
STATUTORY RULES OF NORTHERN IRELAND

2012 No. 19

**The Road Traffic (Immobilisation, Removal and Disposal
of Vehicles) Regulations (Northern Ireland) 2012**

PART 3

Removal and Disposal of Vehicles

Power to remove vehicles

9.—(1) Where any of the conditions specified in paragraph (2) are met, an authorised person, or a person acting under the direction of an authorised person, may remove the vehicle or direct the driver or the person appearing to be in charge of the vehicle to remove the vehicle.

(2) The conditions are that the authorised person considers that the vehicle should be removed—

- (a) for the safety of traffic, the vehicle, its occupants or its load;
- (b) because there is insufficient space for the vehicle to remain at the location at which the vehicle was inspected; or
- (c) because it appears to the authorised person that the vehicle has been abandoned.

Delivery of vehicles

10.—(1) An authorised person, or a person acting under the direction of an authorised person, may deliver a vehicle removed under regulation 9, or direct it to be delivered, into the custody of an identified person if—

- (a) the identified person agrees to accept delivery; and
- (b) a receipt is provided by the identified person to the authorised person, or the person acting under the direction of an authorised person, to confirm that the identified person has taken safe custody of the vehicle.

(2) An “identified person” is a person who—

- (a) is capable of accepting delivery of the vehicle; and
- (b) has agreed arrangements with the Department for accepting custody of vehicles, including arrangements regarding security and access.

(3) The arrangements made by virtue of paragraph (2)(b) may include provision as to the payment of a sum to the identified person.

Notice of removal of vehicle

11.—(1) Subject to paragraph (3), where a vehicle has been removed and delivered into the custody of an identified person under regulation 10, the authorised person must provide a notice to the person referred to in paragraph (2) specifying—

- (a) the statutory power under which the vehicle has been removed;

- (b) the particulars of the place to which the vehicle has been removed;
- (c) the identity of the person to whom the vehicle has been delivered;
- (d) the steps to be taken to reclaim the vehicle, including
 - (i) how payment of any release fee should be made; and
 - (ii) the evidence to be produced to show that the prohibition under which the driving of the vehicle was prohibited has been removed or has expired;
- (e) the steps to be taken, in accordance with regulation 20, in the event of a dispute; and
- (f) any other relevant information, including the consequences of not reclaiming the vehicle.

(2) The notice shall be provided by the authorised person to the person who was the driver of the vehicle when the driving of the vehicle was prohibited.

(3) If it is not reasonably practicable to give the notice to the person referred to in paragraph (2), then the authorised person shall take reasonable steps to locate the owner of the vehicle and to give the notice to the owner in writing by post.

Taking possession of a vehicle

12. A person (“the claimant”) may take possession of the vehicle if the claimant—

- (a) claims it before it is disposed of;
- (b) claims it not more than three months from the date on which the vehicle was removed or the direction to remove it was given;
- (c) produces evidence to the satisfaction of the authorised person that the claimant—
 - (i) is either the owner of the vehicle; or
 - (ii) was the person in charge of the vehicle at the time it was removed or was directed to be removed;
- (d) pays the charges specified in Tables 1 and 2 in regulation 15 for the release, removal and retention of the vehicle, as applicable; and
- (e) produces such evidence as is required by regulation 4(5).

Compensation

13.—(1) An amount calculated in accordance with paragraph (2) may be paid to a person if—

- (a) he claims after the vehicle’s disposal to be or to have been its owner or to have been the person in charge of the vehicle when it was removed; and
- (b) the claim is made within twelve months of the date on which the vehicle was removed or the direction to remove the vehicle was given.

(2) The amount payable under paragraph (1) shall be calculated by deducting from any proceeds of sale the charges specified in the Tables in regulations 15 and 16 in respect of the release, removal, retention and disposal of the vehicle, as applicable.

Power to dispose, etc., of vehicles

14. The person into whose custody the vehicle is delivered pursuant to regulation 10 may dispose, sell or destroy the vehicle as that person sees fit if the vehicle has not been claimed in accordance with regulation 12 within three months from the date on which the vehicle was removed or the direction to remove the vehicle was given.

Charges in relation to the seizure and retention of a motor vehicle

15.—(1) The charge payable under regulation 12(d) shall be—

- (a) the amount payable for the removal of the vehicle as set out in paragraph (2); and
- (b) the amount payable for the retention of the vehicle as set out in paragraph (3).

