



# 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 [<sup>F1</sup>, 34 or 43A]—
- (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—

*Status: Point in time view as at 01/10/2013.*

**Changes to legislation:** Vehicle Excise and Registration Act 1994, Cross Heading: Evidence is up to date with all changes known to be in force on or before 10 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

- (a) on oath, or
- (b) in the manner prescribed—
  - (i) in England and Wales, by [<sup>F2</sup>Criminal Procedure Rules] , or
  - (ii) in Northern Ireland, by magistrates’ courts rules, as defined by Article 2(3) of the <sup>M1</sup>Magistrates’ Courts (Northern Ireland) Order 1981.

#### Textual Amendments

- F1** Words in s. 51(1) substituted (1.4.1998) by 1997 c. 16, s. 18, **Sch. 3 para. 7(2)**; S.I. 1998/560, **art. 2**
- F2** Words in s. 51(3)(b)(i) substituted (1.9.2004) by Courts Act 2003 (c. 39), s. 109(1), **Sch. 8 para. 362(a)**; S.I. 2004/2066, **art. 2(c)(xvi)** (subject to art. 3)

#### Marginal Citations

- M1** S.I.1981/1675 (N.I.26).

### [<sup>F3</sup>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

- F3** 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 prescribed by regulations made by the Secretary of State to the same extent as oral evidence of that fact is admissible in the proceedings.

*Status: Point in time view as at 01/10/2013.*

*Changes to legislation: Vehicle Excise and Registration Act 1994, Cross Heading: Evidence is up to date with all changes known to be in force on or before 10 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

- (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.

[<sup>F4</sup>(3) In this section as it has effect in England and Wales—

“document” means anything in which information of any description is recorded;

“copy”, in relation to a document, means anything onto which information recorded in the document has been copied, by whatever means and whether directly or indirectly; and

“statement” means any representation of fact, however made.

<sup>F4</sup>(4) In this section as it has effect in Scotland, “document” and “statement” have the same meanings as in section 17(3) of the Law Reform (Miscellaneous Provisions) (Scotland) Act 1968, and the reference to a copy of a document shall be construed in accordance with section 17(4) of that Act.

<sup>F5</sup>(5) . . . . .

[<sup>F4</sup>(6) Nothing in subsection (4) <sup>F6</sup> . . . limits to civil proceedings the references to proceedings in subsection (1).]

**Textual Amendments**

- F4** S. 52(3)-(6) substituted (31.1.1997) for s. 52(3)-(5) by 1995 c. 38, s. 15(1), **Sch. 1 para. 19** (with ss. 1(3), 6(4)(5), 14); S.I. 1996/3217, **art. 2**
- F5** S. 52(5) repealed (6.9.1999) by S.I. 1997/2983 (N.I. 21), art. 13(2), **Sch. 2** (with art. 12); S.R. 1999/339, **art. 2**
- F6** Words in s. 52(6) repealed (6.9.1999) by S.I. 1997/2983 (N.I. 21), art. 13(2), **Sch. 2** (with art. 12); S.R. 1999/339, **art. 2**

**53 Burden of proof.**

Where in any proceedings for an offence under section 29, [<sup>F7</sup>31A,] 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.

**Textual Amendments**

- F7** Word in s. 53 inserted (19.12.2003) by Finance Act 2002 (c. 23), s. 19, **Sch. 5 para. 14**; S.I. 2003/3086, **art. 2(a)**

*Status: Point in time view as at 01/10/2013.*

*Changes to legislation: Vehicle Excise and Registration Act 1994, Cross Heading: Evidence is up to date with all changes known to be in force on or before 10 June 2024. There are changes that may be brought into force at a future date.*

*Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

## 54 Single witness sufficient in certain Scottish proceedings.

In any proceedings in Scotland for an offence under section 29 [F<sup>8</sup>, 31A] or 33 the accused may be convicted on the evidence of one witness.

### Textual Amendments

**F8** Words in s. 54 inserted (19.12.2003) by Finance Act 2002 (c. 23), s. 19, Sch. 5 para. 15; S.I. 2003/3086, art. 2(a)

## 55 Guilty plea by absent accused.

- (1) This section applies where, under section [F<sup>9</sup>12(5)] of the <sup>M<sup>2</sup></sup>Magistrates' Courts Act 1980 or Article 24(2) of the <sup>M<sup>3</sup></sup>Magistrates' Courts (Northern Ireland) Order 1981, a person is convicted in his absence of [F<sup>10</sup>an offence under section 29 or 35A] and it is appropriately proved that a relevant notice was served on the accused with a 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 [F<sup>11</sup>Criminal Procedure Rules] , 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 [F<sup>12</sup>12(4)] of the <sup>M<sup>4</sup></sup>Magistrates' Courts Act 1980, or
  - (b) Article 24(2) of the <sup>M<sup>5</sup></sup>Magistrates' Courts (Northern Ireland) Order 1981, that the amount specified in the relevant notice is inappropriate.

### Textual Amendments

- F9** Words in s. 55(1) substituted (1.9.1998) by 1998 c. 15, s. 4(2)(c); S.I. 1998/1837, art. 2
- F10** Words in s. 55(1) substituted (29.4.1996) with effect as mentioned in Sch. 2 para. 14(3) of the amending Act) for s. 55(1)(a)(b) by 1996 c. 8, s. 23, Sch. 2 para. 14(2)(3)
- F11** Words in s. 55(2)(a)(ii) substituted (1.9.2004) by Courts Act 2003 (c. 39), s. 109(1), Sch. 8 para. 362(b); S.I. 2004/2066, art. 2(c)(xvi) (subject to art. 3)
- F12** Words in s. 55(5)(a) substituted (1.9.1998) by 1998 c. 15, s. 4(1)(b); S.I. 1998/1837, art. 2

---

**Status:** Point in time view as at 01/10/2013.

**Changes to legislation:** Vehicle Excise and Registration Act 1994, Cross Heading: Evidence is up to date with all changes known to be in force on or before 10 June 2024. There are changes that may be brought into force at a future date.

Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

---

**Marginal Citations**

**M2** 1980 c. 43.

**M3** S.I. 1981/1675 (N.I.26).

**M4** 1980 c. 43.

**M5** S.I. 1981/1675 (N.I.26).

**Status:**

Point in time view as at 01/10/2013.

**Changes to legislation:**

Vehicle Excise and Registration Act 1994, Cross Heading: Evidence is up to date with all changes known to be in force on or before 10 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations.