
 STATUTORY INSTRUMENTS

1986 No. 183

ROAD TRAFFIC

The Removal and Disposal of Vehicles Regulations 1986

<i>Made - - - -</i>	<i>4th February 1986</i>
<i>Laid before Parliament</i>	<i>19th February 1986</i>
<i>Coming into Operation</i>	<i>1st April 1986</i>

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SCHEDULES

1. Certain enactments by or under which are imposed prohibitions or restrictions on the waiting of vehicles on roads

2. Form of Notice to occupier of land before removing abandoned vehicles

The Secretary of State for Transport (as respects England), the Secretary of State for Scotland (as respects Scotland) and the Secretary of State for Wales (as respects Wales), in exercise of the powers conferred by sections 3 and 4 of the Refuse Disposal (Amenity) Act 1978(a), and by sections 99 and 101 of the Road Traffic Regulation Act 1984(b), and in exercise of all other enabling powers, and after consultation with representative organisations in accordance with section 134(2) of the Road Traffic Regulation Act 1984, hereby make the following Regulations:—

PART I

GENERAL

Commencement, citation and revocation

1.—(1) These Regulations shall come into operation on 1st April 1986 and may be cited as the Removal and Disposal of Vehicles Regulations 1986.

(2) The Removal and Disposal of Vehicles Regulations 1968 (c) are hereby revoked.

Interpretation

2. In these Regulations, unless the contrary intention appears, the following expressions have the meanings hereby assigned to them respectively, that is to say:—

“the 1978 Act” means the Refuse Disposal (Amenity) Act 1978;

“the 1984 Act” means the Road Traffic Regulation Act 1984;

“motor vehicle” has the meaning assigned to it in section 11(1) of the 1978 Act;

“road”, in England and Wales, means any highway and any other road to which the public has access and, in Scotland, has the meaning assigned to it in section 151 of the Roads (Scotland) Act 1984(d);

“vehicle”, in relation to any matter prescribed by these Regulations for the purposes of any provision in sections 3 and 4 of the 1978 Act, means a motor vehicle, and in relation to any matter prescribed by these Regulations for the purposes of any provision in sections 99 and 101 of the 1984 Act has the meaning assigned to it in section 99(5) of that Act, and, in relation to any matter prescribed by these Regulations for the purposes of section 99 of the 1984 Act, any reference to 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 the coming into force of these Regulations.

(a) 1978 c.3; sections 3 and 4 were amended by the Local Government, Planning and Land Act 1980 (c.65), Schedule 3, paragraphs 14 and 15.

(b) 1984 c.27.

(c) S.I. 1968/43.

(d) 1984 c.54.

PART II

REMOVAL OF VEHICLES

Power of constable to require removal of vehicles from roads

3.—(1) Except as provided by regulation 7 of these Regulations, this regulation applies to a vehicle which—

- (a) has broken down, or been permitted to remain at rest, on a road in such a position or in such condition or in such circumstances as to cause obstruction to 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 in contravention of a prohibition or restriction contained in, or having effect under, any of the enactments mentioned in Schedule 1 to these Regulations.

(2) A constable may require the owner, driver or other person in control or in charge of any vehicle to which this regulation applies to move or cause to be moved the vehicle and any such requirement may include a requirement that the vehicle shall be moved from that road to a place which is not on that or any other road, or that the vehicle shall not be moved to any such road or to any such position on a road as may be specified.

(3) A person required to move or cause to be moved a vehicle under this regulation shall comply with such requirement as soon as practicable.

Power of constable to remove vehicles

4. Except as provided by regulation 7 of these Regulations, where a vehicle—

- (a) is a vehicle to which regulation 3 of these Regulations applies, or
- (b) having broken down on a road or on any land in the open air, appears to a constable to have been abandoned without lawful authority, or
- (c) has been permitted to remain at rest on a road or on any land in the open air in such a position or in such condition or in such circumstances as to appear to a constable to have been abandoned without lawful authority,

then, subject to the provisions of sections 99 and 100 of the 1984 Act, a constable may remove or arrange for the removal of the vehicle, and, in the case of a vehicle which is on a road, he may remove it or arrange for its removal from that road to a place which is not on that or any other road, or may move it or arrange for its removal to another position on that or another road.

