



# Vehicle Excise and Registration Act 1994

## 1994 CHAPTER 22

### PART II **U.K.**

#### REGISTRATION OF VEHICLES

##### *Registration marks*

### 23 Registration marks. **U.K.**

- (1) Where the Secretary of State registers a vehicle under section 21(1) he shall assign to the vehicle a mark (a “registration mark”) indicating the registered number of the vehicle.
- (2) The Secretary of State may, in such circumstances as he may determine—
  - (a) assign a registration mark to a vehicle to which another registration mark has previously been assigned,
  - (b) assign to a vehicle (whether on its first registration or later) a registration mark previously assigned to another vehicle,
  - (c) (whether or not in connection with an assignment within paragraph (a) or (b)) withdraw any registration mark for the time being assigned to a vehicle, and
  - (d) re-assign to a vehicle a registration mark previously assigned to it but subsequently withdrawn.
- (3) The Secretary of State may by regulations provide that the registration mark for the time being assigned to a vehicle shall be fixed, in the manner prescribed by the regulations, on the vehicle, on any other vehicle drawn by the vehicle or on both.
- (4) The Secretary of State may by regulations prescribe—
  - (a) the size, shape and character of registration marks to be fixed on any vehicle, and
  - (b) the manner in which registration marks are to be displayed and rendered easily distinguishable (whether by day or by night).
- (5) The Secretary of State may by regulations—

*Status: Point in time view as at 19/07/2006.*

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- (a) make provision for assigning general registration marks to persons holding trade licences and (in particular) prescribe the registration marks to be carried by vehicles the use of which is authorised by a trade licence, and
- (b) make provision for the issue of trade plates to holders of trade licences and for the charging of a fee for the replacement of trade plates which are or may be lost, stolen, destroyed or damaged.

## 24 Assignment of registration marks by motor dealers. U.K.

- (1) The Secretary of State may by regulations make such provision as he considers appropriate with respect to the allocation of registration marks for vehicles to motor dealers who—
  - (a) apply for such allocations, and
  - (b) appear to the Secretary of State suitable to receive them,
 and with respect to the assigning of the marks to vehicles by motor dealers.
- (2) Regulations under this section may, in particular, include provision—
  - (a) as to the mode of application for the allocation of registration marks,
  - (b) as to the transfer of registration marks allocated to a motor dealer in cases where the motor dealer dies or becomes incapacitated or bankrupt and in such other cases as may be prescribed by the regulations, and
  - (c) as to the cancellation of allocations of registration marks.
- (3) The provision which may be made by regulations under this section also includes provision for—
  - (a) restricting the circumstances in which a motor dealer may assign a registration mark to a vehicle,
  - (b) securing that registration marks allocated to a motor dealer are assigned by him in such sequence as the Secretary of State considers appropriate and that no registration mark is assigned to a vehicle to which a registration mark has already been assigned, and
  - (c) requiring a motor dealer to furnish to the Secretary of State within the period prescribed by the regulations such particulars in respect of each vehicle to which the motor dealer assigns a registration mark as are so prescribed.
- (4) Where—
  - (a) the Secretary of State—
    - (i) rejects an application by a motor dealer for an allocation of registration marks, or
    - (ii) cancels an allocation of registration marks made to a motor dealer, and
  - (b) the motor dealer, within the period prescribed by regulations made by the Secretary of State, requests him to review his decision,
 the Secretary of State shall comply with the request and (in doing so) consider any representations made to him in writing during that period by the motor dealer.
- (5) Where the Secretary of State cancels an allocation of registration marks made to a motor dealer—
  - (a) the cancellation does not take effect before the end of the period prescribed by regulations made by the Secretary of State, and

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- (b) where during that period the motor dealer requests the Secretary of State to review his decision, the cancellation does not take effect before the Secretary of State gives notice in writing of the result of the review to the motor dealer.
- (6) For the purposes of subsection (5)(b) notice may be given to a person by—
- (a) delivering it to him,
  - (b) leaving it at his proper address, or
  - (c) sending it to him by post;
- and for the purposes of this subsection, and of section 7 of the <sup>M1</sup>Interpretation Act 1978 in its application to this subsection, the proper address of a person is his latest address as known to the Secretary of State.

