

**2002 No. 538**

**ROAD TRAFFIC**

**The Removal and Disposal of Vehicles Amendment  
(Scotland) Regulations 2002**

<i>Made</i>	<i>29th November 2002</i>
<i>Laid before the Scottish Parliament</i>	<i>4th December 2002</i>
<i>Coming into force</i>	<i>15th January 2003</i>

The Scottish Ministers, in exercise of the powers conferred by sections 3 and 4 of the Refuse Disposal (Amenity) Act 1978(a) and sections 99 and 101 of the Road Traffic Regulation Act 1984(b) and of all other powers enabling them in that behalf, and after consulting with such representative organisations as they think fit in accordance with section 134(2) of the Road Traffic Regulation Act 1984, hereby make the following Regulations:

**Citation, commencement and extent**

1.—(1) These Regulations may be cited as the Removal and Disposal of Vehicles Amendment (Scotland) Regulations 2002 and shall come into force on 15th January 2003.

(2) These Regulations extend to Scotland only.

**Amendments**

2. The Removal and Disposal of Vehicles Regulations 1986(c) shall be amended as follows.

**Period before vehicle is removed for destruction**

3. In regulation 10 (Period before which notice must be affixed to a vehicle in certain cases before removing it for destruction), for “seven days” substitute “24 hours”.

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(a) 1978 c.3; sections 3 and 4 were amended by paragraphs 14 and 15 of Schedule 3 to the Local Government, Planning and Land Act 1980 (c.65), and “prescribed” is defined in section 11. The functions of the Secretary of State were transferred to the Scottish Ministers by virtue of section 53 of the Scotland Act 1998 (c.46).  
(b) 1984 c.27; “prescribed” is defined in section 142. The functions of the Secretary of State were transferred to the Scottish Ministers by virtue of section 53 of the Scotland Act 1998 (c.46).  
(c) S.I. 1986/183, to which there are amendments not relevant to these Regulations.

**Period within which owner is required to remove a vehicle before disposal**

4. In regulation 14 (period during which owner may remove vehicle before it can be disposed of) for the words after “to be the owner from their custody shall be” substitute “7 days from the day when that notice is served on him.”.

St Andrew’s House,  
Edinburgh  
29th November 2002

*ROSS FINNIE*  
A member of the Scottish Executive

## **EXPLANATORY NOTE**

*(This note is not part of the Regulations)*

The Removal and Disposal of Vehicles Regulations 1986 (S.I. 1986/183) (“the 1986 Regulations”) provide for the removal and disposal of vehicles under sections 3 and 4 of the Refuse Disposal (Amenity) Act 1978 and sections 99 and 101 of the Road Traffic Regulation Act 1984. These Regulations amend the 1986 Regulations in Scotland to reduce the period of notice prescribed by the 1986 Regulations in two cases.

The first case is where an authority proposes to remove a vehicle which appears to the authority to be abandoned and in their opinion is in such a condition that it ought to be destroyed, the notice period is reduced from 7 days to 24 hours from when a notice is affixed to the vehicle (regulation 3 of these Regulations).

The second case is where an authority has removed a vehicle (but it is not in such condition that it ought to be destroyed) and has located the owner, the period during which the owner is required to remove the vehicle from the custody of the authority is reduced from 21 days to 7 days from when the relevant notice is served on the owner (regulation 4 of these Regulations). The authority may dispose of the vehicle after the expiry of that period, provided there is no licence in force for that vehicle.

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