



Road Traffic Regulation Act 1984

1984 CHAPTER 27

PART VIII

CONTROL AND ENFORCEMENT

Removal or immobilisation of vehicles

99 Removal of vehicles illegally, obstructively or dangerously parked, or abandoned or broken down.

- (1) The Secretary of State may by regulations make provision for the removal of vehicles which have been permitted to remain at rest—
- (a) on a road [^{F1}or other land] in contravention of any statutory prohibition or restriction, or
 - (b) on a road [^{F2}or other land] in such a position or in such condition or in such circumstances as to cause obstruction to other persons using the road [^{F3}or land concerned] or as to be likely to cause danger to such persons, or
 - (c) on a road [^{F4}, or on any land in the open air, [^{F4}or other land]] in such a position or in such condition or in such circumstances as to appear, to an authority empowered by the regulations to remove such vehicles, to have been abandoned without lawful authority,
- or which have broken down on a road [^{F5}or other land].
- (2) Regulations under this section—
- (a) may provide, in the case of a vehicle which may be removed from a road, for the moving of the vehicle from one position on a road to another position on that or another road [^{F6}or on land other than a road];
 - [^{F7}(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;]
 - (b) may provide for repealing byelaws dealing with the same subject-matter as the regulations, and for suspending, while the regulations remain in force, any power of making such byelaws; ^{F8} . . .

*Status: Point in time view as at 01/10/2012.**Changes to legislation: There are currently no known outstanding effects for the Road Traffic Regulation Act 1984, Cross Heading: Removal or immobilisation of vehicles. (See end of Document for details)*

(c)

(3) Where it appears to an authority which (apart from this subsection” is empowered to remove a vehicle in pursuance of regulations under this section that the vehicle is on land [^{F9}other than a road] which is occupied by any person, the authority shall give him notice in the prescribed manner that they propose to remove the vehicle in pursuance of the regulations, and shall not be entitled to remove it if he objects to the proposal in the prescribed manner and within the prescribed period.

^{F10}(4)

(5) In this section “vehicle” means any vehicle, whether or not it is in a fit state for use on roads, and includes 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.

^{F11}[(6) For the purposes of this section, the suspension under section 13A or 49 of this Act of the use of a parking place is a restriction imposed under this Act.]

Textual Amendments

- F1** Words in s. 99(1)(a) inserted (E.W.) (1.10.2012) by [Protection of Freedoms Act 2012 \(c. 9\), ss. 55\(2\)\(a\), 120 \(with s. 97\); S.I. 2012/2075, art. 3\(b\)](#)
- F2** Words in s. 99(1)(b) inserted (E.W.) (1.10.2012) by [Protection of Freedoms Act 2012 \(c. 9\), ss. 55\(2\)\(b\)\(i\), 120 \(with s. 97\); S.I. 2012/2075, art. 3\(b\)](#)
- F3** Words in s. 99(1)(b) inserted (E.W.) (1.10.2012) by [Protection of Freedoms Act 2012 \(c. 9\), ss. 55\(2\)\(b\)\(ii\), 120 \(with s. 97\); S.I. 2012/2075, art. 3\(b\)](#)
- F4** Words in s. 99(1)(c) substituted (E.W.) (1.10.2012) by [Protection of Freedoms Act 2012 \(c. 9\), ss. 55\(2\)\(c\), 120 \(with s. 97\); S.I. 2012/2075, art. 3\(b\)](#)
- F5** Words in s. 99(1) inserted (E.W.) (1.10.2012) by [Protection of Freedoms Act 2012 \(c. 9\), ss. 55\(2\)\(d\), 120 \(with s. 97\); S.I. 2012/2075, art. 3\(b\)](#)
- F6** Words in s. 99(2)(a) inserted (E.W.) (1.10.2012) by [Protection of Freedoms Act 2012 \(c. 9\), ss. 55\(3\)\(a\), 120 \(with s. 97\); S.I. 2012/2075, art. 3\(b\)](#)
- F7** S. 99(2)(aa) inserted (E.W.) (1.10.2012) by [Protection of Freedoms Act 2012 \(c. 9\), ss. 55\(3\)\(b\), 120 \(with s. 97\); S.I. 2012/2075, art. 3\(b\)](#)
- F8** S. 99(2)(c) and the word "and" preceding it repealed (1.10.1991) by [Road Traffic Act 1991 \(c. 40, SIF 107:1\), s. 83, Sch.8; S.I. 1991/2054, art. 3, Sch.](#)
- F9** Words in s. 99(3) inserted (E.W.) (18.10.2005 for E. and 27.10.2006 for W.) by [Clean Neighbourhoods and Environment Act 2005 \(c. 16\), ss. 15\(2\), 108; S.I. 2005/2896, art. 3\(d\) \(with art. 5\(1\)\); S.I. 2006/2797, art. 2\(d\) \(with art. 9\) \(as amended by S.I. 2007/120, art. 3\)](#)
- F10** S. 99(4) repealed (E.W.) (18.10.2005 for E. and 27.10.2006 for W.) by [Clean Neighbourhoods and Environment Act 2005 \(c. 16\), ss. 15\(2\), 108; S.I. 2005/2896, art. 3\(d\) \(with art. 5\(1\)\); S.I. 2006/2797, art. 2\(d\) \(with art. 9\) \(as amended by S.I. 2007/120, art. 3\)](#)
- F11** S. 99(6) inserted (1.10.1991) by [Road Traffic Act 1991 \(c. 40, SIF 107:1\), s. 48, Sch. 4, para. 32; S.I. 1991/2054, art. 3, Sch.](#)

Modifications etc. (not altering text)

- C1** S. 99 extended by [Airports Act 1986 \(c. 31, SIF 9\), s. 66\(3\)](#)
S. 99 extended (E.W.) (4.10.2004 for E. and 1.5.2009 for W.) by [The Traffic Management Act 2004 \(c. 18\), ss. 9, 99 \(with s. 38\); S.I. 2004/2380, art. 2\(a\); S.I. 2009/1095, art. 2\(a\)](#)
- C2** S. 99 modified (3.4.1996) by [1989 c. 4, s. 16D](#) (as added by [1996 c. 7, s. 5](#))
S. 99 modified (19.2.2001) by [2000 c. 11, ss. 49\(3\)\(a\), 128; S.I. 2001/421, art. 2](#)

Status: Point in time view as at 01/10/2012.

Changes to legislation: There are currently no known outstanding effects for the Road Traffic Regulation Act 1984, Cross Heading: Removal or immobilisation of vehicles. (See end of Document for details)

C3 S. 99: certain functions transferred (31.12.2004) by [The National Assembly for Wales \(Transfer of Functions\) Order 2004 \(S.I. 2004/3044\)](#), art. 2, [Sch. 1](#)

100 Interim disposal of vehicles removed under s. 99.

^{F12}(1)

(2) Any vehicle removed by the council of a [^{F13}non-metropolitan] district in England under regulations made under section 99 of this Act shall be delivered by them to the council of the county comprising the district in accordance with such arrangements (including arrangements as to the sharing of any expenses incurred or sums received by the two councils under section 99 of this Act or this section or under section 101 or 102 of this Act) as may be agreed between the two councils or, in default of agreement, as may be determined by the Secretary of State.

(3) Any vehicle removed by a constable in pursuance of any such regulations and appearing to him to have been abandoned may be delivered by the chief officer of the police force to which the constable belongs to a local authority, with the consent of that authority.

[^{F14}(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.]

(4) While a vehicle is in the custody of an authority in pursuance of this section or of regulations under section 99 of this Act, other than a vehicle which in the opinion of that authority is in such a condition that it ought to be destroyed, it shall be the duty of that authority to take such steps as are reasonably necessary for the safe custody of the vehicle.

(5) In this section [^{F15}—]

“local authority”—

(a) in relation to England, means [^{F16}the council of a county, metropolitan district or London borough [^{F17}, the Common Council of the City of London or Transport for London;]];

(b) in relation to Wales, means the council of a county [^{F18}or county borough]; and

(c) [^{F19}in relation to Scotland, means a [^{F20}council constituted under section 2 of the Local Government etc.(Scotland Act 1994)]]

[^{F21} “ 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;]

^{F22}...“vehicle” has the meaning assigned to it by section 99(5) of this Act.

