

Vehicles (Crime) Act 2001

2001 CHAPTER 3

Sweet & Maxwell Ltd.

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An Act to regulate motor salvage operators and registration plate suppliers; to make further provision for preventing or detecting vehicle crime; to enable the Secretary of State to make payments in respect of certain expenditure relating to vehicle crime; and for connected purposes.

[10th April 2001]

BE IT ENACTED by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:–

PART 1

REGULATION OF MOTOR SALVAGE OPERATORS

Registration

1 Requirement of registration for motor salvage operators

(1) Any person who carries on business as a motor salvage operator in the area of a local authority without being registered for that area by the authority 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 motor salvage operator if he carries on a business which consists–

- (a) wholly or partly in the recovery for re-use or sale of salvageable parts from motor vehicles and the subsequent sale or other disposal for scrap of the remainder of the vehicles concerned;
- (b) wholly or mainly in the purchase of written-off vehicles and their subsequent repair and re-sale;
- (c) wholly or mainly in the sale or purchase of motor vehicles which are to be the subject (whether immediately or on a subsequent re-sale) of any of the activities mentioned in paragraphs (a) and (b); or
- (d) wholly or mainly in activities falling within paragraphs (b) and (c).

(3) In this Part “registered” means registered in accordance with the provisions of this Part in a register established and maintained by a local authority under section 2; and cognate expressions shall be construed accordingly.

2 Registers of motor salvage operators

- (1) Every local authority shall establish and maintain a register for their area of persons carrying on business as motor salvage operators in that area.
- (2) The register shall, subject to any requirements that may be prescribed, be in such form as the local authority consider appropriate.
- (3) Each person's entry in the register shall contain such particulars as may be prescribed.
- (4) A person shall cease to be registered in the register at the end of the period of three years beginning with the relevant day unless his registration is renewed before the end of that period in accordance with section 3.
- (5) Where, at the end of the period of three years beginning with the relevant day, an application for renewal of registration has been made under section 3 but has not been withdrawn or finally determined, the registration of the person concerned shall be deemed to continue until the withdrawal or final determination of the application.
- (6) If the application is finally determined in favour of the applicant, the renewal shall be deemed to have had effect from the end of the period of three years beginning with the relevant day.
- (7) In subsections (4) to (6) “the relevant day” means the day on which the person was registered or (if the registration has previously been renewed) the day from which it was last so renewed.
- (8) For the purposes of subsections (5) and (6) an application shall be taken to be finally determined—
 - (a) in the case of the grant of a renewal of registration, when the grant is made;
 - (b) in the case of a refusal to grant a renewal of registration, when no appeal under section 6 is possible in relation to the refusal or any such appeal has been finally determined or withdrawn.
- (9) The local authority shall secure that the contents of the register are available for inspection by members of the public at all reasonable times subject to such reasonable fees (if any) as the local authority may determine.
- (10) If requested by any person to do so and subject to such reasonable fee (if any) as the local authority may determine, the local authority shall supply the person concerned with a copy (certified to be true) of the register or of an extract from it.
- (11) Any such certified copy shall be evidence of the matters mentioned in it.

3 Applications for registration and renewal of registration

- (1) An application for registration in a register for a particular area or for the renewal of such a registration—
 - (a) shall be made to the local authority concerned in accordance with such requirements as may be prescribed; and
 - (b) shall be accompanied by a fee of such amount (if any) as the local authority may determine.
- (2) A local authority may set the level of fees to be charged in respect of applications—
 - (a) with a view to recovering the reasonable costs incurred by them in connection with the administration of this Part; and

- (b) so that different fees are payable in different circumstances.
- (3) A local authority shall, on receiving an application under subsection (1) in respect of the register for their area, register, or (as the case may be) renew the registration of, the applicant in that register unless they are satisfied that he is not a fit and proper person to carry on business as a motor salvage operator.
- (4) In deciding whether they are so satisfied, the local authority shall, in particular, have regard to—
- (a) whether the applicant has been convicted of any offences under this Part; and
 - (b) whether the applicant has been convicted of any offences of a description specified by the Secretary of State by order.
- (5) Where a local authority have refused to register a person in the register for their area under subsection (3), they may refuse to consider any application for registration made by that person during the period of three years beginning with the day on which the refusal was first given.
- (6) Where a local authority have refused to renew a person's registration in the register for their area under subsection (3), they may refuse to consider any application for registration made by that person during the period of three years beginning with the day on which the refusal became final.
- (7) This section is subject to section 5.

4 Cancellation of registration

- (1) A local authority may cancel a person's registration in the register for their area if they are satisfied that he is not a fit and proper person to carry on business as a motor salvage operator.
- (2) In deciding whether they are so satisfied, the local authority shall, in particular, have regard to the matters to which, by virtue of section 3(4), they shall have regard on an application for registration or renewal of registration.
- (3) A local authority may cancel a person's registration in the register for their area if they are satisfied that he is not carrying on business as a motor salvage operator in that area and has not, while registered, been doing so for at least 28 days.
- (4) A cancellation under this section shall not have effect—
- (a) if no appeal is brought under section 6, 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.
- (5) Where a local authority have cancelled a person's registration in the register for their area under subsection (1), they may refuse to consider any application for registration made by that person during the period of three years beginning with the day on which the cancellation had effect.
- (6) This section is subject to section 5.

5 Right to make representations

- (1) A local authority shall not—
- (a) refuse to register a person who has made an application under section 3(1) for registration in the register for their area;

- (b) refuse to renew the registration of a person who has made an application under section 3(1) for renewal of registration in the register for their area; or
- (c) cancel a person's registration in the register for their area;
- unless they have complied with the provisions of this section.
- (2) The local authority shall serve a notice on the person concerned stating—
- (a) what they are 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 them to give him an opportunity to make representations about the proposal; or
- (ii) inform them that he does not wish to make any such representations.
- (3) Where a notice has been served by the local authority under subsection (2), the local authority shall not proceed with their proposed refusal or (as the case may be) cancellation until—
- (a) the person concerned has made representations about it or informed them that he does not wish to make any such representations;
- (b) the period mentioned in subsection (2)(c) has passed without the local authority being required to give the person concerned an opportunity to make representations or without them being informed that he 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 local authority to give him an opportunity to make representations to them about the proposal;
- (b) the local authority have allowed him a reasonable period to make his representations; and
- (c) he has failed to make them within that period.
- (5) The representations may be made orally or in writing.
- (6) If the person concerned informs the local authority that he desires to make oral representations, the local authority shall give him an opportunity of appearing before, and being heard by, a person appointed by the local authority.
- (7) If the local authority decide to proceed with their proposed refusal or (as the case may be) cancellation, they shall serve a notice on the person concerned informing him of their decision to proceed and of the refusal or cancellation.
- (8) A notice under subsection (7) shall also inform the person concerned of—
- (a) his right to appeal under section 6 against the refusal or cancellation;
- (b) the time within which such an appeal may be brought; and
- (c) in the case of a cancellation, the date on which the cancellation is to have effect.

