



# Vehicles (Crime) Act 2001

## 2001 CHAPTER 3

An Act to regulate motor salvage operators and registration plate suppliers; to make further provision for preventing or detecting vehicle crime; to enable the Secretary of State to make payments in respect of certain expenditure relating to vehicle crime; and for connected purposes. [10th April 2001]

Be it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

### PART 1

#### REGULATION OF MOTOR SALVAGE OPERATORS

##### **Modifications etc. (not altering text)**

- C1 **Part 1:** functions of local authority not to be the responsibility of an executive of the authority (E.) (21.10.2002) by virtue of S.I. 2000/2853, reg. 2(1), Sch. 1 (as amended by S.I. 2002/1916, reg. 6)

#### *Registration*

### **1 Requirement of registration for motor salvage operators**

- (1) Any person who carries on business as a motor salvage operator in the area of a local authority without being registered for that area by the authority shall be guilty of an offence and liable on summary conviction to a fine not exceeding level 5 on the standard scale.
- (2) For the purposes of this Part a person carries on business as a motor salvage operator if he carries on a business which consists—

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- (a) wholly or partly in the recovery for re-use or sale of salvageable parts from motor vehicles and the subsequent sale or other disposal for scrap of the remainder of the vehicles concerned;
  - (b) wholly or mainly in the purchase of written-off vehicles and their subsequent repair and re-sale;
  - (c) wholly or mainly in the sale or purchase of motor vehicles which are to be the subject (whether immediately or on a subsequent re-sale) of any of the activities mentioned in paragraphs (a) and (b); or
  - (d) wholly or mainly in activities falling within paragraphs (b) and (c).
- (3) In this Part “registered” means registered in accordance with the provisions of this Part in a register established and maintained by a local authority under section 2; and cognate expressions shall be construed accordingly.

## 2 Registers of motor salvage operators

- (1) Every local authority shall establish and maintain a register for their area of persons carrying on business as motor salvage operators in that area.
- (2) The register shall, subject to any requirements that may be prescribed, be in such form as the local authority consider appropriate.
- (3) Each person’s entry in the register shall contain such particulars as may be prescribed.
- (4) A person shall cease to be registered in the register at the end of the period of three years beginning with the relevant day unless his registration is renewed before the end of that period in accordance with section 3.
- (5) Where, at the end of the period of three years beginning with the relevant day, an application for renewal of registration has been made under section 3 but has not been withdrawn or finally determined, the registration of the person concerned shall be deemed to continue until the withdrawal or final determination of the application.
- (6) If the application is finally determined in favour of the applicant, the renewal shall be deemed to have had effect from the end of the period of three years beginning with the relevant day.
- (7) In subsections (4) to (6) “the relevant day” means the day on which the person was registered or (if the registration has previously been renewed) the day from which it was last so renewed.
- (8) For the purposes of subsections (5) and (6) an application shall be taken to be finally determined—
  - (a) in the case of the grant of a renewal of registration, when the grant is made;
  - (b) in the case of a refusal to grant a renewal of registration, when no appeal under section 6 is possible in relation to the refusal or any such appeal has been finally determined or withdrawn.
- (9) The local authority shall secure that the contents of the register are available for inspection by members of the public at all reasonable times subject to such reasonable fees (if any) as the local authority may determine.
- (10) If requested by any person to do so and subject to such reasonable fee (if any) as the local authority may determine, the local authority shall supply the person concerned with a copy (certified to be true) of the register or of an extract from it.

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(11) Any such certified copy shall be evidence of the matters mentioned in it.

### **3 Applications for registration and renewal of registration**

- (1) An application for registration in a register for a particular area or for the renewal of such a registration—
  - (a) shall be made to the local authority concerned in accordance with such requirements as may be prescribed; and
  - (b) shall be accompanied by a fee of such amount (if any) as the local authority may determine.
- (2) A local authority may set the level of fees to be charged in respect of applications—
  - (a) with a view to recovering the reasonable costs incurred by them in connection with the administration of this Part; and
  - (b) so that different fees are payable in different circumstances.
- (3) A local authority shall, on receiving an application under subsection (1) in respect of the register for their area, register, or (as the case may be) renew the registration of, the applicant in that register unless they are satisfied that he is not a fit and proper person to carry on business as a motor salvage operator.
- (4) In deciding whether they are so satisfied, the local authority shall, in particular, have regard to—
  - (a) whether the applicant has been convicted of any offences under this Part; and
  - (b) whether the applicant has been convicted of any offences of a description specified by the Secretary of State by order.
- (5) Where a local authority have refused to register a person in the register for their area under subsection (3), they may refuse to consider any application for registration made by that person during the period of three years beginning with the day on which the refusal was first given.
- (6) Where a local authority have refused to renew a person's registration in the register for their area under subsection (3), they may refuse to consider any application for registration made by that person during the period of three years beginning with the day on which the refusal became final.
- (7) This section is subject to section 5.

### **4 Cancellation of registration**

- (1) A local authority may cancel a person's registration in the register for their area if they are satisfied that he is not a fit and proper person to carry on business as a motor salvage operator.
- (2) In deciding whether they are so satisfied, the local authority shall, in particular, have regard to the matters to which, by virtue of section 3(4), they shall have regard on an application for registration or renewal of registration.
- (3) A local authority may cancel a person's registration in the register for their area if they are satisfied that he is not carrying on business as a motor salvage operator in that area and has not, while registered, been doing so for at least 28 days.
- (4) A cancellation under this section shall not have effect—

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- (a) if no appeal is brought under section 6, before the end of the period of 21 days mentioned in subsection (2) of that section;
  - (b) if an appeal is brought under that section, before the final determination or withdrawal of the appeal.
- (5) Where a local authority have cancelled a person's registration in the register for their area under subsection (1), they may refuse to consider any application for registration made by that person during the period of three years beginning with the day on which the cancellation had effect.
- (6) This section is subject to section 5.

## 5 Right to make representations

- (1) A local authority shall not—
- (a) refuse to register a person who has made an application under section 3(1) for registration in the register for their area;
  - (b) refuse to renew the registration of a person who has made an application under section 3(1) for renewal of registration in the register for their area; or
  - (c) cancel a person's registration in the register for their area;
- unless they have complied with the provisions of this section.
- (2) The local authority shall serve a notice on the person concerned stating—
- (a) what they are proposing to do;
  - (b) the reasons for it; and
  - (c) the period (not less than 14 days starting with the date of service of the notice) within which the person concerned may by notice—
    - (i) require them to give him an opportunity to make representations about the proposal; or
    - (ii) inform them that he does not wish to make any such representations.
- (3) Where a notice has been served by the local authority under subsection (2), the local authority shall not proceed with their proposed refusal or (as the case may be) cancellation until—
- (a) the person concerned has made representations about it or informed them that he does not wish to make any such representations;
  - (b) the period mentioned in subsection (2)(c) has passed without the local authority being required to give the person concerned an opportunity to make representations or without them being informed that he does not wish to make any representations; or
  - (c) the conditions specified in subsection (4) are satisfied.
- (4) The conditions are that—
- (a) the person concerned has required the local authority to give him an opportunity to make representations to them about the proposal;
  - (b) the local authority have allowed him a reasonable period to make his representations; and
  - (c) he has failed to make them within that period.
- (5) The representations may be made orally or in writing.

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- (6) If the person concerned informs the local authority that he desires to make oral representations, the local authority shall give him an opportunity of appearing before, and being heard by, a person appointed by the local authority.
- (7) If the local authority decide to proceed with their proposed refusal or (as the case may be) cancellation, they shall serve a notice on the person concerned informing him of their decision to proceed and of the refusal or cancellation.
- (8) A notice under subsection (7) shall also inform the person concerned of—
  - (a) his right to appeal under section 6 against the refusal or cancellation;
  - (b) the time within which such an appeal may be brought; and
  - (c) in the case of a cancellation, the date on which the cancellation is to have effect.

