

2008 No. 2095

ROAD TRAFFIC, ENGLAND AND WALES

The Removal, Storage and Disposal of Vehicles (Prescribed Sums and Charges) Regulations 2008

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| <i>Made</i> - - - - | <i>28th July 2008</i> |
| <i>Laid before Parliament</i> | <i>5th August 2008</i> |
| <i>Coming into force</i> - - | <i>1st October 2008</i> |

The Secretary of State makes the following Regulations in exercise of the powers conferred by subsections 101A(3), 101A(4), 102(2), 103(3) and 142(1) of the Road Traffic Regulation Act 1984 (a) and sections 4(5), (6), 5(1), 10(1) and 11(1) of the Refuse Disposal (Amenity) Act 1978 (b).

In accordance with section 134(2) of the Road Traffic Regulation Act 1984, the Secretary of State has consulted with representative organisations as she thinks fit.

Citation, commencement and extent

- 1.—(1) These Regulations may be cited as the Removal, Storage and Disposal of Vehicles (Prescribed Sums and Charges) Regulations 2008 and shall come into force on 1st October 2008.
- (2) These Regulations extend to England and Wales.

Revocation and transitional provisions

- 2.—(1) Subject to paragraph (2), the Removal, Storage and Disposal of Vehicles (Prescribed Sums and Charges etc) Regulations 1989 (c) are revoked.
- (2) In relation to vehicles removed prior to 1 October 2008, nothing in these Regulations shall have effect and the provisions mentioned in paragraph (1) shall continue to have effect.

Interpretation

- 3.—(1) In these Regulations—
- “the 1978 Act” means the Refuse Disposal (Amenity) Act 1978;

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- (a) 1984 c.27 as amended by sections 91 and 98 of and paragraphs 3(1)(b), 3(2), 4(1) and 4(2) of Schedule 11 and Schedule 12 to the Traffic Management Act 2004 (c. 18). Section 103(3) was inserted by paragraph 33 of Schedule 4 to the Road Traffic Act 1991 (c. 40). There are other amendments which are not relevant to these Regulations.
- (b) 1978 c. 3. Section 4 has been amended by sections 12 and 107 of and Schedule 5 to the Clean Neighbourhoods and Environment Act 2005 (c. 16), sections 1 and 194 of and Schedules 3 and 34 to the Local Government, Planning and Land Act 1980 (c. 65) and S.I. 1985/1884. Section 5 has been amended by S.I. 1985/1884 and sections 9 and 102 of and paragraph 4 of Schedule 6 to the Local Government Act 1985 (c. 51). There are no relevant amendments to sections 10 or 11.
- (c) S.I. 1989/744 as amended by S.I. 1993/1415, S.I. 1993/550, S.I. 1991/336. There are other amendments but these relate to Scotland only.

“the 1984 Act” means the Road Traffic Regulation Act 1984;

“laden” means that the vehicle is carrying a load;

“load” means anything other than—

- (a) the body and all parts of the vehicle which are necessary to or ordinarily used with the vehicle when working on a road;
- (b) any water, fuel or accumulators used for the purpose of the supply of power for the propulsion of the vehicle;
- (c) the driver, any passengers and their personal effects;
- (d) a crane, works truck as defined in regulation 3(2) of the Road Vehicles (Construction and Use) Regulations 1986(a), or other special appliance or apparatus which is a permanent or essentially permanent fixture of the vehicle; and
- (e) any containers or other equipment intended or adapted for the purpose of holding or carrying a load by the vehicle;

“MAM” means maximum authorised mass as defined in regulation 3(1) of the Motor Vehicles (Driving Licences) Regulations 1999 (b);

“off road” means that no part of the vehicle is in contact with the road;

“on road” means that any part of the vehicle is in contact with the road;

“road” means any length of highway or of any other road to which the public has access, and includes bridges over which a road passes;

“substantially damaged” means such damage to a vehicle that in the reasonable opinion of a constable it cannot be driven safely on the road;

“two wheeled vehicle” means a mechanically propelled vehicle constructed or adapted to have two wheels or less and the MAM of which does not exceed 3.5 tonnes;

“unladen” means that the vehicle is not carrying a load;

“vehicle” has the same meaning as in section 99(5) of the 1984 Act.

(2) For the purposes of regulation 4, a vehicle will only be considered upright if all parts of the vehicle are upright.

(3) Each period of 24 hours referred to in regulation 5 shall be reckoned from noon on the first day after removal during which the place at which the vehicle is stored is open for the claiming of vehicles before noon.

(4) For the purposes of regulations 4, 5 and 6 the MAM of a vehicle includes the MAM of any trailer attached to that vehicle.

Charges in relation to the removal of vehicles

4. The prescribed sum in respect of removal, for the purposes of sections 101A(3), 101A(4) and 102(2)(a) of the 1984 Act and sections 4(5), 4(6) and 5(1)(a) of the 1978 Act, in respect of vehicles set out in column 1 of Table 1 shall be the sum specified in relation to those vehicles in columns 2 to 5 of that Table, the particular sum to be determined by reference to the MAM of the vehicle as described in row 1 of that Table and, for vehicles exceeding 7.5 tonnes MAM and not falling within row 2, whether the vehicle is laden or unladen.