6 Appeals

- (1) An appeal against—
- (a) a refusal by a local authority to register in the register for their area a person who has made an application under section 3(1);

- (b) a refusal by a local authority to renew the registration in the register for their area of a person who has made an application under section 3(1); or
- (c) the cancellation by a local authority of a person's registration in the register for their area;

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 5(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 local authority'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 local authority to comply with any directions given by a magistrates' court under subsection (5); but the authority 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 (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.

7 Keeping of records

(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 4 on the standard scale.

8 Notification of destruction of motor vehicles

(1) The Secretary of State may by regulations provide for the notification by registered persons of the destruction of motor vehicles.

(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.

*Supplementary provisions and offences***9 Rights to enter and inspect premises**

(1) A constable may at any reasonable time enter and inspect premises for the time being entered in the register of a local authority as premises which are—

- (a) occupied as a motor salvage yard by a person carrying on business as a motor salvage operator; or
- (b) occupied by a person carrying on business as a motor salvage operator wholly or partly for the purposes of his business so far as it consists of any of the activities mentioned in section 1(2).

(2) A constable may at any reasonable time—

- (a) require production of, and inspect, any motor vehicles or salvageable parts 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 motor salvage operator is required to keep at such premises by virtue of this Part.

(3) Subsection (4) applies where, on an application made by a constable, 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 to enter and inspect the premises concerned.

(5) A constable—

- (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, in seeking to enter any premises in the exercise of his powers under subsection (1), 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.

10 Offence of making false statements

(1) A person who, in making an application to be registered in the register of a local authority or to renew his registration in such a register—

- (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, subject to subsection (2), liable on summary conviction to a fine not exceeding level 3 on the standard scale.

(2) A person who is guilty of an offence under subsection (1) shall be liable on summary conviction to a fine not exceeding level 5 on the standard scale if—

- (a) any previous application of his to the local authority concerned for registration or renewal of registration was refused under section 3(3); or

- (b) any previous registration of his in the register of the local authority concerned was cancelled under section 4(1).

11 Notification requirements

- (1) A person applying to be registered in the register of a local authority or to renew his registration in such a register shall give notice to the local authority of any changes affecting in a material particular the accuracy of the information which he has provided in connection with his application.
- (2) A person who is registered in the register of a local authority shall give notice to the local authority of any changes affecting his entry in the register within 28 days of the changes occurring; and the local authority shall amend the register accordingly.
- (3) A person who is registered in the register of a local authority and is not carrying on business as a motor salvage operator in the area of the local authority shall give notice to the local authority concerned of that fact within 28 days of the beginning of the period in which he is not carrying on business in that area while registered.
- (4) A person who fails to give notice to a local authority 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.

12 Offence of giving false particulars on sale for salvage

Any person who, on selling a motor vehicle to a person who is in the course of carrying on business as a motor salvage operator so far as it consists of any of the activities mentioned in section 1(2), gives that person a false name or address shall be guilty of an offence and liable on summary conviction to a fine not exceeding level 3 on the standard scale.

General

13 Application of “fit and proper” test to companies etc.

- (1) For the purposes of section 3(3) or 4(1) a local authority shall be satisfied that a company is not a fit and proper person to carry on business as a motor salvage operator if they are satisfied that any director of the company is not a fit and proper person to carry on such a business; and section 3(4) and 4(2) shall be construed accordingly.
- (2) For the purposes of section 3(3) or 4(1) a local authority shall be satisfied that a limited liability partnership is not a fit and proper person to carry on business as a motor salvage operator if they are satisfied that any member of the partnership is not a fit and proper person to carry on such a business; and section 3(4) and 4(2) shall be construed accordingly.

14 Proceedings for offences under Part 1

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.

15 Power to amend or repeal private or local Acts

- (1) The Secretary of State may by order amend or repeal any provision of a private or local Act passed before or in the same session as this Act, if it appears to him necessary or expedient to do so in consequence of this Part.
- (2) Before exercising his power under subsection (1) in relation to any Act which concerns the area of a local authority or county council, the Secretary of State shall consult the local authority or county council concerned.

16 Interpretation of Part 1

- (1) In this Part, unless the context otherwise requires—
- “carrying on business as a motor salvage operator” has the meaning given by section 1(2);
 - “contravene”, in relation to any provision of regulations, includes fail to comply with it;
 - “motor salvage yard” means any premises where any motor vehicles are received or kept in the course of the carrying on of business as a motor salvage operator so far as the business consists of any of the activities mentioned in section 1(2) (excluding any premises where only salvageable parts of motor vehicles are so received or kept);
 - “motor vehicle” means any vehicle whose function is or was to be used on roads as a mechanically propelled vehicle;
 - “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 2;
 - “registered” (and cognate expressions) have the meaning given by section 1(3);
 - “road” means any highway and any other road to which the public has access; and
 - “written-off motor vehicle” means a motor vehicle which is in need of substantial repair but in relation to which a decision has been made not to carry out the repairs.
- (2) The reference in section 5(5) to representations being made in writing includes a reference to representations being made in a text which—
- (a) is transmitted by means of [an electronic communications network]¹ 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) In this Part “local authority” means—
- (a) in relation to England—
 - (i) a unitary authority;
 - (ii) a district council so far as they are not a unitary authority;
 - (b) In relation to Wales, a county council or a county borough council.
- (4) In subsection (3) “unitary authority” means—

¹ words substituted by Communications Act 2003 c. 21 Sch. 17 para. 168

- (a) the council of a county so far as they are the council for an area for which there are no district councils;
 - (b) the council of any district comprised in an area for which there is no county council;
 - (c) a London borough council;
 - (d) the Common Council of the City of London in its capacity as a local authority;
 - (e) the Council of the Isles of Scilly.
- (5) For the purposes of this Part a person carrying on business as a motor salvage operator shall be treated as carrying on that business in the area of a local authority if, but only if—
- (a) premises in that area are occupied by him as a motor salvage yard;
 - (b) no premises are occupied by him as a motor salvage yard (whether in that area or elsewhere) but he has his usual place of residence in that area; or
 - (c) no premises are occupied by him as a motor salvage yard (whether in that area or elsewhere) but premises in that area are occupied by him wholly or partly for the purposes of that business so far as it consists of any of the activities mentioned in section 1(2).
- (6) Subsection (5) shall have effect, in relation to any person who carries on business as a motor salvage operator in partnership with another person, as if any reference to the occupation of a place (whether as a motor salvage yard or otherwise) by a person were a reference to the occupation of that place for the purposes of the partnership by that person, alone or jointly with a member of the partnership, or by another member of the partnership alone.
- (7) References in this Part to offences under this Part include references to anything which is an offence by virtue of section 7(3) and (4) or 8(2) and (3).
- (8) References in this Part to an appeal under section 6 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.