## **6 Appeals**

- (1) An appeal against—
  - (a) a refusal by a local authority to register in the register for their area a person who has made an application under section 3(1);
  - (b) a refusal by a local authority to renew the registration in the register for their area of a person who has made an application under section 3(1); or
  - (c) the cancellation by a local authority of a person’s registration in the register for their area;may be brought to a magistrates’ court.
- (2) An appeal under this section shall be brought within the period of 21 days beginning with the day on which the person concerned is served with a notice under section 5(7).
- (3) The procedure on an appeal under this section shall be by way of complaint for an order and in accordance with the Magistrates’ Courts Act 1980 (c. 43).
- (4) For the purposes of the time limit for bringing an appeal under this section the making of the complaint shall be treated as the bringing of the appeal.
- (5) On an appeal under this section, the magistrates’ court concerned may confirm, vary or reverse the local authority’s decision and generally give such directions as it considers appropriate having regard to the provisions of this Part.
- (6) It shall be the duty of the local authority to comply with any directions given by a magistrates’ court under subsection (5); but the authority need not comply with any directions given by the court—
  - (a) until the time for making an application under section 111 of the Magistrates’ Courts Act 1980 (application by way of case stated) has passed; or
  - (b) if such an application is made, until the final determination or withdrawal of the application.

*Keeping of records etc.*

## **7 Keeping of records**

- (1) The Secretary of State may by regulations provide for the keeping of records by registered persons.

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- (2) In subsection (1) “registered” includes formerly registered.
- (3) Regulations under this section may specify provisions of the regulations as provisions to which subsection (4) applies.
- (4) A person who contravenes any provision to which this subsection applies shall be guilty of an offence and liable on summary conviction to a fine not exceeding level 4 on the standard scale.

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## **8 Notification of destruction of motor vehicles**

- (1) The Secretary of State may by regulations provide for the notification by registered persons of the destruction of motor vehicles.
- (2) Regulations under this section may specify provisions of the regulations as provisions to which subsection (3) applies.
- (3) A person who contravenes any provision to which this subsection applies shall be guilty of an offence and liable on summary conviction to a fine not exceeding level 3 on the standard scale.

### *Supplementary provisions and offences*

## **9 Rights to enter and inspect premises**

- (1) A constable may at any reasonable time enter and inspect premises for the time being entered in the register of a local authority as premises which are—
  - (a) occupied as a motor salvage yard by a person carrying on business as a motor salvage operator; or
  - (b) occupied by a person carrying on business as a motor salvage operator wholly or partly for the purposes of his business so far as it consists of any of the activities mentioned in section 1(2).
- (2) A constable may at any reasonable time—
  - (a) require production of, and inspect, any motor vehicles or salvageable parts kept at premises falling within subsection (1); and
  - (b) require production of, inspect and take copies of or extracts from any records which the person carrying on business as a motor salvage operator is required to keep at such premises by virtue of this Part.
- (3) Subsection (4) applies where, on an application made by a constable, a justice of the peace is satisfied that admission to premises specified in the application is reasonably required in order to secure compliance with the provisions of this Part, or to ascertain whether those provisions are being complied with.
- (4) The justice may issue a warrant authorising a constable to enter and inspect the premises concerned.
- (5) A constable—

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- (a) shall not be entitled to use force to enter premises in the exercise of his powers under subsection (1); but
  - (b) may if necessary use reasonable force in the exercise of his powers under a warrant issued under subsection (4).
- (6) A constable, in seeking to enter any premises in the exercise of his powers under subsection (1), shall, if required by or on behalf of the owner or occupier or person in charge of the premises, produce evidence of his identity, and of his authority for entering, before doing so.

## 10 Offence of making false statements

- (1) A person who, in making an application to be registered in the register of a local authority or to renew his registration in such a register—
- (a) makes a statement which he knows to be false in a material particular; or
  - (b) recklessly makes a statement which is false in a material particular;
- shall be guilty of an offence and, subject to subsection (2), liable on summary conviction to a fine not exceeding level 3 on the standard scale.
- (2) A person who is guilty of an offence under subsection (1) shall be liable on summary conviction to a fine not exceeding level 5 on the standard scale if—
- (a) any previous application of his to the local authority concerned for registration or renewal of registration was refused under section 3(3); or
  - (b) any previous registration of his in the register of the local authority concerned was cancelled under section 4(1).

## 11 Notification requirements

- (1) A person applying to be registered in the register of a local authority or to renew his registration in such a register shall give notice to the local authority of any changes affecting in a material particular the accuracy of the information which he has provided in connection with his application.
- (2) A person who is registered in the register of a local authority shall give notice to the local authority of any changes affecting his entry in the register within 28 days of the changes occurring; and the local authority shall amend the register accordingly.
- (3) A person who is registered in the register of a local authority and is not carrying on business as a motor salvage operator in the area of the local authority shall give notice to the local authority concerned of that fact within 28 days of the beginning of the period in which he is not carrying on business in that area while registered.
- (4) A person who fails to give notice to a local authority in accordance with subsection (1), (2) or (3) shall be guilty of an offence and liable on summary conviction to a fine not exceeding level 3 on the standard scale.
- (5) In proceedings for an offence under subsection (4) it shall be a defence for the accused to show that he took all reasonable steps and exercised all due diligence to avoid committing the offence.

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## 12 Offence of giving false particulars on sale for salvage

Any person who, on selling a motor vehicle to a person who is in the course of carrying on business as a motor salvage operator so far as it consists of any of the activities mentioned in section 1(2), gives that person a false name or address shall be guilty of an offence and liable on summary conviction to a fine not exceeding level 3 on the standard scale.

### *General*

## 13 Application of “fit and proper” test to companies etc.

- (1) For the purposes of section 3(3) or 4(1) a local authority shall be satisfied that a company is not a fit and proper person to carry on business as a motor salvage operator if they are satisfied that any director of the company is not a fit and proper person to carry on such a business; and section 3(4) and 4(2) shall be construed accordingly.
- (2) For the purposes of section 3(3) or 4(1) a local authority shall be satisfied that a limited liability partnership is not a fit and proper person to carry on business as a motor salvage operator if they are satisfied that any member of the partnership is not a fit and proper person to carry on such a business; and section 3(4) and 4(2) shall be construed accordingly.

## 14 Proceedings for offences under Part 1

Proceedings for an offence under this Part shall not be instituted except—

- (a) by a local authority or a constable; or
- (b) in any other case, with the consent of the Attorney General.

## 15 Power to amend or repeal private or local Acts

- (1) The Secretary of State may by order amend or repeal any provision of a private or local Act passed before or in the same session as this Act, if it appears to him necessary or expedient to do so in consequence of this Part.
- (2) Before exercising his power under subsection (1) in relation to any Act which concerns the area of a local authority or county council, the Secretary of State shall consult the local authority or county council concerned.

## 16 Interpretation of Part 1

- (1) In this Part, unless the context otherwise requires—
  - “carrying on business as a motor salvage operator” has the meaning given by section 1(2);
  - “contravene”, in relation to any provision of regulations, includes fail to comply with it;
  - “motor salvage yard” means any premises where any motor vehicles are received or kept in the course of the carrying on of business as a motor salvage operator so far as the business consists of any of the activities mentioned in section 1(2) (excluding any premises where only salvageable parts of motor vehicles are so received or kept);
  - “motor vehicle” means any vehicle whose function is or was to be used on roads as a mechanically propelled vehicle;



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“notice” means notice in writing;

“premises” includes any land or other place (whether or not enclosed);

“prescribed” means prescribed by regulations made by the Secretary of State;

“a register” means a register established and maintained under section 2;

“registered” (and cognate expressions) have the meaning given by section 1(3);

“road” means any highway and any other road to which the public has access; and

“written-off motor vehicle” means a motor vehicle which is in need of substantial repair but in relation to which a decision has been made not to carry out the repairs.

