
EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations make provision for the immobilisation, removal and disposal of certain vehicles which have been prohibited from being driven.

Regulation 3 provides for the application of the Regulations. They apply under powers to prohibit—

- (a) the driving of foreign goods vehicles and foreign public service vehicles;
- (b) the driving of unfit or overloaded vehicles; and
- (c) the driving of vehicles on failure to make a payment in compliance with a financial penalty deposit requirement.

Regulation 4 provides that an authorised person or person acting under the direction of an authorised person may fix an immobilisation device to a vehicle to which the Regulations apply, and move the vehicle, or direct it to be moved for the purposes of fitting the device. Authorised persons are defined in paragraph 10 of Schedule 1 of the Road Traffic (Northern Ireland) Order 2007. Where an immobilisation device has been fixed, a notice must be fixed to the vehicle specifying certain matters, including the steps required to secure the release of the vehicle (regulation 4(2)). Paragraphs (3) to (5) of regulation 4 specify the steps required to secure release of an immobilisation device. These include payment of an £80 fee.

Regulations 5 to 8 provide for certain offences in connection with immobilisation, namely failing to comply within a reasonable time with a direction to remove the vehicle (regulation 5); removing or interfering with an immobilisation notice (regulation 6); removing or attempting to remove an immobilisation device (regulation 7); or making false or misleading statements with a view to securing the release of a vehicle from an immobilisation device (regulation 8).

Regulations 9 to 11 provide for the removal of a vehicle and the notice which must be provided in respect of such a removal which must include, among other things, details of the steps a person must take to reclaim the vehicle. Regulation 12 sets out those steps. Regulation 13, together with the tables in regulations 15 and 16 sets out the manner of calculating the amount of compensation payable to the owner of the vehicle if it is claimed after being disposed of. In accordance with regulation 14, the vehicle may be disposed of, sold or destroyed if it is not claimed within three months from the date on which the vehicle was removed or the direction to remove the vehicle was given. The Department of the Environment or the person into whose custody the vehicle is delivered may recover charges in accordance with regulation 17 and the tables in regulations 15 and 16 whether or not the vehicle is reclaimed or a claim is made under regulation 14 following its disposal. These include charges for the release, removal, custody and disposal of the vehicle.

Regulations 18 and 19 specify the offences in respect of failing to comply with a direction to remove or deliver a vehicle and in respect of false or misleading statements. Disputes are dealt with in accordance with regulation 20. Regulation 21 applies certain provisions of the Road Traffic Offenders (Northern Ireland) Order 1996 in respect of the offences created by the Regulations.

The Department of the Environment has produced an Explanatory Memorandum and a Regulatory Impact Assessment, showing the effect these Regulations will have on costs for the business and voluntary sectors. The documents are available from the Road Safety and Vehicle Regulation Division, Clarence Court, 10-18 Adelaide Street, Belfast BT2 8GB or may be accessed via the Office of Public Sector Information website at www.legislation.gov.uk/nisr