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 magistrate's 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 regulation 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 [an electronic communications network]² 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 offence 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.

² words substituted by Communications Act 2003 c. 21 Sch. 17 para. 168

PART 3**OTHER PROVISIONS RELATING TO VEHICLE CRIME***Vehicle licensing and registration***32 Provision of documents etc. on vehicle licence applications**

(1) In section 7(1) of the Vehicle Excise and Registration Act 1994 (c. 22) (requirement to make a declaration on application for vehicle licence)–

- (a) in paragraph (a) for “such a” there shall be substituted “any such”; and
- (b) in paragraph (b)–
 - (i) after “furnish” there shall be inserted “any”; and
 - (ii) after “particulars” there shall be inserted “and any such documentary or other evidence”.

(2) In section 22(2A)(a) of that Act (extension of registration regime to exempt vehicles: nil licences)–

- (a) in sub-paragraph (i) for “such a” there shall be substituted “any such”; and
- (b) in sub-paragraph (ii)–
 - (i) after “furnish” there shall be inserted “any”; and
 - (ii) after “particulars” there shall be inserted “and any such documentary or other evidence”.

33 Issue of new registration documents: vehicle identity checks etc.

(1) In section 22(1)(h) of the Vehicle Excise and Registration Act 1994 (c. 22) (power to provide by regulations for the issue of new registration documents) after “stolen” there shall be inserted “, surrendered”.

(2) After section 22 of that Act there shall be inserted–

“22A Vehicle identity checks

(1) This section applies to regulations under section 22(1)(h) which confer a power on the Secretary of State to refuse to issue a new registration document in respect of a registered vehicle if he is not satisfied that the vehicle for which the document is being sought is the registered vehicle.

(2) Such regulations may, in particular, provide for–

- (a) the examination (whether by the Secretary of State or by persons authorised by him) of all vehicles for which new registration documents are being sought, or such vehicles of a particular description, for the purpose of ascertaining whether they are the registered vehicles concerned,
- (b) the provision of other evidence in relation to all vehicles for which new registration documents are being sought, or such vehicles of a particular description, for the purpose of ascertaining whether they are the registered vehicles concerned.

(3) Regulations made by virtue of subsection (2) may, in particular, provide for–

- (a) notification of examinations (including their purpose), the issue of certificates as to the outcome of examinations and the keeping of records in relation to examinations and certificates,
 - (b) the issue of duplicates or copies of certificates and the fees to be paid on applications for such duplicates or copies,
 - (c) the correction of errors in certificates,
 - (d) the payment of fees for examinations, and for re-examinations resulting from appeals and the repayment of the whole or part of the fee paid for such a re-examination where it appears to the Secretary of State that there were substantial grounds for contesting the whole or part of the decision appealed against,
 - (e) the making of appeals against the outcome of examinations,
 - (f) the carrying out of examinations in the absence of the keepers or owners of the vehicles concerned,
 - (g) courses of instruction in connection with the carrying out of examinations and the charging of fees in respect of attendance on such courses,
 - (h) the authorisation of examiners, the imposition of conditions to be complied with by authorised examiners (including the payment of fees to the Secretary of State) and the withdrawal of authorisations,
 - (i) the manner in which, conditions under which and apparatus with which examinations are carried out by authorised examiners, and the inspection of premises at which and apparatus with which such examinations are being, or are to be, carried out,
 - (j) the charges to be paid by authorised examiners to the Secretary of State in connection with—
 - (i) the issue of certificates,
 - (ii) the issue of duplicates or copies of certificates, and
 - (iii) the correction of errors in certificates.
- (4) The Secretary of State may use information contained in relevant records—
- (a) to check the accuracy of information which has been obtained under regulations made by virtue of subsection (2), and
 - (b) where appropriate, to amend or supplement any such information.
- (5) The Secretary of State may use information which has been obtained under regulations made by virtue of subsection(2)—
- (a) to check the accuracy of relevant records, and
 - (b) where appropriate, to amend or supplement information contained in those records.
- (6) In subsections (4) and (5) “relevant records” means records—
- (a) maintained by the Secretary of State in connection with any functions exercisable by him under or by virtue of this Act,
 - (b) records maintained by the Secretary of State (or caused by him to be maintained) under section 45(6B) of the Road Traffic Act 1988 (c. 52).
- (7) Subsections (4) to (6) do not limit any powers of the Secretary of State apart from those subsections.
- (8) This section is without prejudice to the generality of the powers conferred by section 22.”

34 Imposition of requirements concerning registration plates

After section 27 of the Vehicle Excise and Registration Act 1994 (c. 22) (registration marks) there shall be inserted—

“Registration plates

27A Registration plates

- (1) The Secretary of State may by regulations—
 - (a) prescribe specifications for registration plates (whether relating to their size, shape, material of manufacture or otherwise),
 - (b) provide for registration plates to contain or display such information other than registration marks or (as the case may be) special registration marks as may be specified or described in the regulations.
- (2) Regulations under subsection (1)(b) may, in particular, prescribe the form and manner in which any such information is to be contained or displayed.
- (3) In this section “registration plates” means—
 - (a) plates or other devices for displaying registration marks and for fixing them on vehicles or trailers in accordance with regulations under section 23(3), or
 - (b) plates or other devices for displaying special registration marks and for fixing them on vehicles or trailers in accordance with regulations under section 22(2),and includes plates or other devices which are also for containing or displaying information other than registration marks or (as the case may be) special registration marks (whether or not such information is to be contained or displayed by virtue of regulations under this section).
- (4) In this section—

“special registration mark” means a mark indicating the registered number of a vehicle or trailer and assigned to the vehicle or trailer by virtue of regulations under section 22(2), and

“trailer” has the same meaning as in Part 8 of Schedule 1.”

Information requirements

35 Notification by scrap metal dealers of destruction of motor vehicles

After section 4 of the Scrap Metal Dealers Act 1964 (c. 69) there shall be inserted—

“4A Notification of destruction of motor vehicles

- (1) The Secretary of State may by regulations provide for the notification by persons registered under this Act as scrap metal dealers of the destruction of motor vehicles.
- (2) Regulations under this section may, in particular, provide for the keeping by such persons, or persons who were formerly such persons, of records of notifications given by them in accordance with such regulations.

- (3) Regulations under this section may specify provisions of the regulations as provisions to which subsection (4) of this section 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) Any power of the Secretary of State to make regulations under this section—
- (a) shall be exercisable by statutory instrument;
 - (b) may be exercised so as to make different provision for different cases or descriptions of case or for different purposes or different areas;
 - (c) includes power to make such incidental, supplementary, consequential, transitory, transitional or saving provision as the Secretary of State considers appropriate.
- (6) A statutory instrument containing regulations under this section shall be subject to annulment in pursuance of a resolution of either House of Parliament.
- (7) In this section—
- “contravene”, in relation to any provision of regulations, includes fail to comply with it;
 - “motor vehicle” means any vehicle whose function is or was to be used on roads as a mechanically propelled vehicle; and
 - “road” means any highway and any other road to which the public has access.”