- (2) The reference in section 5(5) to representations being made in writing includes a reference to representations being made in a text which—
- (a) is transmitted by means of [<sup>F1</sup>an electronic communications network] or by other means but while in an electronic form;
  - (b) is received in legible form; and
  - (c) is capable of being used for subsequent reference.
- (3) In this Part “local authority” means—
- (a) in relation to England—
    - (i) a unitary authority;
    - (ii) a district council so far as they are not a unitary authority;
  - (b) in relation to Wales, a county council or a county borough council.
- (4) In subsection (3) “unitary authority” means—
- (a) the council of a county so far as they are the council for an area for which there are no district councils;
  - (b) the council of any district comprised in an area for which there is no county council;
  - (c) a London borough council;
  - (d) the Common Council of the City of London in its capacity as a local authority;
  - (e) the Council of the Isles of Scilly.
- (5) For the purposes of this Part a person carrying on business as a motor salvage operator shall be treated as carrying on that business in the area of a local authority if, but only if—
- (a) premises in that area are occupied by him as a motor salvage yard;
  - (b) no premises are occupied by him as a motor salvage yard (whether in that area or elsewhere) but he has his usual place of residence in that area; or
  - (c) no premises are occupied by him as a motor salvage yard (whether in that area or elsewhere) but premises in that area are occupied by him wholly or partly for the purposes of that business so far as it consists of any of the activities mentioned in section 1(2).
- (6) Subsection (5) shall have effect, in relation to any person who carries on business as a motor salvage operator in partnership with another person, as if any reference to the occupation of a place (whether as a motor salvage yard or otherwise) by a person were a reference to the occupation of that place for the purposes of the partnership by that

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person, alone or jointly with a member of the partnership, or by another member of the partnership alone.

- (7) References in this Part to offences under this Part include references to anything which is an offence by virtue of section 7(3) and (4) or 8(2) and (3).
- (8) References in this Part to an appeal under section 6 being finally determined or withdrawn include references to the final determination or withdrawal of proceedings by way of case stated which relate to a decision by a magistrates' court on an appeal under that section.

#### Textual Amendments

- F1** Words in s. 16(2)(a) substituted (25.7.2003 for specified purposes, 29.12.2003 in so far as not already in force) by [Communications Act 2003 \(c. 21\)](#), s. 411(2), [Sch. 17 para. 168](#) (with [Sch. 18](#)); [S.I. 2003/1900](#), arts. 1(2), 2(1), [Schs. 1](#) (with [art. 3](#)) (as amended by [S.I. 2003/3142](#), art. 1(3)); [S.I. 2003/3142](#), art. 3(2) (with [art. 11](#))

## PART 2

### REGULATION OF REGISTRATION PLATE SUPPLIERS

#### *Registration*

#### 17 Requirement of registration for registration plate suppliers

- (1) Any person who carries on business as a registration plate supplier in England or Wales without being registered by the Secretary of State shall be guilty of an offence and liable on summary conviction to a fine not exceeding level 5 on the standard scale.
- (2) For the purposes of this Part a person carries on business as a registration plate supplier if he—
- (a) carries on a business which consists wholly or partly in selling registration plates; and
  - (b) is not an exempt person.
- (3) The Secretary of State may by regulations provide for—
- (a) activities of a prescribed description to be treated for the purposes of this Part as not being activities which consist in selling registration plates;
  - (b) persons of a prescribed description to be exempt persons for the purposes of this Part.
- (4) In this Part “registered” means registered in accordance with the provisions of this Part in a register established and maintained by the Secretary of State under section 18; and cognate expressions shall be construed accordingly.

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### Commencement Information

- II** S. 17 wholly in force; s. 17 not in force at Royal Assent see s. 44; Pt. 2 (ss. 17-31) of the Act in force for certain purposes at 1.12.2002, s. 17(3)-(4) otherwise in force at 1.1.2003 and s. 17(1) otherwise in force at 1.3.2003 by [S.I. 2002/2957](#), arts. {2}, {3}, {4}

## 18 Register of registration plate suppliers

- (1) The Secretary of State shall establish and maintain a register of persons carrying on business as registration plate suppliers.
- (2) Each person's entry in the register shall contain such particulars as may be prescribed.
- (3) The Secretary of State shall, subject to subsection (6) and such fee (if any) as may be prescribed, supply any person who has requested information contained in the register with the information that he has requested.
- (4) If the request is for information in the form of a copy (certified to be true) of the register or of an extract from it, the Secretary of State shall, subject to subsection (6) and such fee (if any) as may be prescribed, supply the information in that form.
- (5) Any such certified copy shall be evidence of the matters mentioned in it.
- (6) The Secretary of State may by regulations specify—
  - (a) descriptions of persons who are not entitled to be supplied with information under subsection (3); and
  - (b) descriptions of information which shall not be supplied under that subsection.
- (7) The Secretary of State may make all of the information contained in the register or information so contained of a particular description available to the [<sup>F2</sup>National Policing Improvement Agency] for use by constables for the purpose of investigating offences under this Part.
- (8) The Secretary of State may by regulations determine the circumstances in which any of the information to which constables have been given access under subsection (7) may be further disclosed by them.
- [<sup>F3</sup>(9) In this section, “ constables ” includes—
  - (a) persons employed by a police authority under section 15(1) of the Police Act 1996 who are under the direction and control of the chief officer of police of the police force maintained by that authority,
  - (b) persons employed by a police authority under section 9(1) of the Police (Scotland) Act 1967 who are under the direction and control of the chief constable of the police force maintained for the authority's area, and
  - (c) persons employed by the British Transport Police Authority under section 27(1) of the Railways and Transport Safety Act 2003 who are under the direction and control of the Chief Constable of the British Transport Police Force.]

### Textual Amendments

- F2** Words in s. 18(7) substituted (1.4.2007) by [Police and Justice Act 2006 \(c. 48\)](#), s. 53(1), [Sch. 1 para. 77](#); [S.I. 2007/709](#), art. 3(a) (with art. 6)

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**F3** S. 18(9) inserted (1.7.2005) by [Serious Organised Crime and Police Act 2005 \(c. 15\)](#), **ss. 123(2), 178(8)**; [S.I. 2005/1521](#), art. 3(1)(k)

#### Commencement Information

**I2** S. 18 wholly in force; s. 18 not in force at Royal Assent see s. 44; Pt. 2 (ss. 17-31) of the Act in force for certain purposes at 1.12.2002 and s. 18 otherwise in force at 1.1.2003 by [S.I. 2002/2957](#), arts. {2}, {3}

## 19 Applications for registration

- (1) An application for registration—
  - (a) shall be made to the Secretary of State in accordance with such requirements as may be prescribed; and
  - (b) shall be accompanied by a fee of such amount (if any) as may be prescribed.
- (2) The level of fees so prescribed may be set with a view to recovering the reasonable costs incurred by the Secretary of State in connection with the administration of this Part.
- (3) A person who, in making an application for registration—
  - (a) makes a statement which he knows to be false in a material particular; or
  - (b) recklessly makes a statement which is false in a material particular;
 shall be guilty of an offence and liable on summary conviction to a fine not exceeding level 3 on the standard scale.
- (4) Where an order under section 20(1)(b) has effect in relation to a person who has been convicted of an offence under subsection (3), no application for registration shall be made by that person under subsection (1) in contravention of the order.
- (5) No application for registration shall be made under subsection (1) by a person while his registration is suspended by an order of a court under section 20(2).
- (6) A person who makes an application in contravention of subsection (4) or (5) shall be guilty of an offence and liable on summary conviction to a fine not exceeding level 5 on the standard scale.
- (7) The Secretary of State shall, on receiving an application under subsection (1), register the applicant.

