

SERIOUS ORGANISED CRIME AND POLICE ACT 2005

EXPLANATORY NOTES

THE ACT

Commentary on Sections

Part 5: Miscellaneous

Section 150: Offence in respect of incorrectly registered vehicles

384. This section inserts a new section 43C into the Vehicle Excise and Registration Act 1994 (“the 1994 Act”). It creates a new offence of using, on a public road or in a public place, a vehicle which is incorrectly registered if vehicle excise duty is chargeable on that vehicle or that vehicle is an exempt vehicle in respect of which a nil licence is required to be in force. A vehicle is incorrectly registered if the name and address of the keeper are not recorded on the register provided for by the Secretary of State under the 1994 Act. A vehicle is also incorrectly registered if any of the particulars on the register in respect of the vehicle are incorrect.
385. It is already an offence under the 1994 Act for the keeper of a vehicle to fail to correct these details on the register. At present, however, a person found driving such a vehicle escapes penalty if he cannot be proved to be the keeper.
386. It is a defence under subsection (3) of new section 43C for the user to show that there was no reasonable opportunity for the name and address of the keeper to be supplied for registration or that there was no reasonable opportunity to correct incorrect particulars on the register. It is a defence under subsection (4)(a) of new section 43C for the user to show 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 particulars were correctly recorded. Subsection (4)(b) of new section 43C allows further defences to be provided by regulation.
387. A person who is guilty of an offence under this section is liable on summary conviction to a fine not exceeding level 3 on the standard scale (currently £1000). Subsection (2) of the section amends Schedule 3 to the Road Traffic Offenders Act 1988 so as to make an offence under new section 43C of the 1994 Act a fixed penalty offence.