

2008 No. 2367

ROAD TRAFFIC, ENGLAND

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

<i>Made</i>	- - - -	<i>4th September 2008</i>
<i>Laid before Parliament</i>		<i>9th September 2008</i>
<i>Coming into force</i>	- -	<i>1st October 2008</i>

The Secretary of State for Transport makes the following Regulations in exercise of the powers conferred by sections 99(1), (2) and (3), 101(3) and (7), 101A(1) and 103(3) of the Road Traffic Regulation Act 1984(a) (“the 1984 Act”) and section 9 of the Traffic Management Act 2004(b).

In accordance with section 134(2) of the 1984 Act she has consulted with such representative organisations as she thought fit.

**PART 1
GENERAL**

Citation, commencement and extent

- 1.—(1) These Regulations may be cited as the Removal and Disposal of Vehicles (Traffic Officers) (England) Regulations 2008 and shall come into force on 1st October 2008.
- (2) These Regulations apply as respects England only.

Interpretation

- 2.—(1) In these Regulations—

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- (a) 1984 c.27. Section 99(2)(c) was repealed by Schedule 8 to the Road Traffic Act 1991(c.40) (“the 1991 Act”); subsection (3) was amended by the Clean Neighbourhoods and Environment Act 2005 (c.16) (“the 2005 Act”), section 15(1) and (2); subsection (4) was repealed by the 2005 Act, section 15(1) and (3) and Schedule 5, Part 1; subsection (6) was inserted by the 1991 Act, Schedule 4, paragraph 32. Section 101(1) was amended by the Traffic Management Act 2004 (c.18) (“the 2004 Act”), Schedule 11, paragraph 3(1)(a); subsection (3) was amended by the 2005 Act, section 16(1) to (4) and Schedule 5 Part 1; subsections (4) to (6) were repealed by the 2004 Act, Schedule 11, paragraph 3(1)(b); subsection (8) was amended by the Greater London Traffic (Various Provisions) Order 2001 (S.I.2001/1353) (“the 2001 Order”), articles 2 and 5 and by the Vehicle Excise and Registration Act 1994 (c.22), Schedule 3, paragraph 18(1) and by section 16(1) and (5) of the 2005 Act. Section 101A was inserted by the 2004 Act, Schedule 11, paragraph 3(2). Section 102(2) was substituted, and subsection (2A) inserted, by the 2004 Act, Schedule 11, paragraph 4(1) and (2); subsection (8) was amended by the 2001 Order, by the 1991 Act, section 68(1) and (3) and Schedule 8 and also by the 2004 Act, Schedule 11, paragraph 4(1) and (3). Section 103(3) was substituted by the 1991 Act, Schedule 4, paragraph 33. There are other amendments which are not relevant to these Regulations.
- (b) 2004 c.18.

“relevant road” means a road in England for which the Secretary of State is the traffic authority, other than:

- (a) the eastbound carriageway of the M48 motorway from the boundary with Wales to a point 400 metres east of the outer edge of the eastern abutment of the Aust Viaduct;
- (b) the westbound carriageway of that motorway from a point 500 metres east of the outer edge of the eastern abutment of the Aust Viaduct to that boundary;
- (c) the eastbound carriageway of the M4 motorway from the boundary with Wales to a point 60 metres east of the Binn Wall and 140 metres north of the Severn Tunnel Air Shaft; and
- (d) the westbound carriageway of that motorway from a point 60 metres east of the Binn Wall and 140 metres north of the Severn Tunnel Air Shaft to that boundary; and

“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.

(2) In these Regulations a reference to—

- (a) a numbered section is, unless expressly provided otherwise, a reference to the section so numbered in the Road Traffic Regulation Act 1984; and
- (b) a vehicle which has been permitted to remain at rest, or which has broken down, includes a reference to a vehicle which has been permitted to remain at rest or which has broken down before their coming into force.

