
STATUTORY INSTRUMENTS

1997 No. 2439

**The Vehicle Excise Duty (Immobilisation, Removal
and Disposal of Vehicles) Regulations 1997**

PART I

PRELIMINARY

Citation, commencement and revocation

1.—(1) These Regulations may be cited as the Vehicle Excise Duty (Immobilisation, Removal and Disposal of Vehicles) Regulations 1997 and shall come into force on 3rd November 1997.

(2) The Vehicle Excise Duty (Immobilisation, Removal and Disposal of Vehicles) Regulations 1996(1) and the Vehicle Excise Duty (Immobilisation, Removal and Disposal of Vehicles) (Amendment) Regulations 1997(2) are hereby revoked.

Interpretation

2.—(1) In these Regulations—

“the 1994 Act” means the Vehicle Excise and Registration Act 1994;

“authorised person” has the meaning given by regulation 3;

“custodian” in relation to a vehicle has the meaning given by regulation 9(3);

“disabled person’s badge” has the meaning given by paragraph 1(7) of Schedule 2A to the 1994 Act;

“G.B. records” means the records kept under the 1994 Act by the Driver and Vehicle Licensing Agency on behalf of the Secretary of State and “G.B. registration mark” means a registration mark assigned to a vehicle registered in those records;

“local authority” means, in relation to England a county council, a district council, a London borough council or the Common Council of the City of London and, in relation to Wales, a County Council or County borough Council;

“N.I. records” means the records kept under the 1994 Act by Driver and Vehicle Licensing Northern Ireland on behalf of the Secretary of State and “N.I. registration mark” means a registration mark assigned to a vehicle registered in those records;

“public service vehicle” has the meaning given by section 1 of the Public Passenger Vehicles Act 1981(3);

“release” in relation to a vehicle means release from an immobilisation device;

“surety payment” means a sum payable by virtue of regulation 6(3)(b) or regulation 12(2)(c) (ii) where a vehicle licence is not produced; and

(1) S.I.1996/107; amended by S.I. 1997/565.

(2) S.I. 1997/565.

(3) 1981 c. 14. Section 1 was amended by Schedule 8 to the Transport Act 1985 (c. 67).

“voucher” means a voucher issued under regulation 15(2).

(2) References to the prescribed charge for any matter are to the charge specified in relation to that matter in Schedule 1 to these Regulations.

(3) References to the “owner” of a vehicle at a particular time are to the person by whom it was then kept and the person in whose name the vehicle is registered at a particular time shall be taken, unless the contrary is shown, to be the person by whom the vehicle was kept at that time.

(4) Except where it is expressly provided otherwise, references in these Regulations to a numbered regulation are to the regulation in these Regulations so numbered and references to a numbered paragraph are to the paragraph so numbered in the regulation in which the reference occurs.

Authorised persons

3.—(1) In these Regulations a reference to an authorised person is to a person authorised by the Secretary of State for the purposes of these Regulations.

(2) An authorised person may be a local authority, an employee of a local authority, a member of a police force or any other person.

(3) Different persons may be authorised for different purposes, but a person who is an authorised person for the purposes of regulation 17 shall not act as an authorised person for any other purpose.

Disapplication of the Regulations

4.—(1) These Regulations shall not apply in relation to a vehicle in any of the circumstances specified in paragraph (2).

(2) The circumstances are that—

- (a) a current disabled person’s badge is displayed on the vehicle;
- (b) the vehicle is an exempt vehicle and a current nil licence is displayed on it;
- (c) a badge issued pursuant to the British Medical Association car badge scheme is displayed on the vehicle;
- (d) the vehicle appears to an authorised person to have been abandoned;
- (e) the vehicle is a public service vehicle being used for the carriage of passengers;
- (f) the vehicle is being used for the purpose of the removal of any obstruction to traffic, the maintenance, improvement or reconstruction of a public road, or the laying, erection, alteration, repair or cleaning in or near a road of any traffic sign or sewer or of any main, pipe or apparatus for the supply of gas, water or electricity, or of any telegraph or telephone wires, cables, posts or supports;
- (g) the vehicle is being used by the Post Office in connection with the delivery or collection of postal packets and each side of the vehicle is clearly marked with the words “Post Office” or “Royal Mail”; or
- (h) the vehicle is stationary at a time when, having been immobilised or removed under these Regulations, less than 24 hours have elapsed since it was released or, as the case may be, removed.

(3) In this regulation “nil licence” means a document which—

- (a) was issued by the Secretary of State in accordance with regulations under the 1994 Act;
- (b) is in the form of a vehicle licence; and
- (c) has “NIL” marked in the space provided for indicating the amount of vehicle excise duty payable.

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.