Textual Amendments

F12 S. 100(1) repealed by [Local Government Act 1985 \(c. 51, SIF 81:1\)](#), ss. 1, 102(2)(3), [Sch. 17](#)

F13 Word inserted by [Local Government Act 1985 \(c. 51, SIF 81:1\)](#), ss. 1, 2, 8(1), [Sch. 5 para. 4\(31\)\(a\)](#)

F14 S. 100(3A) inserted (E.) (1.10.2008) by [The Removal and Disposal of Vehicles \(Traffic Officers\) \(England\) Regulations 2008 \(S.I. 2008/2367\)](#), [reg. 13\(2\)\(a\)](#)

F15 "—" in s. 100(5) inserted (E.) (1.10.2008) by [The Removal and Disposal of Vehicles \(Traffic Officers\) \(England\) Regulations 2008 \(S.I. 2008/2367\)](#), [reg. 13\(2\)\(b\)\(i\)](#)

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- F16** Words substituted by [Local Government Act 1985 \(c. 51, SIF 81:1\)](#), ss. 1, 2, 8(1), **Sch. 5 para. 4(31)(b)**
- F17** Words in s. 100(5)(a) substituted (4.4.2001) by [S.I. 2001/1353](#), **art. 4**
- F18** Words in s. 100(5)(b) substituted (1.4.1996) by c. 19, s. 22(1), Sch. 13 para. 38(8) (with ss. 54(5)(7), 55(5), Sch. 17 paras. 22(2), 23(3)); [S.I. 1996/396](#), **art. 3 Sch. 1**
- F19** S. 100(5)(c) substituted (1.11.1991) by [New Roads and Street Works Act 1991 \(c. 22, SIF 59 s. 108\)](#), s. 168(1), **Sch. 8 para. 68**; [S.I. 1991/2286](#), art. 2(2), **Sch. 2**
- F20** Words in s. 100(5)(c) substituted (S.)(1.4.1996) by 1994 c. 39, s. 180(1), **Sch. 13 para. 38(8)**; [S.I. 1996/323](#), **art. 3(c)**
- F21** S. 100(5): definition of "traffic officer" inserted (E.) (1.10.2008) by [The Removal and Disposal of Vehicles \(Traffic Officers\) \(England\) Regulations 2008 \(S.I. 2008/2367\)](#), **reg. 13(2)(b)(ii)**
- F22** Word in s. 100(5) omitted (E.) (1.10.2008) by virtue of [The Removal and Disposal of Vehicles \(Traffic Officers\) \(England\) Regulations 2008 \(S.I. 2008/2367\)](#), **reg. 13(2)(b)(iii)**

Modifications etc. (not altering text)

- C4** S. 100 extended by [Airports Act 1986 \(c. 31, SIF 9\)](#), s. 66(3)
- C5** S. 100: certain functions transferred (31.12.2004) by [The National Assembly for Wales \(Transfer of Functions\) Order 2004 \(S.I. 2004/3044\)](#), art. 2, **Sch. 1**
- C6** Ss. 100-102: power to amend or apply (with modifications) conferred (E.W.) (4.10.2004 for E. and 1.5.2009 for W.) by [Traffic Management Act 2004 \(c. 18\)](#), ss. 9(2), 99 (with s. 38); [S.I. 2004/2380](#), **art. 2(a)**; [S.I. 2009/1095](#), **art. 2(a)**
- C7** S. 100(3) extended (21.3.1999) by [S.I. 1999/854](#), **art. 3(2)(a)(i)**

101 Ultimate disposal of vehicles abandoned and removeable under this Act. **E+W**

- (1) [^{F23}Subject to subsection (3) and section 101A below], a competent authority may, in such manner as they think fit, dispose of a vehicle which appears to them to be abandoned and which has been, or could at any time be, removed in pursuance of—
- (a) an order to which this section applies, or
 - (b) regulations under section 99 of this Act.
- (2) This section applies to the following orders, that is to say—
- (a) any order under section 35 of this Act;
 - (b) any order relating to a parking place designated under section 45 of this Act; and
 - (c) any order containing a provision having effect by virtue of section 53(3) of this Act.
- (3) The time at which a competent authority may dispose of a vehicle under subsection (1) above is as follows, that is to say—
- (a) in the case of a vehicle which in their opinion is in such a condition that it ought to be destroyed; ^{F24} . . .
 - [^{F25}(b) in the case of a vehicle, not falling within paragraph (a), which—
 - (i) does not display a licence (whether current or otherwise and whether or not the vehicle is required to display a licence), and
 - (ii) does not display any registration mark (whether indicating registration within or outside the United Kingdom),
 at any time after its removal;]
 - (c) in any other case, any time after such steps as may be prescribed have been taken by a competent authority (or partly by one competent authority and

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partly by the other) to find a person appearing to the authority taking such steps to be the owner of the vehicle and either—

- (i) they have failed to find such a person, or
- (ii) he has failed to comply with a notice served on him in the prescribed manner by a competent authority requiring him to remove the vehicle from their custody within the prescribed period.

F26
...

- (4) F27
- (4A) F27
- (5) F27
- (5A) F27
- (6) F27
- (7) The Secretary of State may by regulations require an authority by whom a vehicle is disposed of in pursuance of this section to give such information relating to the disposal as may be prescribed to such persons as may be prescribed.

(8) In this section—

“competent authority”, in relation to a vehicle, means—

- (a) the chief officer of the police force in whose area is the place which the vehicle has been removed or could at any time be removed, F28 ...
- (b) the local authority [F29 (other than Transport for London)] in whose area that place is or to whom the vehicle has been delivered by the chief officer of a police force; F30 [F31 ...
- (c) Transport for London, where the vehicle has been removed by a parking attendant on its behalf; [F32 or
- (d) the Secretary of State, where the vehicle has been removed by, or by virtue of arrangements made by, a traffic officer;]

“licence”, in relation to a vehicle, means a licence issued for the vehicle under the [F33 Vehicles Excise and Registration Act 1994]; [F34 (including a nil licence within the meaning of that Act)]

“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; and

“local authority” [F35 and “traffic officer” have the meanings assigned to them] by section 100(5) and “vehicle” has the meaning assigned to it by section 99(5) of this Act.

Extent Information

- E1 This version of this provision extends to England and Wales only; a separate version has been created for Scotland only

Textual Amendments

- F23 Words in s. 101(1) substituted (E.W.) (26.10.2006 for W. and 31.3.2008 for E.) by [Traffic Management Act 2004 \(c. 18\)](#), ss. 91, 99, [Sch. 11 para. 3\(1\)\(a\)](#); S.I. 2006/2826, [art. 2\(2\)\(c\)](#); S.I. 2007/2053, [art. 3\(1\)\(2\)\(g\)](#) (with arts. 1(2), 4-8) (as amended (17.3.2008) by S.I. 2008/757, arts. 3(c), 5)

Status: Point in time view as at 01/10/2012.

Changes to legislation: There are currently no known outstanding effects for the Road Traffic Regulation Act 1984, Cross Heading: Removal or immobilisation of vehicles. (See end of Document for details)

- F24** Words in s. 101(3)(a) repealed (E.W.) (18.10.2005 for E. and 27.10.2006 for W.) by Clean Neighbourhoods and Environment Act 2005 (c. 16), ss. 16(2), 107, 108, **Sch. 5 Pt. 1**; S.I. 2005/2896, **art. 3(d)** (with art. 5(1)); S.I. 2006/2797, **art. 2(d)** (with art. 9) (as amended by S.I. 2007/120, art. 3)
- F25** S. 101(3)(b) substituted (E.W.) (18.10.2005 for E. and 27.10.2006 for W.) by Clean Neighbourhoods and Environment Act 2005 (c. 16), **ss. 16(3)**, 108; S.I. 2005/2896, **art. 3(d)** (with art. 5(1)); S.I. 2006/2797, **art. 2(d)** (with art. 9) (as amended by S.I. 2007/120, art. 3)
- F26** Words in s. 101(3) repealed (E.W.) (18.10.2005 for E. and 27.10.2006 for W.) by Clean Neighbourhoods and Environment Act 2005 (c. 16), ss. 16(4), 107, 108, **Sch. 5 Pt. 1**; S.I. 2005/2896, **art. 3(d)** (with art. 5(1)); S.I. 2006/2797, **art. 2(d)** (with art. 9) (as amended by S.I. 2007/120, art. 3)
- F27** S. 101(4)-(6) omitted (E.W.) (26.10.2006 for W.) and repealed (E.W.) (31.3.2008) by virtue of Traffic Management Act 2004 (c. 18), ss. 91, 98, 99, **Sch. 11 para. 3(1)(b)**, **Sch. 12 Pt. 1** (with s. 38); S.I. 2006/2826, **art. 2(2)(c)**; S.I. 2007/2053, **art. 3(1)(2)(g)** (with arts. 1(2), 4-8 (as amended (17.3.2008) by S.I. 2008/757, arts. 3(c), 5)); S.I. 2007/3174, **art. 2**, Sch.
- F28** Word in definition of "competent authority" in s. 101(8) omitted (4.4.2001) by virtue of S.I. 2001/1353, **art. 5(a)**
- F29** Words in definition of "competent authority" in s. 101(8)(b) inserted (4.4.2001) by S.I. 2001/1353, **art. 5(b)**
- F30** Words in definition of "competent authority" in s. 101(8) omitted (E.) (1.10.2008) by virtue of The Removal and Disposal of Vehicles (Traffic Officers) (England) Regulations 2008 (S.I. 2008/2367), **reg. 13(3)(a)(i)**
- F31** Para. (c) and preceding word in definition of "competent authority" in s. 101(8) inserted (4.4.2001) by S.I. 2001/1353, **art. 5(c)**
- F32** Para. (d) and preceding word in definition of "competent authority" in s. 101(8) inserted (E.) (1.10.2008) by The Removal and Disposal of Vehicles (Traffic Officers) (England) Regulations 2008 (S.I. 2008/2367), **reg. 13(3)(a)(ii)**
- F33** Word in definition of "licence" in s. 101(8) substituted (1.9.1994) by 1994 c. 22, ss. 63, 66, **Sch. 3 para. 18(1)** (with s. 57(4))
- F34** Words in definition of "licence" in s. 101(8) inserted (E.W.) (18.10.2005 for E. and 27.10.2006 for W.) by Clean Neighbourhoods and Environment Act 2005 (c. 16), **ss. 16(5)**, 108; S.I. 2005/2896, **art. 3(d)** (with art. 5(1)); S.I. 2006/2797, **art. 2(d)** (with art. 9) (as amended by S.I. 2007/120, art. 3)
- F35** Words in definition of "local authority" in s. 101(8) substituted (E.) (1.10.2008) by The Removal and Disposal of Vehicles (Traffic Officers) (England) Regulations 2008 (S.I. 2008/2367), **reg. 13(3)(b)**

