relevant period.

- (4) In relation to any month or part of a month comprised in the relevant period, the reference in subsection (2) above to the annual rate of duty appropriate to the vehicle in question is a reference to the annual rate applicable to it at the beginning of that month or part; and, except so far as it is proved to have fallen within some other class or description for the whole of any such month or part, a vehicle shall be taken for the purposes of this section to have belonged throughout the relevant period to that class or description of vehicle to which it belonged for the purposes of duty at the date of the offence or, if the prosecution so elect, the date when a licence for it was last issued.
- (5) Where, on a person's conviction of an offence under the said section 7, an order is made under Part I of the Criminal Justice Act 1948 placing him on probation or discharging him absolutely or conditionally, the foregoing provisions of this section shall apply as if the conviction were deemed to be a conviction for all purposes.
- (6) In the foregoing provisions of this section " duty " and " licence " mean respectively the duty chargeable under, and a licence issued under, the said Act of 1962 or any enactment repealed by that Act, and any reference to the expiry of a licence includes a reference to its surrender, and to its being treated as no longer in force for the purposes

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of the said section 7 by virtue of section 11(2) above; and, in the case of a conviction for a continuing offence, the offence shall be taken for the purposes of those provisions to have been committed on the date or latest date to which the conviction relates.

- (7) The foregoing provisions of this section shall have effect subject to the provisions (applying with the necessary modifications) of any enactment relating to the imposition of fines by magistrates' courts, other than one conferring a discretion as to their amount; and any sum payable by virtue of an order under this section shall be treated as a fine, and the order as a conviction, for the purposes of Part III of the Magistrates' Courts Act 1952 (including any enactment having effect as if contained in that Part) and of any other enactment relating to the recovery or application of sums ordered to be paid by magistrates' courts.
- (8) Any person who is alleged to have used a vehicle in contravention of the said section 7 shall, if required to do so by or on behalf of a chief officer of police or a county council, give such information as it is in his power to give as to the identity of the person by whom the vehicle was kept at the time, and a person failing to comply with a requirement under this subsection shall be guilty of an offence and liable on summary conviction to a fine not exceeding twenty pounds.
- (9) This section shall not have effect in relation to any offence committed before the passing of this Act.
- (10) In its application to Scotland, this section shall have effect as if for subsections (5) and (7) there were substituted the following subsections respectively:—

“(5) Where a person is convicted on indictment of, or is charged before a court of summary jurisdiction with, an offence under the said section 7, and an order is made under Part I of the Criminal Justice (Scotland) Act 1949 discharging him absolutely or placing him on probation, the foregoing provisions of this section shall apply as if the conviction on indictment were a conviction for all purposes, or, as the case may be, the making of the order by the court of summary jurisdiction were a conviction.”

“(7) The foregoing provisions of this section shall have effect subject to the provisions (applying with the necessary modifications) of any enactment relating to the imposition of fines by courts of summary jurisdiction, other than one conferring a discretion as to their amount; and any sum payable by virtue of an order under this section shall be treated as a fine, and the order as a conviction, for the purposes of any enactment relating to the recovery or application of sums ordered to be paid by courts of summary jurisdiction.”