

Status: Point in time view as at 05/12/2005.

Changes to legislation: There are currently no known outstanding effects for the Finance Act 1996, SCHEDULE 2. (See end of Document for details)

SCHEDULES

SCHEDULE 2

Section 23.

VEHICLE LICENSING AND REGISTRATION

- 1 In this Schedule “the 1994 Act” means the ^{M1}Vehicle Excise and Registration Act 1994.

Marginal Citations

M1 1994 c. 22.

Vehicle licences

- 2 (1) Section 7 of the 1994 Act (issue of vehicle licences) shall be amended in accordance with this paragraph.
- (2) After subsection (3) there shall be inserted the following subsections—
- “(3A) A person applying for a licence shall not be required to make a declaration specified for the purposes of subsection (1)(a) if he agrees to comply with such conditions as may be specified in relation to him by the Secretary of State.
- (3B) The conditions which may be specified under subsection (3A) include a condition that particulars for the time being specified for the purposes of subsection (1)(b) are furnished by being transmitted to the Secretary of State by such electronic means as he may specify.”
- (3) Sub-paragraph (2) above applies to applications made on or after the day on which this Act is passed.
- (4) In subsection (6)—
- (a) after “may provide for—” there shall be inserted the following paragraph—
- “(aa) the return of any vehicle licence which is damaged or contains any particulars which have become illegible or inaccurate.”;
- (b) in paragraph (a), after “or damaged”, there shall be inserted “ or which contains any particulars which have become illegible or inaccurate ”; and
- (c) at the end of paragraph (b) there shall be inserted “ in any of those circumstances ”.

Trade licences

- 3 In section 11 of the 1994 Act (trade licences), after subsection (1) there shall be inserted the following subsection—

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“(1A) The power to prescribe conditions under subsection (1) includes, in particular, the power to prescribe conditions which are to be complied with after the licence is issued.”

Registration regulations

4 (1) Subsection (1) of section 22 of the 1994 Act (registration regulations) shall be amended in accordance with this paragraph.

(2) In paragraph (d), after “a person by”, there shall be inserted “, through”.

(3) In paragraph (dd), after “a person by”, there shall be inserted “ or through”.

(4) At the end of paragraph (h) there shall be inserted “ or which contain any particulars which have become illegible or inaccurate”.

(5) After paragraph (h) there shall be inserted the following paragraph—

“(i) provide for a fee of such amount as appears to the Secretary of State to be reasonable to be paid on the issue of new registration documents in any of the circumstances mentioned in paragraph (h).”

5 In subsection (1B)(a) of section 22 of the 1994 Act, for “the other person there mentioned or to the Secretary of State or to both;” there shall be substituted “ another person there mentioned or to the Secretary of State or to another such person and to the Secretary of State;”.

6 After subsection (1B) of section 22 of the 1994 Act there shall be inserted the following subsection—

“(1C) Regulations under subsection (1)(e) may, in particular, provide that registration documents need not be issued in respect of the registration of a vehicle until the vehicle has been inspected by a person specified by the Secretary of State.”

7 After subsection (1C) of section 22 of the 1994 Act there shall be inserted the following subsections—

“(1D) The Secretary of State may by regulations require a person—

- (a) who surrenders a vehicle licence under section 10(2),
- (b) who does not renew a vehicle licence for a vehicle kept by him, or
- (c) who keeps an unlicensed vehicle at any place in the United Kingdom,

to furnish such particulars and make such declarations as may be prescribed by the regulations, and to do so at such times and in such manner as may be so prescribed.

(1E) For the purposes of subsection (1D)(b) a person shall be regarded as not renewing a vehicle licence for a vehicle kept by him if—

- (a) he keeps a vehicle for which a vehicle licence is in force, and
- (b) he does not, at such time as may be prescribed by the regulations or within such period as may be so prescribed, take out a vehicle licence to have effect from the expiry of the vehicle licence mentioned in paragraph (a).

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(1F) For the purposes of subsection (1D)(c) a vehicle is unlicensed if no vehicle licence is in force for the vehicle.

(1G) Regulations under subsection (1D) may make such transitional provision as appears to the Secretary of State to be appropriate.”

