



# Road Safety Act 2006

## 2006 CHAPTER 49

### *Regulation of registration plate suppliers*

#### **44 Enforcement authorities**

- (1) Part 2 of the Vehicles (Crime) Act 2001 (c. 3) (regulation of registration plate suppliers) is amended as follows.
- (2) In section 26(8) (power of entry for authorised persons: meaning of “authorised person”), for “section by” substitute “section—
  - (a) by the Secretary of State, or
  - (b) by”.
- (3) In section 30(a) (institution of proceedings for offences), after “by” insert “ the Secretary of State, ”.
- (4) In section 31(1) (interpretation of Part 2), for the definition of “local authority” substitute—

““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;”.

#### **Commencement Information**

**II** S. 44 in force at 16.3.2007 for E.W. by S.I. 2007/466, art. 2(a)

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VALID FROM 30/07/2008

#### 45 Registration plates

- (1) Part 2 of the Vehicles (Crime) Act 2001 (c. 3) (regulation of registration plate suppliers) is amended as follows.
- (2) In section 31(1) (interpretation of Part 2), in paragraph (a) of the definition of “registration plate”, for “a registration mark” substitute “ 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 ”.
- (3) Section 28 (offences) is amended as follows.
- (4) After subsection (1) insert—
  - “(1A) A person who sells a plate or other device which is not a registration plate only because the registration mark displayed by it—
    - (a) does not comply with regulations under paragraph (a) of subsection (4) of section 23 of the 1994 Act, or
    - (b) is displayed otherwise than in accordance with regulations under paragraph (b) of that subsection,
 (or both) shall be guilty of an offence.
  - (1B) The Secretary of State may by regulations provide that the offence under subsection (1A) is not committed in circumstances prescribed by the regulations.”
- (5) In subsection (2), after “(1)” insert “ or (1A) ”.
- (6) In subsection (3), for “subsection (1) or (2)” substitute “ this section ”.
- (7) In the heading, for “**counterfeit registration plates**” substitute “ plates etc. ”

VALID FROM 31/07/2008

#### 46 Extension to Scotland and Northern Ireland

- (1) Part 2 of the Vehicles (Crime) Act 2001 (regulation of registration plate suppliers) extends to Scotland and Northern Ireland.
- (2) In consequence of subsection (1) that Act is amended as follows.
- (3) In section 17(1) (requirement of registration for registration plate suppliers carrying on business in England or Wales), omit “in England or Wales”.
- (4) In section 18(5) (certified copy of register or extract from register to be evidence of matters mentioned in it), after “evidence” insert “ (or, in Scotland, sufficient evidence) ”.
- (5) In section 20(6) (removal or suspension not to have effect while appeal pending or capable of being brought: meaning of “appeal”), after the reference to section 111 of

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the Magistrates' Courts Act 1980 (c. 43) insert “ or Article 146 of the Magistrates' Courts (Northern Ireland) Order 1981 ”.

(6) For section 23 substitute—

**“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—
  - (a) in England and Wales, to a magistrates' court,
  - (b) in Scotland, to the sheriff, or
  - (c) in Northern Ireland, to a court of summary jurisdiction.
- (2) An appeal under subsection (1) 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 subsection (1)—
  - (a) in England and Wales, is to be by way of complaint for an order and in accordance with the Magistrates' Courts Act 1980,
  - (b) in Scotland, is to be by way of summary application to the sheriff, and
  - (c) in Northern Ireland, is to be by way of notice under Part 7 of the Magistrates' Courts (Northern Ireland) Order 1981.
- (4) For the purposes of the time limit for bringing an appeal under subsection (1) the appeal is to be treated as brought—
  - (a) in England and Wales, on the making of the complaint,
  - (b) in Scotland, on the lodging of the summary application with the sheriff clerk, and
  - (c) in Northern Ireland, when a notice is served on the clerk of the petty sessions under Article 76(2)(a) of the Magistrates' Courts (Northern Ireland) Order 1981.
- (5) A party to an appeal to the sheriff under subsection (1) may further appeal, on a point of law only, to the sheriff principal or the Court of Session; and the decision on such an appeal is final.
- (6) On an appeal under subsection (1) or (5), the court may confirm, vary or reverse the decision appealed against and generally give such directions as it considers appropriate having regard to the provisions of this Part.
- (7) The Secretary of State must comply with any directions given by a court under this section.
- (8) But the Secretary of State need not do so until—
  - (a) in England and Wales, the time for making an application under section 111 of the Magistrates' Courts Act 1980 (application by way of case stated),
  - (b) in Scotland, the time for lodging an appeal under subsection (5), or
  - (c) in Northern Ireland, the time for making an application under Article 146 of the Magistrates' Courts (Northern Ireland) Order 1981 (application by way of case stated),

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has passed.

(9) And if such an application or appeal is made or lodged, he need not do so until the final determination or withdrawal of the appeal or application.”

(7) In section 26 (rights to enter and inspect premises)—

- (a) in subsection (3) (application for warrant), after “justice of the peace” insert “, or (in Scotland) a justice of the peace, magistrate or sheriff, ”,
- (b) in subsection (4) (issue of warrant), after “justice” insert “ of the peace, magistrate or sheriff ”, and
- (c) in subsection (8) (as amended by section 44(2)), before “by a local authority” insert “ (except in Northern Ireland) ”.

(8) Section 30 (proceedings for offences) (as amended by section 44(3)), is to be renumbered as subsection (1) of that section; and—

- (a) in that subsection, after “instituted” insert “ in England and Wales ”, and
- (b) after that subsection insert—

“(2) Proceedings for an offence under this Part shall not be instituted in Northern Ireland except—

- (a) by the Secretary of State or a constable; or
- (b) in any other case, with the consent of the Advocate General for Northern Ireland.

(3) In relation to any time before the coming into force of section 27(1) of the Justice (Northern Ireland) Act 2002, the reference in subsection (2)(b) to the Advocate General for Northern Ireland is to be read as a reference to the Attorney General for Northern Ireland.”

(9) In section 31(1) (interpretation), in the definition of “local authority” (as substituted by section 44(4)), insert at the end “or

- (c) in relation to Scotland, a council constituted under section 2 of the Local Government etc. (Scotland) Act 1994;”.

(10) In section 39 (offences by body corporate), insert at the end—

“(3) Where an offence under this Act committed by a Scottish partnership is proved to have been committed with the consent or connivance of, or to be attributable to any neglect on the part of, a partner, he as well as the partnership commits the offence and shall be liable to be proceeded against and punished accordingly.”

(11) In section 45 (extent)—

- (a) in subsection (1) (provisions extending only to England and Wales), for “Parts 1 and 2,” substitute “ Part 1 ”, and
- (b) in subsection (2), (provisions extending to England and Wales, Scotland and Northern Ireland), for “Sections” substitute “ Part 2 and sections ”.

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