
STATUTORY INSTRUMENTS

2008 No. 2367

**The Removal and Disposal of Vehicles
(Traffic Officers) (England) Regulations 2008**

PART 3

DISPOSAL OF ABANDONED VEHICLES

Interpretation of Part 3

12. In this Part—

“description of the place of abandonment”, in relation to a vehicle, means a description of the place at which that vehicle appears or appeared to have been abandoned which will be sufficient to enable that place to be identified after the vehicle has been removed from it;

“HPI Ltd” means HPI Limited, being a company incorporated under the Companies Act 1985(1) and shall include its successors and assigns;

“GB registration mark” means a registration mark issued in relation to a vehicle under the Vehicle Excise and Registration Act 1994(2); and

“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—

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

Amendment of the Road Traffic Regulation Act 1984

13.—(1) The Road Traffic Regulation Act 1984 Act is amended as follows in its application as respects England.

(2) In section 100 (interim disposal of vehicles removed under section 99)—

(a) after subsection (3) insert—

“(3A) Any vehicle removed by, or by virtue of arrangements made by, a traffic officer in pursuance of regulations made under section 99 of this Act and appearing to the traffic officer to have been abandoned shall be delivered to the Secretary of State.”; and

(b) in subsection (5)—

(i) after “section” insert “—”;

(ii) after the definition of “local authority” insert—

(1) 1985 c. 6.
(2) 1994 c.22.

““traffic officer” means an individual designated as such by the Secretary of State, or by a person authorised by the Secretary of State, in accordance with section 2 of the Traffic Management Act 2004;” and

(iii) omit the word “and” before the definition of “vehicle”.

(3) In section 101 (ultimate disposal of vehicles abandoned and removable), in subsection (8)—

(a) in the definition of “competent authority”—

(i) omit the word “or” at the end of paragraph (b); and

(ii) at the end insert—

“or

(d) the Secretary of State, where the vehicle has been removed by, or by virtue of arrangements made by, a traffic officer;” and

(b) in the definition of “local authority” for “has the meaning assigned to it” substitute “and “traffic officer” have the meanings assigned to them”.

(4) In section 102 (charges for removal, storage and disposal of vehicles)—

(a) after subsection (2) insert—

“(2ZA) In the case of a vehicle removed by, or by virtue of arrangements made by, a traffic officer, subsection (2) applies as if for paragraphs (b) and (c) there were substituted—

“(b) the Secretary of State is entitled to recover from any person responsible charges ascertained by reference to a prescribed scale in respect of any period during which the vehicle is in his custody; and

(c) the Secretary of State is entitled to recover from any person responsible charges determined in the prescribed manner in respect of any vehicle disposed of by him in pursuance of section 101 of this Act;”

(b) after subsection (4) insert—

“(4A) Without prejudice to subsection (3) above, where by virtue of paragraph (a) or (b) of subsection (2) above any sum is recoverable in respect of a vehicle which is in the custody of the Secretary of State, the Secretary of State shall be entitled to retain custody of it until that sum has been paid.”; and

(c) in subsection (8)—

(i) in the definition of “appropriate authority” at the end insert—

“and

(c) in relation to a vehicle removed by, or by virtue of arrangements made by, a traffic officer, means the Secretary of State;” and

(ii) after “Transport for London,” (in the definition of “local authority”), insert—

““traffic officer” also has the meaning assigned to it by section 100(5),”.

Steps to be taken to find the owners of certain vehicles

14.—(1) For the purpose of section 101(3)(c), the steps to be taken by the Secretary of State to find a person appearing to be the owner of a vehicle shall be the steps set out in paragraphs (2) to (6) that are applicable to the vehicle.

(2) Where the vehicle carries a GB registration mark the Secretary of State shall endeavour to ascertain from the records maintained by him, 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.

(3) Where the vehicle carries a GB registration mark but the Secretary of State is unable to ascertain the name and address of the person by whom the vehicle is kept and used, he shall give to—

- (a) the chief officer of the police force in whose area the vehicle appeared to have been abandoned, the specified information and a description of the place of abandonment; and
- (b) HPI Ltd, the specified information,

and shall ask whether they can make enquiries to find the owner of the vehicle.