(2) The amount payable for the removal of the vehicle shall depend upon the condition of the vehicle, the type of vehicle and whether it is on road or off road as set out in column 1 of Table 1 and shall be the charge specified in relation to that vehicle in columns 2 to 5 of that Table, the particular charge to be determined by reference to the MAM of the vehicle as described in row 1 of that Table and, for vehicles exceeding 7.5 tonnes MAM and not falling within row 2, whether the vehicle is laden or unladen.

Table 1

<i>Vehicle position and condition</i>	<i>Vehicle equal to or less than 3.5 tonnes MAM</i>	<i>Vehicle exceeding 3.5 tonnes MAM but equal to or less than 7.5 tonnes</i>	<i>Vehicle exceeding 7.5 tonnes MAM but less than 18 tonnes MAM</i>	<i>Vehicle exceeding 18 tonnes MAM</i>
Vehicle on road, upright and not substantially damaged or any two wheeled vehicle whatever its condition or position on or off road	£150	£200	£350	£350
Vehicle excluding a two wheeled vehicle, on road but either not upright or substantially damaged or both	£250	£650	Unladen—£2000	Unladen—£3000
			Laden—£3000	Laden—£4500
Vehicle excluding a two wheeled vehicle, off road, upright and not substantially damaged	£200	£650	Unladen—£1000	Unladen—£1500
			Laden—£1500	Laden—£2000
Vehicle excluding a two wheeled vehicle, off road but either not upright or substantially damaged or both	£300	£850	Unladen—£3000	Unladen—£4500
			Laden—£4500	Laden—£6000

(3) The amount payable for the retention of the vehicle, for each period of 24 hours or a part thereof during which the vehicle is in the custody of the authority, with regards to vehicles set out in row 1 of Table 2, shall be the charges specified in relation to those vehicles in row 2 of that table.

Table 2

<i>Two wheeled vehicle</i>	<i>Vehicle, not including a two wheeled vehicle, equal to or less than 3.5 tonnes MAM</i>	<i>Vehicle exceeding 3.5 tonnes MAM but equal to or less than 7.5 tonnes MAM</i>	<i>Vehicle exceeding 7.5 tonnes MAM but equal to or less than 18 tonnes MAM</i>	<i>Vehicle exceeding 18 tonnes MAM</i>
£10	£20	£25	£30	£35

(4) For the purposes of this regulation, the MAM of a vehicle includes the MAM of any trailer attached to that vehicle.

(5) For the purpose of paragraph (2), a vehicle will only be considered upright if all parts of the vehicle are upright.

(6) For the purposes of paragraph (3), each period of 24 hours shall be reckoned from noon on the first day after removal during which the place at which the vehicle is stored is open for the claiming of vehicles before noon.

Charges in relation to the disposal of vehicles

16. The sum for determining the charges recoverable for the disposal of vehicles shall be in respect of vehicles set out in row 1 of the Table the sum specified in relation to those vehicles in row 2 of that Table.

Table

	1	2	3	4	5
1	<i>Two wheeled vehicle</i>	<i>Vehicle, not including a two wheeled vehicle, equal to or less than 3.5 tonnes MAM</i>	<i>Vehicle exceeding 3.5 tonnes MAM but equal to or less than 7.5 tonnes MAM</i>	<i>Vehicle exceeding 7.5 tonnes MAM but equal to or less than 18 MAM</i>	<i>Vehicle exceeding 18 tonnes MAM</i>
2	£50	£75	£100	£125	£150

Recovery of prescribed charges

17. Whether or not a claim is made under regulation 12 or 13—

- (a) the Department; or
- (b) a person into whose custody the vehicle is delivered in accordance with regulation 10

may recover from the vehicle's owner or the person in charge of the vehicle the charges specified in the Tables in regulations 15 and 16 in respect of the release, removal, retention and disposal of the vehicle, as applicable.

Offences of failing to remove or deliver vehicles

18. A person who fails to comply within a reasonable time with a direction under regulation 9(1) or 10(1) is guilty of an offence and liable on summary conviction to a fine not exceeding level 5 on the standard scale.

False or misleading statements, etc.

19.—(1) Where—

- (a) a person makes a declaration with a view to securing possession of a vehicle purported to have been delivered into the custody of an identified person;
 - (b) the declaration is that the prohibition has been removed; and
 - (c) the declaration is to the person's knowledge either false or in any material respect misleading,
- that person is guilty of an offence.

(2) A person guilty of an offence under paragraph (1) is liable—

- (a) on summary conviction, to a fine not exceeding level 5 on the standard scale; or
- (b) on conviction on indictment, to imprisonment for a term not exceeding two years, or to a fine, or both.