Modifications etc. (not altering text)

- C8** S. 101 modified (10.6.1993) by S.I. 1993/1461, **art. 4(2)**.
S. 101 applied (with modifications) (8.1.1996) by 1995 c. x, **s. 6**
- C9** S. 101: certain functions transferred (31.12.2004) by The National Assembly for Wales (Transfer of Functions) Order 2004 (S.I. 2004/3044), art. 2, **Sch. 1**
- C10** Ss. 100-102: power to amend or apply (with modifications) conferred (E.W.) (4.10.2004 for E. and 1.5.2009 for W.) by Traffic Management Act 2004 (c. 18), **ss. 9(2)**, 99 (with s. 38); S.I. 2004/2380, **art. 2(a)**; S.I. 2009/1095, **art. 2(a)**

101 Ultimate disposal of vehicles abandoned and removeable under this Act. **S**

- (1) Subject to subsections (3) to ^{F74}(5A)] below, a competent authority may, in such manner as they think fit, dispose of a vehicle which appears to them to be abandoned and which has been, or could at any time be, removed in pursuance of—
- (a) an order to which this section applies, or
 - (b) regulations under section 99 of this Act.
- (2) This section applies to the following orders, that is to say—
- (a) any order under section 35 of this Act;

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- (b) any order relating to a parking place designated under section 45 of this Act; and
 - (c) any order containing a provision having effect by virtue of section 53(3) of this Act.
- (3) The time at which a competent authority may dispose of a vehicle under subsection (1) above is as follows, that is to say—
- (a) in the case of a vehicle which in their opinion is in such a condition that it ought to be destroyed and on which no current licence was displayed at the time of its removal, any time after its removal;
 - (b) in the case of a vehicle which in their opinion is in such condition that it ought to be destroyed and on which a current licence was so displayed, any time after the licence expires;
 - (c) in any other case, any time after such steps as may be prescribed have been taken by a competent authority (or partly by one competent authority and partly by the other) to find a person appearing to the authority taking such steps to be the owner of the vehicle and either—
 - (i) they have failed to find such a person, or
 - (ii) he has failed to comply with a notice served on him in the prescribed manner by a competent authority requiring him to remove the vehicle from their custody within the prescribed period.

but, in a case where it appears to the authority proposing to dispose of the vehicle that a licence is in force in respect of the vehicle, not a time earlier than the expiry of the licence.

- (4) If, before a vehicle [^{F75}found outside Greater London] is disposed of by an authority in pursuance of subsections (1) to (3) above, the vehicle is claimed by a person who satisfies the authority that he is its owner and pays such sums in respect of its removal and storage as may be prescribed to the authority entitled to those sums, the authority shall permit him to remove the vehicle from their custody within such period as may be prescribed.

^{F76}[(4A) If, before a vehicle found in Greater London is disposed of by an authority in pursuance of subsections (1) to (3) above, the vehicle is claimed by a person who satisfies the authority that he is its owner and pays—

- (a) any penalty charge payable in respect of the parking of the vehicle in the place from which it was removed; and
- (b) such sums in respect of the removal and storage of the vehicle—
 - (i) as the authority may require; or
 - (ii) in the case of sums payable to a competent authority which is not a local authority, as may be prescribed,

the authority shall permit him to remove the vehicle from their custody within such period as they may specify or, where paragraph (b)(ii) applies, as may be prescribed.]

- (5) If, before the end of the period of one year beginning with the date on which a vehicle [^{F77}found outside Greater London] is sold by an authority in pursuance of this section, any person satisfies that authority that at the time of the sale he was the owner of the vehicle, that authority shall pay him any sum by which the proceeds of sale exceed the aggregate of such sums in respect of the removal, storage and disposal of the vehicle as may be prescribed.

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- ^{F78}[(5A) If, before the end of the period of one year beginning with the date on which a vehicle found in Greater London is sold by an authority in pursuance of this section, any person satisfies that authority that at the time of the sale he was the owner of the vehicle, that authority shall pay him any sum by which the proceeds of sale exceed the aggregate of—
- (a) any penalty charge payable in respect of the parking of the vehicle in the place from which it was removed; and
 - (b) such sums in respect of the removal, storage and disposal of the vehicle—
 - (i) as the authority may require; or
 - (ii) in the case of sums payable to a competent authority which is not a local authority, as may be prescribed.]
- (6) If in the case of any vehicle it appears to the authority in question that more than one person is or was its owner at the relevant time, such one of them as the authority think fit shall be treated as its owner for the purposes of subsections (4) [^{F79}to (5A)] above.
- (7) The Secretary of State may by regulations require an authority by whom a vehicle is disposed of in pursuance of this section to give such information relating to the disposal as may be prescribed to such persons as may be prescribed.
- (8) In this section—
- “competent authority”, in relation to a vehicle, means—
- (a) the chief officer of the police force in whose area is the place which the vehicle has been removed or could at any time be removed, ^{F28} . . .
 - (b) the local authority [^{F29}(other than Transport for London)] in whose area that place is or to whom the vehicle has been delivered by the chief officer of a police force; [^{F31}or
 - (c) Transport for London, where the vehicle has been removed by a parking attendant on its behalf;]
- “licence”, in relation to a vehicle, means a licence issued for the vehicle under the [^{F33}Vehicles Excise and Registration Act 1994];
- “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; and
- “local authority” has the meaning assigned to it by section 100(5) and “vehicle” has the meaning assigned to it by section 99(5) of this Act.

Extent Information

- E3** This version of this provision extends to Scotland only; a separate version has been created for England only and Wales only

Textual Amendments

- F28** Word in definition of "competent authority" in s. 101(8) omitted (4.4.2001) by virtue of [S.I. 2001/1353, art. 5\(a\)](#)
- F29** Words in definition of "competent authority" in s. 101(8)(b) inserted (4.4.2001) by [S.I. 2001/1353, art. 5\(b\)](#)
- F31** Para. (c) and preceding word in definition of "competent authority" in s. 101(8) inserted (4.4.2001) by [S.I. 2001/1353, art. 5\(c\)](#)
- F33** Word in definition of "licence" in s. 101(8) substituted (1.9.1994) by [1994 c. 22, ss. 63, 66, Sch. 3 para. 18\(1\)](#) (with [s. 57\(4\)](#))

Status: Point in time view as at 01/10/2012.

