



Vehicle and Driving Licences Act 1969

1969 CHAPTER 27

Legal proceedings etc.

24 Appeal to county court or sheriff from direction under s. 8(4) or s. 11(5)

A person who, in pursuance of section 8 of this Act, is paid a sum which was calculated by reference to a period specified in a direction under subsection (4) of that section, or to whom a vehicle licence is issued for a period specified in a direction under subsection (5) of section 11 of this Act, may appeal to the county court, or in Scotland by way of summary application to the sheriff, on the ground that the Minister was not authorised by that subsection to give the direction.

25 Institution and conduct of proceedings in England and Wales

- (1) Subject to the provisions of this section, proceedings for any offence under the Act of 1962 may be instituted in England and Wales by a local authority.
- (2) Subject to the provisions of this section, summary proceedings for an offence under section 7, 10(4), 12(9) or 17(1) or (2) of the Act of 1962 or section 12(2) of this Act or regulations made in pursuance of that Act or in pursuance of section 6, 19 or 20 of this Act may be instituted in England and Wales by the Minister, a local authority or a constable (in this section severally referred to as "the authorised prosecutor") at any time within six months from the date on which evidence sufficient in the opinion of the authorised prosecutor to warrant the proceedings came to his knowledge; but no proceedings for any offence shall be instituted by virtue of this subsection more than three years after the commission of the offence.
- (3) No proceedings for an offence under section 7, 10(4) or 12(9) of the Act of 1962 shall be instituted in England and Wales except by the authorised prosecutor; and no proceedings for such an offence shall be so instituted by a constable except with the approval of the Minister or a local authority.
- (4) A certificate stating—
 - (a) the date on which such evidence as is mentioned in subsection (2) of this section came to the knowledge of the authorised prosecutor; or

- (b) that the Minister's or a local authority's approval is given for the institution by a constable of any proceedings specified in the certificate, and signed by or on behalf of the authorised prosecutor or, as the case may be, the Minister or the local authority shall for the purposes of this section be conclusive evidence of the date or approval in question ; and a certificate purporting to be given in pursuance of this subsection and to be signed as aforesaid shall be deemed to be so signed unless the contrary is proved.
- (5) No proceedings for an offence shall be instituted or approved by virtue of the foregoing provisions of this section by the Minister before the transfer date or by a local authority on or after that date.
- (6) In a magistrates' court or before the registrar of a county court any proceedings by or against the Minister under this Act, the Act of 1962 or Part II of the Act of 1960 may be conducted on behalf of the Minister by a person authorised by him for the purposes of this subsection.
- (7) Section 19(1) of the Act of 1962 (which relates to the institution of proceedings in England and Wales) shall cease to have effect.

26 Institution and conduct of proceedings in Scotland

- (1) Subject to the provisions of this section, summary proceedings for an offence under the Act of 1962 except under section 17(1) or (2) thereof, or for an offence under this Act, except under section 22 thereof, may be instituted in Scotland by the Minister or, within their area, by a local authority.
- (2) Notwithstanding the provisions of any enactment, the Minister or a local authority may institute proceedings by virtue of subsection (1) of this section in any court of summary jurisdiction in Scotland.
- (3) Any proceedings in any court in Scotland, other than the High Court of Justiciary or the Court of Session, by or against the Minister under this Act, the Act of 1962 or Part II of the Act of 1960 may be conducted on behalf of the Minister by any person authorised by him for the purposes of this subsection.
- (4) Summary proceedings in Scotland in respect of an offence under section 7, 10(4), 12(9) or 17(1) or (2) of the Act of 1962 or section 12(2) of this Act or under regulations made in pursuance of that Act or in pursuance of section 6, 19 or 20 of this Act, shall not be commenced more than three years after the commission of the offence, but subject to the foregoing limitation and notwithstanding anything in section 23 of the Summary Jurisdiction (Scotland) Act 1954 (limitation of time for proceedings in statutory offences) any such proceedings may be commenced—
- (a) in the case of proceedings instituted by the procurator fiscal as a result of information supplied to him by the Minister or a local authority, at any time within six months from the date on which such information came to the knowledge of the Minister or the local authority ;
- (b) in any other case, at any time within six months from the date on which evidence sufficient in the opinion of the person instituting the proceedings to justify proceedings came to his knowledge,
- and subsection (2) of the said section 23 shall apply for the purposes of this subsection as it applies for the purposes of that section.
- (5) For the purposes of subsection (4) of this section a certificate signed—

