
STATUTORY INSTRUMENTS

2009 No. 493

**The Road Safety (Immobilisation, Removal
and Disposal of Vehicles) Regulations 2009**

PART 4

General

Disputes

18.—(1) A person may apply to the appropriate court on the grounds that the authorised person, or person acting under his direction, did not comply with any of the requirements of any of regulations 4(1), 9, 10(1), 11, 12, or 13 (“the specified requirements”).

(2) If the appropriate court finds that an authorised person, or person acting under his direction, did not comply with any of the specified requirements, it may order the Secretary of State to pay a sum to the person applying to the court to reflect any financial loss directly attributable to that failure to comply.

(3) In this regulation, “appropriate court” means—

- (a) in England and Wales, a magistrates’ court; or
- (b) in Scotland, the sheriff court in the sheriffdom—
 - (i) in which the claimant resides, in the case of an individual;
 - (ii) where the principal or last known place of business of the claimant is situated, in the case of a partnership; or
 - (iii) where the registered or principal office of the claimant is situated, in the case of an incorporated or unincorporated body.

Application of Road Traffic Offenders Act 1988

19. The following provisions of the Road Traffic Offenders Act 1988 shall apply to the offences created by these Regulations—

- (a) section 1 (requirement of warning etc. of prosecutions for certain offences)(1);
- (b) section 6 (time within which summary proceedings for certain offences must be commenced)(2);
- (c) section 11 (evidence by certificate as to driver, user or owner)(3); and
- (d) section 12(1) (proof, in summary proceedings, of identity of driver of vehicle)(4).

(1) Section 1 was amended by paragraph 80 of Schedule 4 to the Road Traffic Act 1991 and by paragraph 6(3) of Schedule 9 to the Criminal Justice and Public Order Act 1994 (c.33).

(2) Section 6 was amended by paragraph 71(2) of Schedule 4 to the Criminal Procedure (Consequential Provisions) (Scotland) Act 1995 (c.40).

(3) Section 11 was amended by paragraph 84 of Schedule 4 to the Road Traffic Act 1991 and by paragraph 35 of Schedule 1 to the Criminal Procedure and Investigations Act 1996 (c.25).

(4) Subsection (1) of section 12 was amended by S.I. 2004/2035.

Status: This is the original version (as it was originally made).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