36 Access to certain motor insurance information

- (1) The Secretary of State may by regulations provide for relevant information which is required to be kept by regulation 10 of the Motor Vehicles (Third Party Risks) Regulations 1972 (S.I. 1972/1217) or by any subsequent regulation made under any corresponding power in the Road Traffic Act 1988 (c. 52) to be made available to the Police Information Technology Organisation for use by constables.
- (2) Regulations under subsection (1) may, in particular—
- (a) require all such information or such information of a particular description to be made available to the Organisation;
 - (b) determine the purposes for which constables may be give access to the information;
 - (c) determine the circumstances in which any of the information to which they have been given access may be further disclosed by them.
- (3) In this section—
- “information” means information held in any form; and
 - “relevant information” means—
- (a) information relating to policies of insurance, or securities, in relation to the use of motor vehicles, or information relating to any certificates issued in connection with such policies or securities; or
 - (b) information relating to motor vehicles to which section 143 of the Act of 1988 does not apply or to any certificates or other documents issued in connection with such vehicles.

*Miscellaneous***37 Taking a conveyance without authority: extension of prosecution time-limits**

(1) After section 12(4) of the Theft Act 1968 (c. 60) (offence of taking a conveyance without authority) there shall be inserted—

“(4A) Proceedings for an offence under subsection (1) above (but not proceedings of a kind falling within subsection (4) above) in relation to a mechanically propelled vehicle—

(a) shall not be commenced after the end of the period of three years beginning with the day on which the offence was committed; but

(b) subject to that, may be commenced at any time within the period of six months beginning with the relevant day.

(4B) In subsection (4A)(b) above “the relevant day” means—

(a) in the case of a prosecution for an offence under subsection (1) above by a public prosecutor, the day on which sufficient evidence to justify the proceedings came to the knowledge of any person responsible for deciding whether to commence any such prosecution;

(b) in the case of a prosecution for an offence under subsection (1) above which is commenced by a person other than a public prosecutor after the discontinuance of a prosecution falling within paragraph (a) above which relates to the same facts, the day on which sufficient evidence to justify the proceedings came to the knowledge of the person who has decided to commence the prosecution or (if later) the discontinuance of the other prosecution;

(c) in the case of any other prosecution for an offence under subsection (1) above, the day on which sufficient evidence to justify the proceedings came to the knowledge of the person who has decided to commence the prosecution.

(4C) For the purposes of subsection (4A)(b) above a certificate of a person responsible for deciding whether to commence a prosecution of a kind mentioned in subsection (4B)(a) above as to the date on which such evidence as is mentioned in the certificate came to the knowledge of any person responsible for deciding whether to commence any such prosecution shall be conclusive evidence of that fact.”

(2) Subsection (1) applies in relation to offences committed on or after the day appointed for the purposes of this section by an order under section 44.

38 Unified power for Secretary of State to fund speed cameras etc.

(1) The Secretary of State may make payments in respect of the whole or any part of the expenditure of a public authority in relation to—

(a) the prevention or detection of offences to which subsection (2) applies; or

(b) any enforcement action or proceedings in respect of such offences or any alleged such offences.

(2) This subsection applies to offences under—

(a) section 16 of the Road Traffic Regulation Act 1984 (c. 27) which consist in contraventions of restrictions on the speed of vehicles imposed under section 14 of that Act;

- (b) subsection (4) of section 17 of that Act which consist in contraventions of restrictions on the speed of vehicles imposed under that section;
 - (c) section 88(7) of that Act (temporary minimum speed limits);
 - (d) section 89(1) of that Act (speeding offences generally);
 - (e) section 36(1) of the Road Traffic Act 1988 (c. 52) which consist in the failure to comply with an indication given by a light signal that vehicular traffic is not to proceed.
- (3) Payments under this section shall be made to—
- (a) the public authority in respect of whose expenditure the payments are being made; or
 - (b) any other public authority for payment, in accordance with arrangements agreed with the Secretary of State, to, or on behalf of, the public authority in respect of whose expenditure the payments are being made.
- (4) Payments under this section shall be paid at such times, in such manner and subject to such conditions as the Secretary of State may determine.
- (5) In this section “public authority” means—
- (a) any highway authority (within the meaning of the Highways Act 1980 (c. 66));
 - (b) any police authority established under section 3 of the Police Act 1996 (c. 16), the Metropolitan Police Authority or the Common Council of the City of London in its capacity as a police authority;
 - (c) any responsible authority (within the meaning of section 55 of the Justices of the Peace Act 1997 (c. 25)) or the Greater London Magistrates' Courts Authority; and
 - (d) any body or other person not falling within paragraphs (a) to (c) and so far as exercising functions of a public nature.

PART 4

SUPPLEMENTARY

General

39 Offences by bodies corporate

- (1) Where an offence under this Act committed by a body corporate is proved to have been committed with the consent or connivance of, or to be attributable to any neglect on the part of, a director, manager, secretary or other similar officer of the body corporate, he as well as the body corporate commits the offence and shall be liable to be proceeded against and punished accordingly.
- (2) Where the affairs of a body corporate are managed by its members, subsection (1) applies in relation to the acts and defaults of a member in connection with his functions of management as if he were a director of the body corporate.

40 Service of notices

- (1) Any document required or authorised by virtue of this Act to be served on any person may be served—
- (a) by delivering it to him or by leaving it at his proper address or by sending it by post to him at that address;

- (b) if the person is a body corporate other than a limited liability partnership, by serving it in accordance with paragraph (a) on the secretary of the body;
 - (c) if the person is a limited liability partnership, by serving it in accordance with paragraph (a) on a member of the partnership; or
 - (d) if the person is a partnership, by serving it in accordance with paragraph (a) on a partner or a person having the control or management of the partnership business.
- (2) For the purposes of this section and section 7 of the Interpretation Act 1978 (c. 30) (service of documents by post) in its application to this section, the proper address of any person on whom a document is to be served shall be his last known address, except that—
- (a) in the case of service on a body corporate (other than a limited liability partnership) or its secretary, it shall be the address of the registered or principal office of the body;
 - (b) in the case of service on a limited liability partnership or a member of the partnership, it shall be the address of the registered or principal office of the partnership;
 - (c) in the case of service on a partnership or a partner or a person having the control or management of a partnership business, it shall be the address of the principal office of the partnership.
- (3) For the purposes of subsection (2) the principal office of a company constituted under the law of a country or territory outside the United Kingdom or of a partnership carrying on business outside the United Kingdom is its principal office within the United Kingdom.
- (4) Subsection (5) applies if a person to be served under this Act with any document by another has specified to that other an address within the United Kingdom other than his proper address (as determined under subsection (2)) as the one at which he or someone on his behalf will accept documents of the same description as that document.
- (5) In relation to that document, that address shall be treated as his proper address for the purposes of this section and section 7 of the Interpretation Act 1978 in its application to this section, instead of that determined under subsection (2).
- (6) Any notice in writing or other document required or authorised by virtue of this Act to be served on any person may be served on that person by transmitting the text of the notice or other document to him by means of [an electronic communications network]³ or by other means but while in an electronic form provided the text is received by that person in legible form and is capable of being used for subsequent reference.
- (7) This section does not apply to any document if rules of court make provision about its service.
- (8) In this section references to serving include references to similar expressions (such as giving or sending).

