



# Vehicles (Crime) Act 2001

## 2001 CHAPTER 3

### PART 2

#### REGULATION OF REGISTRATION PLATE SUPPLIERS

##### *Registration*

#### **17 Requirement of registration for registration plate suppliers**

- (1) Any person who carries on business as a registration plate supplier in England or Wales without being registered by the Secretary of State shall be guilty of an offence and liable on summary conviction to a fine not exceeding level 5 on the standard scale.
- (2) For the purposes of this Part a person carries on business as a registration plate supplier if he—
  - (a) carries on a business which consists wholly or partly in selling registration plates; and
  - (b) is not an exempt person.
- (3) The Secretary of State may by regulations provide for—
  - (a) activities of a prescribed description to be treated for the purposes of this Part as not being activities which consist in selling registration plates;
  - (b) persons of a prescribed description to be exempt persons for the purposes of this Part.
- (4) In this Part “registered” means registered in accordance with the provisions of this Part in a register established and maintained by the Secretary of State under section 18; and cognate expressions shall be construed accordingly.

#### **18 Register of registration plate suppliers**

- (1) The Secretary of State shall establish and maintain a register of persons carrying on business as registration plate suppliers.

- (2) Each person's entry in the register shall contain such particulars as may be prescribed.
- (3) The Secretary of State shall, subject to subsection (6) and such fee (if any) as may be prescribed, supply any person who has requested information contained in the register with the information that he has requested.
- (4) If the request is for information in the form of a copy (certified to be true) of the register or of an extract from it, the Secretary of State shall, subject to subsection (6) and such fee (if any) as may be prescribed, supply the information in that form.
- (5) Any such certified copy shall be evidence of the matters mentioned in it.
- (6) The Secretary of State may by regulations specify—
  - (a) descriptions of persons who are not entitled to be supplied with information under subsection (3); and
  - (b) descriptions of information which shall not be supplied under that subsection.
- (7) The Secretary of State may make all of the information contained in the register or information so contained of a particular description available to the Police Information Technology Organisation for use by constables for the purpose of investigating offences under this Part.
- (8) The Secretary of State may by regulations determine the circumstances in which any of the information to which constables have been given access under subsection (7) may be further disclosed by them.

## **19 Applications for registration**

- (1) An application for registration—
  - (a) shall be made to the Secretary of State in accordance with such requirements as may be prescribed; and
  - (b) shall be accompanied by a fee of such amount (if any) as may be prescribed.
- (2) The level of fees so prescribed may be set with a view to recovering the reasonable costs incurred by the Secretary of State in connection with the administration of this Part.
- (3) A person who, in making an application for registration—
  - (a) makes a statement which he knows to be false in a material particular; or
  - (b) recklessly makes a statement which is false in a material particular;shall be guilty of an offence and liable on summary conviction to a fine not exceeding level 3 on the standard scale.
- (4) Where an order under section 20(1)(b) has effect in relation to a person who has been convicted of an offence under subsection (3), no application for registration shall be made by that person under subsection (1) in contravention of the order.
- (5) No application for registration shall be made under subsection (1) by a person while his registration is suspended by an order of a court under section 20(2).
- (6) A person who makes an application in contravention of subsection (4) or (5) shall be guilty of an offence and liable on summary conviction to a fine not exceeding level 5 on the standard scale.

- (7) The Secretary of State shall, on receiving an application under subsection (1), register the applicant.