Changes to legislation: There are currently no known outstanding effects for the Road Traffic Regulation Act 1984, Cross Heading: Removal or immobilisation of vehicles. (See end of Document for details)

- F74** Words in s. 101(1) substituted (5.7.1993) by Road Traffic Act 1991 (c. 40, SIF 107:1), **s. 67(2)** (with s. 79(1)); S.I. 1993/1461, **art. 4**.
- F75** Words in s. 101(4) inserted (5.7.1993) by Road Traffic Act 1991 (c. 40, SIF 107:1), **s. 67(3)** (with s. 79(1)); S.I. 1993/1461, **art. 4**.
- F76** S. 101(4A) inserted by Road Traffic Act 1991 (5.7.1993, 4.10.1993, 6.12.1993, 31.1.1994 and 4.7.1994 respectively for specified London boroughs and otherwise 10.4.1998) by Road Traffic Act 1991 (c. 40, SIF 107:1), **s. 67(4)** (with s. 79(1)); S.I. 1993/1461, **art. 4**; S.I. 1993/2229, **art. 4**; S.I. 1993/2803, **art. 3**; S.I. 1993/3238, **art. 3**; S.I. 1994/1482, art. 2(a), **Sch.**; S.I. 1998/967, **art. 2(2)**
- F77** Words in s. 101(5) inserted (5.7.1993) by Road Traffic Act 1991 (c. 40, SIF 107:1), **s. 67(5)** (with s. 79(1)); S.I. 1993/1461, **art. 4**
- F78** S. 101(5A) inserted (5.7.1993, 4.10.1993, 6.12.1993, 31.1.1994 and 4.7.1994 respectively for specified London boroughs and otherwise prosp.) by Road Traffic Act 1991 (c. 40, SIF 107:1), **s. 67(6)** (with s. 79(1)); S.I. 1993/1461, **art. 4**; S.I. 1993/2229, **art. 4**; S.I. 1993/2803, **art. 3**; S.I. 1993/3238, **art. 3**; S.I. 1994/1482, art. 2(a), **Sch.**
- F79** Words in s. 101(6) substituted (5.7.1993) by Road Traffic Act 1991 (c. 40, SIF 107:1), **s. 67(7)** (with s. 79(1)); S.I. 1993/1461, **art. 4**.

Modifications etc. (not altering text)

- C8** S. 101 modified (10.6.1993) by S.I. 1993/1461, **art. 4(2)**.
S. 101 applied (with modifications) (8.1.1996) by 1995 c. x, **s. 6**
- C9** S. 101: certain functions transferred (31.12.2004) by The National Assembly for Wales (Transfer of Functions) Order 2004 (S.I. 2004/3044), art. 2, **Sch. 1**
- C10** Ss. 100-102: power to amend or apply (with modifications) conferred (E.W.) (4.10.2004 for E. and 1.5.2009 for W.) by Traffic Management Act 2004 (c. 18), **ss. 9(2), 99** (with s. 38); S.I. 2004/2380, **art. 2(a)**; S.I. 2009/1095, **art. 2(a)**

[^{F36}101A] *Right of owner to recover vehicle or proceeds of sale*

- (1) If before a vehicle is disposed of by an authority under section 101 above it is claimed by a person who—
- (a) satisfies the authority that he is its owner, and
 - (b) pays the relevant charges,
- the authority shall permit him to remove the vehicle from their custody within such period as they may specify or, in the case of an authority other than a local authority, as may be prescribed.
- (2) If before the end of the period of one year beginning with the date on which a vehicle is sold by an authority under section 101 above a person satisfies the authority that at the time of the sale he was the owner of the vehicle, the authority shall pay him any sum by which the proceeds of sale exceed the amount of the relevant charges.
- (3) In the case of a vehicle found in an area that is a civil enforcement area for parking contraventions, the relevant charges are—
- (a) any penalty charge payable in respect of the parking of the vehicle in the place from which it was removed,
 - (b) such unpaid earlier penalty charges relating to the vehicle as may be prescribed, and
 - (c) such sums in respect of the removal and storage of the vehicle—
 - (i) as the authority may require in accordance with Schedule 9 of the Traffic Management Act 2004, or

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Changes to legislation: There are currently no known outstanding effects for the Road Traffic Regulation Act 1984, Cross Heading: Removal or immobilisation of vehicles. (See end of Document for details)

- (ii) in the case of an authority other than a local authority, as may be prescribed.
- (4) In any other case the relevant charges are such sums in respect of the removal and storage of the vehicle as may be prescribed.
- (5) If in the case of any vehicle it appears to the authority in question that more than one person is or was its owner at the relevant time, such one of them as the authority think fit shall be treated as its owner for the purposes of this section.
- (6) In this section—
“civil enforcement area for parking contraventions” and “penalty charge” have the same meaning as in Part 6 of the Traffic Management Act 2004; and
“owner” has the same meaning as in section 101 above.]

Textual Amendments

F36 S. 101A inserted (E.W.) (26.10.2006 for W. and 31.3.2008 for E.) by [Traffic Management Act 2004](#) (c. 18), ss. 91, 99, [Sch. 11 para. 3\(2\)](#) (with s. 38); S.I. 2006/2826, [art. 2\(2\)\(c\)](#); S.I. 2007/2053, [art. 3\(1\)\(2\)\(g\)](#) (with [arts. 1\(2\), 4-8](#)) (as amended (17.3.2008) by S.I. 2008/757, [arts. 3\(c\), 5](#))

[^{F37} 101B *Representations and appeals*

- (1) The Lord Chancellor may make regulations entitling a person who in the case of a vehicle found in an area that is a civil enforcement area for parking contraventions—
- is required to pay an amount on recovering the vehicle under section 101A(1), or
 - receives a sum in respect of the vehicle under section 101A(2) or is informed that the proceeds of sale did not exceed the aggregate amount mentioned in that provision,
- to make representations to the authority concerned and to appeal to an adjudicator if his representations are not accepted.
- (2) The regulations may make such provision in connection with the rights conferred as appears to the Lord Chancellor to be appropriate, and may in particular make provision—
- requiring the authority to give a person notice of the rights conferred by the regulations,
 - as to the grounds on which, and time within which, representations may be made;
 - requiring supporting evidence in such circumstances as may be specified;
 - as to the duties of the authority when representations are received;
 - as to the circumstances in which there is a right of appeal to an adjudicator,
 - generally as to the making, determination and effect of, and procedure in connection with, such appeals, and
 - enabling an adjudicator to review any decision made on, or in the course of, an appeal.
- (3) The regulations may include provision authorising an adjudicator to require a person—
- to attend to give evidence at the hearing of an appeal, and

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- (b) to produce any documents in his custody or under his control relating to any matter relevant for the purposes of the appeal, and making it a criminal offence triable summarily and punishable with a fine not exceeding level 2 on the standard scale to fail to comply with such a requirement.
- (4) The regulations may include provision authorising an adjudicator to make an order for the payment of costs and expenses by a party to an appeal in such circumstances as may be specified.
- (5) The functions of adjudicators under this section shall be discharged by the persons appointed as adjudicators for the purposes of Part 6 of the Traffic Management Act 2004 (civil enforcement of road traffic contraventions) and any arrangements made for the discharge of their functions under that Part also have effect for the purposes of this section.
- [Subsections (1) to (3) of section 89 of the Traffic Management Act 2004 (regulations ^{F38}(6) and orders) apply to regulations under this section as they apply to regulations under Part 6 of that Act.]]

Textual Amendments

- F37** S. 101B inserted (E.W.) (26.10.2006 for W. and 23.7.2007 for E.) by [Traffic Management Act 2004](#) (c. 18), ss. 91, 99, [Sch. 11 para. 3\(2\)](#) (with s. 38); [S.I. 2006/2826, art. 2\(2\)\(c\)](#); [S.I. 2007/2053, art. 2\(1\)\(2\)\(i\)](#)
- F38** S. 101B(6) inserted by [The Lord Chancellor \(Modification of Functions\) Order 2007 \(S.I. 2007/1756\)](#), [art. 2\(2\)](#) (the said [S.I. 2007/1756](#) coming into force on the day on which para. 3(2) of Sch. 11 to the Traffic Management Act 2004 comes into force for E. ; and by [S.I. 2007/2053, arts. 2\(2\)\(i\)](#) and {3(2)(g)}, the said para. 3(2) of Sch. 11 was brought into force for E. on 23.7.2007 for certain purposes and on 31.3.2008 for remaining purposes.)

102 Charges for removal, storage and disposal of vehicles. **E+W**

- (1) The provisions of this section shall have effect where a vehicle—
- (a) is removed from a parking place in pursuance of an order to which section 101 of this Act applies, or
- (b) is removed from a road [^{F39}or other land] in pursuance of regulations under section 99 of this Act.
- [^{F40}(2) If the place from which the vehicle is removed is in an area that is not a civil enforcement area for parking contraventions—
- (a) the appropriate authority is entitled to recover from any person responsible such charges as may be prescribed in respect of the removal of the vehicle;
- (b) the chief officer of a police force or a local authority in whose custody the vehicle is during any period is entitled to recover from any person responsible charges ascertained by reference to a prescribed scale in respect of that period; and
- (c) the chief officer of a police force or a local authority who dispose of the vehicle in pursuance of section 101 of this Act is entitled to recover from any person responsible charges determined in the prescribed manner in respect of its disposal.