PART 2

REMOVAL OF VEHICLES

Power of traffic officer to require removal of vehicles from relevant roads

3.—(1) This regulation applies to a vehicle which—

- (a) has broken down, or been permitted to remain at rest, on a relevant road in such a position or in such condition or in such circumstances as to cause obstruction to other persons using the road or as to be likely to cause danger to such persons; or
- (b) has been permitted to remain at rest, or has broken down and remained at rest, on a relevant road in contravention of a prohibition or restriction contained in, or having effect under, any enactment mentioned in Schedule 1.

(2) In relation to a vehicle to which this regulation applies, a traffic officer in uniform may require the owner, driver or other person in control or in charge of the vehicle and who is present, to remove it or have it removed.

(3) The exercise of this power may include a requirement that the vehicle—

- (a) be moved to another position on any road or to any other place; or
- (b) shall not be moved to any such part of, or position on, a road as is specified.

(4) A person required to remove a vehicle, or to have it removed, under this regulation shall comply as soon as practicable.

Power of traffic officer to remove vehicles from relevant roads

4.—(1) This regulation applies to a vehicle which—

- (a) is a vehicle to which regulation 3 applies;
- (b) having broken down on a relevant road appears to a traffic officer in uniform to have been abandoned without lawful authority; or

- (c) has been permitted to remain at rest on a relevant road in such a position or in such condition or in such circumstances as to appear to a traffic officer in uniform to have been abandoned without lawful authority.

(2) In relation to a vehicle to which this regulation applies, a traffic officer in uniform may, subject to section 100, remove it or arrange for its removal.

(3) In exercising this power he may move it, or arrange for it to be moved, to another position on any road or to any other place.

Power of traffic officer to require removal of vehicles from roads other than relevant roads

5.—(1) This regulation applies to a vehicle which—

- (a) has broken down, or been permitted to remain at rest, on a road which is not a relevant road in such a position or in such condition or in such circumstances as to cause obstruction to other persons using the road or as to be likely to cause danger to such persons; or
- (b) has been permitted to remain at rest or has broken down and remained at rest on a road which is not a relevant road in contravention of a prohibition or restriction contained in, or having effect under, any enactment mentioned in Schedule 1.

(2) In relation to a vehicle to which this regulation applies, a traffic officer in uniform may, subject to regulation 7, require the owner, driver or other person in control or in charge of the vehicle and who is present, to remove it or have it removed.

(3) The exercise of this power may include a requirement that the vehicle—

- (a) be moved to another position on any road or to any other place; or
- (b) shall not be moved to any such part of, or position on, a road as is specified.

(4) A person required to remove a vehicle, or to have it removed, under this regulation shall comply as soon as practicable.

Power of traffic officer to remove vehicles from roads other than relevant roads

6.—(1) This regulation applies to a vehicle which—

- (a) is a vehicle to which regulation 5 applies;
- (b) having broken down on a road which is not a relevant road, appears to a traffic officer in uniform to have been abandoned without lawful authority; or
- (c) has been permitted to remain at rest on a road which is not a relevant road in such a position or in such condition or in such circumstances as to appear to a traffic officer in uniform to have been abandoned without lawful authority.

(2) In relation to a vehicle to which this regulation applies, a traffic officer in uniform may, subject to regulation 7 and section 100, remove it or arrange for its removal.

(3) In exercising this power he may move it, or arrange for it to be moved, to another position on any road or to any other place.

Restriction on the exercise of powers in regulations 5 and 6

7.—(1) The exercise of the powers contained in regulations 5(2) and 6(2) are subject to the following restrictions.

(2) Those powers may only be exercised for one or more of the following purposes—

- (a) avoiding danger to persons or other traffic using a relevant road or preventing risks of any such danger arising; and
- (b) preventing an obstruction to anything on or near to a relevant road,

or for a purpose incidental to either of those purposes.

(3) Subject to that, those powers may be exercised if the traffic officer is acting—

- (a) at the direction of the chief officer of police for the area in which the road, from which the vehicle is to be removed, is situated; or
- (b) with the consent of the traffic authority for that road.

Removing abandoned vehicles from land adjoining a relevant road

8. Where a vehicle has been permitted to remain at rest on any land in the open air, which is adjacent to a relevant road, in such a position or in such condition or in such circumstances as to appear to a traffic officer in uniform to have been abandoned without lawful authority, a traffic officer in uniform may, subject to sections 99 and 100, remove it or arrange for its removal.