## **20 Removal or suspension of registration by a court**

- (1) Where a person is convicted of an offence under section 19(3) the court before which he is convicted may, instead of or in addition to imposing a fine, by order do either or both of the following—
- (a) provide for the removal of any entry relating to him in the register;
  - (b) prohibit him from making an application for registration under section 19(1) within such period not exceeding five years as may be specified in, or determined under, the order.
- (2) Where a registered person is convicted of an offence under this Part (other than an offence under section 19(3)) the court before which he is convicted may, instead of or in addition to imposing a fine, by order suspend his registration for any period of up to five years.
- (3) No order under subsection (1) or (2) shall have effect—
- (a) if no appeal is brought, before the end of the period for bringing an appeal has passed;
  - (b) if an appeal is brought, before the final determination or withdrawal of the appeal.
- (4) A court shall give notice to the Secretary of State of the contents of any order which has been made by it under subsection (1) or (2) and which has effect.
- (5) The Secretary of State shall amend the register—
- (a) to give effect to any order of a court under subsection (1)(a); or
  - (b) to reflect any suspension effected by an order of a court under subsection (2); but may not do so until the order concerned has effect.
- (6) In this section “appeal” includes an application under section 111 of the Magistrates' Courts Act 1980 (c. 43) (application by way of case stated).

## **21 Cancellation of registration by the Secretary of State**

- (1) The Secretary of State may cancel a person's registration if he is satisfied that the person concerned is not carrying on business as a registration plate supplier and has not, while registered, been doing so for at least 28 days.
- (2) A cancellation under subsection (1) shall not have effect—
- (a) if no appeal is brought under section 23, before the end of the period of 21 days mentioned in subsection (2) of that section;
  - (b) if an appeal is brought under that section, before the final determination or withdrawal of the appeal.
- (3) This section is subject to section 22.

## **22 Right to make representations: Part 2**

- (1) The Secretary of State shall not cancel a person's registration under section 21 unless the Secretary of State has complied with the provisions of this section.
- (2) The Secretary of State shall serve a notice on the person concerned stating—
  - (a) what he is proposing to do;
  - (b) the reasons for it; and
  - (c) the period (not less than 14 days starting with the date of service of the notice) within which the person concerned may by notice—
    - (i) require the Secretary of State to give him an opportunity to make representations about the proposal; or
    - (ii) inform the Secretary of State that he does not wish to make any such representations.
- (3) Where a notice has been served by the Secretary of State under subsection (2), the Secretary of State shall not proceed with his proposed cancellation until—
  - (a) the person concerned has made representations about it or informed the Secretary of State that he does not wish to make any such representations;
  - (b) the period mentioned in subsection (2)(c) has passed without the Secretary of State being required to give the person concerned an opportunity to make representations or without the Secretary of State being informed that the person concerned does not wish to make any representations; or
  - (c) the conditions specified in subsection (4) are satisfied.
- (4) The conditions are that—
  - (a) the person concerned has required the Secretary of State to give him an opportunity to make representations to the Secretary of State about the proposal;
  - (b) the Secretary of State has allowed that person a reasonable period to make his representations; and
  - (c) the person concerned has failed to make his representations within that period.
- (5) The representations may be made orally or in writing.
- (6) If the person concerned informs the Secretary of State that he desires to make oral representations, the Secretary of State shall give that person an opportunity of appearing before, and being heard by, a person appointed by the Secretary of State.
- (7) If the Secretary of State decides to proceed with his proposed cancellation, he shall serve a notice on the person concerned informing him of the Secretary of State's decision to proceed and of the cancellation.
- (8) A notice under subsection (7) shall also inform the person concerned of—
  - (a) his right to appeal under section 23 against the cancellation;
  - (b) the time within which such an appeal may be brought; and
  - (c) the date on which the cancellation is to have effect.

## **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 to a magistrates' court.

- (2) An appeal under this section 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 this section shall be by way of complaint for an order and in accordance with the Magistrates' Courts Act 1980 (c. 43).
- (4) For the purposes of the time limit for bringing an appeal under this section the making of the complaint shall be treated as the bringing of the appeal.
- (5) On an appeal under this section, the magistrates' court concerned may confirm, vary or reverse the Secretary of State's decision and generally give such directions as it considers appropriate having regard to the provisions of this Part.
- (6) It shall be the duty of the Secretary of State to comply with any directions given by a magistrates' court under subsection (5); but the Secretary of State need not comply with any directions given by the court—
  - (a) until the time for making an application under section 111 of the Magistrates' Courts Act 1980 (c. 43) (application by way of case stated) has passed; or
  - (b) if such an application is made, until the final determination or withdrawal of the application.