#### Commencement Information

**I3** [S. 19](#) wholly in force; [s. 19](#) not in force at Royal Assent see [s. 44](#); [Pt. 2](#) (ss. 17-31) of the Act in force for certain purposes at 1.12.2002 and [s. 19](#) otherwise in force at 1.1.2003 by [S.I. 2002/2957](#), arts. {2}, {3}

## 20 Removal or suspension of registration by a court

- (1) Where a person is convicted of an offence under section 19(3) the court before which he is convicted may, instead of or in addition to imposing a fine, by order do either or both of the following—
  - (a) provide for the removal of any entry relating to him in the register;

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- (b) prohibit him from making an application for registration under section 19(1) within such period not exceeding five years as may be specified in, or determined under, the order.
- (2) Where a registered person is convicted of an offence under this Part (other than an offence under section 19(3)) the court before which he is convicted may, instead of or in addition to imposing a fine, by order suspend his registration for any period of up to five years.
- (3) No order under subsection (1) or (2) shall have effect—
  - (a) if no appeal is brought, before the end of the period for bringing an appeal has passed;
  - (b) if an appeal is brought, before the final determination or withdrawal of the appeal.
- (4) A court shall give notice to the Secretary of State of the contents of any order which has been made by it under subsection (1) or (2) and which has effect.
- (5) The Secretary of State shall amend the register—
  - (a) to give effect to any order of a court under subsection (1)(a); or
  - (b) to reflect any suspension effected by an order of a court under subsection (2); but may not do so until the order concerned has effect.
- (6) In this section “appeal” includes an application under section 111 of the Magistrates’ Courts Act 1980 (c. 43) (application by way of case stated).

#### Commencement Information

- 14** S. 20 wholly in force; s. 20 not in force at Royal Assent see s. 44; Pt. 2 (ss. 17-31) of the Act in force for certain purposes at 1.12.2002 and s. 20 otherwise in force at 1.1.2003 by [S.I. 2002/2957](#), arts. {2}, {3}

## 21 Cancellation of registration by the Secretary of State

- (1) The Secretary of State may cancel a person’s registration if he is satisfied that the person concerned is not carrying on business as a registration plate supplier and has not, while registered, been doing so for at least 28 days.
- (2) A cancellation under subsection (1) shall not have effect—
  - (a) if no appeal is brought under section 23, before the end of the period of 21 days mentioned in subsection (2) of that section;
  - (b) if an appeal is brought under that section, before the final determination or withdrawal of the appeal.
- (3) This section is subject to section 22.

#### Commencement Information

- 15** S. 21 wholly in force; s. 21 not in force at Royal Assent see s. 44; Pt. 2 (ss. 17-31) of the Act in force for certain purposes at 1.12.2002 and s. 21 otherwise in force at 1.1.2003 by [S.I. 2002/2957](#), arts. {2}, {3}

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## **22 Right to make representations: Part 2**

- (1) The Secretary of State shall not cancel a person's registration under section 21 unless the Secretary of State has complied with the provisions of this section.
- (2) The Secretary of State shall serve a notice on the person concerned stating—
  - (a) what he is proposing to do;
  - (b) the reasons for it; and
  - (c) the period (not less than 14 days starting with the date of service of the notice) within which the person concerned may by notice—
    - (i) require the Secretary of State to give him an opportunity to make representations about the proposal; or
    - (ii) inform the Secretary of State that he does not wish to make any such representations.
- (3) Where a notice has been served by the Secretary of State under subsection (2), the Secretary of State shall not proceed with his proposed cancellation until—
  - (a) the person concerned has made representations about it or informed the Secretary of State that he does not wish to make any such representations;
  - (b) the period mentioned in subsection (2)(c) has passed without the Secretary of State being required to give the person concerned an opportunity to make representations or without the Secretary of State being informed that the person concerned does not wish to make any representations; or
  - (c) the conditions specified in subsection (4) are satisfied.
- (4) The conditions are that—
  - (a) the person concerned has required the Secretary of State to give him an opportunity to make representations to the Secretary of State about the proposal;
  - (b) the Secretary of State has allowed that person a reasonable period to make his representations; and
  - (c) the person concerned has failed to make his representations within that period.
- (5) The representations may be made orally or in writing.
- (6) If the person concerned informs the Secretary of State that he desires to make oral representations, the Secretary of State shall give that person an opportunity of appearing before, and being heard by, a person appointed by the Secretary of State.
- (7) If the Secretary of State decides to proceed with his proposed cancellation, he shall serve a notice on the person concerned informing him of the Secretary of State's decision to proceed and of the cancellation.
- (8) A notice under subsection (7) shall also inform the person concerned of—
  - (a) his right to appeal under section 23 against the cancellation;
  - (b) the time within which such an appeal may be brought; and
  - (c) the date on which the cancellation is to have effect.

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#### Commencement Information

- I6** S. 22 wholly in force; s. 22 not in force at Royal Assent see s. 44; Pt. 2 (ss. 17-31) of the Act in force for certain purposes at 1.12.2002 and s. 22 otherwise in force at 1.1.2003 by S.I. 2002/2957, arts. {2}, {3}

### 23 Appeals: Part 2

- (1) An appeal against the cancellation by the Secretary of State under section 21 of a person's registration may be brought to a magistrates' court.
- (2) An appeal under this section shall be brought within the period of 21 days beginning with the day on which the person concerned is served with a notice under section 22(7).
- (3) The procedure on an appeal under this section shall be by way of complaint for an order and in accordance with the Magistrates' Courts Act 1980 (c. 43).
- (4) For the purposes of the time limit for bringing an appeal under this section the making of the complaint shall be treated as the bringing of the appeal.
- (5) On an appeal under this section, the magistrates' court concerned may confirm, vary or reverse the Secretary of State's decision and generally give such directions as it considers appropriate having regard to the provisions of this Part.
- (6) It shall be the duty of the Secretary of State to comply with any directions given by a magistrates' court under subsection (5); but the Secretary of State need not comply with any directions given by the court—
  - (a) until the time for making an application under section 111 of the Magistrates' Courts Act 1980 (c. 43) (application by way of case stated) has passed; or
  - (b) if such an application is made, until the final determination or withdrawal of the application.

#### Commencement Information

- I7** S. 23 wholly in force; s. 23 not in force at Royal Assent see s. 44; Pt. 2 (ss. 17-31) of the Act in force for certain purposes at 1.12.2002 and s. 23 otherwise in force at 1.1.2003 by S.I. 2002/2957, arts. {2}, {3}

#### *Keeping of records etc.*

### 24 Keeping of records: Part 2

- (1) The Secretary of State may by regulations provide for the keeping of records by registered persons.
- (2) In subsection (1) "registered" includes formerly registered.
- (3) Regulations under this section may specify provisions of the regulations as provisions to which subsection (4) applies.

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- (4) A person who contravenes any provision to which this subsection applies shall be guilty of an offence and liable on summary conviction to a fine not exceeding level 3 on the standard scale.
- (5) In proceedings for an offence under subsection (4) it shall be a defence for the accused to show that he took all reasonable steps and exercised all due diligence to avoid committing the offence.

**Modifications etc. (not altering text)**

- C2** S. 24(4) applied (1.3.2003) by SI 2002/2977 reg. 7(3) (as amended by [Vehicles Crime \(Registration of Registration Plate Suppliers\) \(England and Wales\) \(Amendment\) Regulations 2003 \(S.I. 2003/228\)](#), regs. 1, 2)

**Commencement Information**

- I8** S. 24 wholly in force; s. 24 not in force at Royal Assent see s. 44; Pt. 2 (ss. 17-31) of the Act in force for certain purposes at 1.12.2002, s. 24(1)-(3) otherwise in force at 1.1.2003 and s. 24(4)(5) otherwise in force at 1.3.2003 by [S.I. 2002/2957](#), arts. {2}, {3}, {4}

## 25 Provision of information on sale of registration plates

- (1) The Secretary of State may by regulations provide for the obtaining by registered persons who are in the course of selling registration plates of information of a prescribed description from their prospective purchasers before the completion of the sale.
- (2) Regulations under this section may specify provisions of the regulations as provisions to which subsection (3) applies.
- (3) A person who contravenes any provision to which this subsection applies shall be guilty of an offence and liable on summary conviction to a fine not exceeding level 3 on the standard scale.
- (4) In proceedings for an offence under subsection (3) it shall be a defence for the accused to show that he took all reasonable steps and exercised all due diligence to avoid committing the offence.

