
Changes to legislation: There are currently no known outstanding effects for the Finance Act 2002, Paragraph 8. (See end of Document for details)

SCHEDULES

SCHEDULE 5

VEHICLE EXCISE DUTY: REGISTERED VEHICLES ETC

8 After section 31 insert—

“Offence of being registered keeper of unlicensed vehicle

31A Offence by registered keeper where vehicle unlicensed

- (1) If a vehicle registered under this Act is unlicensed, the person in whose name the vehicle is registered is guilty of an offence.
- (2) For the purposes of this section a vehicle is unlicensed if no vehicle licence or trade licence is in force for or in respect of the vehicle.
- (3) Subsection (1) does not apply to a vehicle if—
 - (a) it is an exempt vehicle in respect of which regulations under this Act require a nil licence to be in force and a nil licence is in force in respect of the vehicle, or
 - (b) it is an exempt vehicle that is not one in respect of which regulations under this Act require a nil licence to be in force.
- (4) Where a vehicle for which a vehicle licence is in force is transferred by the holder of the licence to another person, the licence is to be treated for the purposes of subsection (2) as no longer in force unless it is delivered to the other person with the vehicle.
- (5) Where—
 - (a) an application is made for a vehicle licence for any period, and
 - (b) a temporary licence is issued pursuant to the application,subsection (4) does not apply to the licence applied for if, on a transfer of the vehicle during the currency of the temporary licence, the temporary licence is delivered with the vehicle to the transferee.

31B Exceptions to section 31A

- (1) A person (“the registered keeper”) in whose name an unlicensed vehicle is registered at any particular time (“the relevant time”) does not commit an offence under section 31A at that time if any of the following conditions are satisfied.
- (2) The first condition is that the registered keeper—
 - (a) is not at the relevant time the person keeping the vehicle, and

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- (b) if previously he was the person keeping the vehicle, he has by the relevant time complied with any requirements under section 22(1) (d)—
 - (i) that are prescribed for the purposes of this condition, and
 - (ii) that he is required to have complied with by the relevant or any earlier time.
- (3) The second condition is that—
 - (a) the registered keeper is at the relevant time the person keeping the vehicle,
 - (b) at the relevant time the vehicle is neither kept nor used on a public road, and
 - (c) the registered keeper has by the relevant time complied with any requirements under section 22(1D)—
 - (i) that are prescribed for the purposes of this condition, and
 - (ii) that he is required to have complied with by the relevant or any earlier time.
- (4) The third condition is that—
 - (a) the vehicle has been stolen before the relevant time,
 - (b) the vehicle has not been recovered by the relevant time, and
 - (c) any requirements under subsection (6) that, in connection with the theft, are required to have been complied with by the relevant or any earlier time have been complied with by the relevant time.
- (5) The fourth condition is that the relevant time falls within a period (“the grace days”)—
 - (a) beginning with the expiry of the last vehicle licence to be in force for the vehicle, and
 - (b) of a prescribed length,
 and a vehicle licence for the vehicle is taken out within the grace days for a period beginning with the grace days.
- (6) The Secretary of State may by regulations make provision for the purposes of subsection (4)(c) as to the persons to whom, the times at which and the manner in which the theft of a vehicle is to be notified.
- (7) The Secretary of State may by regulations make provision amending this section for the purpose of providing for further exceptions to section 31A(1) (or varying or revoking any such further exceptions).
- (8) A person accused of an offence under section 31A(1) is not entitled to the benefit of an exception conferred by or under this section unless evidence is adduced that is sufficient to raise an issue with respect to that exception, but where evidence is so adduced it is for the prosecution to prove beyond reasonable doubt that the exception does not apply.
- (9) In this section—
 - (a) references to the expiry of a vehicle licence include a reference to—
 - (i) its surrender, and

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- (ii) its being treated as no longer in force for the purposes of subsection (2) of section 31A by subsection (4) of that section;
- (b) “prescribed” means prescribed by regulations made by the Secretary of State.

31C Penalties for offences under section 31A

- (1) A person guilty of an offence under section 31A(1) is liable on summary conviction to—
 - (a) an excise penalty of—
 - (i) level 3 on the standard scale, or
 - (ii) five times the amount of vehicle excise duty chargeable in respect of the vehicle concerned,whichever is the greater; and
 - (b) if subsection (3) applies to him, an excise penalty (in addition to any under paragraph (a)) of an amount that complies with subsection (2).
- (2) An amount complies with this subsection if it—
 - (a) is not less than the greater of—
 - (i) the maximum of the penalty to which the person is liable under subsection (1)(a), and
 - (ii) the amount of the supplement (if any) that became payable by him by reason of non-renewal of the vehicle licence for the vehicle that last expired before the commission of the offence; and
 - (b) is not more than the greatest of—
 - (i) the maximum of the penalty to which the person is liable under subsection (1)(a),
 - (ii) the amount mentioned in paragraph (a)(ii), and
 - (iii) ten times the amount of vehicle excise duty chargeable in respect of the vehicle.
- (3) This subsection applies to the person if—
 - (a) he was, at the time proceedings for the offence were commenced, the person in whose name the vehicle concerned was registered under this Act, and
 - (b) that vehicle was unlicensed throughout the period beginning with the commission of the offence and ending with the commencement of those proceedings.
- (4) The amount of vehicle excise duty chargeable in respect of a vehicle is to be taken for the purposes of subsections (1) and (2) to be an amount equal to the annual rate of duty applicable to the vehicle at the date on which the offence was committed.
- (5) Where in the case of a vehicle kept (but not used) on a public road that annual rate differs from the annual rate by reference to which the vehicle was at that date chargeable under section 2(3) to (6), the amount of the vehicle excise duty chargeable in respect of the vehicle is to be taken for those purposes to be an amount equal to the latter rate.

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- (6) In the case of a conviction for a continuing offence, the offence is to be taken for the purposes of subsections (4) and (5) to have been committed on the date or latest date to which the conviction relates.
- (7) In this section, references to the expiry of a vehicle licence include a reference to—
- (a) its surrender, and
 - (b) its being treated as no longer in force for the purposes of subsection (2) of section 31A by subsection (4) of that section.

Offences under sections 29 and 31A: supplementary”.

Commencement Information

- II** Sch. 5 para. 8 in force at 24.7.2002 for specified purposes, see s. 19(2)(3); Sch. 5 para. 8 in force at 19.12.2003 in so far as not already in force by [S.I. 2003/3086](#), [art. 2](#)

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