Status: Point in time view as at 01/10/2012.

Changes to legislation: There are currently no known outstanding effects for the Road Traffic Regulation Act 1984, Cross Heading: Removal or immobilisation of vehicles. (See end of Document for details)

- [^{F41}(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;]
- (2A) If the place from which the vehicle is removed is in an area that is a civil enforcement area for parking contraventions, the enforcement authority is entitled to recover from any person responsible such charges in respect of the removal, storage and disposal of the vehicle as they may require in accordance with Schedule 9 of the Traffic Management Act 2004.]
- (3) Any sum recoverable by virtue of this section shall, in England or Wales, be recoverable as a simple contract debt in any court of competent jurisdiction or, in the case of a sum not exceeding £20, summarily as a civil debt.
- (4) 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 by the chief officer of a police force or a local authority in whose custody the vehicle is, the chief officer or local authority shall be entitled to retain custody of it until that sum has been paid.
- [^{F42}(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.]
- (5) The court by which a person is convicted of an offence under section 2(1) of the ^{M1}Refuse Disposal (Amenity) Act 1978 in respect of a motor vehicle may, on the application of an authority and in addition to any other order made by the court in relation to that person, order him to pay to the authority any sum which, in the opinion of the court, the authority are entitled to recover from him under this section in respect of the vehicle.
- (6) For the purposes of this section a vehicle removed, as mentioned in subsection (1) above, [^{F43}by the council of a non-metropolitan district] in England shall be treated as in the custody of the council of the county comprising that district while it is in the custody of the district council by whom it was so removed.
- (7) Any sum recovered under this section by the chief officer of a police force shall be paid into the police fund.
- (8) In this section—
- “appropriate authority”—
 - (a) in relation to a vehicle removed by a constable or a person acting in aid of a police force, means the chief officer of the police force to which the constable belongs or in whose aid that person was acting, and
 - (b) ^{F44}[in relation to a vehicle removed (by a person other than a constable or person acting in aid of a police force) from a place outside Greater London, which is a parking place provided or controlled by a local authority, or from a place (not being a parking place) on a road or

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[^{F45}other land], means the local authority in whose area that place is,] . . [^{F46} and

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

[^{F47}“civil enforcement area for parking contraventions” and “enforcement authority” have the same meaning as in Part 6 of the Traffic Management Act 2004;]

“person responsible”, in relation to a vehicle, means—

(a) the owner of the vehicle at the time when it was put in the place from which it was removed as mentioned in subsection (1) above, unless he shows that he was not concerned in, and did not know of, its being put there;

(b) any person by whom the vehicle was put in that place;

(c) any person convicted of an offence under section 2(1) of the ^{M2}Refuse Disposal (Amenity) Act 1978 in consequence of the putting of the vehicle in that place; ^{F48} . . .

“local authority” has the meaning assigned to it by section 100(5) [^{F49}, except that it does not include Transport for London,][^{F50}“traffic officer” also has the meaning assigned to it by section 100(5),] and “vehicle” has the meaning assigned to it by section 99(5) of this Act. ^{F51} . . .

^{F51}
. . .

^{F52}[(9) For the purposes of—

(a) [^{F53}subsection (2A)] above, and

(b) paragraph (b) in the definition of “appropriate authority” in subsection (8) above,

a parking place provided under a letting or arrangements made by a local authority in pursuance of section 33(4) of this Act shall be treated as provided by that authority.]

Extent Information

E2 This version of this provision extends to England and Wales only; a separate version has been created for Scotland only

Textual Amendments

F39 Words in s. 102(1)(b) substituted (E.W.) (1.10.2012) by [Protection of Freedoms Act 2012 \(c. 9\), s. 120, Sch. 9 para. 18\(2\)](#) (with s. 97); S.I. 2012/2075, art. 3(g)

F40 S. 102(2)(2A) substituted (E.W.) (26.10.2006 for W. and 31.3.2008 for E.) for s. 102(2) by [Traffic Management Act 2004 \(c. 18\), ss. 91, 99, Sch. 11 para. 4\(2\)](#) (with s. 38); S.I. 2006/2826, [art. 2\(2\)\(c\)](#); S.I. 2007/2053, [art. 3\(1\)\(2\)\(g\)](#) (with arts. 1(2), 4-8) (as amended (17.3.2008) by S.I. 2008/757, arts. 3(c), 5)

F41 S. 102(2ZA) inserted (E.) (1.10.2008) by [The Removal and Disposal of Vehicles \(Traffic Officers\) \(England\) Regulations 2008 \(S.I. 2008/2367\), reg. 13\(4\)\(a\)](#)

F42 S. 102(4A) inserted (E.) (1.10.2008) by [The Removal and Disposal of Vehicles \(Traffic Officers\) \(England\) Regulations 2008 \(S.I. 2008/2367\), reg. 13\(4\)\(b\)](#)

F43 Words in s. 102(6) substituted by [Local Government Act 1985 \(c. 51, SIF 81:1\), ss. 1, 2, 8\(1\), Sch. 5 para. 4\(32\)](#)

F44 Para. (b) in definition of “appropriate authority” in s. 102(8) substituted (5.7.1993) by [Road Traffic Act 1991 \(c. 40, SIF 107:1\), s. 68\(3\)\(a\)](#) (with s. 79(1)); S.I. 1993/1461, [art. 5](#).

F45 Words in s. 102(8) substituted (E.W.) (1.10.2012) by [Protection of Freedoms Act 2012 \(c. 9\), s. 120, Sch. 9 para. 18\(3\)](#) (with s. 97); S.I. 2012/2075, art. 3(g)

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- F46** Para. (c) and preceding word in definition of "appropriate authority" in s. 102(8) inserted (E.) (1.10.2008) by [The Removal and Disposal of Vehicles \(Traffic Officers\) \(England\) Regulations 2008 \(S.I. 2008/2367\)](#), [reg. 13\(4\)\(c\)\(i\)](#)
- F47** Definition of "civil enforcement area for parking contraventions" and "enforcement authority" in s. 102(8) inserted (E.W.) (26.10.2006 for W. and 31.3.2008 for E.) by [Traffic Management Act 2004 \(c. 18\)](#), ss. 91, 99, [Sch. 11 para. 4\(3\)](#) (with s. 38); [S.I. 2006/2826](#), [art. 2\(2\)\(c\)](#); [S.I. 2007/2053](#), [art. 3\(1\)\(2\)\(g\)](#) (with arts. 1(2), 4-8) (as amended (17.3.2008) by [S.I. 2008/757](#), arts. 3(c), 5)
- F48** Word in definition of "person responsible" in s. 102(8) repealed (5.7.1993) by [Road Traffic Act 1991 \(c. 40, SIF 107:1\)](#), s. 83, [Sch. 8](#); [S.I. 1993/1461](#), [art. 2\(g\)](#).
- F49** Words in definition of "local authority" in s. 102(8) inserted (4.4.2001) by [S.I. 2001/1353](#), [art. 6\(a\)](#)
- F50** Words in definition of "local authority" in s. 102(8) inserted (E.) (1.10.2008) by [The Removal and Disposal of Vehicles \(Traffic Officers\) \(England\) Regulations 2008 \(S.I. 2008/2367\)](#), [reg. 13\(4\)\(c\)\(ii\)](#)
- F51** Definition of "London authority" and preceding word in s. 102(8) repealed (E.W.) (31.3.2008) by [Traffic Management Act 2004 \(c. 18\)](#), ss. 98, 99, [Sch. 12 Pt. 1](#) (with s. 38); [S.I. 2007/2053](#), [art. 3\(1\)\(2\)\(h\)\(i\)](#) (with arts. 1(2), 4-8) (as amended (17.3.2008) by [S.I. 2008/757](#), arts. 3(c), 5); [S.I. 2007/3174](#), [art. 2](#), [Sch.](#)
- F52** S. 102(9) added (5.7.1993) by [Road Traffic Act 1991 \(c. 40, SIF 107:1\)](#), s. 68(4) (with s. 79(1)); [S.I. 1993/1461](#), [art. 5](#).
- F53** Words in s. 102(9) substituted (E.W.) (26.10.2006 for W. and 31.3.2008 for E.) by [Traffic Management Act 2004 \(c. 18\)](#), ss. 91, 99, [Sch. 11 para. 4\(4\)](#) (with s. 38); [S.I. 2006/2826](#), [art. 2\(2\)\(c\)](#); [S.I. 2007/2053](#), [art. 3\(1\)\(2\)\(g\)](#) (with arts. 1(2), 4-8) (as amended (17.3.2008) by [S.I. 2008/757](#), arts. 3(c), 5)