Power of local authority to remove certain vehicles

5.—(1) Except as provided by regulation 7 of these Regulations, where a vehicle (other than a motor vehicle which a local authority have a duty to remove under section 3 of the 1978 Act)—

- (a) having broken down on a road or on any land in the open air in the area of a local authority, appears to them to have been abandoned without lawful authority, or

- (b) has been permitted to remain at rest on a road or on any land in the open air in the area of a local authority in such a position or in such condition or in such circumstances as to appear to them to have been abandoned without lawful authority,

the local authority may, subject to the provisions of sections 99 and 100 of the 1984 Act, remove or arrange for the removal of the vehicle to a place which is not on any road.

(2) In this regulation "local authority" means, in the case of a vehicle situate at a place—

- (a) in England, the council of the district or of the London borough, or the Common Council of the City of London;
- (b) in Scotland, the regional or islands or district council; or
- (c) in Wales, the council of the district,

within whose area is situate that place.

Method of removing vehicles

6. Any person removing or moving a vehicle under the last two preceding regulations 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 as aforesaid.

Exception for Severn Bridge

7. Regulations 3, 4 and 5 of these Regulations shall not apply in relation to any vehicle while on the central section of the specified carriageways (as defined in section 1 of the Severn Bridge Tolls Act 1965^(a)) of a road which crosses the Rivers Severn and Wye.

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

8. For the purpose of section 99(3) of the 1984 Act, the manner in which the authority shall give notice to a person who appears to them to be an occupier of land on which there is a vehicle which the authority propose to remove, shall be as follows:—

- (1) the notice shall be given in the form set out in Schedule 2 hereto or a form substantially to the like effect;
- (2) the notice shall be addressed to the person who appears to be the occupier by name or by the description of "the occupier" of the land (describing it);
- (3) the notice shall be given—
- (a) by delivering it to the person who appears to be the occupier;
- (b) by leaving it at his usual or last known place of abode;
- (c) by sending it in a prepaid registered letter, or by the recorded delivery service, and addressed to him at his usual or last known place of abode;
- (d) if the person who appears to be the occupier is an incorporated company or body, by delivering it to the secretary or clerk of the company or body at their registered or principal office, or sending it in a prepaid registered letter, or by the recorded

delivery service, addressed to the secretary or clerk of the company or body at that office; or

- (e) by sending it, marked clearly and legibly upon the notice and upon the envelope containing it with the words "Important — This Communication affects your property", to the land in a prepaid registered letter or by the recorded delivery service (providing the notice is not returned to the authority sending it), or by delivering it, so marked, to some person on the land, or by affixing it, so marked, to some object on the land.

Manner and period during which occupier of land may object

9.—(1) For the purpose of section 99(3) of the 1984 Act—

- (a) the manner in which a person who appears to an authority to be an occupier of land on which there is a vehicle which the authority propose to remove may object to a proposal by the authority to remove the vehicle shall be as follows:—
- (i) the objection shall be in writing;
 - (ii) the objection shall be sent by post addressed to the authority or left at their office.
- (b) the period during which a person who appears to an authority to be an occupier of land on which there is a vehicle which the authority propose to remove may object shall be 15 days from the day when the notice referred to in the last preceding regulation is served on him.

(2) For the purpose of section 3(2) of the 1978 Act the period during which a person who appears to an authority to be an occupier of land on which there is a vehicle which the authority propose to remove may object shall be 15 days from the day when the notice mentioned in that section is given to him.

Period before which notice must be affixed to a vehicle in certain cases before removing it for destruction

10. For the purposes of section 3(5) of the 1978 Act and section 99(4) of the 1984 Act, the period before the commencement of which a notice must be caused to be affixed to a vehicle by an authority who propose to remove it, before they remove it, being a vehicle which in the opinion of the authority is in such a condition that it ought to be destroyed, shall be seven days.

PART III

DISPOSAL OF ABANDONED VEHICLES

Interpretation of Part III

11. In this Part of these Regulations, unless the contrary intention appears, the following expressions have the meaning hereby assigned to them respectively, that is to say—

"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 be abandoned which will be sufficient to enable that place to be identified after the vehicle has been removed therefrom;

"H.P. Information Ltd." means Hire Purchase Information Limited, being a company incorporated under the Companies Act 1948 (a);

“owner”, in relation to a vehicle which is the subject of a hiring agreement or hire purchase agreement, includes the person entitled to possession of the vehicle under the agreement;

“G.B. registration mark” means a registration mark issued in relation to a vehicle under the Vehicles (Excise) Act 1971(a);

“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 carried a G.B. registration mark, or a mark indicating registration in a country outside Great Britain, particulars of such mark; and
- (b) the make of the vehicle.