(4) Where the vehicle carries a mark indicating registration in Northern Ireland, the Secretary of State shall give to—

- (a) the chief officer of the police force in whose area the vehicle appeared to have been abandoned, the specified information and a description of the place of abandonment;
- (b) the Secretary of State for Transport (unless he is also the Secretary of State for Transport), the specified information and a description of the place of abandonment; and
- (c) HPI Ltd, the specified information,

and shall ask whether they can make enquiries to find the owner of the vehicle.

(5) Where the vehicle carries a mark indicating registration outside the United Kingdom, the Secretary of State shall give the specified information and a description of the place of abandonment to—

- (a) the chief officer of the police force in whose area the vehicle appeared to have been abandoned; and
- (b) the Secretary of State for Transport (unless he is also the Secretary of State for Transport),

and shall ask whether they can make enquiries to find the owner of the vehicle.

(6) Where the vehicle does not carry a GB registration mark or any other registration mark, the Secretary of State shall give the specified information and a description of the place of abandonment to the chief officer of the police force in whose area the vehicle appeared to have been abandoned and ask whether that officer has any information as to the owner's identity.

Notice to owner requiring removal of vehicle

15.—(1) The Secretary of State shall, where the name and address of a person appearing to be the owner of a vehicle has been found, send him a notice—

- (a) containing the specified information; and
- (b) stating—
 - (i) whether the vehicle has been removed from the place where it appeared to have been abandoned and, if so, to what place;
 - (ii) that if he is the owner of the vehicle, he is required to remove it from the Secretary of State's custody within the period specified; and
 - (iii) that the Secretary of State intends to dispose of the vehicle if it is not removed within that period.

(2) Subject to paragraph (3), the notice shall be served by—

- (a) delivering it to that person;
- (b) leaving it at his usual or last known place of residence; or
- (c) sending it by pre-paid registered or recorded delivery post, addressed to him at either of those places.

(3) Where the person who appears to be the owner is a body corporate, the notice shall be served by delivering it, or sending it by prepaid registered or recorded delivery post, to its registered or principal office.

Period during which owner may remove vehicle before it can be disposed of

16. For the purpose of section 101(3)(c)(ii), the period, during which a person on whom the notice referred to in regulation 15 has been served shall be required to remove the vehicle from the Secretary of State’s custody, is 7 days beginning with the day on which the notice is served.

Information to be given relating to the disposal of a vehicle

17.—(1) For the purpose of section 101(7), after a vehicle has been disposed of, the Secretary of State shall give information relating to the disposal as follows.

(2) Where the vehicle carried a GB registration mark or a mark indicating registration in Northern Ireland, information relating to the disposal shall be given to—

- (a) the Secretary of State for Transport (unless he is that Secretary of State);
- (b) the chief officer of the police force in whose area the vehicle appeared to have been abandoned; and
- (c) HPI Ltd.

(3) Where the vehicle carried a mark indicating registration outside the United Kingdom, information relating to the disposal shall be given to—

- (a) the Secretary of State for Transport (unless he is that Secretary of State);
- (b) the Commissioners of Customs and Excise; and
- (c) the chief officer of the police force in whose area the vehicle appeared to have been abandoned.

(4) Where the vehicle did not carry any registration mark, information relating to the disposal shall be given to the chief officer of the police force in whose area the vehicle appeared to have been abandoned.

(5) In the case of any vehicle, information relating to the disposal shall be given to any person who appears to the Secretary of State to have been the owner of the vehicle immediately before it was disposed of.

(6) In this regulation “information relating to the disposal” means, in relation to a vehicle—

- (a) any information which is sufficient to relate the information now being given to any information previously given to the same person in respect of the removal, storage or disposal of the vehicle;
- (b) such of the specified information as has not been previously given to the same person in respect of the removal, storage or disposal of the vehicle; and
- (c) information as to whether the vehicle was disposed of by destruction or by sale and if by sale, the sum realised.

Period during which owner may remove vehicle before it is disposed of

18. For the purpose of section 101A, where a person—

- (a) satisfies the Secretary of State that he is the owner of a vehicle; and
- (b) has paid the relevant charges,

he shall be permitted to remove the vehicle from the Secretary of State's custody within the period of seven days beginning with the day on which the Secretary of State became satisfied that he was the owner.