
SCOTTISH STATUTORY INSTRUMENTS

2005 No. 652

The Road User Charging (Penalty Charges) (Scotland) Regulations 2005

Power to remove vehicles

10.—(1) A charging scheme may make provision for any case where an authorised person has reason to believe that in respect of a vehicle which is stationary on a road in a charging area—

- (a) the vehicle is being used or kept on that road in contravention of the scheme; or
- (b) there are such number of penalty charges outstanding with respect to the vehicle as may be specified in that behalf in the scheme,

and that such other circumstances apply as may be specified in the scheme.

(2) For the purposes of these Regulations a penalty charge is outstanding if—

- (a) it is a penalty charge imposed by a scheme in respect of the use or keeping of the vehicle in question in the charging area to whom the scheme relates;
- (b) it has not been paid and is not subject to an outstanding appeal.

(3) For the purposes of paragraph (2)(b) a penalty charge is subject to an outstanding appeal if—

- (a) representations have been made to the charging authority under Regulations made by the Scottish Ministers under 64(2) of the Act and the authority has not notified its decision with respect to the representations; or
- (b) an appeal has been made to an adjudicator under those Regulations and the appeal has not been determined.

(4) A charging scheme may provide that, in such a case, the authorised person or a person acting under his direction, may remove the vehicle and deliver it to the custodian.

(5) A vehicle removed by virtue of paragraph (4) may be driven, towed or removed by an authorised person, or a person acting under his direction, by such means as are reasonable in the circumstances and any necessary steps may be taken in relation to the vehicle in order to facilitate its removal.

(6) A charging scheme may provide that the contents of a vehicle removed by virtue of paragraph (4) may be removed by an authorised person, or a person acting under his direction, from the vehicle where—

- (a) it is reasonable to do so to facilitate removal of the vehicle;
- (b) there is good reason for storing them at a different place from the vehicle; or
- (c) their condition requires them to be disposed of without delay.