#### Marginal Citations

M1 1978 c. 30.

## 25 Charge on request for registration mark. **U.K.**

- (1) The Secretary of State may by regulations provide for a charge prescribed by the regulations to be made in cases where, by request, a particular registration mark is assigned to a vehicle (whether on its first registration or later), having previously been assigned to another vehicle.
- (2) The regulations may—
- (a) require—
    - (i) the vehicle to which a mark is requested to be assigned, and
    - (ii) in cases prescribed by the regulations, the other vehicle,to be made available for inspection at a place designated by or under the regulations, and
  - (b) provide for a charge prescribed by the regulations to be made for the inspection and for the whole or part of the charge to be retained whether or not the mark is assigned as requested.
- (3) Charges prescribed for the purposes of this section need not be related to the costs of—
- (a) making an assignment, or
  - (b) arranging for a vehicle to be inspected.

## 26 Retention of registration mark pending transfer. **U.K.**

- (1) The Secretary of State may by regulations provide for a person in whose name a vehicle is registered under this Act to be granted a right, exercisable on a single occasion falling within a period prescribed by the regulations, to have the registration mark for the time being assigned to the vehicle assigned to some other vehicle which is registered under this Act—
- (a) in that person's name, or
  - (b) in the name of some other person nominated by him in accordance with the regulations.
- (2) Regulations under this section may, in particular, make provision—

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- (a) for the manner in which an application for the grant of such a right (a “right of retention”) is to be made to the Secretary of State,
  - (b) for the payment of a fee prescribed by the regulations on the making of such an application and for the whole or part of the fee to be retained whether or not the application is granted,
  - (c) for requiring the vehicle to which the registration mark is for the time being assigned to be made available for inspection at a place designated by or under the regulations,
  - (d) for authorising the Secretary of State to refuse such an application on such grounds as he thinks fit,
  - (e) with respect to the manner in which rights of retention are to be exercisable,
  - (f) for enabling or requiring the Secretary of State, on the payment to him of a fee prescribed by the regulations, to extend or (on one or more occasions) further extend the period referred to in subsection (1) where—
    - (i) the conditions so prescribed are fulfilled, and
    - (ii) he thinks fit to do so in the circumstances of the case,
  - (g) for rights of retention to be non-transferable (but without prejudice to the vesting of any such right in a person by operation of law),
  - (h) with respect to the conditions which must be satisfied before a registration mark may be assigned to a vehicle pursuant to a right of retention,
  - (i) for authorising the Secretary of State to revoke a right of retention—
    - (i) if it appears to him that there are special reasons for doing so, or
    - (ii) in any other circumstances prescribed by the regulations,
  - (j) for allowing a person to be nominated when an application for the grant of a right of retention is made or to be nominated at a later time,
  - (k) for allowing a different person to be nominated in place of a person already nominated,
  - (l) for the manner in which a nomination is to be made and for the payment of a fee prescribed by the regulations where a nomination is made in circumstances so prescribed, and
  - (m) for the payment, in connection with the assignment of a registration mark pursuant to a right of retention, of such charge as is for the time being prescribed by virtue of section 25(1).
- (3) Regulations under this section may exempt extensions or assignments of any class or description prescribed by the regulations from any fee or charge payable by virtue of subsection (2)(f) or (m).
- (4) An extension or nomination is exempt from a fee payable by virtue of subsection (2)(f) or (l) if the Secretary of State considers it appropriate in the circumstances of the case.
- (5) Where regulations under this section provide in any case for there to be no charge in connection with the assignment of a registration mark pursuant to a right of retention—
- (a) the fee prescribed by virtue of paragraph (b) of subsection (2) in relation to an application for that right may include an amount representing the charge for which provision could have been made by virtue of paragraph (m) of that subsection, and
  - (b) the regulations may provide for the part of any such fee which represents a charge for which provision could have been so made to be retained, except where conditions prescribed by the regulations are fulfilled, whether or not there is an assignment.

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- (6) The assignment by the Secretary of State of a registration mark to a vehicle pursuant to a right of retention is without prejudice to the subsequent exercise by him, in relation to the mark, of any of his powers under section 23(2).