Surrender of licences: repayments

F18

Textual Amendments

F1 Sch. 2 para. 8 repealed (11.5.2001) by 2001 c. 9, s. 110, Sch. 33 Pt. 1(3), Note 1(b)

Offences

9 (1) In section 29 of the 1994 Act (penalty for using or keeping unlicensed vehicle), at the beginning of subsection (3) there shall be inserted “ Subject to subsection (3A) ”, and after subsection (3) there shall be inserted the following subsection—

“(3A) In the case of a person who—

- (a) has provided the Secretary of State with a declaration or statement (in pursuance of regulations under section 22) that the vehicle will not during a period specified in the declaration or statement be used or kept on a public road, and
- (b) commits an offence under subsection (1) within a period prescribed by regulations,

subsection (3) applies as if the reference in paragraph (a) to level 3 were a reference to level 4.”

(2) This paragraph applies in relation to offences committed on or after the day on which this Act is passed.

10 In section 33 of the 1994 Act (not exhibiting licence), after subsection (3) there shall be inserted the following subsection—

“(4) The Secretary of State may make regulations prohibiting a person from exhibiting on a vehicle in respect of which excise duty is chargeable anything—

- (a) which is intended to be, or
- (b) which could reasonably be,

mistaken for a licence which is for, or in respect of, the vehicle and which is for the time being in force.”

11 (1) Section 45 of the 1994 Act (false or misleading declarations and information) shall be amended in accordance with this paragraph.

(2) After subsection (2) there shall be inserted the following subsection—

“(2A) A person who makes a declaration or statement which—

- (a) is required to be made in respect of a vehicle by regulations under section 22, and
- (b) to his knowledge is either false or in any material respect misleading,

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is guilty of an offence.”

- (3) In subsection (3) (offence of furnishing false or misleading particulars), in paragraph (a), after “required by” there shall be inserted “virtue of”.

Offences: information and admissions

12 After section 46 of the 1994 Act there shall be inserted the following section—

“46A Duty to give information: offences under regulations.

- (1) Subsection (2) applies where it appears to the Secretary of State—
- (a) that a person is a person by, through or to whom a vehicle has been sold or disposed of and that he has failed to comply with regulations made by virtue of section 22(1)(d) requiring him to furnish particulars prescribed by the regulations;
 - (b) that a person is a person by or through whom a vehicle has been sold or disposed of and that he has failed to comply with regulations made by virtue of section 22(1)(dd) requiring him to furnish a document prescribed by the regulations; or
 - (c) that a person is a person who is surrendering a vehicle licence, or who is not renewing a vehicle licence for a vehicle kept by him or who is keeping an unlicensed vehicle and that he has failed to comply with regulations made by virtue of section 22(1D) requiring him to furnish particulars or make a declaration prescribed by the regulations.
- (2) The Secretary of State may serve a notice on the person in question requiring him to give the Secretary of State such information as it in his power to give—
- (a) as to the identity of any person who is keeping a specified vehicle or who has kept it at a specified time or during a specified period;
 - (b) as to the identity of any person by, through or to whom a specified vehicle has been sold or disposed of at a specified time or during a specified period; or
 - (c) which may lead to the identification of a person falling within paragraph (a) or (b).
- (3) A person who fails to comply with a notice under subsection (2) is guilty of an offence.
- (4) A person guilty of an offence under subsection (3) is liable on summary conviction to a fine not exceeding level 3 on the standard scale.
- (5) In this section “specified” means specified in a notice under subsection (2).”

13 After section 51 of the 1994 Act there shall be inserted the following section—

“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—

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- (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.”

Proceedings in respect of offences

- 14 (1) In—
- (a) section 47(1) and (2) of the 1994 Act (institution and conduct of proceedings in England and Wales or Northern Ireland), and
 - (b) section 48(3) of the 1994 Act (proceedings in Scotland),
- after “section 29, 34” there shall in each case be inserted “, 35A ”.
- (2) In section 55(1) of the 1994 Act (guilty plea by absent accused), for paragraphs (a) and (b) there shall be substituted “ an offence under section 29 or 35A ”.
- (3) This paragraph applies in relation to proceedings commenced on or after the day on which this Act is passed.

Compounding of offences

- 15 In section 59 of the 1994 Act (regulations: offences), after subsection (5), there shall be inserted the following subsection—
- “(6) The Secretary of State may, if he sees fit, compound any proceedings for an offence—
- (a) under subsection (1), or
 - (b) under regulations under section 24 or 28.”

Regulations

- 16 In section 57(1) of the 1994 Act (regulations generally), the words “ (other than sections 7(2) and (3), 8, 26, 27, 52 and 54) ” shall be omitted.

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