



Vehicle Excise and Registration Act 1994

1994 CHAPTER 22

PART II

REGISTRATION OF VEHICLES

Registration marks

26 Retention of registration mark pending transfer.

[^{F1}(1) The Secretary of State may by regulations provide for—

- (a) a person in whose name a vehicle is registered under this Act, or
- (b) if that person so requests, another person,

to be granted a right of retention in respect of the registration mark for the time being assigned to the vehicle.

(1A) In subsection (1), the reference to a right of retention is to a right, exercisable on a single occasion falling within a period prescribed by regulations made by the Secretary of State, to have the registration mark assigned to some other vehicle which is registered under this Act in the name of—

- (a) the person to whom the right is granted, or
- (b) some other person nominated by him in accordance with regulations made by the Secretary of State.]

(2) Regulations under this section may, in particular, make provision—

- (a) for the manner in which an application for the grant of [^{F2}a right of retention] is to be made to the Secretary of State,
- (b) for the payment of a fee prescribed by the regulations on the making of such an application and for the whole or part of the fee to be retained whether or not the application is granted,
- (c) for requiring the vehicle to which the registration mark is for the time being assigned to be made available for inspection at a place designated by or under the regulations,

Changes to legislation: *Vehicle Excise and Registration Act 1994, Section 26 is up to date with all changes known to be in force on or before 07 December 2023. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

- (d) for authorising the Secretary of State to refuse such an application on such grounds as he thinks fit,
 - (e) with respect to the manner in which rights of retention are to be exercisable,
 - (f) for enabling or requiring the Secretary of State, on the payment to him of a fee prescribed by the regulations, to extend or (on one or more occasions) further extend the period referred to in [F³ subsection (1A)] where—
 - (i) the conditions so prescribed are fulfilled, and
 - (ii) he thinks fit to do so in the circumstances of the case,
 - (g) for rights of retention to be non-transferable (but without prejudice to the vesting of any such right in a person by operation of law),
 - (h) with respect to the conditions which must be satisfied before a registration mark may be assigned to a vehicle pursuant to a right of retention,
 - (i) for authorising the Secretary of State to revoke a right of retention—
 - (i) if it appears to him that there are special reasons for doing so, or
 - (ii) in any other circumstances prescribed by the regulations,
 - (j) for allowing a person to be nominated when an application for the grant of a right of retention is made or to be nominated at a later time,
 - (k) for allowing a different person to be nominated in place of a person already nominated,
 - (l) for the manner in which a nomination is to be made and for the payment of a fee prescribed by the regulations where a nomination is made in circumstances so prescribed, and
 - (m) for the payment, in connection with the assignment of a registration mark pursuant to a right of retention, of such charge as is for the time being prescribed by virtue of section 25(1).
- (3) Regulations under this section may exempt extensions or assignments of any class or description prescribed by the regulations from any fee or charge payable by virtue of subsection (2)(f) or (m).
- (4) An extension or nomination is exempt from a fee payable by virtue of subsection (2)(f) or (l) if the Secretary of State considers it appropriate in the circumstances of the case.
- (5) Where regulations under this section provide in any case for there to be no charge in connection with the assignment of a registration mark pursuant to a right of retention—
- (a) the fee prescribed by virtue of paragraph (b) of subsection (2) in relation to an application for that right may include an amount representing the charge for which provision could have been made by virtue of paragraph (m) of that subsection, and
 - (b) the regulations may provide for the part of any such fee which represents a charge for which provision could have been so made to be retained, except where conditions prescribed by the regulations are fulfilled, whether or not there is an assignment.
- (6) The assignment by the Secretary of State of a registration mark to a vehicle pursuant to a right of retention is without prejudice to the subsequent exercise by him, in relation to the mark, of any of his powers under section 23(2).

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Textual Amendments

- F1** S. 26(1)(1A) substituted (19.7.2007) for s. 26(1) by [Vehicle Registration Marks Act 2007 \(c. 14\), s. 1\(1\)](#)
- F2** Words in s. 26(2)(a) substituted (19.7.2007) by [Vehicle Registration Marks Act 2007 \(c. 14\), s. 1\(2\)\(a\)](#)
- F3** Words in s. 26(2)(f) substituted (19.7.2007) by [Vehicle Registration Marks Act 2007 \(c. 14\), s. 1\(2\)\(b\)](#)

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Changes and effects yet to be applied to the whole Act associated Parts and Chapters:

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- s. 7(1A) inserted by [2006 c. 49 s. 47\(2\)](#)
- s. 7(5)(za) inserted by [2006 c. 49 s. 47\(3\)](#)
- s. 22(1)(aa) inserted by [2006 c. 49 s. 47\(6\)](#)
- s. 22(1AA) inserted by [2006 c. 49 s. 47\(9\)](#)
- s. 22(1BA) inserted by [2006 c. 49 s. 47\(10\)](#)
- Sch. 1 para. 1N inserted by [2023 c. 1 s. 10\(5\)\(e\)\(7\)](#)
- Sch. 2 para. 20G(2)(za)-(zc) inserted by [2023 c. 1 s. 10\(2\)\(a\)\(i\)\(7\)](#)