41 Orders and regulations under this Act

- (1) Any power of the Secretary of State to make an order or regulations under this Act shall be exercisable by statutory instrument.
- (2) Any power of the Secretary of State to make an order or regulations under this Act—
 - (a) may be exercised so as to make different provision for different cases or descriptions of case or for different purposes or different areas;

³ words substituted by Communications Act 2003 c. 21 Sch. 17 para. 168

(b) includes power to make such incidental, supplementary, consequential, transitory, transitional or saving provision as the Secretary of State considers appropriate.

(3) A statutory instrument containing an order or regulations under this Act (other than an order under section 44) shall be subject to annulment in pursuance of a resolution of either House of Parliament.

42 General financial provision

(1) There shall be paid out of money provided by Parliament—

- (a) any expenditure incurred by a Minister of the Crown in consequence of this Act; and
- (b) any increase attributable to this Act in the sums payable out of money so provided by virtue of any other Act.

(2) There shall be paid into the Consolidated Fund any sums received by a Minister of the Crown in consequence of this Act.

43 Consequential amendments

The Schedule to this Act (consequential amendments) shall have effect.

Final

44 Commencement

Parts 1 to 3 and section 43 and the Schedule shall come into force on such day as the Secretary of State may by order appoint; and different days may be appointed for different purposes or different areas.

45 Extent

(1) Parts 1 and 2, and sections 35, 37 and 38 extend to England and Wales only.

(2) Sections 32 to 34 extend to England and Wales, Scotland and Northern Ireland.

(3) Section 36 extends to England and Wales and Scotland.

(4) Any amendment by the Schedule of an enactment has the same extent as the enactment amended.

(5) Subject to subsection (4), this Part extends to England and Wales, Scotland and Northern Ireland.

46 Short title

This Act may be cited as the Vehicles (Crime) Act 2001.

SCHEDULE
CONSEQUENTIAL AMENDMENTS

Section 43

Scrap Metal Dealers Act 1964 (c.69)

1

(1) Section 6 of the Scrap Metal Dealers Act 1964 (rights of entry and inspection) shall be amended as follows.

(2) In subsection (1)(b)–

- (a) after “book”, where it appears for the first time, there shall be inserted “or record”;
- (b) after “by” there shall be inserted “virtue of”; and
- (c) after “book”, where it appears for the second time, there shall be inserted “, record”.

(3) In subsection (3) after “the provisions of” there shall be inserted “, or made under,”.

(4) In subsection (5) after “book” there shall be inserted “, record”.

2

In section 9(1) of that Act (definition of carrying on business as a scrap metal dealer)–

- (a) after “articles” there shall be inserted “or as part of the carrying on of a business as a motor salvage operator (within the meaning of Part 1 of the Vehicles (Crime) Act 2001) so far as it consists of any of the activities mentioned in section 1(2) of that Act”;
- (b) after “manufacture”, where it appears for the second time, there shall be inserted “or of such a business”; and
- (c) after “manufacture”, where it appears for the third time, there shall be inserted “or for such a business”.

Vehicle Excise and Registration Act 1994 (c.22)

3

In section 7(2) of the Vehicle Excise and Registration Act 1994 (applications for certain vehicle licences)–

- (a) for “and particulars”, where it appears for the first time, there shall be substituted “, particulars and evidence”; and
- (b) for “and particulars of” there shall be substituted “particulars of and evidence in relation to”.

4

In section 22(2A)(d) of that Act (registration regulations about nil licences)–

- (a) after “State” there shall be inserted “any”;
- (b) after “particulars” there shall be inserted “and any such documentary or other evidence”; and
- (c) after “make” there shall be inserted “any”.

5

After section 43A of that Act there shall be inserted–

“43B Vehicle identity checks: impersonation of authorised examiners

(1) A person is guilty of an offence if, with intent to deceive, he falsely represents himself to be a person entitled under regulations made by virtue of section 22A(2) to carry out examinations of vehicles in accordance with regulations so made.

(2) A person guilty of an offence under subsection (1) is liable on summary conviction to a fine not exceeding level 3 on the standard scale”.

6

(1) Paragraph 22 of Schedule 2 to that Act (vehicles which are exempt from vehicle excise duty: vehicle testing etc.) shall be amended as follows.

(2) In sub-paragraph (1)–

(a) in paragraph (a) after “compulsory test” there shall be inserted “, a vehicle identity check”; and

(b) in paragraph (b) after “test” there shall be inserted “or check”.

(3) In sub-paragraph (2)–

(a) after “weight test,” there shall be inserted “or a vehicle identity check or”; and

(b) in paragraphs (a) and (b) after “test”, in each place where it appears, there shall be inserted “, check”.

(4) After sub-paragraph (6) there shall be inserted–

“(6ZA) In this paragraph “a vehicle identity check” means any examination of a vehicle for which provision is made by regulations made by virtue of section 22A(2) of this Act.”

(5) In sub-paragraph (6B) after “compulsory test” there shall be inserted “, a vehicle identity check”.

(6) In sub-paragraph (7), at the end of paragraph (c) and before the word “and” there shall be inserted–

“(ca) in the case of an examination of a vehicle for which provision is made by regulations made by virtue of section 22A(2) of this Act, the Secretary of State or a person authorised by him to carry out the examination;”.

*Justices of the Peace Act 1997 (c.25)***7**

After section 55(7) of the Justices of the Peace Act 1997 (limits on expenditure of local authorities outside Greater London in relation to magistrates' courts) there shall be inserted–

“(7A) Subsection (7) above does not apply in relation to any expenditure or payments whose cost is, or is to be, met by payments under section 38 of the Vehicles (Crime) Act 2001 (unified power for Secretary of State to fund speed cameras etc.)”

8

(1) Section 57 of that Act (grants by Lord Chancellor to local authorities outside Greater London) shall be amended as follows.

(2) In subsection (1) (grants towards non-capital expenditure) at the end there shall be inserted “and any expenditure which is, or is to be, met by payments under section 38 of the Vehicles (Crime) Act 2001”.

(3) In subsection (2) (grants towards capital expenditure) at the end there shall be inserted “; and in determining any such expenditure for the purposes of this section there shall be disregarded any capital expenditure which is, or is to be, met by payments under section 38 of the Vehicles (Crime) Act 2001”.