**Commencement Information**

- I9** S. 25 wholly in force; s. 25 not in force at Royal Assent see s. 44; Pt. 2 (ss. 17-31) of the Act in force for certain purposes at 1.12.2002, s. 25(1)(2) otherwise in force at 1.1.2003 and s. 25(3)(4) otherwise in force at 1.3.2003 by [S.I. 2002/2957](#), arts. {2}, {3}, {4}

*Supplementary provisions and offences*

## 26 Rights to enter and inspect premises: Part 2

- (1) A constable or an authorised person may at any reasonable time enter and inspect premises for the time being entered in the register as premises which are occupied by a person carrying on business as a registration plate supplier wholly or partly for the purposes of his business so far as it consists in selling registration plates.



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- (2) A constable or an authorised person may at any reasonable time—
  - (a) require production of, and inspect, any registration plates kept at premises falling within subsection (1); and
  - (b) require production of, inspect and take copies of or extracts from any records which the person carrying on business as a registration plate supplier is required to keep at such premises by virtue of this Part.
- (3) Subsection (4) applies where, on an application made by a constable or an authorised person, a justice of the peace is satisfied that admission to premises specified in the application is reasonably required in order to secure compliance with the provisions of this Part, or to ascertain whether those provisions are being complied with.
- (4) The justice may issue a warrant authorising a constable or (as the case may be) an authorised person to enter and inspect the premises concerned.
- (5) A constable or an authorised person—
  - (a) shall not be entitled to use force to enter premises in the exercise of his powers under subsection (1); but
  - (b) may, if necessary, use reasonable force in the exercise of his powers under a warrant issued under subsection (4).
- (6) A constable or an authorised person in seeking to enter any premises in the exercise of his powers under subsection (1), and an authorised person in seeking to enter any premises in the exercise of his powers under a warrant issued under subsection (4), shall, if required by or on behalf of the owner or occupier or person in charge of the premises, produce evidence of his identity, and of his authority for entering, before doing so.
- (7) Any person who obstructs an authorised person in the exercise of his powers under subsection (1) or (2) or under a warrant issued under subsection (4) shall be guilty of an offence and liable on summary conviction to a fine not exceeding level 2 on the standard scale.
- (8) In this section “an authorised person” means a person authorised for the purposes of this <sup>F4</sup>section—
  - (a) by the Secretary of State, or
  - (b) by  
a local authority in respect of premises situated in the area of the local authority.]

#### Textual Amendments

- F4** Words in s. 26(8) substituted (16.3.2007 for E.W.) by [Road Safety Act 2006 \(c. 49\)](#), ss. [44\(2\)](#), [61\(1\)](#); [S.I. 2007/466](#), art. [2\(a\)](#)

#### Commencement Information

- I10** S. 26 wholly in force; s. 26 not in force at Royal Assent see s. 44; Pt. 2 (ss. 17-31) of the Act in force for certain purposes at 1.12.2002 and s. 26 otherwise in force at 1.3.2003 by [S.I. 2002/2957](#), arts. {2}, {4}

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## 27 Notification requirements: Part 2

- (1) A person applying to be registered in the register shall give notice to the Secretary of State of any changes affecting in a material particular the accuracy of the information which he has provided in connection with his application.
- (2) A registered person shall give notice to the Secretary of State of any changes affecting his entry in the register within 28 days of the changes occurring; and the Secretary of State shall amend the register accordingly.
- (3) A registered person who is not carrying on business as a registration plate supplier shall give notice to the Secretary of State of that fact within 28 days of the beginning of the period in which he is not carrying on business while registered.
- (4) A person who fails to give notice to the Secretary of State in accordance with subsection (1), (2) or (3) shall be guilty of an offence and liable on summary conviction to a fine not exceeding level 3 on the standard scale.
- (5) In proceedings for an offence under subsection (4) it shall be a defence for the accused to show that he took all reasonable steps and exercised all due diligence to avoid committing the offence.

### Commencement Information

- III1** S. 27 wholly in force; s. 27 not in force at Royal Assent see s. 44; Pt. 2 (ss. 17-31) of the Act in force for certain purposes at 1.12.2002 and s. 27 otherwise in force at 1.1.2003 by S.I. 2002/2957, arts. {2}, {3}

## 28 Offences relating to counterfeit registration plates

- (1) A person who sells a plate or other device which is not a registration plate as a registration plate knowing that it is not a registration plate or being reckless as to whether it is a registration plate shall be guilty of an offence.
- (2) A person who—
  - (a) supplies a plate, device or other object to a person who is carrying on a business which consists wholly or partly in activities which are unlawful by virtue of subsection (1); and
  - (b) knows or reasonably suspects that the plate, device or other object will be used for the purposes of that other person's unlawful activities;
 shall be guilty of an offence.
- (3) A person guilty of an offence under subsection (1) or (2) shall be liable on summary conviction to a fine not exceeding level 4 on the standard scale.

### Commencement Information

- III2** S. 28 wholly in force; s. 28 not in force at Royal Assent see s. 44; Pt. 2 (ss. 17-31) of the Act in force for certain purposes at 1.12.2002 and s. 28 otherwise in force at 1.1.2003 by S.I. 2002/2957, arts. {2}, {3}

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## 29 Offence of supplying plates etc. to unregistered persons

(1) A person who—

- (a) supplies a plate, device or other object to an unregistered person (other than an exempt person) who is carrying on a business which consists wholly or partly in selling registration plates; and
- (b) knows or reasonably suspects that the plate, device or other object will be used for the purposes of that other person’s business (or part of his business) as a registration plate or as part of a registration plate;

shall be guilty of an offence.

(2) A person guilty of an offence under subsection (1) shall be liable on summary conviction to a fine not exceeding level 5 on the standard scale.

### Commencement Information

**I13** S. 29 wholly in force; s. 29 not in force at Royal Assent see s. 44; Pt. 2 (ss. 17-31) of the Act in force for certain purposes at 1.12.2002 and s. 29 otherwise in force at 1.3.2003 by S.I. 2002/2957, arts. {2}, {4}

### General

## 30 Proceedings for offences under Part 2

Proceedings for an offence under this Part shall not be instituted except—

- (a) by [<sup>F5</sup>the Secretary of State,] a local authority or a constable; or
- (b) in any other case, with the consent of the Attorney General.

### Textual Amendments

**F5** Words in s. 30(a) inserted (16.3.2007 for E.W.) by Road Safety Act 2006 (c. 49), ss. 44(3), 61(1); S.I. 2007/466, art. 2(a)

### Commencement Information

**I14** S. 30 wholly in force; s. 30 not in force at Royal Assent see s. 44; Pt. 2 (ss. 17-31) of the Act in force for certain purposes at 1.12.2002 and s. 30 otherwise in force at 1.1.2003 by S.I. 2002/2957, arts. {2}, {3}

## 31 Interpretation of Part 2

(1) In this Part, unless the context otherwise requires—

“the 1994 Act” means the Vehicle Excise and Registration Act 1994 (c.22);

“carrying on business as a registration plate supplier” has the meaning given by section 17(2);

“contravene”, in relation to any provision of regulations, includes fail to comply with it;

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“exempt person” means any person who is an exempt person by virtue of regulations made under section 17(3)(b);

[<sup>F6</sup> “ local authority ” means—

- (a) in relation to England, a county council, a district council, a London borough council, the Common Council of the City of London in its capacity as a local authority or the Council of the Isles of Scilly;
- (b) in relation to Wales, a county council or a county borough council;]

“notice” means notice in writing;

“premises” includes any land or other place (whether or not enclosed);

“prescribed” means prescribed by regulations made by the Secretary of State;

“a register” means a register established and maintained under section 18;

“registered” (and cognate expressions) have the meaning given by section 17(4);

“registration mark” has the meaning given by section 23(1) of the 1994 Act; and includes a mark indicating the registered number of a vehicle or trailer and assigned to that vehicle or trailer by virtue of regulations under section 22(2) of that Act;

“registration plate” means a plate or other device which—

- (a) displays (whether alone or in conjunction with other information) [<sup>F7</sup>in accordance with regulations under paragraph (b) of subsection (4) of section 23 of the 1994 Act a registration mark which complies with regulations under paragraph (a) of that subsection ];
- (b) complies with requirements imposed by regulations made under section 27A(1)(a) of the 1994 Act; and
- (c) is designed to be fixed to a vehicle or trailer in accordance with regulations made under section 22(2) or 23(3) of that Act; and

“selling registration plates” is to be construed in accordance with any regulations made under section 17(3)(a).