Table 1 – Regulation 4

| | 1 | 2 | 3 | 4 | 5 |
|---|---------------------------------------|---|---|---|--|
| 1 | <i>Vehicle position and condition</i> | <i>Vehicle equal to or less than 3.5 tonnes MAM</i> | <i>Vehicle exceeding 3.5 tonnes MAM but equal to or</i> | <i>Vehicle exceeding 7.5 tonnes MAM but equal to or</i> | <i>Vehicle exceeding 18 tonnes MAM</i> |

(a) S.I. 1986/1078, to which there are amendments not relevant to these Regulations.

(b) S.I. 1999/2864, to which there are amendments not relevant to these Regulations.

| | | | | | |
|---|---|-----------------------------|-------------------------|---------------|---------------|
| | | <i>less than 7.5 tonnes</i> | <i>less than 18 MAM</i> | | |
| 2 | Vehicle on road, upright and not substantially damaged or any two wheeled vehicle whatever its condition or position on or off the road | £150 | £200 | £350 | £350 |
| 3 | Vehicle, excluding a two wheeled vehicle, on road but either not upright or substantially damaged or both | £250 | £650 | Unladen—£2000 | Unladen—£3000 |
| | | | | Laden—£3000 | Laden—£4500 |
| 4 | Vehicle, excluding a two wheeled vehicle, off road, upright and not substantially damaged | £200 | £400 | Unladen—£1000 | Unladen—£1500 |
| | | | | Laden—£1500 | Laden—£2000 |
| 5 | Vehicle, excluding a two wheeled vehicle, off road but either not upright or substantially damaged or both | £300 | £850 | Unladen—£3000 | Unladen—£4500 |
| | | | | Laden—£4500 | Laden—£6000 |

Charges in relation to the storage of vehicles

5. The prescribed sum or prescribed scale in respect of storage, for the purposes of sections 101A(3), 101A(4) and 102(2)(b) of the 1984 Act and sections 4(5), 4(6) and 5(1)(b) of the 1978 Act, for each period of 24 hours or a part thereof during which the vehicle is in the custody of the chief officer of a police force or the local authority as the case may be, with regards to vehicles set out in row 1 of Table 2, shall be the sum specified in relation to those vehicles in row 2 of that Table.

Table 2 – Regulation 5

| | 1 | 2 | 3 | 4 | 5 |
|---|----------------------------|---|---|--|--|
| 1 | <i>Two wheeled vehicle</i> | <i>Vehicle, not including a two wheeled vehicle, equal to or less than 3.5 tonnes</i> | <i>Vehicle exceeding 3.5 tonnes MAM but equal to or less than 7.5</i> | <i>Vehicle exceeding 7.5 tonnes MAM but equal to or less than 18</i> | <i>Vehicle exceeding 18 tonnes MAM</i> |

| | | | | | |
|---|-----|------------|-------------------|------------|-----|
| | | <i>MAM</i> | <i>tonnes MAM</i> | <i>MAM</i> | |
| 2 | £10 | £20 | £25 | £30 | £35 |

Charges in relation to the disposal of vehicles

6.—(1) The prescribed sum for determining the charges recoverable for the disposal of vehicles for the purpose of section 4(6) of the 1978 Act in respect of vehicles set out in row 1 of Table 3 shall be the sum specified in relation to those vehicles in row 2 of that Table.

(2) The prescribed manner for determining the charges recoverable for the disposal of vehicles for the purposes of sections 102(2)(c) of the 1984 Act and 5(1)(c) of the 1978 Act in respect of vehicles set out in row 1 of Table 3 shall be by reference to a single sum specified in relation to those vehicles in row 2 of that Table.

Table 3 – Regulations 6

| | 1 | 2 | 3 | 4 | 5 |
|---|----------------------------|---|--|--|--|
| 1 | <i>Two wheeled vehicle</i> | <i>Vehicle, not including a two wheeled vehicle, equal to or less than 3.5 tonnes MAM</i> | <i>Vehicle exceeding 3.5 tonnes MAM but equal to or less than 7.5 tonnes MAM</i> | <i>Vehicle exceeding 7.5 tonnes MAM but equal to or less than 18 MAM</i> | <i>Vehicle exceeding 18 tonnes MAM</i> |
| 2 | £50 | £75 | £100 | £125 | £150 |

Home Office
28th July 2008

Vernon Coaker
Parliamentary Under Secretary of State

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations prescribe the charges that apply in respect of the removal, storage and disposal of vehicles under the Road Traffic Regulation Act 1984 and the Refuse Disposal (Amenity) Act 1978. The charges were previously £105 for removal, £12 for storage per 24 hour period or part thereof and £50 for disposal.

£3.00

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