



# Serious Organised Crime and Police Act 2005

## 2005 CHAPTER 15

### PART 5

#### MISCELLANEOUS

##### *Vehicle registration and insurance and road traffic offences*

#### **150 Offence in respect of incorrectly registered vehicles**

(1) After section 43B of the Vehicle Excise and Registration Act 1994 (c. 22) insert—

##### *“Offence in respect of incorrectly registered vehicles*

#### **43C Offence of using an incorrectly registered vehicle**

- (1) A person is guilty of an offence if, on a public road or in a public place, he uses a vehicle to which subsection (2) applies and in respect of which—
  - (a) the name and address of the keeper are not recorded in the register, or
  - (b) any of the particulars recorded in the register are incorrect.
- (2) This subsection applies to a vehicle if—
  - (a) vehicle excise duty is chargeable in respect of it, or
  - (b) it is an exempt vehicle in respect of which regulations under this Act require a nil licence to be in force.
- (3) It is a defence for a person charged with an offence under subsection (1) to show (as the case may be)—
  - (a) that there was no reasonable opportunity, before the material time, to furnish the name and address of the keeper of the vehicle, or

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*Status: This is the original version (as it was originally enacted).*

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- (b) that there was no reasonable opportunity, before the material time, to furnish particulars correcting the incorrect particulars.
- (4) It is also a defence for a person charged with an offence under subsection (1) to show—
- (a) that he had reasonable grounds for believing, or that it was reasonable for him to expect, that the name and address of the keeper or the other particulars of registration (as the case may be) were correctly recorded in the register, or
  - (b) that any exception prescribed in regulations under this section is met.
- (5) A person guilty of an offence under this section is liable on summary conviction to a fine not exceeding level 3 on the standard scale.
- (6) The Secretary of State may make regulations prescribing, varying or revoking exceptions for the purposes of subsection (4)(b).
- (7) In this section—
- “keeper”, in relation to a vehicle, means the person by whom it is kept at the material time;
  - “the register” means the register kept by the Secretary of State under Part 2.”
- (2) In Schedule 3 to the Road Traffic Offenders Act 1988 (c. 53) (fixed penalty offences) after the entry relating to section 43 of the Vehicle Excise and Registration Act 1994 insert—

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“Section 43C of that Act

Using an incorrectly registered vehicle.”

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