Steps to be taken to find the owners of certain vehicles

12.—(1) For the purposes of section 4(1)(c) of the 1978 Act and section 101(3)(c) of the 1984 Act, the steps to be taken by an authority to find a person appearing to them to be the owner of the vehicle in a case to which either of those paragraphs applies shall be such of the following steps as are applicable to the vehicle:—

(a) if the vehicle carried a G.B. 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 Vehicles (Excise) Act 1971 the name and address of the person by whom the vehicle is kept and used;
- (ii) the authority shall, where they have found the name and address of a person who may be the owner of the vehicle from the records maintained by the Secretary of State as aforesaid, send a notice to that person in the manner prescribed by the next following regulation giving the specified information, stating whether the vehicle has been removed from the place at which it appeared to have been abandoned, and if so to what place, stating that if he is the owner of the vehicle they require him to remove the vehicle from their custody on or before a specified date, being the date when the relevant period prescribed by regulation 14 of these Regulations will expire, and stating that unless it is removed by him on or before that date they intend to dispose of it; and
- (iii) the authority shall give the specified information and a description of the place of abandonment to the chief officer of the police force in whose area is the place at which the vehicle appeared to have been abandoned (unless the authority is that officer) and the specified information to H.P. Information Ltd., and shall enquire of each person to whom the information is given whether that person can make any enquiries to find the owner of the vehicle;

(b) if the vehicle does not carry a G.B. registration mark but carries a mark indicating registration in Northern Ireland the authority shall give the specified information and a description of the place of abandonment to the chief officer of the police force in whose area is the place at which the vehicle appeared to have been abandoned

(unless the authority is that officer) and to the Secretary of State for Transport and the specified information to H.P. Information Ltd., and shall enquire of each person to whom the information is given whether that person can make any enquiries to find the owner of the vehicle;

- (c) if the vehicle does not carry a G.B. registration mark but carries a mark indicating registration in the Republic of Ireland, the authority shall give the specified information and a description of the place of abandonment to the Secretary of State for Transport, and to the chief officer of the police force in whose area is the place at which the vehicle appeared to have been abandoned (unless the authority is that officer), and shall enquire of each person to whom the information is given whether that person can make any enquiries to find the owner of the vehicle;
- (d) if the vehicle does not carry a G.B. registration mark but carries a mark indicating registration in the Channel Islands, the Isle of Man, or any country not mentioned in the foregoing sub-paragraphs of this paragraph, the authority shall give the specified information and a description of the place of abandonment to the chief officer of the police force in whose area is the place at which the vehicle appeared to have been abandoned (unless the authority is that officer), and the specified information to H.P. Information Ltd., and shall enquire of each person to whom the information is given whether that person can make any enquiries to find the owner of the vehicle;
- (e) if the vehicle does not carry a G.B. registration mark or any other registration mark, then—
 - (i) if the authority is the chief officer of the police force in whose area is the place at which the vehicle appeared to have been abandoned, that officer shall apply to the local authority in whose area is that place, giving the specified information and enquiring whether that authority has any information as to who is the owner of the vehicle; or
 - (ii) if the authority is the local authority in whose area is the place at which the vehicle appeared to have been abandoned, the authority shall apply to the chief officer of the police force in whose area is that place, giving the specified information and enquiring whether that officer has any information as to who is the owner of the vehicle.

For the purposes of this sub-paragraph "local authority" means—

- (aa) in relation to England, the council of a county, a metropolitan district or a London borough, or the Common Council of the City of London or an authority established under section 10 of the Local Government Act 1985 (a);
- (bb) in relation to Scotland, a regional or islands or district Council; and
- (cc) in relation to Wales, the council of a district.

(2) Nothing in the foregoing provisions of this regulation shall require an authority to take any such step as is therein mentioned if they have found a person who appears to them to be the owner of that vehicle and they have

sent him a notice in the manner prescribed by the next following regulation containing the specified information, stating that if he is the owner of that vehicle they require him to remove the vehicle from their custody on or before a specified date, being the date when the relevant period prescribed by regulation 14 of these Regulations will expire, and stating that unless it is removed by him on or before that date they intend to dispose of it.

Manner of serving notice on owner requiring removal of vehicle

13. For the purposes of section 4(1)(c)(ii) of the 1978 Act and section 101(3)(c)(ii) of the 1984 Act, a notice requiring a person who appears to an authority to be the owner of a vehicle to remove the vehicle from their custody shall be served—

- (a) by delivering it to the person who appears to be the owner;
- (b) by leaving it at his usual or last known place of abode;
- (c) by sending it in a prepaid registered letter, or by the recorded delivery service, addressed to him at his usual or last known place of abode; or
- (d) if the person who appears to be the owner is an incorporated company or body, by delivering it to the secretary or clerk of the company or body at their registered or principal office, or sending it in a prepaid registered letter, or by the recorded delivery service, addressed to the secretary or clerk of the company or body at that office.