- (a) in the case of any such proceedings as are mentioned in paragraph (a) of that subsection, by or on behalf of the Minister or the local authority;
 - (b) in any other case, by or on behalf of the person instituting the proceedings, and stating the date on which such information or, as the case may be, such evidence as aforesaid came to his or their knowledge shall be conclusive evidence of that fact; and a certificate stating that matter and purporting to be signed by or on behalf of the Minister or the local authority or that person shall be deemed to be so signed unless the contrary is proved.
- (6) No proceedings for an offence shall be instituted by virtue of the foregoing provisions of this section by the Minister before the transfer date or by a local authority on or after that date.
- (7) Section 19(2) of the Act of 1962 (under which certain provisions of the Customs and Excise Act 1952 are not to apply to offences under the Act of 1962) shall not extend to Scotland except so far as it relates to section 287 of the said Act of 1952.
- (8) Section 19(3) of the Act of 1962 (which relates to the institution of proceedings in Scotland) shall cease to have effect.

27 Admissibility of records as evidence

- (1) A statement contained in a document purporting to be—
- (a) a part of the records maintained by the Minister or a local authority in connection with the relevant functions or any other functions exercisable by the Minister by virtue of this Act or a part of any other records maintained by the Minister with respect to vehicles; or
 - (b) a copy of a document forming part of those records; or
 - (c) a note of any information contained in those records,
- and to be authenticated by a person authorised in that behalf by the Minister or, in the case of records maintained by a local authority, by the authority shall be admissible in any proceedings as evidence of any fact stated therein to the same extent as oral evidence of that fact is admissible in those proceedings.
- (2) In subsection (1) of this section "document" and "statement" have the same meanings as in subsection (1) of section 10 of the Civil Evidence Act 1968, and the reference to a copy of a document shall be construed in accordance with subsection (2) of that section; but nothing in this subsection shall be construed as limiting to civil proceedings the references to proceedings in subsection (1) of this section.
- (3) Nothing in the foregoing provisions of this section shall enable evidence to be given with respect to any matter other than a matter of the prescribed description.
- (4) In its application to Scotland this section shall have effect as if—
- (a) in subsection (1), for the words from "as evidence" onwards there were substituted the words "as sufficient evidence of any fact stated therein, so however that nothing in this subsection shall be deemed to make such a statement evidence in any proceedings except where oral evidence to the like effect would have been admissible in those proceedings"; and
 - (b) in subsection (2), for the references to subsections (1) and (2) of section 10 of the Civil Evidence Act 1968 there were substituted references to subsections (3) and (4) respectively of section 17 of the Law Reform (Miscellaneous Provisions) (Scotland) Act 1968.

28 Alteration of penalties and offences and the application of sums under 1962 c. 13 ss. 17, 18 and 21 etc.

- (1) In section 17(1) and (2) of the Act of 1962 (under which a fine of £50 or imprisonment for six months may be imposed on summary conviction for offences under those subsections) for the words from " fifty pounds " onwards there shall be substituted the words " two hundred pounds or on conviction on indictment to imprisonment for a term not exceeding two years ".
- (2) The said section 17(1) and (2) shall have effect subject to the following further amendments, that is to say—
- (a) in subsection (1)(b) for the word " book " there shall be substituted the word " document ";
 - (b) in subsection (2)(a) (which penalises a false declaration in connection with an application for a licence under the Act of 1962 for a vehicle) the reference to such an application shall include a reference to an application for an allocation in pursuance of section 6 or section 20 of this Act; and
 - (c) in subsection (2)(b) (which penalises the furnishing of false particulars in connection with a change of registration of a vehicle) the reference to the Act of 1962 shall be construed as including a reference to this Act and for the words " in connection with a change of registration " there shall be substituted the words " relating to, or to the keeper ".
- (3) For section 17(3) of the Act of 1962 (under which a fine of £20 may be imposed for any infringement of regulations under that Act) there shall be substituted the following subsection:—
- “(3) Regulations under this Act may provide that a person who contravenes or fails to comply with any specified provision of the regulations shall be guilty of an offence and liable on summary conviction to a fine of an amount not exceeding—
- (a) in the case of a contravention or failure to comply with requirements imposed in pursuance of section 16(a) of this Act, fifty pounds ;
 - (b) in any other case, twenty pounds.”
- (4) In section 18 of the Act of 1962 (under which information may be required as to the identity of persons alleged to be concerned in an offence under section 7 or section 12(9) of that Act)—
- (a) after the words " section seven " in subsections (1) and (2)(a) there shall be inserted the words " subsection (4) of section ten ";
 - (b) for the word " owner" in subsection (1)(a) there shall be substituted the words " person keeping "; and
 - (c) in subsection (3) for the words " twenty pounds " there shall be substituted the words " fifty pounds ";
- and in section 12(8) of the Finance Act 1967 (under which information may be required as to the identity of the keeper of a vehicle alleged to have been used in contravention of the said section 7) for the words " twenty pounds " there shall be substituted the words " fifty pounds ".
- (5) Nothing in any of the foregoing provisions of this section shall apply to an offence committed before that provision comes into force.
- (6) In section 21 of the Act of 1962 (which provides for the application of fines imposed and penalties recovered by virtue of that Act), the references to that Act shall include

