



# Road Traffic Regulation Act 1984

## 1984 CHAPTER 27

### PART VIII

#### CONTROL AND ENFORCEMENT

##### *Removal or immobilisation of vehicles*

#### **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—
  - (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 [<sup>F1</sup>person authorised to give such a direction by the chief officer of police within whose area the vehicle in question was found].

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*Status: Point in time view as at 02/04/2013. This version of this provision has been superseded.*

*Changes to legislation: There are currently no known outstanding effects for the Road Traffic Regulation Act 1984, Section 104. (See end of Document for details)*

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- (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 <sup>M1</sup>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.
- <sup>F2</sup>(10) . . . . .
- (11) Any sum received by virtue of subsection (4) above shall be paid into the police fund [<sup>F3</sup>or, in Scotland, to the Scottish Police Authority].
- (12) Regulations under subsection (2) or (4) above may make different provision for different cases [<sup>F4</sup>or classes of case or in respect of different areas].
- <sup>F5</sup>[( 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

- F1** 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.
- F2** 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.
- F3** Words in s. 104(11) inserted (S.) (1.4.2013) by [The Police and Fire Reform \(Scotland\) Act 2012 \(Consequential Modifications and Savings\) Order 2013 \(S.S.I. 2013/119\)](#), art. 1, [sch. 1 para. 9\(3\)](#)
- F4** 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.

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*Status: Point in time view as at 02/04/2013. This version of this provision has been superseded.*

*Changes to legislation: There are currently no known outstanding effects for the Road Traffic Regulation Act 1984, Section 104. (See end of Document for details)*

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**F5** 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.

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**Modifications etc. (not altering text)**

**C1** S. 104 extended (21.3.1999) by S.I. 1999/854, **art. 3(2)(a)(ii)**

**C2** 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

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**Marginal Citations**

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

**Status:**

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**Changes to legislation:**

There are currently no known outstanding effects for the Road Traffic Regulation Act 1984, Section 104.