*Keeping of records etc.*

**24 Keeping of records: Part 2**

- (1) The Secretary of State may by regulations provide for the keeping of records by registered persons.
- (2) In subsection (1) “registered” includes formerly registered.
- (3) Regulations under this section may specify provisions of the regulations as provisions to which subsection (4) applies.
- (4) A person who contravenes any provision to which this subsection applies shall be guilty of an offence and liable on summary conviction to a fine not exceeding level 3 on the standard scale.
- (5) In proceedings for an offence under subsection (4) it shall be a defence for the accused to show that he took all reasonable steps and exercised all due diligence to avoid committing the offence.

**25 Provision of information on sale of registration plates**

- (1) The Secretary of State may by regulations provide for the obtaining by registered persons who are in the course of selling registration plates of information of a prescribed description from their prospective purchasers before the completion of the sale.
- (2) Regulations under this section may specify provisions of the regulations as provisions to which subsection (3) applies.
- (3) A person who contravenes any provision to which this subsection applies shall be guilty of an offence and liable on summary conviction to a fine not exceeding level 3 on the standard scale.

- (4) In proceedings for an offence under subsection (3) it shall be a defence for the accused to show that he took all reasonable steps and exercised all due diligence to avoid committing the offence.

*Supplementary provisions and offences*

**26 Rights to enter and inspect premises: Part 2**

- (1) A constable or an authorised person may at any reasonable time enter and inspect premises for the time being entered in the register as premises which are occupied by a person carrying on business as a registration plate supplier wholly or partly for the purposes of his business so far as it consists in selling registration plates.
- (2) A constable or an authorised person may at any reasonable time—
- (a) require production of, and inspect, any registration plates kept at premises falling within subsection (1); and
  - (b) require production of, inspect and take copies of or extracts from any records which the person carrying on business as a registration plate supplier is required to keep at such premises by virtue of this Part.
- (3) Subsection (4) applies where, on an application made by a constable or an authorised person, a justice of the peace is satisfied that admission to premises specified in the application is reasonably required in order to secure compliance with the provisions of this Part, or to ascertain whether those provisions are being complied with.
- (4) The justice may issue a warrant authorising a constable or (as the case may be) an authorised person to enter and inspect the premises concerned.
- (5) A constable or an authorised person—
- (a) shall not be entitled to use force to enter premises in the exercise of his powers under subsection (1); but
  - (b) may, if necessary, use reasonable force in the exercise of his powers under a warrant issued under subsection (4).
- (6) A constable or an authorised person in seeking to enter any premises in the exercise of his powers under subsection (1), and an authorised person in seeking to enter any premises in the exercise of his powers under a warrant issued under subsection (4), shall, if required by or on behalf of the owner or occupier or person in charge of the premises, produce evidence of his identity, and of his authority for entering, before doing so.
- (7) Any person who obstructs an authorised person in the exercise of his powers under subsection (1) or (2) or under a warrant issued under subsection (4) shall be guilty of an offence and liable on summary conviction to a fine not exceeding level 2 on the standard scale.
- (8) In this section “an authorised person” means a person authorised for the purposes of this section by a local authority in respect of premises situated in the area of the local authority.

## **27 Notification requirements: Part 2**

- (1) A person applying to be registered in the register shall give notice to the Secretary of State of any changes affecting in a material particular the accuracy of the information which he has provided in connection with his application.
- (2) A registered person shall give notice to the Secretary of State of any changes affecting his entry in the register within 28 days of the changes occurring; and the Secretary of State shall amend the register accordingly.
- (3) A registered person who is not carrying on business as a registration plate supplier shall give notice to the Secretary of State of that fact within 28 days of the beginning of the period in which he is not carrying on business while registered.
- (4) A person who fails to give notice to the Secretary of State in accordance with subsection (1), (2) or (3) shall be guilty of an offence and liable on summary conviction to a fine not exceeding level 3 on the standard scale.
- (5) In proceedings for an offence under subsection (4) it shall be a defence for the accused to show that he took all reasonable steps and exercised all due diligence to avoid committing the offence.