references to this Act, excluding sections 14 and 22; and in section 21(2) of the Act of 1962, after the word " and" where it first occurs there shall be inserted the words " penalties and ".

29 Defence to charge of using or keeping vehicle where new licence pending

- (1) In any proceedings for an offence under section 7 or section 8(3) of the Act of 1962 of using or keeping at any time on a public road a mechanically propelled vehicle for which no licence was then in force or, as the case may be, without a current licence being then fixed to and exhibited on the vehicle, it shall be a defence to prove that—
 - (a) while an expired licence for the vehicle was in force an application was duly made for a further licence for the vehicle to take effect from or before the expiration of the expired licence and for a period including the time in question; and
 - (b) the expired licence was at that time fixed to and exhibited on the vehicle in the manner prescribed in pursuance of the said section 8(3); and
 - (c) the period between the expiration of the expired licence and that time did not exceed fourteen days.
- (2) In subsection (1) of this section " licence " means a vehicle licence other than a trade licence, and for the purposes of paragraph (a) of that subsection an application for a further licence is made when the application is received by the Minister.
- (3) Accordingly, in subsection (1) of section 21 of the Civic Amenities Act 1967 (which relates to the disposal of abandoned vehicles)—
 - (a) any reference in paragraphs (a) and (b) to a current licence shall be construed as including a reference to a licence which was current during any part of the period of fourteen days ending with the day preceding that on which the removal of the vehicle in question took place; and
 - (b) the reference in paragraph (b) to the expiration of a licence shall be construed as a reference to the expiration of the period of fourteen days beginning with the day following that on which the licence expired,and for the purposes of paragraph (c) of that subsection an expired licence shall be treated as still in force during the period of fourteen days beginning with the day following that on which it expired, and the reference in that paragraph to the expiration of the licence shall be construed accordingly.

30 Fixing of amount payable under 1967 c. 54 s. 12 on plea of guilty by absent accused

Where in pursuance of section 1(2) of the Magistrates' Courts Act 1957 a person is convicted in his absence of an offence under section 7 of the Act of 1962 (which penalises the using or keeping of an unlicensed vehicle) and it is proved to the satisfaction of the court, on oath or in the manner prescribed by rules made under section 15 of the Justices of the Peace Act 1949, that there was served on the accused with the summons a notice stating that, in the event of his being convicted of the offence, it will be alleged that an order requiring him to pay an amount specified in the notice falls to be made by the court in pursuance of subsection (1) of section 12 of the Finance Act 1967 (under which an amount related to the period during which a vehicle was unlicensed is required to be paid by the keeper of the vehicle who is convicted of using it during that period) then, unless in the notification purporting to be given by or on behalf of the accused in pursuance of the said section 1(2) it is stated that the

amount so specified is inappropriate, the court shall proceed in pursuance of the said subsection (1) as if that amount had been calculated as required by that subsection.

31 Jurisdiction under 1960 c. 16 s. 103

It is hereby declared that, without prejudice to section 99(3) of the Act of 1960 (under which a magistrates' court or the sheriff may, on the application of a person who has taken a test of competence to drive, determine that the test was improperly carried out and authorise the applicant to take a further test without payment), in any proceedings under section 103 of that Act (which among other things provides for an appeal against the refusal or revocation of a driving licence) the court or sheriff is not entitled to entertain any question as to whether the appellant passed such a test if he was declared by the person who conducted it to have failed it.

32 Offences under this Act

A person guilty of an offence under this Act shall be liable on summary conviction to a fine of an amount not exceeding—

- (a) in the case of an offence under section 7(2), 8(4), 12(2) or 22 or regulations made in pursuance of section 19 of this Act, fifty pounds ;
- (b) in any other case, twenty pounds.