



# Vehicle Excise and Registration Act 1994

## 1994 CHAPTER 22

### PART V

#### SUPPLEMENTARY

##### *Regulations and orders*

#### **57 Regulations**

- (1) The Secretary of State may make regulations generally for the purpose of carrying into effect the provisions of this Act (other than sections 7(2) and (3), 8, 26, 27, 52 and 54).
- (2) Regulations under this Act—
  - (a) may make different provision for different cases or circumstances, and
  - (b) may contain such incidental, consequential and supplemental provisions as the Secretary of State considers expedient for the purposes of the regulations.
- (3) Regulations under this Act (other than regulations under section 26 or 27)—
  - (a) may make different provision for different parts of the United Kingdom, and
  - (b) may provide for exemptions from any provision of the regulations.
- (4) Nothing in any other provision of this Act limits subsections (1) to (3).
- (5) Regulations under sections 20(4), 22, 23(4) and (5), 24(1) to (3) and 28 may provide that any document for which provision is made by the regulations—
  - (a) is to be in such form, and
  - (b) is to contain such particulars,as may be specified by a person prescribed by the regulations.
- (6) Any power to make regulations under this Act is exercisable by statutory instrument.
- (7) A statutory instrument containing regulations under this Act is subject to annulment in pursuance of a resolution of either House of Parliament.

- (8) Subsection (7) does not apply to a statutory instrument containing only regulations under paragraph 2(4) of Schedule 1.

## **58 Fees prescribed by regulations**

- (1) Any fee prescribed by regulations under section 7(6)(b) or 14(4)(b), and any charge prescribed by regulations under section 25(1), shall be of an amount approved by the Treasury.
- (2) Section 128 of the Finance Act 1990 (power to provide for repayment of fees and charges) applies to any power under this Act to make provision for payment of a fee or charge as it applies to any power to make such provision conferred before that Act was passed.

## **59 Regulations: offences**

- (1) A person who contravenes or fails to comply with any regulations under this Act (other than any regulations under section 24, 26, 27 or 28) is guilty of an offence.
- (2) A person guilty of an offence under subsection (1) is liable on summary conviction to a fine not exceeding—
- (a) in the case of regulations prescribed by regulations made by the Secretary of State as regulations to which this paragraph applies, level 3 on the standard scale, and
  - (b) in any other case, level 2 on the standard scale.
- (3) The prescribing of regulations as regulations to which subsection (2)(a) applies does not affect the punishment for a contravention of, or failure to comply with, the regulations before they were so prescribed.
- (4) Regulations under section 24 or 28 may provide that a person who contravenes or fails to comply with any specified provision of the regulations is guilty of an offence.
- (5) A person guilty of such an offence is liable on summary conviction to a fine not exceeding—
- (a) in the case of regulations under section 24, level 1 on the standard scale, and
  - (b) in the case of regulations under section 28, level 3 on the standard scale.

## **60 Orders**

- (1) Any power of the Secretary of State to make an order under this Act is exercisable by statutory instrument.
- (2) A statutory instrument containing an order under section 3(3) or paragraph 8 of Schedule 4 is subject to annulment in pursuance of a resolution of either House of Parliament.
- (3) No order is to be made under paragraph 5(5) of Schedule 1 unless a draft of the order has been laid before, and approved by a resolution of, each House of Parliament.

## *Interpretation*

### **61 Vehicle weights**

- (1) In this Act a reference to the plated gross weight of a goods vehicle or trailer is a reference—
  - (a) in the case of a trailer which may lawfully be used in Great Britain without a Ministry plate (within the meaning of regulations under section 41 or 49 of the Road Traffic Act 1988), to the maximum laden weight at which the trailer may lawfully be used in Great Britain, and
  - (b) otherwise, to the weight which is the maximum gross weight which may not be exceeded in Great Britain for the vehicle or trailer as indicated on the appropriate plate.
- (2) In this Act a reference to the plated train weight of a vehicle is a reference to the weight which is the maximum gross weight which may not be exceeded in Great Britain for an articulated vehicle consisting of the vehicle and any semi-trailer which may be drawn by it as indicated on the appropriate plate.
- (3) In subsections (1) and (2) “appropriate plate”, in relation to a vehicle or trailer, means—
  - (a) where a Ministry plate (within the meaning of regulations under section 41 or 49 of the Road Traffic Act 1988) has been issued, or has effect as if issued, for the vehicle or trailer following the issue or amendment of a plating certificate (within the meaning of Part II of that Act), that plate,
  - (b) where paragraph (a) does not apply but such a certificate is in force for the vehicle or trailer, that certificate, and
  - (c) where neither paragraph (a) nor paragraph (b) applies but the vehicle or trailer has been equipped with a plate in accordance with regulations under section 41 of the Road Traffic Act 1988, that plate.
- (4) In this Act a reference to the relevant maximum weight of a goods vehicle or trailer is a reference—
  - (a) where it is required by regulations under Article 28 of the Road Traffic (Northern Ireland) Order 1981 to have the maximum gross weight in Great Britain for it marked on a plate attached to it, to the maximum gross weight in Great Britain marked on the plate,
  - (b) where regulations under that Article do not apply to it but the maximum gross weight in Great Britain is marked by the same means as would be required by those regulations if they did apply to it, to the maximum gross weight in Great Britain so marked, and
  - (c) otherwise, to its notional maximum gross weight ascertained in accordance with the Goods Vehicles (Ascertainment of Maximum Gross Weights) Regulations (Northern Ireland) 1976 (or any regulations replacing those Regulations, whether with or without amendments).
- (5) In this Act a reference to the relevant maximum train weight of a vehicle is a reference to the maximum gross weight which may not be exceeded in Great Britain for an articulated vehicle consisting of the vehicle and any semi-trailer which may be drawn by it.
- (6) In this Act “weight unladen”—
  - (a) in England and Wales and Scotland, has the same meaning as it has for the purposes of the Road Traffic Act 1988 by virtue of section 190 of that Act, and

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*Status: This is the original version (as it was originally enacted).*

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- (b) in Northern Ireland, has the same meaning as it has for the purposes of the Road Traffic (Northern Ireland) Order 1981 by virtue of Article 2(3) of that Order.
- (7) In this Act “design weight”, in relation to a vehicle, means the weight which the vehicle is designed or adapted not to exceed when in normal use and travelling on a road laden.
- (8) In this section “trailer” has the same meaning as in Part VIII of Schedule 1.