Modifications etc. (not altering text)

- C11** S. 102 excluded (23.6.1999) by [S.I. 1999/1736](#), [art. 8\(1\)\(b\)\(2\)\(a\)](#)
- C12** S. 102: certain functions transferred (31.12.2004) by [The National Assembly for Wales \(Transfer of Functions\) Order 2004 \(S.I. 2004/3044\)](#), art. 2, [Sch. 1](#)
- C13** Ss. 100-102: power to amend or apply (with modifications) conferred (E.W.) (4.10.2004 for E. 1.5.2009 for W.) by [Traffic Management Act 2004 \(c. 18\)](#), ss. 9(2), 99 (with s. 38); [S.I. 2004/2380](#), [art. 2\(a\)](#); [S.I. 2009/1095](#), [art. 2\(a\)](#)
- C14** S. 102(2) applied (with modifications) (1.1.1997) by [S.I. 1996/3038](#), [art. 5\(2\)](#)
- C15** S. 102(2) modified (5.7.1993) by [S.I. 1993/1474](#), [art. 5\(2\)](#)
S. 102(2) modified (4.10.1993) by [S.I. 1993/2237](#), [art. 5\(2\)](#).
S. 102(2) modified (6.12.1993) by [S.I. 1993/2804](#), [art. 4\(2\)](#).
S. 102(2) modified (31.1.1994) by [S.I. 1993/3239](#), [art. 4\(2\)](#).
S. 102(2) modified (15.11.2004) by [The Road Traffic \(Special Parking Area\) \(GLA Roads and GLA Side Roads\) Order 2004 \(S.I. 2004/2684\)](#), [art. 4\(2\)](#)

Marginal Citations

- M1** 1978 c. 3(100:3).
M2 1978 c. 3(100:3).

102 Charges for removal, storage and disposal of vehicles. **S**

- (1) The provisions of this section shall have effect where a vehicle—
- (a) is removed from a parking place in pursuance of an order to which section 101 of this Act applies, or
 - (b) is removed from a road, or from land in the open air, in pursuance of regulations under section 99 of this Act.
- (2) In any such case—

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- (a) the appropriate authority shall be entitled to recover from any person responsible such charges as may be prescribed in respect of the removal of the vehicle;
 - (b) the chief officer of a police force or a local authority [^{F80}other than a London authority] in whose custody any such vehicle is during any period shall be entitled to recover from any person responsible charges ascertained by reference to a prescribed scale in respect of that period; ^{F81} . . .
 - (c) the chief officer of a police force or a local authority [^{F80}other than a London authority] who dispose of any such vehicle in pursuance of section 101 of this Act shall be entitled to recover from any person responsible charges determined in the prescribed manner in respect of its disposal. [^{F82}and
 - (d) a London authority shall be entitled to recover from any person responsible, such charges in respect of the removal, storage and disposal of a vehicle removed from a parking place designated under section 6, 9 or 45 of this Act or otherwise provided or controlled by that authority as they may require.]
- (3) Any sum recoverable by virtue of this section shall, in England or Wales, be recoverable as a simple contract debt in any court of competent jurisdiction or, in the case of a sum not exceeding £20, summarily as a civil debt.
- (4) 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 by the chief officer of a police force or a local authority in whose custody the vehicle is, the chief officer or local authority shall be entitled to retain custody of it until that sum has been paid.
- (5) The court by which a person is convicted of an offence under section 2(1) of the ^{M1}Refuse Disposal (Amenity) Act 1978 in respect of a motor vehicle may, on the application of an authority and in addition to any other order made by the court in relation to that person, order him to pay to the authority any sum which, in the opinion of the court, the authority are entitled to recover from him under this section in respect of the vehicle.
- (6) For the purposes of this section a vehicle removed, as mentioned in subsection (1) above, [^{F43}by the council of a non-metropolitan district] in England shall be treated as in the custody of the council of the county comprising that district while it is in the custody of the district council by whom it was so removed.
- (7) Any sum recovered under this section by the chief officer of a police force shall be paid into the police fund.
- (8) In this section—
- “appropriate authority”—
 - (a) in relation to a vehicle removed by a constable or a person acting in aid of a police force, means the chief officer of the police force to which the constable belongs or in whose aid that person was acting, and
 - (b) ^{F44}[in relation to a vehicle removed (by a person other than a constable or person acting in aid of a police force) from a place outside Greater London, which is a parking place provided or controlled by a local authority, or from a place (not being a parking place) on a road or land in the open air, means the local authority in whose area that place is,]
- . . .
- “person responsible”, in relation to a vehicle, means—

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- (a) the owner of the vehicle at the time when it was put in the place from which it was removed as mentioned in subsection (1) above, unless he shows that he was not concerned in, and did not know of, its being put there;
- (b) any person by whom the vehicle was put in that place;
- (c) any person convicted of an offence under section 2(1) of the ^{M2}Refuse Disposal (Amenity) Act 1978 in consequence of the putting of the vehicle in that place; ^{F81} . . .

“local authority” has the meaning assigned to it by section 100(5) [^{F49}, except that it does not include Transport for London,] and “vehicle” has the meaning assigned to it by section 99(5) of this Act. [^{F83}and

“London authority ” means any council of a London borough [^{F84} , the Common Council of the City of London or Transport for London.]]

^{F52}[(9) For the purposes of—

- (a) subsection (2)(d) above, and
- (b) paragraph (b) in the definition of “appropriate authority” in subsection (8) above,

a parking place provided under a letting or arrangements made by a local authority in pursuance of section 33(4) of this Act shall be treated as provided by that authority.]

Extent Information

- E4** This version of this provision extends to Scotland only; a separate version has been created for England and Wales only

Textual Amendments

- F43** Words in s. 102(6) substituted by [Local Government Act 1985 \(c. 51, SIF 81:1\)](#), ss. 1, 2, 8(1), [Sch. 5 para. 4\(32\)](#)
- F44** Para. (b) in definition of "appropriate authority" in s. 102(8) substituted (5.7.1993) by [Road Traffic Act 1991 \(c. 40, SIF 107:1\)](#), [s. 68\(3\)\(a\)](#) (with s. 79(1)); S.I. 1993/1461, [art. 5](#).
- F49** Words in definition of "local authority" in s. 102(8) inserted (4.4.2001) by S.I. 2001/1353, [art. 6\(a\)](#)
- F52** S. 102(9) added (5.7.1993) by [Road Traffic Act 1991 \(c. 40, SIF 107:1\)](#), [s. 68\(4\)](#) (with s. 79(1)); S.I. 1993/1461, [art. 5](#).
- F80** Words in s. 102(2)(b)(c) inserted (5.7.1993) by [Road Traffic Act 1991 \(c. 40, SIF 107:1\)](#), [s. 68\(2\)\(a\)](#) (with s. 79(1)); S.I. 1993/1461, [art. 5](#).
- F81** Word in s. 102(2)(b)(8) repealed (5.7.1993) by [Road Traffic Act 1991 \(c. 40, SIF 107:1\)](#), s. 83, [Sch. 8](#); S.I. 1993/1461, [art. 2\(g\)](#).
- F82** S. 102(2)(d) and immediate preceding word added (5.7.1993, 4.10.1993, 6.12.1993, 31.1.1994 and 4.7.1994 respectively for specified London boroughs and otherwise 10.4.1998) by [Road Traffic Act 1991 \(c. 40, SIF 107:1\)](#), [s. 68\(2\)\(b\)](#) (with s. 79(1)); S.I. 1993/1461, [art. 5](#); S.I. 1993/2229, [art. 5](#); S.I. 1993/2803, [art. 4](#); S.I. 1993/3238, [art. 4](#); S.I. 1994/1482, [art. 2\(a\)](#), [Sch.](#); S.I. 1998/967, [art. 2\(2\)](#)
- F83** S. 102(8): definition of "London authority" added (5.7.1993) by [Road Traffic Act 1991 \(c. 40, SIF 107:1\)](#), [s. 68\(3\)\(c\)](#) (with s. 79(1)); S.I. 1993/1461, [art. 5](#).
- F84** Words in definition of "London authority" in s. 102(8) substituted (4.4.2001) by S.I. 2001/1353, [art. 6\(b\)](#)

Modifications etc. (not altering text)

- C11** S. 102 excluded (23.6.1999) by S.I. 1999/1736, [art. 8\(1\)\(b\)\(2\)\(a\)](#)
- C12** S. 102: certain functions transferred (31.12.2004) by [The National Assembly for Wales \(Transfer of Functions\) Order 2004 \(S.I. 2004/3044\)](#), art. 2, [Sch. 1](#)

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- C14** S. 102(2) applied (with modifications) (1.1.1997) by S.I. 1996/3038, **art. 5(2)**
- C15** S. 102(2) modified (5.7.1993) by S.I. 1993/1474, **art. 5(2)**
S. 102(2) modified (4.10.1993) by S.I. 1993/2237, **art. 5(2)**.
S. 102(2) modified (6.12.1993) by S.I. 1993/2804, **art. 4(2)**.
S. 102(2) modified (31.1.1994) by S.I. 1993/3239, **art. 4(2)**.
S. 102(2) modified (15.11.2004) by The Road Traffic (Special Parking Area) (GLA Roads and GLA Side Roads) Order 2004 (S.I. 2004/2684), **art. 4(2)**

Marginal Citations

- M1** 1978 c. 3(100:3).
M2 1978 c. 3(100:3).