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- (2) The reference in section 22(5) to representations being made in writing includes a reference to representations being made in a text which—
  - (a) is transmitted by means of [<sup>F8</sup>an electronic communications network] or by other means but while in an electronic form;
  - (b) is received in legible form; and
  - (c) is capable of being used for subsequent reference.
- (3) References in this Part to offences under this Part include references to anything which is an offence by virtue of section 24(3) and (4) or 25(2) and (3).
- (4) References in this Part to an appeal under section 23 being finally determined or withdrawn include references to the final determination or withdrawal of proceedings by way of case stated which relate to a decision by a magistrates' court on an appeal under that section.

#### Textual Amendments

- F6** Words in s. 31(1) substituted (16.3.2007 for E.W.) by [Road Safety Act 2006 \(c. 49\)](#), **ss. 44(4)**, 61(1); [S.I. 2007/466](#), art. 2(a)
- F7** Words in s. 31(1) substituted (30.7.2008 for E.W. with effect as mentioned in arts. 3 and 4 of the commencing S.I.) by [Road Safety Act 2006 \(c. 49\)](#), **ss. 45(2)**, 61(1); [S.I. 2008/1862](#), art. 2
- F8** Words in s. 31(2)(a) substituted (25.7.2003 for specified purposes, 29.12.2003 in so far as not already in force) by [Communications Act 2003 \(c. 21\)](#), s. 411(2), **Sch. 17 para. 168** (with [Sch. 18](#)); [S.I. 2003/1900](#), arts. 1(2), 2(1), [Schs. 1](#) (with art. 3) (as amended by [S.I. 2003/3142](#), art. 1(3)); [S.I. 2003/3142](#), art. 3(2) (with art. 11)

#### Commencement Information

- I15** S. 31 wholly in force; s. 31 not in force at Royal Assent see s. 44; Pt. 2 (ss. 17-31) of the Act in force for certain purposes at 1.12.2002 and s. 31 otherwise in force at 1.1.2003 by [S.I. 2002/2957](#), arts. {2}, {3}

## PART 3

### OTHER PROVISIONS RELATING TO VEHICLE CRIME

#### *Vehicle licensing and registration*

#### **32 Provision of documents etc. on vehicle licence applications**

- (1) In section 7(1) of the Vehicle Excise and Registration Act 1994 (c.22) (requirement to make a declaration on application for vehicle licence)—
  - (a) in paragraph (a) for “such a” there shall be substituted “ any such ”; and
  - (b) in paragraph (b)—
    - (i) after “furnish” there shall be inserted “ any ”; and
    - (ii) after “particulars” there shall be inserted “ and any such documentary or other evidence ”.
- (2) In section 22(2A)(a) of that Act (extension of registration regime to exempt vehicles: nil licences)—

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- (a) in sub-paragraph (i) for “such a” there shall be substituted “ any such ”; and
- (b) in sub-paragraph (ii)—
  - (i) after “furnish” there shall be inserted “ any ”; and
  - (ii) after “particulars” there shall be inserted “ and any such documentary or other evidence ”.

### **33 Issue of new registration documents: vehicle identity checks etc.**

- (1) In section 22(1)(h) of the Vehicle Excise and Registration Act 1994 (c.22) (power to provide by regulations for the issue of new registration documents) after “stolen” there shall be inserted “ , surrendered ”.
- (2) After section 22 of that Act there shall be inserted—

#### **“22A Vehicle identity checks**

- (1) This section applies to regulations under section 22(1)(h) which confer a power on the Secretary of State to refuse to issue a new registration document in respect of a registered vehicle if he is not satisfied that the vehicle for which the document is being sought is the registered vehicle.
- (2) Such regulations may, in particular, provide for—
  - (a) the examination (whether by the Secretary of State or by persons authorised by him) of all vehicles for which new registration documents are being sought, or such vehicles of a particular description, for the purpose of ascertaining whether they are the registered vehicles concerned,
  - (b) the provision of other evidence in relation to all vehicles for which new registration documents are being sought, or such vehicles of a particular description, for the purpose of ascertaining whether they are the registered vehicles concerned.
- (3) Regulations made by virtue of subsection (2) may, in particular, provide for—
  - (a) notification of examinations (including their purpose), the issue of certificates as to the outcome of examinations and the keeping of records in relation to examinations and certificates,
  - (b) the issue of duplicates or copies of certificates and the fees to be paid on applications for such duplicates or copies,
  - (c) the correction of errors in certificates,
  - (d) the payment of fees for examinations, and for re-examinations resulting from appeals and the repayment of the whole or part of the fee paid for such a re-examination where it appears to the Secretary of State that there were substantial grounds for contesting the whole or part of the decision appealed against,
  - (e) the making of appeals against the outcome of examinations,
  - (f) the carrying out of examinations in the absence of the keepers or owners of the vehicles concerned,
  - (g) courses of instruction in connection with the carrying out of examinations and the charging of fees in respect of attendance on such courses,

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- (h) the authorisation of examiners, the imposition of conditions to be complied with by authorised examiners (including the payment of fees to the Secretary of State) and the withdrawal of authorisations,
  - (i) the manner in which, conditions under which and apparatus with which examinations are carried out by authorised examiners, and the inspection of premises at which and apparatus with which such examinations are being, or are to be, carried out,
  - (j) the charges to be paid by authorised examiners to the Secretary of State in connection with—
    - (i) the issue of certificates,
    - (ii) the issue of duplicates or copies of certificates, and
    - (iii) the correction of errors in certificates.
- (4) The Secretary of State may use information contained in relevant records—
- (a) to check the accuracy of information which has been obtained under regulations made by virtue of subsection (2), and
  - (b) where appropriate, to amend or supplement any such information.
- (5) The Secretary of State may use information which has been obtained under regulations made by virtue of subsection (2)—
- (a) to check the accuracy of relevant records, and
  - (b) where appropriate, to amend or supplement information contained in those records.
- (6) In subsections (4) and (5) “relevant records” means records—
- (a) maintained by the Secretary of State in connection with any functions exercisable by him under or by virtue of this Act,
  - (b) records maintained by the Secretary of State (or caused by him to be maintained) under section 45(6B) of the Road Traffic Act 1988 (c.52).
- (7) Subsections (4) to (6) do not limit any powers of the Secretary of State apart from those subsections.
- (8) This section is without prejudice to the generality of the powers conferred by section 22.”

PROSPECTIVE

### 34 Imposition of requirements concerning registration plates

After section 27 of the Vehicle Excise and Registration Act 1994 (c.22) (registration marks) there shall be inserted—

*“Registration plates*

#### **27A Registration plates**

- (1) The Secretary of State may by regulations—
  - (a) prescribe specifications for registration plates (whether relating to their size, shape, material of manufacture or otherwise),

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- (b) provide for registration plates to contain or display such information other than registration marks or (as the case may be) special registration marks as may be specified or described in the regulations.
- (2) Regulations under subsection (1)(b) may, in particular, prescribe the form and manner in which any such information is to be contained or displayed.
- (3) In this section “registration plates” means—
- (a) plates or other devices for displaying registration marks and for fixing them on vehicles or trailers in accordance with regulations under section 23(3), or
- (b) plates or other devices for displaying special registration marks and for fixing them on vehicles or trailers in accordance with regulations under section 22(2),
- and includes plates or other devices which are also for containing or displaying information other than registration marks or (as the case may be) special registration marks (whether or not such information is to be contained or displayed by virtue of regulations under this section).
- (4) In this section—
- “special registration mark” means a mark indicating the registered number of a vehicle or trailer and assigned to the vehicle or trailer by virtue of regulations under section 22(2), and
- “trailer” has the same meaning as in Part 8 of Schedule 1.”