Manner of giving notice to occupier of land before removing a vehicle

9.—(1) Any notice given by a traffic officer for the purposes of section 99(3) shall be in, or to the like effect as, the form in Schedule 2.

(2) Subject to paragraphs (3) and (4), the notice shall be—

- (a) addressed to the person who appears to be the occupier of the land—
 - (i) by name; or
 - (ii) by the title “The Occupier”, followed by a description of the land; and
- (b) given by—
 - (i) delivering it to that person;
 - (ii) leaving it at his usual or last known place of residence; or
 - (iii) sending it by prepaid registered or recorded delivery post, addressed to him at either of those places.

(3) Where it is not possible to identify—

- (a) the person who appears to be the occupier of the land; or
- (b) that person’s usual or last known place of residence;

the notice may be affixed to an object on the land.

(4) If the person who appears to be the occupier is a body corporate, the notice shall be given by delivering it, or sending it by prepaid registered or recorded delivery post, to its registered or principal office.

(5) Any envelope containing the notice shall be clearly and legibly marked with the words “IMPORTANT - This communication affects your property”.

Manner and period during which occupier of land may object

10.—(1) For the purpose of section 99(3), where a notice is given in accordance with regulation 9, the occupier of the land may object, in the manner set out in paragraph (2), to the removal of the vehicle.

(2) The objection shall be—

- (a) in writing;
- (b) addressed to the person specified in the notice; and
- (c) delivered, or sent by post, to the address set out in that notice.

(3) The period within which the occupier may object shall be 15 days beginning with the day on which the notice is given.

Method of removing vehicles

11.—(1) A person who removes or moves a vehicle under regulation 3, 4, 5, 6 or 8 may do so by towing or driving the vehicle or in such other manner as he may think necessary and may take

such measures in relation to the vehicle as he may think necessary to enable him to remove or move it.

(2) Subject to paragraph (3), where, under regulation 3 or 5, a traffic officer requires a person to remove a vehicle and he determines that the manner of removal proposed to be used by that person may cause danger to other persons using the road, the traffic officer may require the vehicle to be moved in such other manner as he considers safe.

(3) Where a safe manner of removal cannot be agreed between the traffic officer and a person required to remove a vehicle, the traffic officer may remove, or arrange for the removal of the vehicle.

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(a) 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(b); 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—

““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”.

(a) 1985 c. 6.
(b) 1994 c.22.

- (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.

Signed by authority of the Secretary of State for Transport

Jim Fitzpatrick
Parliamentary Under Secretary of State
Department for Transport

4th September 2008

**CERTAIN ENACTMENTS BY OR UNDER WHICH ARE IMPOSED
PROHIBITIONS OR RESTRICTIONS ON THE WAITING OF
VEHICLES ON ROADS**

1. Section 36 of the Road Traffic Act 1988(a) (drivers to comply with traffic signs).
2. The following sections of the Road Traffic Regulation Act 1984(b):
 - (1) Section 1(c) (traffic regulation orders outside Greater London).
 - (2) Section 6(d) (orders similar to traffic regulation orders).
 - (3) Section 9(e) (experimental traffic orders).
 - (4) Section 14(f) (temporary prohibition or restriction on roads).
 - (5) Section 16A(g) (prohibition or restriction on roads in connection with certain events).
 - (6) Section 17(h) (traffic regulation on special roads).
 - (7) Section 25 (pedestrian crossing regulations).
 - (8) Section 66(i) (traffic signs for giving effect to local traffic regulations).
 - (9) Section 67(j) (emergencies and temporary obstructions).

3. Any enactment contained in any local Act for the time being in force and any byelaw having effect under any enactment for the time being in force, being an enactment or byelaw imposing or authorising the imposition of a prohibition or restriction similar to any prohibition or restriction which is or can be imposed by or under any of the enactments referred to in paragraphs 1 and 2.

