

**2002 No. 3049**

**POLICE, ENGLAND AND WALES**

**The Police (Retention and Disposal of Motor Vehicles)  
Regulations 2002**

*Made* - - - - - *11th December 2002*

*Laid before Parliament* *11th December 2002*

*Coming into force* - - *1st January 2003*

The Secretary of State, in exercise of the powers conferred on him by sections 60 and 105(4) of the Police Reform Act 2002(a), hereby makes the following Regulations:

**Citation and commencement**

1. These Regulations may be cited as the Police (Retention and Disposal of Motor Vehicles) Regulations 2002 and shall come into force on 1st January 2003.

**Interpretation**

**2. In these Regulations—**

“the 2002 Act” means the Police Reform Act 2002;

“the authority” means a constable or such other person authorised by the chief officer under regulation 3(1);

“GB registration mark” means a registration mark issued in relation to a vehicle under the Vehicle Excise and Registration Act 1994(b);

“owner” includes—

- (a) the person by whom, according to the records maintained by the Secretary of State in connection with any functions exercisable by him by virtue of the Vehicle Excise and Registration Act 1994, the vehicle is kept and used;
- (b) in relation to a vehicle which is the subject of a hiring agreement or a hire-purchase agreement, the person entitled to possession of the vehicle under the agreement;

“relevant motor vehicle” means a motor vehicle which has been seized and removed under section 59(3)(b) of the 2002 Act;

“seizure notice” means a notice complying with regulation 4;

“specified information”, in relation to a vehicle, means such of the following information as can be or could have been ascertained from an inspection of the vehicle, or has been ascertained from any other source, that is to say—

- (a) in the case of a vehicle which carries a GB registration mark, or a mark indicating registration in a place outside Great Britain, particulars of that mark; and
- (b) the make of the vehicle.

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(a) 2002 c. 30.  
(b) 1994 c. 22.

### **Retention and safe keeping of motor vehicles**

3.—(1) A relevant motor vehicle shall be passed into and remain in the custody of a constable or other person authorised under this regulation by the chief officer of the police force for the area in which the vehicle was seized (“the authority”) until—

- (a) the authority permit it to be removed from their custody by a person appearing to them to be the owner of the vehicle; or
- (b) it has been disposed of under these Regulations.

(2) While the vehicle is in the custody of the authority, they shall be under a duty to take such steps as are reasonably necessary for its safe keeping.

### **Giving of seizure notice**

4.—(1) The authority shall, as soon as they are able after a relevant motor vehicle has been taken into their custody, take such steps as are practicable to give a seizure notice to the person who is or appears to be the owner of that vehicle, except where the vehicle has been released from their custody in accordance with these Regulations.

(2) A seizure notice required to be given under these Regulations shall comply with, and be given in accordance with, the following provisions of this regulation.

(3) A seizure notice shall, in respect of the vehicle to which it relates, contain the specified information and shall state—

- (a) the place where the vehicle was seized;
- (b) the place where it is now being kept;
- (c) that the person to whom the notice is directed is required to claim the vehicle from the authority on or before the date specified in the notice, being a date not less than 21 days from the day when the notice is given to him;
- (d) that unless the vehicle is claimed on or before that date the authority intend to dispose of it;
- (e) that, subject to regulation 5(3), charges are payable under these Regulations by the owner of the vehicle in respect of the removal and retention of the vehicle, and that the vehicle may be retained until such charges are paid.

(4) The seizure notice shall be given—

- (a) by delivering it to the person to whom it is directed;
- (b) by leaving it at his usual or last known address;
- (c) by sending it in by the registered post service, addressed to him at his usual or last known address; or
- (d) if the person is a body corporate, by delivering it to the secretary or clerk of the body at its registered or principal office, or sending it by the registered post service, addressed to the secretary or clerk of the body at that office.

### **Release of vehicles**

5.—(1) Subject to the provisions of these Regulations, if, before a relevant motor vehicle is disposed of by an authority, a person satisfies the authority that he is the owner of that vehicle and pays to the authority such a charge in respect of its removal and retention as is provided for in regulation 6, the authority shall permit him to remove the vehicle from their custody.

(2) In determining whether it is satisfied that a person who claims to be the owner of a relevant motor vehicle is in fact the owner, an authority may consider such documentary evidence as that person may supply to them.

(3) A person who would otherwise be liable to pay a charge under paragraph (1) shall not be liable to pay if—

- (a) the use by reference to which the vehicle was seized under section 59 of the 2002 Act was not a use by him; and
- (b) he did not know of the use of the vehicle in the manner which led to its seizure, had not consented to its use in that manner and could not, by the taking of reasonable steps, have prevented its use in that manner.

### **Charges in relation to the removal and retention of a motor vehicle**

- 6.—(1) The charge payable under regulation 5(1) shall be—
- (a) in respect of the vehicle's removal, £105; and
  - (b) in respect of retention, £12 for each period of 24 hours or a part thereof during which the vehicle is in the custody of the authority.