9

In section 58(1) of that Act (certain local authority land appropriated to magistrates' courts purposes) after “section 57(2) above” there shall be inserted “or section 38 of the Vehicles (Crime) Act 2001”.

10

After section 59B(7) of that Act (funding arrangements for the Greater London Magistrates' Courts Authority) there shall be inserted—

“(7A) References in this section to the Authority's expenditure do not include expenditure which is, or is to be, met by payments under section 38 of the Vehicles (Crime) Act 2001.”

EXPLANATORY NOTES

(This note is not part of the Order)

INTRODUCTION

1. These explanatory notes relate to the Vehicles (Crime) Act which received Royal Assent on 10 April 2001. They have been prepared by the Home Office in order to assist the reader of the Act. They do not form part of the Act and have not been endorsed by Parliament.

2. The notes need to be read in conjunction with the Act. They are not, and are not meant to be, a comprehensive description of the Act. So where a section or part of a section does not seem to require any explanation or comment, none is given.

SUMMARY

3. The Act is in four Parts:

Part 1, *Regulation of Motor Salvage Operators*: introduces powers to regulate the motor salvage industry and require motor salvage operators to register with local authorities, keep records and for the police to have right of entry to registered premises without warrant.

Part 2, *Regulation of Registration Plate Suppliers*: requires number plate suppliers to register, to make suitable checks before selling a number plate and to keep records of transactions.

Part 3, *Other Provisions Relating to Vehicle Crime*: this Part:

- enables a vehicle which has been written off by an insurance company to be required to have an identity check if the Driver and Vehicle Licence Agency (DVLA) receives a request for it to be allowed back on the road. This will prevent the identity of stolen vehicles being disguised by that of other, legitimate, vehicles. It also provides a power to prescribe the form and manner in which information other than registration marks on number plates must appear;
- amends the Scrap Metal Dealers Act 1964 so as to enable scrap metal dealers disposing of motor vehicles to be obliged to notify the destruction to such persons as are specified (the main intended recipient of the notification being the DVLA);
- includes a provision which will have the effect of allowing the police bulk access to a motor insurance industry database and thus enable them to identify more easily uninsured drivers;
- includes a provision extending the time limit for bringing prosecutions for the offence of taking a mechanically propelled vehicle without authority. This enables proceedings for summary offences to be commenced (subject to a general time limit of three years) at any time within six months from the date on which sufficient evidence came to the knowledge of the prosecutor; and
- enables the Secretary of State to make payments in respect of a public authority's expenditure on the prevention and detection of speed and red light offences and any related enforcement action.

Part 4, *Supplementary*: this Part has a number of standard provisions relating to financial arrangements, consequential amendments and orders and regulations as a result of the Act.

THE ACT

Explanatory Notes for the Vehicles (Crime) Act

4. The explanatory notes are divided into parts reflecting the structure of the Act. The background and summary of each subject area are detailed, followed by the commentary on sections in number order.

SUMMARY AND BACKGROUND

Part 1: Regulation of Motor Salvage Operators

5. A consultation paper with proposals to regulate the salvage industry was issued on 27 April 2000. The consultation paper put forward three options:

- to rely on present statutory controls, which are limited as the motor salvage and dismantling industry is only regulated for environmental purposes;
- to rely on a voluntary Code of Practice developed by the insurance industry and aimed at the responsible disposal of those vehicles written-off by insurers;
- to introduce additional statutory regulation.

6. Twenty-six organisations replied to the consultation document. Of these twenty-two endorsed the proposal for more statutory regulation. In the light of the responses to the consultation document the Home Secretary decided that the preferred way forward was to bring the motor salvage industry within a proper framework of statutory regulation.

7. The aim is to reduce the opportunity for disposing of stolen vehicles within the salvage industry by, for example:

- giving the identity of legitimate vehicles which have been seriously damaged or written-off to stolen vehicles (a process known as “ringing”);

- breaking up stolen vehicles for their component parts which are then re-used to repair other vehicles or sold into the market for second hand spares;
- disposing of vehicles and then fraudulently reporting them as stolen to insurance companies.

8. The scale of this problem can only be estimated. However, official statistics (Criminal Statistics: England and Wales, 1997) indicate that about 70% of stolen vehicles are recovered. The problem is measured by those vehicles which are not recovered. The Motor Salvage Regulation Task Force of the Home Office Vehicle Crime Reduction Action Team estimated that 25% of these non-recovered vehicles were used for “ringing” and 40% were broken for their parts. In addition, a further 20% are thought to be the subject of insurance fraud.

9. This suggests that up to 78,000 vehicles every year are likely to have been used for “ringing” or broken up for parts. To this figure can be added a proportion of insurance frauds, estimated at up to 12,000 vehicles.

10. By regulating this industry it is believed that up to 39,000 vehicle thefts and 6,000 fraudulent insurance claims could be avoided per year.

Part 2: Regulation of Registration Plate Suppliers

11. The main objective of this Part of the Act is to regulate the supply of number plates in order to combat vehicle “ringing” and vehicle cloning (using the identity of an existing or scrapped vehicle to disguise another).

12. Many criminals using vehicles to carry out criminal activity use false plates to avoid detection. Such activity can range from terrorism, the use of getaway cars by armed robbers to burglars using vehicles to transport stolen goods.

13. Prior to this Act there were no controls over the supply of plates. Suppliers were not required before supplying a set of plates to check the identity of purchasers or their entitlement to use plates containing particular registration marks. The objective of this Part is to ensure that plates are issued only to those with a genuine reason for having the plates and that they are issued for the correct vehicle.

14. This Part provides for the registration of persons carrying on the business of a number plate supplier; the charging of a registration fee; a power by which a court may remove or suspend registrations; and a power to prosecute for contravention of the statutory requirements. It also allows the Secretary of State to remove from the register persons whom he believes to have ceased carrying on the relevant business.

15. Part 2 creates a number of new offences: making a false application for registration as a number plate supplier, making such an application while suspended from registration by an order of the court, knowingly selling plates which purport to be registration plates but are not, knowingly supplying plates to a person who is in the business of selling fake registration plates, and knowingly supplying components or plates to an unregistered number plate supplier unless that supplier is an exempt person.

Part 3: Other Provisions Relating to Vehicle Crime

16. The incentives for criminals arise if they can obtain a low-value accident-damaged or scrapped vehicle (salvage) and subsequently sell a similar stolen vehicle to an unsuspecting purchaser at a much higher price. One of the main objectives of this Part of the Act is to make it harder for such criminals to obtain new registration documents for “rung” vehicles. Additionally, this Part provides enabling powers for the introduction of vehicle identification features on number plates. This will

link number plates to the vehicles to which they have been assigned, thereby making it more difficult to switch plates between vehicles. It will also make plates more secure and more difficult to duplicate for illegal purposes.

17. Swapping vehicle identity involves transferring vehicle-specific identification plates from the damaged vehicle to the stolen vehicle and the introduction of vehicle identity checks is intended to detect and deter this crime (and, in turn, vehicle ringing).