103 Supplementary provisions as to removal of vehicles.

- (1) The Secretary of State may by regulations provide that, in relation to any vehicle which is or was in any part of a loading area while the parking of it in that area is or was prohibited by virtue of section 61 of this Act, sections 99 to 102 of this Act shall have effect with such additions, omissions and amendments as are prescribed by the regulations.
- (2) In this section “loading area” has the same meaning as in section 61 of this Act.
- ^{F54}[^{F55}(3) Regulations made under sections 99 to 102 of this Act may make different provision for different cases or classes of case or in respect of different areas.
- [A local authority must in exercising any of their functions under sections 99 to 102 ^{F55}(4) have regard to any guidance given to the authority for the purpose by—
- (a) the Secretary of State, in the case of a local authority in England;
- (b) the National Assembly for Wales, in the case of a local authority in Wales.
- (5) In subsection (4) “local authority” has the meaning given by section 100(5)(a) and (b).]]

Textual Amendments

- F54** S. 103(3) substituted (1.10.1991) by Road Traffic Act 1991 (c. 40, SIF 107:1), s. 48, **Sch. 4, para.33**; S.I. 1991/2054, **art. 3**, Sch.
- F55** S. 103(4)(5) inserted (E.W.) (18.10.2005 for E. and 16.3.2006 for W. for certain purposes and 27.10.2006 otherwise) by Clean Neighbourhoods and Environment Act 2005 (c. 16), **ss. 17, 108**; S.I. 2005/2896, **art. 2** (with art. 5(1)); S.I. 2006/768, **art. 3**; S.I. 2006/2797, **art. 2(f)** (as amended by S.I. 2007/120, art. 3)

Modifications etc. (not altering text)

- C16** S. 103 excluded (23.6.1999) by S.I. 1999/1736, **art. 8(2)(a)**
- C17** S. 103: certain functions transferred (31.12.2004) by The National Assembly for Wales (Transfer of Functions) Order 2004 (S.I. 2004/3044), art. 2, **Sch. 1**

104 Immobilisation of vehicles illegally parked.

- (1) Subject to sections 105 and 106 of this Act, where a constable finds on a road a vehicle which has been permitted to remain at rest there in contravention of any prohibition or restriction imposed by or under any enactment, he may—

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- (a) fix an immobilisation device to the vehicle while it remains in the place in which he finds it; or
 - (b) move it from that place to another place on the same or another road and fix an immobilisation device to it in that other place;

or authorise another person to take under his direction any action he could himself take by virtue of paragraph (a) or (b) above.
- (2) On any occasion when an immobilisation device is fixed to a vehicle in accordance with this section the constable or other person fixing the device shall also affix to the vehicle a notice—
 - (a) indicating that such a device has been fixed to the vehicle and warning that no attempt should be made to drive it or otherwise put it in motion until it has been released from that device;
 - (b) specifying the steps to be taken in order to secure its release; and
 - (c) giving such other information as may be prescribed.
- (3) A vehicle to which an immobilisation device has been fixed in accordance with this section may only be released from that device by or under the direction of a [^{F56}person authorised to give such a direction by the chief officer of police within whose area the vehicle in question was found].
- (4) Subject to subsection (3) above, a vehicle to which an immobilisation device has been fixed in accordance with this section shall be released from that device on payment in any manner specified in the notice affixed to the vehicle under subsection (2) above of such charge in respect of the release as may be prescribed.
- (5) A notice affixed to a vehicle under this section shall not be removed or interfered with except by or under the authority of the person in charge of the vehicle or the person by whom it was put in the place where it was found by the constable; and any person contravening this subsection shall be guilty of an offence.
- (6) Any person who, without being authorised to do so in accordance with this section, removes or attempts to remove an immobilisation device fixed to a vehicle in accordance with this section shall be guilty of an offence.
- (7) Where a vehicle is moved in accordance with this section before an immobilisation device is fixed to it, any power of removal under regulations for the time being in force under section 99 of this Act which was exercisable in relation to that vehicle immediately before it was so moved shall continue to be exercisable in relation to that vehicle while it remains in the place to which it was so moved.
- (8) In relation to any vehicle which is removed in pursuance of any such regulations or under section 3 of the ^{M3}Refuse Disposal (Amenity) Act 1978 (duty of local authority to remove abandoned vehicles) from a place to which it was moved in accordance with this section, references in the definition of “person responsible” in section 102(8) of this Act and section 5 of the said Act of 1978 mentioned above (recovery from person responsible of charges and expenses in respect of vehicles removed) to the place from which the vehicle was removed shall be read as references to the place in which it was immediately before it was moved in accordance with this section.
- (9) In this section “immobilisation device” means any device or appliance designed or adapted to be fixed to a vehicle for the purpose of preventing it from being driven or otherwise put in motion, being a device or appliance of a type approved by the Secretary of State for use for that purpose in accordance with this section.

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^{F57}(10)

(11) Any sum received by virtue of subsection (4) above shall be paid into the police fund.

(12) Regulations under subsection (2) or (4) above may make different provision for different cases [^{F58}or classes of case or in respect of different areas].

^{F59}[(12A) For the purposes of this section, the suspension under section 13A or 49 of this Act of the use of a parking place is a restriction imposed under this Act.]

Textual Amendments

F56 Words in s. 104(3) substituted (1.10.1991) by [Road Traffic Act 1991 \(c. 40, SIF 107:1\)](#), s. 48, [Sch. 4 para. 34\(2\)](#); [S.I. 1991/2054, art. 3](#),Sch.

F57 S. 104(10) repealed (1.10.1991) by [Road Traffic Act 1991 \(c. 40, SIF 107:1\)](#), s. 83, [Sch.8](#); [S.I. 1991/2054, art. 3](#),Sch.

F58 Words in s. 104(12) added (1.10.1991) by [Road Traffic Act 1991 \(c. 40, SIF 107:1\)](#), s. 48, [Sch. 4, para. 34\(3\)](#); [S.I. 1991/2054, art. 3](#),Sch.

F59 S. 104(12A) inserted (1.10.1991) by [Road Traffic Act 1991 \(c. 40, SIF 107:1\)](#), s. 48, [Sch. 4, para.35](#); [S.I. 1991/2054, art. 3](#),Sch.

Modifications etc. (not altering text)

C18 S. 104 extended (21.3.1999) by [S.I. 1999/854, art. 3\(2\)\(a\)\(ii\)](#)

C19 S. 104(9): definition of "immobilisation device" applied (1.10.1991) by [Road Traffic Act 1991 \(c. 40, SIF 107:1\)](#), s. [82\(1\)](#), (with s. 79(1)); [S.I. 1991/2054, art. 3](#),Sch

Marginal Citations

M3 1978 c. 3(100:3).

105 Exemptions from s. 104.

(1) Subject to the following provisions of this section, section 104(1) of this Act shall not apply in relation to a vehicle found by a constable in the circumstances mentioned in that subsection if ^{F60} . . . —

(a) a current disabled person's badge is displayed on the vehicle; or

[^{F61}(aa) a current recognised badge (within the meaning given by section 21A of the Chronically Sick and Disabled Persons Act 1970) is displayed on the vehicle; or]

(b) the vehicle is in a meter bay within a parking place designated by a designation order.