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- (a) 1988 c.52. Section 36(5) was amended by S.I. 1997/2971. Further amendment was made relating to the exercise of power under section 36(5) by S.I. 1999/3143.
 - (b) 1984 c.27.
 - (c) Section 1(1) was amended by the New Roads and Street Works Act 1991 (c.22) (“the NRASWA”), Schedule 8, paragraph 17(1) and (2) and by the Environment Act 1995 (c.25) (“the 1995 Act”), Schedule 22, paragraph 36(1); subsections (2), (3) and (5) were repealed by the NRASWA, Schedule 8, paragraph 17(1), (3) and (5); subsection (3) was substituted by the NRASWA, Schedule 8, paragraph 17(1) and (4); subsection (3A) was inserted by the Transport Act 2000 (c. 38), Schedule 11, paragraphs 6 and 7.
 - (d) Section 6(1) was amended by the New Road and Street Works Act 1991 (“the NRASWA”), Schedule 8, paragraph 21(1) and (2) and by the 1995 Act, Schedule 22, paragraph 36(2); subsection (2) was substituted by the NRASWA, Schedule 8, paragraph 21(1) and (3); subsection (3)(a) was substituted by the Local Government Act 1985 (c. 51) (“the 1985 Act”), Schedule 5, paragraph 4(1) and (3); subsection (4) was repealed by the NRASWA, Schedule 8, paragraph 21(1) and (4); subsection (6) was amended by the NRASWA, Schedule 8, paragraph 21(1) and (5).
 - (e) Section 9(1) was substituted by the New Road and Street Works Act 1991 (“the NRASWA”), Schedule 8, paragraph 23(1) and (2) and by the Road Traffic Act 1991 (c.40), Schedule 4, paragraph 24; subsections (2) and (2A) were substituted by the NRASWA, Schedule 8, paragraph 23(1) and (3); subsection (5) was amended by the 1985 Act, Schedule 5, paragraph 4(1) and (4); subsection (5A) was inserted by the NRASWA, Schedule 8, paragraph 23(1) and (4).
 - (f) Section 14 was substituted by the Road Traffic (Temporary Restrictions) Act 1991 (c. 26), section 1(1) and Schedule 1; subsection (1A) was inserted by the National Parks (Scotland) Act 2000 (asp 10), Schedule 5, paragraph 11(1).
 - (g) Section 16A was inserted by the Road Traffic Regulation (Special Events) Act 1994 (c. 11), section 1(1).
 - (h) Section 17(1) was substituted by the New Road and Street Works Act 1991 (“the NRASWA”), Schedule 8, paragraph 28(1) and (2); subsection (2) was amended by the NRASWA, Schedule 8, paragraph 28(1) and (3) and by the Road Traffic Act 1991, Schedule 4 paragraph 25 and Schedule 8; subsection (5) was substituted by the NRASWA, Schedule 8, paragraph 28(1) and (4); subsection (6) was amended by the NRASWA, Schedule 8, paragraph 28(1) and (5).
 - (i) Section 66(1) was amended by the New Road and Street Works Act 1991, Schedule 8, paragraph 49 and by the Road Traffic (Consequential Provisions) Act 1988 (c. 54), Schedule 3, paragraph 25(4);
 - (j) Section 67(1) was amended by the New Road and Street Works Act 1991, Schedule 8, paragraph 50; subsection (1A) was inserted by the Civil Contingencies Act 2004 (c.36), section 32(1), Schedule 2, paragraph 16(1) and (3); subsection (2) was amended by the Road Traffic (Consequential Provisions) Act 1988, Schedule 3, paragraph 25(5).

SCHEDULE 2

Regulation 9

FORM OF NOTICE

NOTICE TO OCCUPIER OF LAND BEFORE REMOVING
ABANDONED VEHICLE

IMPORTANT - THIS COMMUNICATION AFFECTS YOUR PROPERTY

TO :..... **OF** :.....

I am giving you this NOTICE under section 99(3) of the Road Traffic Regulation Act 1984 to inform you that, in accordance with the Removal and Disposal of Vehicles (Traffic Officers) (England) Regulations 2008, I propose TO REMOVE the vehicle(s) described in column 2 of the Schedule from the land described in column 1.

