

2008 No. 2096

POLICE, ENGLAND AND WALES

**The Police (Retention and Disposal of Motor Vehicles)
(Amendment) Regulations 2008**

<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, in exercise of the powers conferred on her by sections 60 and 105(4) of the Police Reform Act 2002(a), makes the following Regulations.

Citation and commencement

1. These Regulations may be cited as the Police (Retention and Disposal of Motor Vehicles) (Amendment) Regulations 2008 and shall come into force on 1st October 2008.

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

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

(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.

3. In regulation 2 the following definitions are inserted in the appropriate alphabetical place—

“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(c), 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;

(a) 2002 c. 30.

(b) S.I. 2002/3049 as amended by S.I. 2005/2701.

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

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

“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;”.

4. For regulation 6 substitute—

“6.—(1) The charge payable under regulation 5(1) shall be—

- (a) the amount payable for the removal of the vehicle as set out in paragraph (2); and
- (b) the amount payable for the retention of the vehicle as set out in paragraph (3).

(2) The amount payable for the removal of the vehicle shall depend upon the condition of the vehicle, the type of vehicle and whether it is on road or off road as set out in column 1 of Table 1 and shall be the charge specified in relation to that vehicle in columns 2 to 5 of that Table, the particular charge 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 6(2)

	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 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	Vehicle on road, upright and not substantially damaged or any two wheeled vehicle whatever its condition or position on or off road	£150	£200	£350	£350

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

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

(3) The amount payable for the retention of the vehicle, for each period of 24 hours or a part thereof during which the vehicle is in the custody of the authority, with regards to vehicles set out in row 1 of Table 2, shall be the charge specified in relation to those vehicles in row 2 of that Table.

Table 2 – Regulation 6(3)

	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 tonnes MAM</i>	<i>Vehicle exceeding 18 tonnes MAM</i>
2	£10	£20	£25	£30	£35

(4) For the purposes of this regulation, the MAM of a vehicle includes the MAM of any trailer attached to that vehicle.

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

(6) For the purposes of paragraph (3), each period of 24 hours 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.”.

Home Office
28th July 2008

Vernon Coaker
Parliamentary Under Secretary of State

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend the Police (Retention and Disposal of Motor Vehicles) Regulations (2002) by increasing the charges that apply in respect of the removal and retention of vehicles seized under section 59 of the Police Reform Act 2002 (vehicles used in a manner causing alarm, distress or annoyance). The charges were previously £105 for removal and £12 for storage per 24 hour period or part thereof.

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