18. One of the issues vital to the successful implementation of vehicle identity checks is the mechanism for ensuring that vehicles are submitted for test. This will be achieved as a result of a combination of factors:

- the destruction of the registration document for salvage vehicles (which is something that is already provided for under a Code of Practice which applies where a vehicle insurer makes a ‘total loss’ payment to a policyholder);
- ensuring that a vendor transfers the relevant part of the vehicle registration document to the new keeper of a vehicle (which will be achieved either by making a minor change to secondary legislation or by a review of current registration and enforcement procedures).
- making it a requirement for motorists to produce either their vehicle excise licence renewal notice or registration document in order to re-license their vehicle (thereby making it harder for criminals to ‘legitimise’ a ringed vehicle);
- introducing a requirement for the identity of a ‘salvage’ vehicle to be checked before a replacement registration document is issued to a new keeper.

19. The risk of “ringing” affects a wide range of vehicles. Consequently, although the initial objective is to apply the requirement for vehicle identity checks to higher value, more recently registered, vehicle salvage, the requirement could also be extended to other vehicle classes.

20. Under section 127 of the Magistrates' Courts Act 1980, magistrates' courts cannot try a summary offence unless proceedings are started within six months of the day when the offence was committed. The commencement of proceedings for taking a mechanically propelled vehicle without authority is covered by this time limit. Advances in forensic science (particularly fingerprints and DNA) mean that it is possible reliably to match an offender with a crime after the current prosecution time limit has expired. This Part of the Act extends this time limit. This will mean that proceedings, relating to the unauthorised taking of a vehicle, can be commenced at any time within six months from the date on which sufficient evidence to bring a prosecution came to the knowledge of the prosecutor, subject to a general time limit of three years from the day the offence was committed.

21. Finally, this Part of the Act gives the police bulk access to a motor insurance industry database which will allow them to identify more easily people driving without insurance. It also allows the Secretary of State to make payments to public authorities in respect of their expenditure on the prevention and detection of speed and red light offences and on enforcement action relating to such offences. This will in turn enable money from fixed penalties imposed for such offences to be recycled to fund such future prevention, detection and enforcement activities.

Part 4: **Supplementary**

22. This Part of the Act has a number of standard provisions relating to financial arrangements, consequential amendments and orders and regulations as a result of the Act.

COMMENTARY ON SECTIONS

Part 1: Regulation of Motor Salvage Operators

Sections 1, 2, 3, 4, 5, 6 and 13: *Registration*

23. The intention of these sections is to require motor salvage operators to register with the local authority. A person, including a body corporate, who carries on a business as a motor salvage operator will be required to register with the local authority. Local authorities will be responsible for maintaining registers, which will contain details to be prescribed by regulation. Such details are likely to include the name of the person and the address of the premises where the business is conducted. Local authorities will determine the fee to be paid on application for registration. The fee must, however, be set only at a level which recovers reasonable costs of administering the registration scheme. Registration will lapse after three years, although it can be renewed.

24. The registration authority will have the discretion to decide whether a person is “fit and proper” to carry on business as a motor salvage operator. If it decides that a person is not “fit and proper”, it can refuse or cancel registration. If registration is refused or cancelled on this ground, the local authority need not consider a further application for registration from the applicant for a period of three years.

25. A person is entitled to make representations to the local authority where that local authority is minded to refuse an application for registration or the renewal of a registration, or where the local authority is minded to cancel a registration. If the local authority proceeds with the refusal or cancellation, the person may appeal to the magistrates' court.

Sections 7 and 8: *Keeping of Records etc.*

26. Any registered motor salvage operator must maintain records to be specified in regulations. Such records will need to be kept for three years. Further, registered motor salvage operators will be obliged to notify the destruction of any vehicles to such persons as are specified (the main intended recipient of the notification being the DVLA).

27. A person who does not maintain the appropriate records, or notify as required, will be guilty of an offence and liable on summary conviction to a fine.

Sections 9, 10, 11 and 12: *Supplementary Provisions and Offences*

28. Section 9 gives the police powers of entry to registered premises without warrant. For entry to unregistered premises, or entry to registered premises where entry has previously been refused, a warrant issued by a justice of the peace can be obtained to secure entry with the use of force if necessary.

29. A police constable may inspect any motor vehicles or salvaged parts kept at the premises and inspect or copy any records which the motor salvage operator is required to keep.

30. Section 10 makes it an offence knowingly or recklessly to supply materially false information in an application for registration as a salvage operator. It allows a higher penalty for such an offence where the offender has previously been refused registration or had his registration cancelled.

31. Section 11 requires the person registered or applying to be registered to notify the local authority of any changes affecting the accuracy of information provided within 28 days of the changes occurring. Failure to do so will be an offence, although there is a due diligence defence.

32. Section 12 makes it an offence for a person to give a false name or address when selling a motor vehicle to a registered motor salvage operator.

Sections 14, 15 and 16: *General*

33. Section 14 provides for the police or local authorities to bring prosecutions. Prosecutions by anyone else must have the consent of the Attorney General. Section 15 allows the Secretary of State to amend or repeal any private or local Act if it appears to conflict with this Act.

34. Section 16 defines the terms used in this Part of the Act including what constitutes carrying on a business as a motor salvage operator in the area of a local authority and a motor salvage yard.

Part 2: Regulation of Registration Plate Suppliers

Sections 17, 18, 19, 20, 21, 22 and 23: *Requirement of registration of registration plate suppliers*

35. Section 17 requires any person who carries on a business as a registration (number) plate supplier in England or Wales, and is not an exempt person, to be registered by the Secretary of State. It would be an offence to conduct business as a registration plate supplier without being registered.

36. Section 18 requires the Secretary of State (in practice the DVLA) to establish and maintain a register of registration plate suppliers containing particulars to be prescribed by regulation. The Secretary of State may disclose information from the register and may charge a fee for such disclosure.

37. Section 19 provides for applications for registration and empowers the Secretary of State to charge a fee to recover reasonable costs.

38. Sections 20 to 23 provide for the removal or suspension of a registration by a court where a person has been convicted of an offence under this Part and for the cancellation of a registration where the Secretary of State is satisfied that a registered person has not been carrying on business as a registration plate supplier for at least 28 days. An intention to cancel must be notified and the supplier given a reasonable opportunity to persuade the authority not to proceed. In the event of cancellation the supplier has a right of appeal exercisable within 21 days.

Sections 24 and 25: *Keeping of Records etc.*

39. Section 24 enables the making of regulations to provide for the keeping of records by registration plate suppliers. It will be an offence to fail to keep records as prescribed, subject to a due diligence defence.

40. Section 25 requires registration plate suppliers to obtain prescribed information from prospective purchasers. It will be an offence to fail to obtain this information before completing a sale, subject to a due diligence defence.

