
STATUTORY INSTRUMENTS

2005 No. 2702

POLICE, ENGLAND AND WALES

The Police (Retention and Disposal of Motor Vehicles) (Amendment) Regulations 2005

Made - - - - 26th September 2005
Laid before Parliament 6th October 2005
Coming into force - - 1st November 2005

The Secretary of State, in exercise of the powers conferred upon him by section 60 of the Police Reform Act 2002⁽¹⁾ hereby makes the following Regulations:

Citation and commencement

1. These Regulations may be cited as the Police (Retention and Disposal of Motor Vehicles) (Amendment) Regulations 2005 and shall come into force on 1st November 2005.

Amendment of the Police (Retention and Disposal of Motor Vehicles) Regulations 2002

2. Subject to regulation 5, the Police (Retention and Disposal of Motor Vehicles) Regulations 2002⁽²⁾ shall be amended in accordance with the following regulations.

3.—(1) In regulation 2, after the definition of “specified information” insert—
““working days” shall be taken to exclude Saturdays, Sundays, Christmas Day, Good Friday and any day which, under the Banking and Financial Dealings Act 1971⁽³⁾ is a bank holiday in England and Wales.”

(2) In regulation 4—

- (a) in paragraph (1), before “practicable” insert “reasonably”; and
- (b) in paragraph (3)(c) for “21 days” substitute “7 working days”.

4. For regulation 7 substitute—

(1) 2002 c. 30.
(2) S.I. 2002/3049.
(3) 1971 c. 80.

“Disposal of motor vehicles

7.—(1) Subject to paragraph (2), the authority may, in such manner as they think fit, dispose of the vehicle at any time if—

- (a) the person appearing to be the owner of the vehicle to whom a seizure notice is given under regulation 4(1) fails to comply with any requirement in that seizure notice; or
- (b) the authority were not able, having taken such steps as were reasonably practicable, to give a seizure notice to the person appearing to be the owner of the vehicle.

(2) The authorised person may not dispose of the vehicle under this regulation—

- (a) during the period of 14 days starting with the date on which the vehicle was seized;
- (b) if the period in sub-paragraph (a) has expired, until after the date specified in the seizure notice in accordance with regulation 4(3)(c); or
- (c) if not otherwise covered by sub-paragraph (a) or (b), during the period of 7 working days starting with the date on which the vehicle is claimed under regulation 5.”

Transitional provision

5. Regulations 3 and 4 only have effect in respect of a vehicle seized on or after 1st November 2005.

Home Office
26th September 2005

Paul Goggins
Parliamentary Under-Secretary of State

EXPLANATORY NOTE

(This note is not part of the Regulations)

6.—(1) These Regulations amend the Police (Retention and Disposal of Motor Vehicles) Regulations 2002 (“the 2002 Regulations”). Regulation 3(1) amends regulation 2 of the 2002 Regulations to provide a definition of the term “working days”. Regulation 3(2)(a) amends regulation 4(1) of the 2002 Regulations to provide that the steps which the authority must take to serve a seizure notice on the person appearing to be the owner of the vehicle must be those which are reasonably practicable. Regulation 3(2)(b) amends regulation 4(3)(c) of the 2002 Regulations to provide that the date provided in the seizure notice, on or before which the person to whom the notice is directed is required to claim the vehicle, must be a date not less than 7 working days from the day on which the notice was given to that person. Regulation 4 substitutes a new regulation 7 into the 2002 Regulations, which stipulates that the authority can, subject to the time limits specified, dispose of the vehicle where the person appearing to be the owner of the vehicle fails to comply with a seizure notice given to him under regulation 4(1) of the 2002 Regulations or where the authority has not been able, having taken such steps as are reasonably practicable, to give a seizure notice to that person. Regulation 5 provides that the amendments made by regulations 3 and 4 only have effect in respect of a vehicle seized on or after 1st November 2005.