



Protection of Freedoms Act 2012

2012 CHAPTER 9

PART 3

PROTECTION OF PROPERTY FROM DISPROPORTIONATE ENFORCEMENT ACTION

CHAPTER 2

VEHICLES LEFT ON LAND

Offence of immobilising etc. vehicles

54 Offence of immobilising etc. vehicles

- (1) A person commits an offence who, without lawful authority—
 - (a) immobilises a motor vehicle by the attachment to the vehicle, or a part of it, of an immobilising device, or
 - (b) moves, or restricts the movement of, such a vehicle by any means, intending to prevent or inhibit the removal of the vehicle by a person otherwise entitled to remove it.
- (2) The express or implied consent (whether or not legally binding) of a person otherwise entitled to remove the vehicle to the immobilisation, movement or restriction concerned is not lawful authority for the purposes of subsection (1).
- (3) But, where the restriction of the movement of the vehicle is by means of a fixed barrier and the barrier was present (whether or not lowered into place or otherwise restricting movement) when the vehicle was parked, any express or implied consent (whether or not legally binding) of the driver of the vehicle to the restriction is, for the purposes of subsection (1), lawful authority for the restriction.
- (4) A person who is entitled to remove a vehicle cannot commit an offence under this section in relation to that vehicle.

Status: This is the original version (as it was originally enacted).

- (5) A person guilty of an offence under this section is liable—
 - (a) on conviction on indictment, to a fine,
 - (b) on summary conviction, to a fine not exceeding the statutory maximum.
- (6) In this section “motor vehicle” means a mechanically propelled vehicle or a vehicle designed or adapted for towing by a mechanically propelled vehicle.

Alternative remedies in relation to vehicles left on land

55 Extension of powers to remove vehicles from land

- (1) Section 99 of the Road Traffic Regulation Act 1984 (removal of vehicles illegally, obstructively or dangerously parked, or abandoned or broken down) is amended as follows.
- (2) In subsection (1)—
 - (a) in paragraph (a), after “road” insert “or other land”,
 - (b) in paragraph (b)—
 - (i) after “road”, where it appears for the first time, insert “or other land”, and
 - (ii) after “road”, where it appears for the second time, insert “or land concerned”,
 - (c) in paragraph (c) for “, or on any land in the open air,” substitute “or other land”, and
 - (d) at the end insert “or other land”.
- (3) In subsection (2)—
 - (a) in paragraph (a), after “road”, where it appears for the third time, insert “or on land other than a road”, and
 - (b) after paragraph (a), insert—
 - “(aa) may provide, in the case of a vehicle which may be removed from land other than a road, for the moving of the vehicle from one position on such land to another position on such land or on any road;”.

56 Recovery of unpaid parking charges

Schedule 4 (which makes provision for the recovery of unpaid parking charges from the keeper or hirer of a vehicle in certain circumstances) has effect.