## **28 Offences relating to counterfeit registration plates**

- (1) A person who sells a plate or other device which is not a registration plate as a registration plate knowing that it is not a registration plate or being reckless as to whether it is a registration plate shall be guilty of an offence.
- (2) A person who—
  - (a) supplies a plate, device or other object to a person who is carrying on a business which consists wholly or partly in activities which are unlawful by virtue of subsection (1); and
  - (b) knows or reasonably suspects that the plate, device or other object will be used for the purposes of that other person's unlawful activities;shall be guilty of an offence.
- (3) A person guilty of an offence under subsection (1) or (2) shall be liable on summary conviction to a fine not exceeding level 4 on the standard scale.

## **29 Offence of supplying plates etc. to unregistered persons**

- (1) A person who—
  - (a) supplies a plate, device or other object to an unregistered person (other than an exempt person) who is carrying on a business which consists wholly or partly in selling registration plates; and
  - (b) knows or reasonably suspects that the plate, device or other object will be used for the purposes of that other person's business (or part of his business) as a registration plate or as part of a registration plate;shall be guilty of an offence.
- (2) A person guilty of an offence under subsection (1) shall be liable on summary conviction to a fine not exceeding level 5 on the standard scale.

### *General*

#### **30 Proceedings for offences under Part 2**

Proceedings for an offence under this Part shall not be instituted except—

- (a) by a local authority or a constable; or
- (b) in any other case, with the consent of the Attorney General.

#### **31 Interpretation of Part 2**

(1) In this Part, unless the context otherwise requires—

“the 1994 Act” means the [Vehicle Excise and Registration Act 1994 \(c. 22\)](#);

“carrying on business as a registration plate supplier” has the meaning given by section 17(2);

“contravene”, in relation to any provision of regulations, includes fail to comply with it;

“exempt person” means any person who is an exempt person by virtue of regulations made under section 17(3)(b);

“local authority” has the same meaning as in Part 1;

“notice” means notice in writing;

“premises” includes any land or other place (whether or not enclosed);

“prescribed” means prescribed by regulations made by the Secretary of State;

“a register” means a register established and maintained under section 18;

“registered” (and cognate expressions) have the meaning given by section 17(4);

“registration mark” has the meaning given by section 23(1) of the 1994 Act; and includes a mark indicating the registered number of a vehicle or trailer and assigned to that vehicle or trailer by virtue of regulations under section 22(2) of that Act;

“registration plate” means a plate or other device which—

- (a) displays (whether alone or in conjunction with other information) a registration mark;
- (b) complies with requirements imposed by regulations made under section 27A(1)(a) of the 1994 Act; and
- (c) is designed to be fixed to a vehicle or trailer in accordance with regulations made under section 22(2) or 23(3) of that Act; and

“selling registration plates” is to be construed in accordance with any regulations made under section 17(3)(a).

(2) The reference in section 22(5) to representations being made in writing includes a reference to representations being made in a text which—

- (a) is transmitted by means of a telecommunication system (within the meaning of the [Telecommunications Act 1984 \(c. 12\)](#)) or by other means but while in an electronic form;
- (b) is received in legible form; and
- (c) is capable of being used for subsequent reference.

(3) References in this Part to offences under this Part include references to anything which is an offence by virtue of section 24(3) and (4) or 25(2) and (3).



- (4) References in this Part to an appeal under section 23 being finally determined or withdrawn include references to the final determination or withdrawal of proceedings by way of case stated which relate to a decision by a magistrates' court on an appeal under that section.