Sections 26, 27, 28 and 29: *Supplementary Provisions and Offences*

41. Section 26 gives a police officer or a person appointed by a local authority the right to enter and inspect the premises of a registered business. A police officer or a person appointed by a local authority may enter other premises where he suspects that there is an unregistered business, provided that a justice of the peace has issued a warrant. Reasonable force may be used in pursuance of the warrant.

42. Section 27 requires a registered person to notify within 28 days any changes to details held on the register or the cessation of business as a registration plate supplier. Failure to notify will be an offence, subject to a due diligence defence. Section 28 makes it an offence knowingly or recklessly to sell as a registration plate a device which is not a registration plate. It also makes it an offence knowingly to supply components to a person who is in the business of selling fake registration plates for the purposes of that business.

43. Section 29 makes it an offence in certain circumstances to supply a plate to an unregistered person, other than an exempt person, who is carrying on business as a registration plate supplier.

Sections 30 and 31

44. The police or local authorities may bring prosecutions. Prosecutions by anyone else must have the consent of the Attorney General. Prosecutions may be brought against corporate bodies and against senior employees of those bodies. Section 31 defines the terms used in this Part of the Act, including the terms “carrying on a business as a registration plate supplier” and “registration plate”.

Part 3: Other Provisions Relating to Vehicle Crime

Section 32: Vehicle Licence Applications

45. Section 32 amends section 7 of the Vehicle Excise and Registration Act 1994 to enable the Secretary of State to specify documents and other evidence which must be produced in support of a vehicle excise licence application. Corresponding amendments are also made to section 22 of the 1994 Act in relation to nil licences.

Section 33: Vehicle Identity Checks

46. The main intention of this section is to require a compulsory vehicle identity check of any ‘written-off’, scrapped vehicle, prior to the issue of replacement registration documents to the vehicle keeper.

47. The purpose of the vehicle identity check is to help prevent a criminal from swapping the identity of a vehicle he has stolen with that of a written-off or scrapped vehicle (“ringing”).

48. Section 33 inserts new regulation-making powers after section 22 of the Vehicle Excise and Registration Act 1994 (registration regulations). They ensure that the Secretary of State:

- can refuse to issue a registration document in respect of a vehicle if he is not satisfied that the vehicle is the registered vehicle; and
- can make regulations to provide for the examination of vehicles for the purpose of ascertaining whether they are the registered vehicles.

49. Section 33 also ensures that the vehicle identity check regime can apply to the issue of new registration documents in place of surrendered documents.

Section 34: Registration Plates

50. This section provides for the inclusion of additional information to be held on registration plates. It provides a power to make regulations to prescribe the form and manner in which such information may be held. The purpose of this provision is to enable the Secretary of State to prescribe that registration plates should contain information that would link the registration plate to the vehicle for which it is intended, making the registration plate more secure and difficult to copy.

Sections 35 and 36: Information Requirements

51. Section 35 enables regulations to be made obliging scrap metal dealers registered under the Scrap Metal Dealers Act 1964 to notify specified persons if they finally dispose of a motor vehicle. The intention is to ensure that the DVLA are notified of such destructions, with the aim of preventing the re-registration of a stolen motor vehicle which has been given the destroyed motor vehicle's identity. The provision mirrors the provision in section 8 applying to registered motor salvage operators.

52. Section 36 will have the effect of enabling the police to have bulk access to an insurance industry database which will help them to detect people driving without insurance.

Sections 37 and 38: *Miscellaneous*

53. Section 37 amends a time limit in the Theft Act 1968 so that proceedings relating to the unauthorised taking of a mechanically propelled vehicle may be commenced at any time within six months from the date on which sufficient evidence to bring a prosecution came to the knowledge of the prosecutor. It is subject to a general requirement that any prosecution must be brought within three years of the offence taking place.

54. Section 38 allows the Secretary of State to make payments to public authorities in respect of their expenditure on the prevention and detection of speed and red light offences and on enforcement action relating to such offences. This will in turn, with the agreement of the Treasury, enable money from fixed penalties for such offences to be recycled to fund such future prevention, detection and enforcement activities. In practice this will enable resources to be directed towards the installation and use of safety cameras.

Part 4: Supplementary

Sections 39, 40, 41, 42, and 43: *General*

55. Section 39 — if an offence under this Act, committed by a body corporate, is proved to have been committed with the consent of, or is attributed to, a director, manager, secretary or other relevant officer, this person may be prosecuted, as well as the body corporate.

56. Section 40 relates to the service of documents required or authorised by the Act, and enables documents to be served by electronic means where appropriate. Section 41 states that any order making powers or regulations as a result of this Act will be exercisable by statutory instrument. All statutory instruments made under the Act apart from commencement orders are to be subject to the negative resolution procedure.

57. Section 42 ensures that sums received by a Minister of the Crown in consequence of the Act are paid into the Consolidated Fund. Section 43 refers to the Schedule to the Act which lists the consequential amendments to other Acts as a result of this Act.

Sections 44, 45, and 46: *Final*

58. The substantive provisions of this Act will come into effect when it is decided appropriate by the Secretary of State who will issue a commencement order. Different dates might be considered appropriate for different parts of the Act or in respect of different geographical areas.

59. Parts 1 and 2 and sections 35, 37 and 38 extend to England and Wales only. Section 36 extends to England and Wales and Scotland. Sections 32 to 34 inclusive extend to England and Wales, Scotland and Northern Ireland.

Schedule

60. The Schedule provides details of the consequential amendments to other legislation as a result of this Act.

COMMENCEMENT

61. The substantive provisions in this Act will come into effect when it is decided appropriate by the Secretary of State who will issue a commencement order. Different dates might be considered appropriate for different parts of the Act or for different geographical areas.

TERRITORIAL EXTENT

62. Parts 1 and 2 and sections 35, 37 and 38 extend to England and Wales only. Section 36 extends to England and Wales and Scotland. Sections 32 to 34 inclusive extend to England and Wales, Scotland and Northern Ireland.

HANSARD REFERENCES

Stage	Date	Hansard Reference
House of Commons		
Introduction & Publication	7 December 2000	Vol. 359 Col. 134
Second Reading & Money Resolution	18 December 2000	Vol. 360 Col. 22–129
Committee	9 January 2001 11 January 2001 16 January 2001 18 January 2001 23 January 2001	Standing Committee A
Third Reading and Report	30 January 2001	Vol. 362 Cols. 197–280
House of Lords		
Introduction	31 January 2001	Vol. 621 Col. 692
Second Reading	15 February 2001	Vol. 622. Cols. 364–398
Committee	5–6 March 2001	Vol. 623 Col. 109 Vol. 623 Col. 133
Report	20 March 2001	Vol. 623 Col. 1370
Third Reading	27 March 2001	Vol. 624 Col. 134
Royal Assent	10 April 2001	
House of Lords		Vol. 624 Col. 1057
House of Commons		Vol. 366 Col. 848