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

14. For the purposes of section 4(1)(c)(ii) of the 1978 Act and section 101(3)(c)(ii) of the 1984 Act, the period during which a person on whom the notice referred to in paragraph (1)(a)(ii) or (2) of regulation 12 of these Regulations has been served shall be required to remove the vehicle of which he appears to the authority serving the notice to be the owner from their custody shall be, in the case of a first or only notice served by the authority in respect of any vehicle, 21 days from the day when the notice is served on him, and in the case of any subsequent notice served by the authority in respect of that vehicle, 14 days from the day when the notice is served on him.

Information to be given relating to the disposal of a vehicle

15.—(1) For the purpose of section 101(7) of the 1984 Act, after a vehicle has been disposed of the authority by whom it was disposed of shall give information relating to the disposal of the vehicle—

- (a) if the vehicle carried a G.B. registration mark, to the Secretary of State for Transport, the chief officer of the police force in whose area is the place at which the vehicle appeared to have been abandoned (unless that officer is that authority), and H.P. Information Ltd.;
- (b) if the vehicle did not carry a G.B. registration mark but carried a mark indicating registration in Northern Ireland, to the chief officer of the police force in whose area is the place at which the vehicle appeared to have been abandoned (unless the authority is that officer), to the Secretary of State for Transport, to the Secretary of State for Northern Ireland, Belfast, Northern Ireland, and to H.P. Information Ltd.;
- (c) if the vehicle did not carry a G.B. registration mark but carried a mark indicating registration in the Republic of Ireland, to the

Secretary of State for Transport, to the Commissioners of Customs and Excise, to the chief officer of the police force in whose area is the place at which the vehicle appeared to have been abandoned (unless the authority is that officer), and to H.P. Information Ltd.;

- (d) if the vehicle did not carry a G.B. registration mark but carried a mark indicating registration in the Channel Islands, the Isle of Man or any country not mentioned in the foregoing sub-paragraphs of this paragraph, to the Commissioners of Customs and Excise, and to the chief officer of the police force in whose area is the place at which the vehicle appeared to have been abandoned (unless the authority is that officer);
- (e) if the vehicle did not carry a G.B. registration mark or any other registration mark, to the chief officer of the police force in whose area is the place at which the vehicle appeared to have been abandoned (unless the authority is that officer) and to the local authority in whose area is that place (unless the authority is that local authority).

For the purposes of this paragraph "local authority" means—

- (i) in relation to England, the council of a county, a metropolitan district or a London borough, or the Common Council of the City of London or an authority established under Section 10 of the Local Government Act 1985;
 - (ii) in relation to Scotland, a regional or islands or district council; and
 - (iii) in relation to Wales, the council of a district; and
- (f) in the case of any vehicle, to any person who appears to the authority to have been the owner of the vehicle immediately before it was disposed of.

(2) In this regulation "information relating to the disposal of a vehicle" means—

- (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 amount of the proceeds thereof.

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

16. For the purposes of section 4(5) of the 1978 Act and section 101(4) of the 1984 Act, the period during which a person who has satisfied an authority that he is the owner of a vehicle which is in their custody shall be permitted to remove it from their custody shall be the period commencing on the day when the authority became satisfied that he was the owner and ending on the expiration of the seventh day after that day, or at the time when the vehicle is disposed of, whichever is the later.

3rd February 1986.

Nicholas Ridley,
Secretary of State for Transport.

4th February 1986.

Malcolm Rifkind,
Secretary of State for Scotland.

4th February 1986.

Nicholas Edwards,
Secretary of State for Wales.

Regulation 3

SCHEDULE 1

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

Section 62 of the Roads (Scotland) Act 1984 **(a)** (which permits a roads authority in Scotland to regulate traffic on its roads).

Section 52 of the Metropolitan Police Act 1839 **(b)** and section 22 of the local Act of the second and third year of the reign of Queen Victoria, chapter 94 (relating to the prevention of obstruction in streets in London).

Section 21 of the Town Police Clauses Act 1847 **(c)** (relating to the prevention of obstruction in streets in England and Wales elsewhere than in London).

Section 2 of the Parks Regulation (Amendment) Act 1926 **(d)** (authorising the making of regulations as to Royal Parks).

Section 22 of the Road Traffic Act 1972 **(e)** (which makes it an offence to fail to conform to the indications given by certain traffic signs).

