



Vehicle Excise and Registration Act 1994

1994 CHAPTER 22

PART IV

LEGAL PROCEEDINGS

Evidence

51 Admissions.

- (1) This section applies where in any proceedings in England and Wales or Northern Ireland for an offence under section 29 or 34—
 - (a) it is appropriately proved that there has been served on the accused by post a requirement under section 46(1) or (2) to give information as to the identity of—
 - (i) the driver of, or a person who used, a particular vehicle, or
 - (ii) the person who kept a particular vehicle on a road,on the particular occasion on which the offence is alleged to have been committed, and
 - (b) a statement in writing is produced to the court purporting to be signed by the accused that he was—
 - (i) the driver of, or a person who used, that vehicle, or
 - (ii) the person who kept that vehicle on a road,on that occasion.
- (2) Where this section applies, the court may accept the statement as evidence that the accused was—
 - (a) the driver of, or a person who used, that vehicle, or
 - (b) the person who kept that vehicle on a road,on that occasion.
- (3) In subsection (1) “appropriately proved” means proved to the satisfaction of the court—

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- (a) on oath, or
- (b) in the manner prescribed—
 - (i) in England and Wales, by rules under section 144 of the ^{M1}Magistrates' Courts Act 1980, or
 - (ii) in Northern Ireland, by magistrates' courts rules, as defined by Article 2(3) of the ^{M2}Magistrates' Courts (Northern Ireland) Order 1981.

Marginal Citations

M1 1980 c. 43.

M2 S.I.1981/1675 (N.I.26).

VALID FROM 29/04/1996

[^{F1}51A Admissions: offences under regulations.

- (1) Subsection (2) applies in relation to any proceedings in England, Wales or Northern Ireland against a person for an offence on the grounds that—
- (a) a vehicle has been sold or disposed of by, through or to him and he has failed to furnish particulars prescribed by regulations made by virtue of section 22(1)(d);
 - (b) a vehicle has been sold or disposed of by or through him and he has failed to furnish a document prescribed by regulations made by virtue of section 22(1)(dd); or
 - (c) he has surrendered, or not renewed, a vehicle licence, or is keeping an unlicensed vehicle, and has failed to furnish any particulars or make a declaration prescribed by regulations made by virtue of section 22(1D).
- (2) If—
- (a) it is appropriately proved that there has been served on the accused by post a requirement under section 46A to give information as to the identity of the person keeping the vehicle at a particular time, and
 - (b) a statement in writing is produced to the court purporting to be signed by the accused that he was keeping the vehicle at that time,
- the court may accept the statement as evidence that the accused was keeping the vehicle at that time.
- (3) In subsection (2) “appropriately proved” has the same meaning as in section 51.]

Textual Amendments

F1 S. 51A inserted (29.4.1996) by 1996 c. 8, s. 23, Sch. 2 para. 13

52 Records.

- (1) A statement to which this section applies is admissible in any proceedings as evidence (or, in Scotland, sufficient evidence) of any fact stated in it with respect to matters

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prescribed by regulations made by the Secretary of State to the same extent as oral evidence of that fact is admissible in the proceedings.

- (2) This section applies to a statement contained in a document purporting to be—
- (a) a part of the records maintained by the Secretary of State in connection with any functions exercisable by him under or by virtue of this Act,
 - (b) a copy of a document forming part of those records, or
 - (c) a note of any information contained in those records,
- and to be authenticated by a person authorised to do so by the Secretary of State.
- (3) In subsections (1) and (2) “statement” and “document”—
- (a) in England and Wales, have the same meanings as in section 10(1) of the ^{M3}Civil Evidence Act 1968,
 - (b) in Scotland, have the same meanings as in section 17(3) of the ^{M4}Law Reform (Miscellaneous Provisions) (Scotland) Act 1968, and
 - (c) in Northern Ireland, have the same meanings as in section 6(1) of the ^{M5}Civil Evidence Act (Northern Ireland) 1971.
- (4) In subsection (2) the reference to a copy of a document is to be construed—
- (a) in England and Wales, in accordance with section 10(2) of the ^{M6}Civil Evidence Act 1968,
 - (b) in Scotland, in accordance with section 17(4) of the ^{M7}Law Reform (Miscellaneous Provisions) (Scotland) Act 1968, and
 - (c) in Northern Ireland, in accordance with section 6(2) of the ^{M8}Civil Evidence Act (Northern Ireland) 1971.
- (5) Nothing in subsection (3) or (4) limits to civil proceedings the references to proceedings in subsection (1).

Marginal Citations

- M3** 1968 c. 64.
M4 1968 c. 70.
M5 1971 c. 36 (N.I.).
M6 1968 c. 64.
M7 1968 c. 70.
M8 1971 c. 36 (N.I.).

53 Burden of proof.

Where in any proceedings for an offence under section 29, 34, 37 or 45 any question arises as to—

- (a) the number of vehicles used,
- (b) the character, weight or cylinder capacity of a vehicle,
- (c) the seating capacity of a vehicle, or
- (d) the purpose for which a vehicle has been used,

the burden of proof in respect of the matter lies on the accused.

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54 Single witness sufficient in certain Scottish proceedings.

In any proceedings in Scotland for an offence under section 29 or 33 the accused may be convicted on the evidence of one witness.

55 Guilty plea by absent accused.

(1) This section applies where, under section 12(2) of the ^{M9}Magistrates' Courts Act 1980 or Article 24(2) of the ^{M10}Magistrates' Courts (Northern Ireland) Order 1981, a person is convicted in his absence of—

- (a) an offence under section 29, or
- (b) an offence under section 102 of the ^{M11}Customs and Excise Management Act 1979 in relation to a vehicle licence or a trade licence,

and it is appropriately proved that a relevant notice was served on the accused with the summons.

(2) In subsection (1) “appropriately proved” means—

- (a) in England and Wales, proved to the satisfaction of the court—
 - (i) on oath, or
 - (ii) in the manner prescribed by rules under section 144 of the Magistrates' Courts Act 1980, and
- (b) in Northern Ireland, proved to the satisfaction of the court—
 - (i) on oath,
 - (ii) by affidavit, or
 - (iii) in the manner prescribed by magistrates' courts rules, as defined by Article 2(3) of the Magistrates' Courts (Northern Ireland) Order 1981.

(3) In this section “relevant notice”, in relation to an accused, means a notice stating that, in the event of his being convicted of the offence, it will be alleged that an order requiring him to pay an amount specified in the notice falls to be made by the court—

- (a) in a case within subsection (1)(a), under section 30, or
- (b) in a case within subsection (1)(b), under section 36.

(4) Where this section applies, the court shall proceed under section 30, or section 36, as if the amount specified in the relevant notice were the amount calculated in accordance with that section.

(5) The court shall not so proceed if it is stated in the notification purporting to be given by or on behalf of the accused under—

- (a) section 12(2) of the ^{M12}Magistrates' Courts Act 1980, or
- (b) Article 24(2) of the ^{M13}Magistrates' Courts (Northern Ireland) Order 1981, that the amount specified in the relevant notice is inappropriate.

Marginal Citations

- M9** 1980 c. 43.
- M10** S.I. 1981/1675 (N.I.26).
- M11** 1979 c. 2.
- M12** 1980 c. 43.
- M13** S.I. 1981/1675 (N.I.26).

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