(2) For the purposes of paragraph (1)(b), each period of 24 hours shall be reckoned from noon on the first day after removal during which the place at which the vehicle is stored is open for the claiming of vehicles before noon.

### **Disposal of motor vehicles**

7.—(1) Where the authority have been unable to give a seizure notice to the person who is or appears to be the owner of a relevant motor vehicle or, following the giving of such a seizure notice, the vehicle has not been released from their custody under these Regulations, the authority may dispose of the vehicle in accordance with the following provisions of this regulation.

(2) If the authority are satisfied that the person to whom they have given or attempted to give a seizure notice is the owner of the vehicle, they may dispose of the vehicle at any time, subject to paragraph (5).

(3) Where the authority are not so satisfied, they may, after taking steps under paragraph (4) to find a person who may be the owner of the vehicle and any other steps for that purpose which appear to them to be practicable, in such manner as they think fit dispose of the vehicle at any time, subject to paragraph (5), if—

- (a) they fail to find such a person, allowing a reasonable time for any person or body from whom they have requested information to respond to the request; or
- (b) they find such a person but he fails to comply with a seizure notice given to him under regulation 4; or
- (c) they find such a person but he is a person to whom the authority have already given or attempted to give a seizure notice under regulation 4.

(4) The steps to be taken under this paragraph to find a person who may be the owner of the vehicle shall be such of the following as are applicable to the vehicle—

- (a) if the vehicle carries a GB registration mark—
  - (i) the authority shall ascertain from the records maintained by the Secretary of State in connection with any functions exercisable by him by virtue of the Vehicle Excise and Registration Act 1994 the name and address of the person by whom the vehicle is kept and used; and
  - (ii) they shall give, where practicable, the specified information to a relevant agency and shall enquire of them whether they can make any enquiries to find the owner of the vehicle;
- (b) if the vehicle carries a mark indicating registration in Northern Ireland, the authority shall give the specified information and a description of the place where the vehicle was seized to the Secretary of State and, where practicable, the specified information to a relevant agency and shall enquire of them whether they can make any enquiries to find the owner of the vehicle;
- (c) if the vehicle carries a mark indicating registration in the Republic of Ireland, the authority shall give the specified information and a description of the place where the vehicle was seized to the Secretary of State, and shall enquire of him whether he can make any enquiries to find the owner of the vehicle;
- (d) if the vehicle carries a registration mark other than one mentioned in sub-paragraphs (a) to (c) above, the authority shall, where practicable, give the specified information to a relevant agency and shall enquire of them whether they can make any enquiries to find the owner of the vehicle.

(5) The authority may not dispose of the vehicle under this regulation—

- (a) during the period of 3 months starting with the date on which the vehicle was seized;
- (b) if the period in sub-paragraph (a) has expired, until after the date specified by virtue of regulation 4(3)(c); or

(c) if not otherwise covered by sub-paragraph (a) or (b), during the period of 7 days starting with the date on which the vehicle is claimed under regulation 5.

(6) In this regulation, “relevant agency” means such agency maintaining records of hire purchase agreements about vehicles as the authority considers appropriate.

#### **Payment of proceeds of sale to owner of vehicle**

8.—(1) Where the authority dispose of a motor vehicle in pursuance of these Regulations by means of sale, they shall pay the net proceeds of sale to any person who, before the end of the period of one year beginning with the date on which the vehicle is sold, satisfies the authority that at the time of the sale he was the owner of the vehicle.

(2) If it appears to the authority that more than one person is the owner of a particular vehicle, such one of them as the authority think fit shall be treated as its owner for the purposes of paragraph (1).

(3) In this regulation, “the net proceeds of sale” means any sum by which the proceeds of sale exceed the aggregate of such sums as may be payable under these Regulations in respect of the removal and retention of the vehicle.

Home Office  
11th December 2002

*John Denham*  
Minister of State

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### **EXPLANATORY NOTE**

*(This note is not part of the Regulations)*

Under section 59 of the Police Reform Act 2002 (motor vehicles used in a manner which constitutes a specified offence and which causes, or is likely to cause, alarm, distress or annoyance to members of the public) the police have certain powers to seize and remove motor vehicles.

These Regulations provide for the retention, safe keeping and disposal by the police or persons authorised by them, of vehicles seized under those powers.

Under regulation 4, the authority having custody of the vehicle are obliged to take steps to give a notice to the person who owns the vehicle requiring him to claim the vehicle within 21 days. The notice must indicate that charges may be payable by that person and that the vehicle may be retained until these charges are paid. The level of the charges is prescribed in regulation 6.

Where the authority are unable to serve a notice on the owner of the vehicle, or that person fails to remove the vehicle from their custody, the authority must take further steps to identify the owner of the vehicle. If they are unsuccessful, or the owner fails to remove the vehicle, they may dispose of the vehicle in accordance with regulation 7.

Regulation 8 provides that where a vehicle is sold, the net proceeds of sale are payable to the owner of a vehicle, if he makes a claim within a year of the sale.

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