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# Vehicle Excise and Registration Act 1994

## 1994 CHAPTER 22

### PART III

#### OFFENCES

##### *Other offences*

#### [<sup>F1</sup>43A Failure to have nil licence for exempt vehicle.

- (1) A person is guilty of an offence if—
  - (a) he uses, or keeps, on a public road an exempt vehicle,
  - (b) that vehicle is one in respect of which regulations under this Act require a nil licence to be in force, and
  - (c) a nil licence is not for the time being in force in respect of the vehicle.
- (2) A person guilty of an offence under subsection (1) is liable on summary conviction to a fine not exceeding level 2 on the standard scale.
- (3) Subsection (1) has effect subject to the provisions of regulations made by the Secretary of State.
- (4) The Secretary of State may, if he thinks fit, compound any proceedings for an offence under this section.]

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#### Textual Amendments

**F1** S. 43A inserted (1.4.1998) by 1997 c. 16, s. 18, Sch. 3 para. 5; S.I. 1998/560, art. 2

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VALID FROM 17/09/2002

**[<sup>F2</sup>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.]

**Textual Amendments**

**F2** S. 43B inserted (17.9.2002) by 2001 c. 3, ss. 43, 44, Sch. para. 5; S.I. 2002/2377, art. 2

**44 Forgery and fraud.**

- (1) A person is guilty of an offence if he forges, fraudulently alters, fraudulently uses, fraudulently lends or fraudulently allows to be used by another person anything to which subsection (2) applies.
- (2) This subsection applies to—
  - (a) a vehicle licence,
  - (b) a trade licence,
  - [<sup>F3</sup>(c) a nil licence,]
  - (d) a registration mark,
  - (e) a registration document, and
  - (f) a trade plate (including a replacement trade plate).
- (3) A person guilty of an offence under this section is liable—
  - (a) on summary conviction, to a fine not exceeding the statutory maximum, and
  - (b) on conviction on indictment, to imprisonment for a term not exceeding two years or to a fine or (except in Scotland) to both.

**Textual Amendments**

**F3** S. 44(2)(c) substituted (1.4.1998) by 1997 c. 16, s. 18, Sch. 3 para. 6; S.I. 1998/560, art. 2

**45 False or misleading declarations and information.**

- (1) A person who in connection with—
  - (a) an application for a vehicle licence or a trade licence,
  - (b) a claim for a rebate under section 20, or
  - (c) an application for an allocation of registration marks,
 makes a declaration which to his knowledge is either false or in any material respect misleading is guilty of an offence.
- (2) A person who makes a declaration which—

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- (a) is required by regulations under this Act to be made in respect of a vehicle which is an exempt vehicle under paragraph 19 of Schedule 2, and
  - (b) to his knowledge is either false or in any material respect misleading,
- is guilty of an offence.

[<sup>F4</sup>(2A) A person who makes a declaration or statement which—

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

(3) A person who—

- (a) is required by [<sup>F5</sup>virtue of] this Act to furnish particulars relating to, or to the keeper of, a vehicle, and
- (b) furnishes particulars which to his knowledge are either false or in any material respect misleading,

is guilty of an offence.

[<sup>F6</sup>(3A) A person who, in supplying information or producing documents for the purposes of any regulations made under section 61A—

- (a) makes a statement which to his knowledge is false or in any material respect misleading or recklessly makes a statement which is false or in any material respect misleading, or
- (b) produces or otherwise makes use of a document which to his knowledge is false or in any material respect misleading,

is guilty of an offence.

<sup>F6</sup>(3B) A person who—

- (a) with intent to deceive, forges, alters or uses a certificate issued by virtue of section 61A;
- (b) knowing or believing that it will be used for deception lends such a certificate to another or allows another to alter or use it; or
- (c) without reasonable excuse makes or has in his possession any document so closely resembling such a certificate as to be calculated to deceive,

is guilty of an offence.]

(4) A person guilty of an offence under this section is liable—

- (a) on summary conviction, to a fine not exceeding the statutory maximum, and
- (b) on conviction on indictment, to imprisonment for a term not exceeding two years or to a fine or (except in Scotland) to both.

#### Textual Amendments

**F4** S. 45(2A) inserted (29.4.1996) by 1996 c. 8, s. 23, **Sch. 2 para. 11(1)(2)**

**F5** Words in s. 45(3) inserted (29.4.1996) by 1996 c. 8, s. 23, **Sch. 2 para. 11(1)(3)**

**F6** S. 45(3A)(3B) inserted (1.5.1995 with effect as mentioned in **Sch. 4 para. 29** of the amending Act) by 1995 c. 4, s. 19, **Sch. 4 Pt. IV paras. 24, 29**

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#### 46 Duty to give information.

- (1) Where it is alleged that a vehicle has been used on a road in contravention of section 29, 34 [<sup>F7</sup>, 37 or 43A]—
  - (a) the person keeping the vehicle shall give such information as he may be required to give in accordance with subsection (7) as to the identity of the driver of the vehicle or any person who used the vehicle, and
  - (b) any other person shall give such information as it is in his power to give and which may lead to the identification of the driver of the vehicle or any person who used the vehicle if he is required to do so in accordance with subsection (7).
- (2) Where it is alleged that a vehicle has been kept on a road in contravention of section 29 [<sup>F8</sup> or 43A]—
  - (a) the person keeping the vehicle shall give such information as he may be required to give in accordance with subsection (7) as to the identity of the person who kept the vehicle on the road, and
  - (b) any other person shall give such information as it is in his power to give and which may lead to the identification of the person who kept the vehicle on the road if he is required to do so in accordance with subsection (7).
- (3) Where it is alleged that a vehicle has at any time been used on a road in contravention of section 29 [<sup>F8</sup> or 43A], the person who is alleged to have so used the vehicle shall give such information as it is in his power to give as to the identity of the person who was keeping the vehicle at that time if he is required to do so in accordance with subsection (7).
- (4) A person who fails to comply with subsection (1), (2) or (3) is guilty of an offence.
- (5) A person guilty of an offence under subsection (4) is liable on summary conviction to a fine not exceeding level 3 on the standard scale.
- (6) If a person is charged with an offence under subsection (4) consisting of failing to comply with subsection (1)(a) or (2)(a), it is a defence for him to show to the satisfaction of the court that he did not know, and could not with reasonable diligence have ascertained, the identity of the person or persons concerned.
- (7) A person is required to give information in accordance with this subsection if he is required to give the information by or on behalf of—
  - (a) a chief officer of police or, in Northern Ireland, the Chief Constable of the Royal Ulster Constabulary, or
  - (b) the Secretary of State.

#### Textual Amendments

- F7** Words in s. 46(1) substituted (1.4.1998) by 1997 c. 16, s. 18, **Sch. 3 para. 7(1)(a)**; S.I. 1998/560, **art. 2**
- F8** Words in s. 46(2)(3) inserted (1.4.1998) by 1997 c. 16, s. 18, **Sch. 3 para. 7(1)(b)**; S.I. 1998/560, **art. 2**

#### [<sup>F9</sup>46A Duty to give information: offences under regulations.

- (1) Subsection (2) applies where it appears to the Secretary of State—

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

#### Textual Amendments

**F9** S. 46A inserted (29.4.1996) by 1996 c. 8, s. 23, Sch. 2 para. 12

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