It appears that you are the occupier of that land and that the vehicle(s) have been abandoned.

You may object in writing within 15 days beginning with the day on which this notice is given to you. Your objection should be delivered, or posted, to [*insert details*] at [*insert address*].

SCHEDULE

<i>Column 1</i> <u>Description of land</u>	<i>Column 2</i> <u>Description of vehicle(s)</u>
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(Signed)

(Date)

(Name of Traffic Officer)

NOTES

- 1.**
Section 99(3) of the Road Traffic Regulation Act 1984 applies to “vehicles”. A “vehicle” is defined in section 99(5) of that Act as meaning any vehicle, whether or not it is in a fit state for use on roads, and as including any chassis or body, with or without wheels, appearing to have formed part of such a vehicle, and any load carried by and anything attached to such a vehicle.
- 2.**
A traffic officer is not entitled to remove an abandoned vehicle from occupied land if the occupier objects to the proposal in the prescribed manner and within the prescribed period. The manner and period are prescribed by regulation 10 of the Removal and Disposal of Vehicles (Traffic Officers) (England) Regulations 2008 and are set out above.
- 3.**
The owner of the vehicle may be liable for the payment of charges for the removal and storage of the vehicle and where applicable, the disposal of that vehicle.

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations permit uniformed traffic officers to remove, or require the removal of, vehicles that have become stationary in certain circumstances, from motorways (other than certain lengths of the M4 and M48) and trunk roads in England and from roads in the vicinity of, or land adjacent to, such roads.

Regulations 3, 5 and Schedule 1 enable a traffic officer to require the owner, driver or other person in control or in charge of a vehicle that has broken down or been permitted to remain at rest and which is causing an obstruction, is likely to cause danger to others or is in contravention of certain statutory restrictions or prohibitions, to move the vehicle or have it moved.

Regulations 4 and 6 enable a traffic officer to remove or arrange for the removal of such vehicles as well as vehicles that appear to have been abandoned.

Regulation 7 imposes a number of restrictions on the exercise of the powers contained in regulations 5 and 6.

Regulation 8 enables a traffic officer to remove, or arrange for the removal of, any vehicle that appears to have been abandoned on any land in the open air which is adjacent to the motorways and trunk roads referred to in the opening paragraph.

Regulations 9, 10 and Schedule 2 prescribe the manner of giving notice to the occupier of such land that a traffic officer proposes to remove an abandoned vehicle and the manner in which and period within which that occupier may object.

Regulation 11 makes provision as to the method of removing vehicles.

Regulation 12 contains definitions for the purposes of Part 3 and *regulation 13* makes consequential amendments to sections 100 to 102 of the Road Traffic Regulation Act 1984.

Regulation 14 sets out the steps to be taken to find the owner of an abandoned vehicle.

Regulation 15 provides for a notice to be sent to the apparent owner of a vehicle requiring its removal from the Secretary of State's custody and the manner in which that notice is to be served. Where such a notice has been given, *regulation 16* prescribes the period of seven days from the day of service as being the period during which the owner may remove the vehicle before it can be disposed of.

Regulation 17 sets out the information that must be given about the disposal of different types of vehicle and the persons to whom that information must be given.

Regulation 18 provides that where a vehicle has not been disposed of and a person pays the relevant charges and satisfies the Secretary of State that he is the owner of the vehicle, that person may remove the vehicle from the Secretary of State's custody within seven days of the latter becoming so satisfied.

Charges that will relate to the removal, storage and disposal of vehicles will be the same as those prescribed in the Removal, Storage and Disposal of Vehicles (Prescribed Sums and Charges) Regulations 2008 (S.I.2008/2095).

A full regulatory impact assessment of the effect that this instrument will have on the costs of business and the voluntary sector is available from the Highways Agency, (telephone: 01234 796036) and is annexed to the Explanatory Memorandum which is available alongside the instrument on the OPSI website. Both the Explanatory Memorandum and the assessment may also be found by visiting the Highways Agency's website at www.highways.gov.uk

STATUTORY INSTRUMENTS

2008 No. 2367

ROAD TRAFFIC, ENGLAND

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

£5.00