PROSPECTIVE

### *Information requirements*

#### **F<sup>9</sup>35 Notification by scrap metal dealers of destruction of motor vehicles**

.....

##### **Textual Amendments**

- F9** S. 35 repealed (1.10.2013) by [Scrap Metal Dealers Act 2013 \(c. 10\)](#), ss. **19(1)(d)(ii)**, 23(2); S.I. 2013/1966, art. 3(r) (with art. 5)

#### **F<sup>10</sup>36 Access to certain motor insurance information**

.....

##### **Textual Amendments**

- F10** S. 36 repealed (12.1.2010) by [Policing and Crime Act 2009 \(c. 26\)](#), s. 116(6)(a), Sch. 7 para. 131, Sch. 8 Pt. 13



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### Miscellaneous

#### 37 Taking a conveyance without authority: extension of prosecution time-limits

(1) After section 12(4) of the Theft Act 1968 (c.60) (offence of taking a conveyance without authority) there shall be inserted—

“(4A) Proceedings for an offence under subsection (1) above (but not proceedings of a kind falling within subsection (4) above) in relation to a mechanically propelled vehicle—

- (a) shall not be commenced after the end of the period of three years beginning with the day on which the offence was committed; but
- (b) subject to that, may be commenced at any time within the period of six months beginning with the relevant day.

(4B) In subsection (4A)(b) above “the relevant day” means—

- (a) in the case of a prosecution for an offence under subsection (1) above by a public prosecutor, the day on which sufficient evidence to justify the proceedings came to the knowledge of any person responsible for deciding whether to commence any such prosecution;
- (b) in the case of a prosecution for an offence under subsection (1) above which is commenced by a person other than a public prosecutor after the discontinuance of a prosecution falling within paragraph (a) above which relates to the same facts, the day on which sufficient evidence to justify the proceedings came to the knowledge of the person who has decided to commence the prosecution or (if later) the discontinuance of the other prosecution;
- (c) in the case of any other prosecution for an offence under subsection (1) above, the day on which sufficient evidence to justify the proceedings came to the knowledge of the person who has decided to commence the prosecution.

(4C) For the purposes of subsection (4A)(b) above a certificate of a person responsible for deciding whether to commence a prosecution of a kind mentioned in subsection (4B)(a) above as to the date on which such evidence as is mentioned in the certificate came to the knowledge of any person responsible for deciding whether to commence any such prosecution shall be conclusive evidence of that fact.”

(2) Subsection (1) applies in relation to offences committed on or after the day appointed for the purposes of this section by an order under section 44.

#### 38 Unified power for Secretary of State to fund speed cameras etc.

(1) The Secretary of State may make payments in respect of the whole or any part of the expenditure of a public authority in relation to—

- (a) the prevention or detection of offences to which subsection (2) applies; or
- (b) any enforcement action or proceedings in respect of such offences or any alleged such offences.

(2) This subsection applies to offences under—

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- (a) section 16 of the Road Traffic Regulation Act 1984 (c.27) which consist in contraventions of restrictions on the speed of vehicles imposed under section 14 of that Act;
  - (b) subsection (4) of section 17 of that Act which consist in contraventions of restrictions on the speed of vehicles imposed under that section;
  - (c) section 88(7) of that Act (temporary minimum speed limits);
  - (d) section 89(1) of that Act (speeding offences generally);
  - (e) section 36(1) of the Road Traffic Act 1988 (c.52) which consist in the failure to comply with an indication given by a light signal that vehicular traffic is not to proceed.
- (3) Payments under this section shall be made to—
- (a) the public authority in respect of whose expenditure the payments are being made; or
  - (b) any other public authority for payment, in accordance with arrangements agreed with the Secretary of State, to, or on behalf of, the public authority in respect of whose expenditure the payments are being made.
- (4) Payments under this section shall be paid at such times, in such manner and subject to such conditions as the Secretary of State may determine.
- (5) In this section “public authority” means—
- (a) any highway authority (within the meaning of the Highways Act 1980 (c.66));
  - (b) any police authority established under section 3 of the Police Act 1996 (c.16), the Metropolitan Police Authority or the Common Council of the City of London in its capacity as a police authority;<sup>F11</sup>and]
  - <sup>F12</sup>(c) .....
  - (d) any body or other person not falling within paragraphs (a) to (c) and so far as exercising functions of a public nature.

#### Textual Amendments

**F11** Word in s. 38(5)(b) inserted (1.4.2005) by Courts Act 2003 (c. 39), s. 110(1), Sch. 8 para. 394(a); S.I. 2005/910, art. 3(y)

**F12** S. 38(5)(c) repealed (1.4.2005) by Courts Act 2003 (c. 39), s. 110(1), Sch. 8 para. 394(b), Sch. 10; S.I. 2005/910, art. 3(y)

## PART 4

### SUPPLEMENTARY

#### General

## 39 Offences by bodies corporate

- (1) Where an offence under this Act committed by a body corporate is proved to have been committed with the consent or connivance of, or to be attributable to any neglect on the part of, a director, manager, secretary or other similar officer of the body corporate, he

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as well as the body corporate commits the offence and shall be liable to be proceeded against and punished accordingly.

- (2) Where the affairs of a body corporate are managed by its members, subsection (1) applies in relation to the acts and defaults of a member in connection with his functions of management as if he were a director of the body corporate.

#### 40 Service of notices

- (1) Any document required or authorised by virtue of this Act to be served on any person may be served—
- (a) by delivering it to him or by leaving it at his proper address or by sending it by post to him at that address;
  - (b) if the person is a body corporate other than a limited liability partnership, by serving it in accordance with paragraph (a) on the secretary of the body;
  - (c) if the person is a limited liability partnership, by serving it in accordance with paragraph (a) on a member of the partnership; or
  - (d) if the person is a partnership, by serving it in accordance with paragraph (a) on a partner or a person having the control or management of the partnership business.
- (2) For the purposes of this section and section 7 of the Interpretation Act 1978 (c.30) (service of documents by post) in its application to this section, the proper address of any person on whom a document is to be served shall be his last known address, except that—
- (a) in the case of service on a body corporate (other than a limited liability partnership) or its secretary, it shall be the address of the registered or principal office of the body;
  - (b) in the case of service on a limited liability partnership or a member of the partnership, it shall be the address of the registered or principal office of the partnership;
  - (c) in the case of service on a partnership or a partner or a person having the control or management of a partnership business, it shall be the address of the principal office of the partnership.
- (3) For the purposes of subsection (2) the principal office of a company constituted under the law of a country or territory outside the United Kingdom or of a partnership carrying on business outside the United Kingdom is its principal office within the United Kingdom.
- (4) Subsection (5) applies if a person to be served under this Act with any document by another has specified to that other an address within the United Kingdom other than his proper address (as determined under subsection (2)) as the one at which he or someone on his behalf will accept documents of the same description as that document.
- (5) In relation to that document, that address shall be treated as his proper address for the purposes of this section and section 7 of the Interpretation Act 1978 in its application to this section, instead of that determined under subsection (2).
- (6) Any notice in writing or other document required or authorised by virtue of this Act to be served on any person may be served on that person by transmitting the text of the notice or other document to him by means of [F13an electronic communications network] or by other means but while in an electronic form provided the text is

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received by that person in legible form and is capable of being used for subsequent reference.

- (7) This section does not apply to any document if rules of court make provision about its service.
- (8) In this section references to serving include references to similar expressions (such as giving or sending).