## 62 Other definitions

- (1) In this Act, unless the context otherwise requires—
    - “axle”, in relation to a vehicle, includes—
      - (a) two or more stub axles which are fitted on opposite sides of the longitudinal axis of the vehicle so as to form a pair in the case of two stub axles or pairs in the case of more than two stub axles,
      - (b) a single stub axle which is not one of a pair, and
      - (c) a retractable axle,
    - (“stub axle” meaning an axle on which only one wheel is mounted),
    - “built-in road construction machinery”, in relation to a vehicle, means road construction machinery built in as part of, or permanently attached to, the vehicle,
    - “business” includes the performance by a local or public authority of its functions,
    - “disabled person” means a person suffering from a physical or mental defect or disability,
    - “exempt vehicle” means a vehicle in respect of which vehicle excise duty is not chargeable,
    - “farmer’s goods vehicle” means a goods vehicle registered under this Act in the name of a person engaged in agriculture and used on public roads solely by him—
      - (a) for the purpose of the conveyance of the produce of, or of articles required for, the agricultural land which he occupies, and
      - (b) for no other purpose except a purpose not involving the conveyance of goods or burden for hire or reward or for or in connection with a trade or business,
    - “goods vehicle” means a vehicle constructed or adapted for use and used for the conveyance of goods or burden of any description, whether in the course of trade or not,
    - “motor dealer” means a person carrying on the business of selling or supplying vehicles,
    - “motor trader” means—
      - (a) a manufacturer or repairer of, or dealer in, vehicles, or
      - (b) any other description of person who carries on a business of such description as may be prescribed by regulations made by the Secretary of State,
- and a person is treated as a dealer in vehicles if he carries on a business consisting wholly or mainly of collecting and delivering vehicles, and not including any other activities except activities as a manufacturer or repairer of, or dealer in, vehicles,

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“public road”—

(a) in England and Wales and Northern Ireland, means a road which is repairable at the public expense, and

(b) in Scotland, has the same meaning as in the Roads (Scotland) Act 1984, “registration mark” is to be construed in accordance with section 23(1),

“relevant right” is to be construed in accordance with section 27(3)(a) and (b),

“right of retention” is to be construed in accordance with section 26(1) and (2)(a),

“rigid goods vehicle” means a goods vehicle which is not a tractive unit,

“road construction machinery” means a machine or device suitable for use for the construction or repair of roads and used for no purpose other than the construction or repair of roads at the public expense,

“road construction vehicle” means a vehicle—

(a) which is constructed or adapted for use for the conveyance of built-in road construction machinery, and

(b) which is not constructed or adapted for the conveyance of any other load except articles and material used for the purposes of such machinery,

“showman’s goods vehicle” means a showman’s vehicle which—

(a) is a goods vehicle, and

(b) is permanently fitted with a living van or some other special type of body or superstructure forming part of the equipment of the show of the person in whose name the vehicle is registered under this Act,

“showman’s vehicle” means a vehicle—

(a) registered under this Act in the name of a person following the business of a travelling showman, and

(b) used solely by him for the purposes of his business and for no other purpose,

“temporary licence” is to be construed in accordance with section 9(1),

“tractive unit” means a goods vehicle to which a semi-trailer may be so attached that—

(a) part of the semi-trailer is superimposed on part of the goods vehicle, and

(b) when the semi-trailer is uniformly loaded, not less than twenty per cent. of the weight of its load is borne by the goods vehicle,

“trade licence” is to be construed in accordance with section 11,

“vehicle” means a mechanically propelled vehicle,

“vehicle excise duty” is to be construed in accordance with section 1(1),

“vehicle licence” is to be construed in accordance with section 1(2), and

“vehicle tester” means a person, other than a motor trader, who regularly in the course of his business engages in the testing on roads of vehicles belonging to other persons.

- (2) For the purposes of this Act and any other enactment relating to the keeping of vehicles on public roads, a person keeps a vehicle on a public road if he causes it to be on such a road for any period, however short, when it is not in use there.

*Other supplementary provisions*

**63 Consequential amendments**

The enactments and instruments specified in Schedule 3 are amended in accordance with that Schedule in consequence of the provisions of this Act.

**64 Transitionals etc**

Schedule 4 has effect for—

- (a) making transitional provisions in consequence of this Act and savings in connection with the repeals and revocations made by this Act,
- (b) re-enacting provisions repealed by this Act when not in force, and
- (c) making transitory modifications of this Act.

**65 Repeals and revocations**

The enactments specified in Part I of Schedule 5 are repealed, and the instruments specified in Part II of that Schedule are revoked, to the extent specified in the third column of that Schedule.

**66 Commencement**

- (1) This Act shall come into force on 1st September 1994.
- (2) Subsection (1) is subject to Schedule 4.

**67 Extent**

This Act extends to Northern Ireland.

**68 Short title**

This Act may be cited as the Vehicle Excise and Registration Act 1994.