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Vehicle Excise and Registration Act 1994

1994 CHAPTER 22

PART III

OFFENCES

Offence of using or keeping unlicensed vehicle

29 Penalty for using or keeping unlicensed vehicle.

- (1) If a person uses, or keeps, on a public road a vehicle (not being an exempt vehicle) which is unlicensed he is guilty of an offence.
- (2) For the purposes of subsection (1) a vehicle is unlicensed if no vehicle licence or trade licence is in force for or in respect of the vehicle.
- (3) 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 the vehicle,whichever is the greater.
- (4) Where a vehicle for which a vehicle licence is in force is transferred by the holder of the licence to another person, the licence is to be treated for the purposes of subsection (2) as no longer in force unless it is delivered to the other person with the vehicle.
- (5) Where—
 - (a) an application is made for a vehicle licence for any period, and
 - (b) a temporary licence is issued pursuant to the application,subsection (4) does not apply to the licence applied for if, on a transfer of the vehicle during the currency of the temporary licence, the temporary licence is delivered with the vehicle to the transferee.

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- (6) The amount of the vehicle excise duty chargeable in respect of a vehicle is to be taken for the purposes of subsection (3)(b) to be an amount equal to the annual rate of duty applicable to the vehicle at the date on which the offence was committed.
- (7) 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 section 2(2) to (4), 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.
- (8) In the case of a conviction for a continuing offence, the offence is to be taken for the purposes of subsections (6) and (7) to have been committed on the date or latest date to which the conviction relates.

30 Additional liability for keeper of unlicensed vehicle.

- (1) Where the person convicted of an offence under section 29 is the person by whom the vehicle in respect of which the offence was committed was kept at the time at which it was committed, 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 annual rate of vehicle excise duty appropriate to the vehicle for each month, or part of a month, in the relevant period (within the meaning of section 31).
- (3) In relation to any month or part of a month in the relevant period, the reference in subsection (2) to the annual rate of vehicle excise duty appropriate to the vehicle is a reference to the annual rate applicable to it at the beginning of that month or part.
- (4) A vehicle is to be taken for the purposes of this section to have belonged throughout the relevant period to the description of vehicle to which it belonged for the purposes of vehicle excise duty at—
 - (a) the date on which the offence was committed, or
 - (b) if the prosecution so elect, the date when a vehicle licence for it was last issued, except so far as it is proved to have fallen within some other description for the whole of any month or part of a month in that period.
- (5) In the case of a conviction for a continuing offence, the offence is to be taken for the purposes of this section to have been committed on the date or latest date to which the conviction relates.

31 Relevant period for purposes of section 30.

- (1) For the purposes of section 30 the relevant period is the period—
 - (a) ending with the date on which the offence was committed, and
 - (b) beginning as provided by subsections (2) to (4).
- (2) Subject to subsection (4), if the person convicted has before the date of the offence notified the Secretary of State of his acquisition of the vehicle in accordance with regulations made by the Secretary of State, the relevant period begins with—
 - (a) the date on which the notification was received by the Secretary of State, or
 - (b) the expiry of the vehicle licence last in force for the vehicle,
 whichever is the later.

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- (3) Subject to subsection (4), in any other case the relevant period begins with—
- (a) the expiry of the vehicle licence last in force for the vehicle before the date on which the offence was committed, or
 - (b) if there has not at any time before that date been a vehicle licence in force for the vehicle, the date on which the vehicle was first kept by the person convicted.
- (4) Where—
- (a) the person convicted has been ordered to pay an amount under section 30 on the occasion of a previous conviction for an offence in respect of the same vehicle, and
 - (b) that offence was committed after the date specified in subsection (2) or (3) as the date with which the relevant period begins,
- the relevant period instead begins with the month immediately following that in which the earlier offence was committed.
- (5) Where the person convicted proves—
- (a) that throughout any month or part of a month in the relevant period the vehicle was not kept by him, or
 - (b) that he has paid the duty due (or an amount equal to the duty due) in respect of the vehicle for any such month or part of a month,
- any amount which the person is ordered to pay under section 30 is to be calculated as if that month or part of a month were not in the relevant period.
- (6) Where a person has previously been ordered under section 36 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 section 30 in the case of the vehicle is to be calculated as if no part of that month were in the relevant period.
- (7) In this section references to the expiry of a vehicle licence include a reference to—
- (a) its surrender, and
 - (b) its being treated as no longer in force for the purposes of subsection (2) of section 29 by subsection (4) of that section.
- (8) In the case of a conviction for a continuing offence, the offence is to be taken for the purposes of this section to have been committed on the date or latest date to which the conviction relates.

32 Sections 29 to 31: supplementary.

- (1) Where in the case of an offence under section 29 there is made against a person—
- (a) an order under section 1A of the ^{M1}Powers of Criminal Courts Act 1973 discharging him absolutely or conditionally,
 - (b) an order under section 383 of the ^{M2}Criminal Procedure (Scotland) Act 1975 discharging him absolutely or under section 384 of that Act placing him on probation, or
 - (c) an order under the ^{M3}Probation Act (Northern Ireland) 1950 discharging him absolutely or conditionally or placing him on probation,
- he is to be treated for the purposes of sections 29 to 31 as having been convicted.

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- (2) Section 30 has effect subject to the provisions (applying with the necessary modifications) of any enactment relating to the imposition of fines by magistrates' courts and courts of summary jurisdiction, other than any conferring a discretion as to their amount.
- (3) Where a sum is payable by virtue of an order under section 30—
- (a) in England and Wales, the sum is to be treated as a fine, and the order as a conviction, for the purposes of Part III of the ^{M4}Magistrates' Courts Act 1980 (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,
 - (b) in Scotland, the sum is to 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, and
 - (c) in Northern Ireland, the sum is recoverable as a sum adjudged to be paid by a conviction and is to be treated for all purposes as a fine within the meaning of section 20 of the ^{M5}Administration of Justice Act (Northern Ireland) 1954.

Marginal Citations

- M1** 1973 c. 62.
M2 1975 c. 21.
M3 1950 c. 7 (N.I.).
M4 1980 c. 43.
M5 1954 c. 9 (N.I.).

VALID FROM 01/05/1995

[^{F1}32A Immobilisation, removal and disposal of vehicles.

Schedule 2A (which relates to the immobilisation of vehicles as regards which it appears that an offence under section 29(1) is being committed and to their removal and disposal) shall have effect.]

Textual Amendments

- F1** S. 32A inserted (1.5.1995) by 1995 c. 4, s. 19, Sch. 4 Pt. VII para. 36(1)

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