#### Textual Amendments

**F13** Words in s. 40(6) substituted (25.7.2003 for specified purposes, 29.12.2003 in so far as not already in force) by [Communications Act 2003 \(c. 21\)](#), s. 411(2), [Sch. 17 para. 168](#) (with [Sch. 18](#)); [S.I. 2003/1900](#), arts. 1(2), 2(1), [Schs. 1](#) (with [art. 3](#)) (as amended by [S.I. 2003/3142](#), art. 1(3)); [S.I. 2003/3142](#), art. 3(2) (with [art. 11](#))

## 41 Orders and regulations under this Act

- (1) Any power of the Secretary of State to make an order or regulations under this Act shall be exercisable by statutory instrument.
- (2) Any power of the Secretary of State to make an order or regulations under this Act—
- may be exercised so as to make different provision for different cases or descriptions of case or for different purposes or different areas;
  - includes power to make such incidental, supplementary, consequential, transitory, transitional or saving provision as the Secretary of State considers appropriate.
- (3) A statutory instrument containing an order or regulations under this Act (other than an order under section 44) shall be subject to annulment in pursuance of a resolution of either House of Parliament.

## 42 General financial provision

- (1) There shall be paid out of money provided by Parliament—
- any expenditure incurred by a Minister of the Crown in consequence of this Act; and
  - any increase attributable to this Act in the sums payable out of money so provided by virtue of any other Act.
- (2) There shall be paid into the Consolidated Fund any sums received by a Minister of the Crown in consequence of this Act.

## 43 Consequential amendments

The Schedule to this Act (consequential amendments) shall have effect.

#### Commencement Information

**I16** [S. 43](#) partly in force; [s. 43](#) not in force at Royal Assent see [s. 44](#); [s. 43](#) in force for the purposes of specified provisions of the Schedule: at 2.1.2002 by [S.I. 2001/4059](#), art. 2(b); at 17.9.2002 by [S.I. 2002/2377](#), art. 2(c)

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## *Final*

### **44 Commencement**

Parts 1 to 3 and section 43 and the Schedule shall come into force on such day as the Secretary of State may by order appoint; and different days may be appointed for different purposes or different areas.

#### **Subordinate Legislation Made**

- P1** S. 44 power partly exercised: 1.10.2001 appointed for specified provision by S.I. 2001/3215, art. 2;  
S. 44 power partly exercised: 2.1.2002 appointed for specified provisions by S.I. 2001/4059, art. 2;  
S. 44 power partly exercised: 21.10.2002 appointed for specified provisions by S.I. {2002/1914}, art. 2;  
S. 44 power partly exercised: 17.9.2002 appointed for specified provisions by S.I. {2002/2377}, art. 2;  
S. 44 power partly exercised: 1.12.2002, 1.1.2003 and 1.3.2003 appointed for specified provisions by S.I. {2002/2957}, arts. 1- 4

### **45 Extent**

- (1) Parts 1 and 2, and sections 35, 37 and 38 extend to England and Wales only.
- (2) Sections 32 to 34 extend to England and Wales, Scotland and Northern Ireland.
- (3) Section 36 extends to England and Wales and Scotland.
- (4) Any amendment by the Schedule of an enactment has the same extent as the enactment amended.
- (5) Subject to subsection (4), this Part extends to England and Wales, Scotland and Northern Ireland.

### **46 Short title**

This Act may be cited as the Vehicles (Crime) Act 2001.

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## SCHEDULE

Section 43

### CONSEQUENTIAL AMENDMENTS

PROSPECTIVE

#### *Scrap Metal Dealers Act 1964 (c.69)*

F14<sub>1</sub> .....

##### **Textual Amendments**

**F14** Sch. para. 1 repealed (1.10.2013) by [Scrap Metal Dealers Act 2013 \(c. 10\)](#), ss. [19\(1\)\(d\)\(iii\)](#), 23(2); S.I. 2013/1966, art. 3(r) (with art. 5)

F15<sub>2</sub> .....

##### **Textual Amendments**

**F15** Sch. para. 2 repealed (1.10.2013) by [Scrap Metal Dealers Act 2013 \(c. 10\)](#), ss. [19\(1\)\(d\)\(iii\)](#), 23(2); S.I. 2013/1966, art. 3(r) (with art. 5)

#### *Vehicle Excise and Registration Act 1994 (c.22)*

3 In section 7(2) of the Vehicle Excise and Registration Act 1994 (applications for certain vehicle licences)—

- (a) for “and particulars”, where it appears for the first time, there shall be substituted “, particulars and evidence ”; and
- (b) for “and particulars of” there shall be substituted “ particulars of and evidence in relation to ”.

4 In section 22(2A)(d) of that Act (registration regulations about nil licences)—

- (a) after “State” there shall be inserted “ any ”;
- (b) after “particulars” there shall be inserted “ and any such documentary or other evidence ”; and
- (c) after “make” there shall be inserted “ any ”.

5 After section 43A of that Act there shall be inserted—

##### **“43B Vehicle identity checks: impersonation of authorised examiners**

(1) A person is guilty of an offence if, with intent to deceive, he falsely represents himself to be a person entitled under regulations made by virtue of section 22A(2) to carry out examinations of vehicles in accordance with regulations so made.

(2) A person guilty of an offence under subsection (1) is liable on summary conviction to a fine not exceeding level 3 on the standard scale.”

6 (1) Paragraph 22 of Schedule 2 to that Act (vehicles which are exempt from vehicle excise duty: vehicle testing etc.) shall be amended as follows.

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- (2) In sub-paragraph (1)—
- (a) in paragraph (a) after “compulsory test” there shall be inserted “, a vehicle identity check ”; and
  - (b) in paragraph (b) after “test” there shall be inserted “ or check ”.
- (3) In sub-paragraph (2)—
- (a) after “weight test,” there shall be inserted “ or a vehicle identity check or ”; and
  - (b) in paragraphs (a) and (b) after “test”, in each place where it appears, there shall be inserted “, check ”.
- (4) After sub-paragraph (6) there shall be inserted—
- “(6ZA) In this paragraph “a vehicle identity check” means any examination of a vehicle for which provision is made by regulations made by virtue of section 22A(2) of this Act.”
- (5) In sub-paragraph (6B) after “compulsory test” there shall be inserted “, a vehicle identity check ”.
- (6) In sub-paragraph (7), at the end of paragraph (c) and before the word “and” there shall be inserted—
- “(ca) in the case of an examination of a vehicle for which provision is made by regulations made by virtue of section 22A(2) of this Act, the Secretary of State or a person authorised by him to carry out the examination;”.

*Justices of the Peace Act 1997 (c.25)*

- 7 After section 55(7) of the Justices of the Peace Act 1997 (limits on expenditure of local authorities outside Greater London in relation to magistrates’ courts) there shall be inserted—
- “(7A) Subsection (7) above does not apply in relation to any expenditure or payments whose cost is, or is to be, met by payments under section 38 of the Vehicles (Crime) Act 2001 (unified power for Secretary of State to fund speed cameras etc.)”.
- 8 (1) Section 57 of that Act (grants by Lord Chancellor to local authorities outside Greater London) shall be amended as follows.
- (2) In subsection (1) (grants towards non-capital expenditure) at the end there shall be inserted “ and any expenditure which is, or is to be, met by payments under section 38 of the Vehicles (Crime) Act 2001 ”.
- (3) In subsection (2) (grants towards capital expenditure) at the end there shall be inserted “; and in determining any such expenditure for the purposes of this section there shall be disregarded any capital expenditure which is, or is to be, met by payments under section 38 of the Vehicles (Crime) Act 2001 ”.
- 9 In section 58(1) of that Act (certain local authority land appropriated to magistrates’ courts purposes) after “section 57(2) above” there shall be inserted “ or section 38 of the Vehicles (Crime) Act 2001 ”.

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10 After section 59B(7) of that Act (funding arrangements for the Greater London Magistrates' Courts Authority) there shall be inserted—

“(7A) References in this section to the Authority’s expenditure do not include expenditure which is, or is to be, met by payments under section 38 of the Vehicles (Crime) Act 2001.”



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