Section 1 of the 1984 Act (which authorises the making of orders regulating traffic on roads outside Greater London), and, as respects Scotland, paragraph 7 of Schedule 10 to the 1984 Act (which provides that any byelaw made under section 104 of the Roads and Bridges (Scotland) Act 1878 **(f)**, or paragraphs (1) and (3) of section 385 of the Burgh Police (Scotland) Act 1892 **(g)**, which was in force at the commencement of the Road Traffic Regulation Act 1967 **(h)**, shall continue in force and have effect as if it were an order made under section 1 of the 1984 Act).

Section 6 of the 1984 Act (authorising the making of orders regulating traffic on roads in Greater London).

(a) 1984 c.54.

(b) 1839 c.47.

(c) 1847 c.89.

(d) 1926 c.36.

(e) 1972 c.20.

(f) 1878 c.51.

(g) 1892 c.55.

(h) 1967 c.76.

Section 9 of the 1984 Act (authorising the making of experimental traffic orders).

Section 12 of the 1984 Act (relating to experimental traffic schemes in Greater London).

Section 14 of the 1984 Act (which provides for the restriction or prohibition of the use of roads in consequence of the execution of works).

Section 17 of the 1984 Act (authorising the making of regulations with respect to the use of special roads).

Section 25 of the 1984 Act (authorising the making of regulations for crossings for foot passengers).

Sections 35 and 45 to 49 of the 1984 Act (relating to parking places for vehicles).

Section 57 of the 1984 Act (relating to the provision of parking places in England and Wales for bicycles and motor cycles).

Sections 66 and 67 of the 1984 Act (which empower the police to place traffic signs relating to local traffic regulations and temporary signs for dealing with traffic congestion and danger).

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 above-mentioned enactments.

SCHEDULE 2

Regulation 8

FORM OF NOTICE TO OCCUPIER OF LAND BEFORE REMOVING ABANDONED VEHICLES

To:

of

The
(name of authority)

In pursuance of section 99(3) of the Road Traffic Regulation Act 1984 the above-named authority hereby give you notice that they propose, in pursuance of the Removal and Disposal of Vehicles Regulations 1986 to remove the vehicle(s) described in column 2 of the Schedule hereto from the land described in column 1 of the Schedule hereto, being land of which you appear to the authority to be the occupier, unless, within 15 days from the day when this notice is served on you, you object in the prescribed manner.

SCHEDULE

Col 1 Description of land where vehicle(s) is/are situated:	Col 2 Description of vehicle(s) which appear(s) to have been abandoned on that land:

(Signed)

(Date)

NOTES

1. This Notice is served under section 99(3) of the Road Traffic Regulation Act 1984. That section 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. Under section 99(3) of the Road Traffic Regulation Act 1984 an authority are 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 9 of the Removal and Disposal of Vehicles Regulations 1986. That regulation requires an objection to be in writing and to be sent by post or addressed to the authority or left at their office; it prescribes 15 days from the day when the authority's notice is served as the period during which the occupier can object.

EXPLANATORY NOTE

(This Note is not part of the Regulations.)

These Regulations make provision for the removal and disposal of vehicles under sections 3 and 4 of the Refuse Disposal (Amenity) Act 1978, and under sections 99 and 101 of the Road Traffic Regulation Act 1984.

Regulation 3 empowers a constable to require the removal of a vehicle which has broken down or been parked in a road obstructively or dangerously, or contrary to any statutory prohibition contained in or having effect under any enactment specified in Schedule 1.

Regulation 4 empowers a constable to remove a vehicle which he could require to be removed, or which has been abandoned on a road or on land in the open air.

Regulation 5 empowers a local authority to remove a vehicle from a road or land in the open air in a case in which they have no duty to remove it under section 3 of the Refuse Disposal (Amenity) Act 1978.

Regulation 8 and Schedule 2 prescribe the manner of giving notice to an occupier of land before a vehicle is removed therefrom, and regulation 9 prescribes the manner in and period during which the occupier may object.

Regulation 10 prescribes 7 days as the period before which a notice must be affixed in certain cases to a vehicle which is fit only for destruction before an authority may remove it.

Regulations 12 to 14 prescribe the procedure for finding the owner of an abandoned vehicle (other than a vehicle which is fit only for destruction) before it is disposed of.

Regulation 15 prescribes the information which must be given about the disposal of a vehicle and to whom it must be given.

Charges for the removal, storage and disposal of vehicles are prescribed in the Removal, Storage and Disposal of Vehicles (Charges) Regulations 1985 (S.I. 1985/1661).