

*Status: Point in time view as at 21/07/2008.*

*Changes to legislation: Vehicle Excise and Registration Act 1994, Paragraph 1 is up to date with all changes known to be in force on or before 02 July 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

## SCHEDULES

### [<sup>F1</sup>SCHEDULE 2A

#### Textual Amendments

**F1** Sch. 2A inserted (1.5.1995) by 1995 c. 4, s. 19, **Sch. 4 para. 36(2)**

#### *Immobilisation*

- 1 (1) The Secretary of State may make regulations under this Schedule with respect to any case where an authorised person has reason to believe that, on or after such date as may be prescribed, an offence under section 29(1) is being committed as regards a vehicle which is stationary [<sup>F2</sup>in any place other than a place to which this Schedule does not apply ].

[ This Schedule does not apply to—

- <sup>F3</sup>(1A) (a) any place which is within the curtilage of, or in the vicinity of, a dwelling-house, mobile home or houseboat and which is normally enjoyed with it, or  
(b) any place which is within the curtilage of, or in the vicinity of, a building consisting entirely (apart from common parts) of two or more dwellings and which is normally enjoyed only by the occupiers of one or more of those dwellings.]

- (2) The regulations may provide that the authorised person or a person acting under his direction may [<sup>F4</sup>enter the place and]—

- (a) fix an immobilisation device to the vehicle while it remains in the place where it is stationary, or  
(b) move it from that place to another place <sup>F5</sup>... and fix an immobilisation device to it in that other place.

- (3) The regulations may provide that on any occasion when an immobilisation device is fixed to a vehicle in accordance with the regulations the person fixing the device shall also fix to the vehicle a notice—

- (a) indicating that the 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 the device;  
(b) specifying the steps to be taken to secure its release;  
(c) giving such other information as may be prescribed.

- (4) The regulations may provide that—

- (a) a vehicle to which an immobilisation device has been fixed in accordance with the regulations may only be released from the device by or under the direction of an authorised person;  
(b) subject to that, such a vehicle shall be released from the device if the first and second requirements specified below are met.

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- (5) The first requirement is that such charge in respect of the release as may be prescribed is paid in any manner specified in the immobilisation notice.
- [<sup>F6</sup>(6) The second requirement is that—
- (a) evidence that no offence under section 29(1) was being committed when the immobilisation device was fixed or the vehicle moved is produced in accordance with instructions specified in the immobilisation notice,
  - (b) such sum as may be prescribed is paid in any manner specified in the immobilisation notice, or
  - (c) any other prescribed conditions are fulfilled.
- (6A) The conditions prescribed under sub-paragraph (6)(c) may include a condition that any of the following declarations is made—
- (a) a declaration that an appropriate licence was in force for the vehicle at the time when the immobilisation device was fixed or the vehicle moved,
  - (b) (unless the vehicle was stationary on a public road) a declaration that a relevant declaration was in force for the vehicle at that time, or
  - (c) a declaration that at that time the vehicle was an exempt vehicle which was not one in respect of which regulations under this Act require a nil licence to be in force.]
- (7) The regulations may provide that they shall not apply in relation to a vehicle if—
- (a) a current disabled person’s badge is displayed on the vehicle, or
  - (b) such other conditions as may be prescribed are fulfilled;
- and “disabled person’s badge” here means a badge issued, or having effect as if issued, under any regulations for the time being in force under section 21 of the Chronically Sick and Disabled Persons Act 1970 or any regulations for the <sup>M1</sup>time being in force under section 14 of the <sup>M2</sup>Chronically Sick and Disabled Persons (Northern Ireland) Act 1978.
- (8) The regulations may provide that an immobilisation notice shall not be removed or interfered with except by or on the authority of a person falling within a prescribed description.
- [ In sub-paragraph (6A)(a) “appropriate licence”, in relation to a vehicle, means—
- <sup>F7</sup>(9) (a) a vehicle licence,
- (b) a trade licence which entitled the holder to keep the vehicle where it was stationary, or
  - (c) a nil licence.
- (10) For the purposes of sub-paragraph (6A)(b)—
- (a) “relevant declaration” means the declaration required to be made by regulations under section 22(1D), and
  - (b) a relevant declaration is in force for a vehicle if the vehicle is neither used nor kept on a public road (except under a trade licence) and the declaration has been made, and the particulars required to be furnished by regulations under section 22(1D) have been furnished, in relation to the vehicle in accordance within the regulations within the immediately preceding period of 12 months.]]

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#### Textual Amendments

- F2** Word in Sch. 2A para. 1(1) substituted (21.7.2008) by [Finance Act 2008 \(c. 9\)](#), [Sch. 45 para. 5\(2\)](#)
- F3** Sch. 2A para. 1(1A) inserted (21.7.2008) by [Finance Act 2008 \(c. 9\)](#), [Sch. 45 para. 5\(3\)](#)
- F4** Words in Sch. 2A para. 1(2) inserted (21.7.2008) by [Finance Act 2008 \(c. 9\)](#), [Sch. 45 para. 5\(4\)\(a\)](#)
- F5** Words in Sch. 2A para. 1(2) omitted (21.7.2008) by virtue of [Finance Act 2008 \(c. 9\)](#), [Sch. 45 para. 5\(4\)\(b\)](#)
- F6** Sch. 2A para. 1(6) (6A) substituted for Sch. 2A para. 1(6) (21.7.2008) by [Finance Act 2008 \(c. 9\)](#), [Sch. 45 para. 5\(5\)](#)
- F7** Sch. 2A para. 1(9), (10) inserted (21.7.2008) by [Finance Act 2008 \(c. 9\)](#), [Sch. 45 para. 5\(6\)](#)

#### Marginal Citations

- M1** 1970 c. 44.
- M2** 1978 c. 53.

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