## 27 Sale of rights to particular registration marks. **U.K.**

- (1) This section applies to registration marks which either—
- (a) have never been assigned to a vehicle, or
  - (b) have been assigned to a vehicle but (as a result of having been subsequently withdrawn) are not for the time being so assigned,
- and which are such as the Secretary of State may from time to time determine.
- (2) The Secretary of State may by regulations make a scheme providing for registration marks to which this section applies to be assigned to vehicles registered under this Act in the names of, or of the nominees of, persons who have acquired rights under the scheme to have the marks so assigned.
- (3) Regulations under this section may, in particular, make provision—
- (a) for a person to acquire a right under the scheme to have a particular registration mark to which this section applies assigned to a vehicle registered under this Act in his name, or in the name of some other person nominated by him in accordance with the scheme, on payment of such sum as is payable in accordance with the scheme—
    - (i) in respect of the acquisition of the right, and
    - (ii) where no charge is to be made by virtue of paragraph (m) in connection with an assignment pursuant to the right, in respect of such an assignment,
  - (b) with respect to—
    - (i) the manner in which agreements for the sale of such a right (a “relevant right”) may be effected,
    - (ii) the terms which may be contained in, or incorporated into, such agreements, and
    - (iii) rights and liabilities arising in connection with such agreements otherwise than under any such terms,
  - (c) for enabling the Secretary of State to determine as he thinks fit—
    - (i) the prices at which particular relevant rights are to be sold or the reserve prices applicable to the sale of any such rights, or
    - (ii) the manner in which any such prices are to be determined,
  - (d) with respect to the manner in which relevant rights are to be exercisable,
  - (e) for relevant rights to be exercisable only on a single occasion falling within a period prescribed by the regulations (subject to any provision made by virtue of paragraph (f)),
  - (f) for enabling or requiring the Secretary of State, on the payment to him of a fee prescribed by the regulations, to extend or (on one or more occasions) further extend any such period where—
    - (i) the conditions so prescribed are fulfilled, and
    - (ii) he thinks fit to do so in the circumstances of the case,
  - (g) for relevant rights to be non-transferable (but without prejudice to the vesting of any such right in a person by operation of law),

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- (h) with respect to the conditions which must be satisfied before a registration mark may be assigned to a vehicle pursuant to a relevant right,
  - (i) for authorising the Secretary of State to revoke a relevant right—
    - (i) if it appears to him that there are special reasons for doing so, or
    - (ii) in any other circumstances prescribed by the regulations,
  - (j) for allowing a person to be nominated when a relevant right is acquired or to be nominated at a later time,
  - (k) for allowing a different person to be nominated in place of a person already nominated,
  - (l) for the manner in which a nomination is to be made and for the payment of a fee prescribed by the regulations where a nomination is made in circumstances so prescribed,
  - (m) for the payment, in connection with the assignment of a registration mark pursuant to a relevant right, of such charge as is for the time being prescribed by virtue of section 25(1), and
  - (n) for so much of any sum paid by virtue of paragraph (a) in respect of the assignment of a registration mark to be retained, except where conditions prescribed by the regulations are fulfilled, whether or not there is such an assignment.
- (4) Regulations under this section may (without prejudice to the generality of subsection (3)(b)) make provision for authorising the Secretary of State to make arrangements with other persons by which such persons—
- (a) are given authority (whether irrevocable or otherwise) to act on his behalf in offering for sale, and entering into agreements for the sale of, relevant rights in the case of such registration marks, and during such periods, as he may determine,
  - (b) are required to account to him for sums due to him under such agreements (whether they have received any amounts due from the purchasers under the agreements or not), and
  - (c) may become entitled or subject to such rights or liabilities of the Secretary of State in connection with such agreements as may be prescribed by the regulations.
- (5) Regulations under this section may exempt extensions or assignments of any class or description prescribed by the regulations from any fee or charge payable by virtue of subsection (3)(f) or (m).
- (6) An extension or nomination is exempt from a fee payable by virtue of subsection (3)(f) or (l) if the Secretary of State considers it appropriate in the circumstances of the case.
- (7) The assignment by the Secretary of State of a registration mark to a vehicle pursuant to a relevant right is without prejudice to the subsequent exercise by him, in relation to the mark, of any of his powers under section 23(2).

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