(2) The exemption under subsection (1)(b) above shall not apply in the case of any vehicle [^{F62}found otherwise than in Greater London] if—

(a) the meter bay in which it was found was not authorised for use as such at the time when it was left there (referred to below in this section as the time of parking); or

(b) an initial charge was not duly paid at the time of parking; or

(c) there has been since that time any contravention in relation to the relevant parking meter of any provision made by virtue of section 46(2)(c) of this Act; or

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- (d) more than two hours have elapsed since the end of any period for which an initial charge was duly paid at the time of parking or (as the case may be) since the end of any unexpired time in respect of another vehicle available on the relevant parking meter at the time of parking.
- ^{F63}[(2A) The exemption under subsection (1)(b) above shall not apply in the case of any vehicle found in Greater London if the meter bay in which it was found was not authorised for use as such at the time when it was left there.]
- (3) For the purposes of [^{F64}subsections (2)(a) and (2A)] above, a meter bay in a parking place designated by a designation order is not authorised for use as such at any time when—
- (a) by virtue of section 49(1)(a) of this Act the parking place is treated for the purposes of sections 46 and 47 of this Act as if it were not designated by that order; or
 - (b) the use of the parking place or of any part of it that consists of or includes that particular meter bay is suspended [^{F65}under section 49(4) of this Act].
- (4) In relation to any vehicle found in a meter bay within a parking place designated by a designation order, references in subsection (2) above to an initial charge are references to an initial charge payable in respect of that vehicle under section 45 or 50 of this Act.
- (5) In any case where section 104(1) of this Act would apply in relation to a vehicle but for subsection (1)(a) above, the person guilty of contravening the prohibition or restriction mentioned in section 104(1) is also guilty of an offence under this subsection if the conditions mentioned in subsection (6) below are met.
- (6) Those conditions are that at the time when the contravention occurred—
- (a) the vehicle was not being used [^{F66}in accordance with regulations under] section 21 of the ^{M4}Chronically Sick and Disabled Persons Act 1970 (badges for display on motor vehicles used by disabled persons); and
 - (b) he was not using the vehicle in circumstances falling within section [^{F67}117(1)(b)] of this Act.
- ^{F68}[(6A) In any case where section 104(1) of this Act would apply in relation to a vehicle but for subsection (1)(aa) above, the person guilty of contravening the prohibition or restriction mentioned in section 104(1) is also guilty of an offence under this subsection if the conditions mentioned in subsection (6B) below are met.
- (6B) Those conditions are that at the time when the contravention occurred—
- (a) the vehicle was not being used in accordance with regulations under section 21A of the Chronically Sick and Disabled Persons Act 1970 (display of non-GB badges); and
 - (b) he was not using the vehicle in circumstances falling within section 117(1A)(b) of this Act.]
- (7) In this section, “meter bay” means a parking space equipped with a parking meter; and the references in subsection (2) above to the relevant parking meter are references to the parking meter relating to the meter bay in which the vehicle in question was found.

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Textual Amendments

- F60** Word in s. 105(1) repealed (E.W.) (30.6.2005 for E. and 30.3.2008 for W.) by [Disability Discrimination Act 2005 \(c. 13\)](#), ss. 19(2), 20(3)–(6), [Sch. 2](#); S.I. 2005/1676, [art. 3\(c\)](#); S.I. 2007/3285, [art. 2\(c\)](#)
- F61** S. 105(1)(aa) inserted (E.W.) (30.6.2005 for E. and 30.3.2008 for W.) by [Disability Discrimination Act 2005 \(c. 13\)](#), ss. 19(1), 20(3)–(6), [Sch. 1 para. 43\(2\)](#); S.I. 2005/1676, [art. 3\(b\)](#); S.I. 2007/3285, [art. 2\(b\)](#)
- F62** Words in s. 105(2) inserted (10.4.1998) by [Road Traffic Act 1991 \(c. 40, SIF 107:1\)](#), ss. 81, [Sch. 7](#), para. 6(2); S.I. 1998/967, [art. 2\(1\)](#)
- F63** S. 105(2A) inserted (10.4.1998) by [Road Traffic Act 1991 \(c. 40, SIF 107:1\)](#), ss. 81, [Sch. 7](#), para. 6(3); S.I. 1998/967, [art. 2\(1\)](#)
- F64** Words in s. 105(3) substituted (10.4.1998) by [Road Traffic Act 1991 \(c. 40, SIF 107:1\)](#), ss. 81, [Sch. 7](#), para. 6(4); S.I. 1998/967, [art. 2\(1\)](#)
- F65** Words in s. 105(3)(b) repealed (1.10.1991) by [Road Traffic Act 1991 \(c. 40, SIF 107:1\)](#), s. 83, [Sch. 8](#); S.I. 1991/2054, [art. 3](#), [Sch. 8](#)
- F66** Words in s. 105(6)(a) substituted (1.4.1992) by [Road Traffic Act 1991 \(c. 40, SIF 107:1\)](#), s. 48, [Sch. 4](#), para. 36(2); S.I. 1992/421, [art. 2](#), [Sch.](#)
- F67** Words in s. 105(6)(b) substituted (1.4.1992) by [Road Traffic Act 1991 \(c. 40, SIF 107:1\)](#), s. 48, [Sch. 4](#), para. 36(3); S.I. 1992/421, [art. 2](#), [Sch.](#)
- F68** S. 105(6A)(6B) inserted (E.W.) (30.6.2005 for E. and 30.3.2008 for W.) by [Disability Discrimination Act 2005 \(c. 13\)](#), ss. 19(1), 20(3)–(6), [Sch. 1 para. 43\(3\)](#); S.I. 2005/1676, [art. 3\(b\)](#); S.I. 2007/3285, [art. 2\(b\)](#)

Modifications etc. (not altering text)

- C20** S. 105 extended (21.3.1999) by S.I. 1999/854, [art. 3\(2\)\(a\)\(iii\)](#)

Marginal Citations

- M4** 1970 c. 44(81:3).

106 Initial experimental period for immobilisation of vehicles.

- (1) Sections 104 and 105 of this Act (referred to below in this section as the principal sections) shall extend only to such areas as the Secretary of State may by order specify; and the power of the Secretary of State to extend those sections to any area is subject to the following provisions of this section.

^{F69}(2)

^{F69}(3)

^{F69}(4)

- (5) ^{F70} ... for the purposes of the principal sections any order under this section extending those sections to any area may be made for a limited period or without limit of time (subject to variation or revocation by a further order under this section).

^{F69}(6)

- (7) The Secretary of State shall not by order under this section (including any order varying an existing order) extend the principal sections to any area for the first time unless requested to do so by [^{F71}the local traffic authority].

^{F72}(8)

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- (9) The power of the Secretary of State to make any order under this section shall be exercisable by statutory instrument which, ^{F70} . . . , shall be subject to annulment in pursuance of a resolution of either House of Parliament.

^{F69}(10)

Textual Amendments

- F69** S. 106(2)-(4)(6)(10) repealed (1.10.1991) by Road Traffic Act 1991 (c. 40, SIF 107:1), s. 83, **Sch. 8**; S.I. 1991/2054, art. 3, **Sch.**
- F70** Words in s. 106(5)(9) repealed (1.10.1991) by Road Traffic Act 1991 (c. 40, SIF 107:1), s. 83, **Sch. 8**; S.I. 1991/2054, art. 3, **Sch.**
- F71** Words in s. 106(7) substituted (1.11.1991) by New Roads and Street Works Act 1991 (c. 22, SIF 59, 108), s. 168(1) **Sch. 8 para. 69(a)**; S.I. 1991/2286, art. 2(2), **Sch. 2**; S.I. 1991/2288, art. 3, **Sch.**
- F72** S. 106(8) repealed (1.11.1991) by New Roads and Street Works Act 1991 (c. 22, SIF 59, 108), s. 168(1)(2) **Sch. 8 para. 69(b)**, **Sch. 9**; S.I. 1991/2286, art. 2(2), **Sch. 2**; S.I. 1991/2288, art. 3, **Sch.**

[^{F73}106A Immobilisation of vehicles in London

- (1) Sections 104 and 105 of this Act shall extend throughout Greater London if the Secretary of State makes an order to that effect.
- (2) If such an order is made, section 106 of this Act shall cease to apply in relation to Greater London when the order comes into force.
- (3) Before such an order comes into force, section 106 of this Act shall have effect as if in subsection (7) the words “or by the Traffic Director for London” were added at the end and as if the following subsection were inserted after subsection (7)—
- “(7A) Before making an order under this section at the request of the Traffic Director for London, the Secretary of State shall consult the appropriate local authority.”
- (4) The power of the Secretary of State to make an order under this section shall be exercisable by statutory instrument which shall be subject to annulment in pursuance of a resolution of either House of Parliament.]

Textual Amendments

- F73** S. 106A inserted (1.10.1991) by Road Traffic Act 1991 (c. 40, SIF 107:1), s.75, (with s. 79(1)); S.I. 1991/2054, art. 3, **Sch.**

Status:

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Changes to legislation:

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Cross Heading: Removal or immobilisation of vehicles.