
STATUTORY INSTRUMENTS

2022 No. 71

The Civil Enforcement of Road Traffic Contraventions
(Approved Devices, Charging Guidelines and
General Provisions) (England) Regulations 2022

PART 3

Immobilisation of vehicles for parking contraventions

Power to immobilise vehicles

13.—(1) Where a penalty charge notice has been given under regulation 9, a civil enforcement officer, or a person acting under the direction of a civil enforcement officer, may fix an immobilisation device to the vehicle while it remains in the place where it was found.

(2) Where a person fixes an immobilisation device to a vehicle in accordance with this regulation, they must also fix a notice (an “immobilisation notice”) to the vehicle.

(3) An immobilisation notice must—

- (a) indicate that such a device has been fixed to the vehicle,
- (b) warn that no attempt should be made to drive the vehicle or otherwise put it in motion until it has been released from that device,
- (c) specify the steps to be taken in order to secure the vehicle’s release, and
- (d) warn that unlawful removal of the immobilisation device is an offence.

(4) An immobilisation notice must not be removed or interfered with except by, or under the authority of—

- (a) the owner, or person in charge of, the vehicle, or
- (b) the enforcement authority.

(5) A person contravening paragraph (4) is—

- (a) guilty of an offence, and
- (b) liable on summary conviction to a fine not exceeding level 2 on the standard scale.

(6) Any person who, without being authorised to do so in accordance with these Regulations, removes, or attempts to remove, an immobilisation device fixed to a vehicle in accordance with this regulation is—

- (a) guilty of an offence, and
- (b) liable on summary conviction to a fine not exceeding level 3 on the standard scale.

(7) This regulation is subject to regulation 14.

Limitations on the power to immobilise vehicles

14.—(1) An immobilisation device must not be fixed to a vehicle if there is displayed on the vehicle—

- (a) a current disabled person’s badge⁽¹⁾, or
- (b) a current recognised badge.

(2) If, in a case in which an immobilisation device would have been fixed to a vehicle but for paragraph (1)(a), the vehicle was not being used—

- (a) in accordance with regulations under section 21 of the Chronically Sick and Disabled Persons Act 1970⁽²⁾, and
- (b) in circumstances falling within section 117(1)(b) of the RTRA 1984⁽³⁾ (use where a disabled persons’ concession would be available),

the person in charge of the vehicle is guilty of an offence and liable on summary conviction to a fine not exceeding level 3 on the standard scale.

(3) If, in a case in which an immobilisation device would have been fixed to a vehicle but for paragraph (1)(b), the vehicle was not being used—

- (a) in accordance with regulations under section 21A of the Chronically Sick and Disabled Persons Act 1970⁽⁴⁾, and
- (b) in circumstances falling within section 117(1A)(b) of the RTRA 1984⁽⁵⁾ (use where a disabled person’s concession would be available by virtue of displaying a non-GB badge),

the person in charge of the vehicle is guilty of an offence and liable on summary conviction to a fine not exceeding level 3 on the standard scale.

(4) An immobilisation device must not be fixed to a vehicle which is in a parking place⁽⁶⁾ in respect of a contravention consisting of, or arising out of, a failure—

- (a) to pay a parking charge with respect to the vehicle,
- (b) properly to display a ticket or parking device, or
- (c) to remove the vehicle from a parking place by the end of the period for which the appropriate charge was paid,

until the appropriate period has elapsed since the penalty charge notice was given under regulation 9 in respect of the contravention.

(5) “The appropriate period” is—

- (a) in the case of a vehicle in relation to which there are three or more parking charges outstanding, 15 minutes;
- (b) in any other case, 30 minutes.

(6) For the purposes of paragraph (5)—

- (a) a parking charge is a penalty charge relating to a parking contravention, and
- (b) a parking charge is outstanding in relation to a vehicle if—

(1) “Disabled person’s badge” and “recognised badge” are defined in section 79(7) of the TMA 2004.

(2) 1970 c. 44. The relevant current regulations are the Disabled Persons (Badges for Motor Vehicles) (England) Regulations 2000 (S.I. 2000/682).

(3) In relation to England, section 117(1) was substituted by section 35(6) of the Road Traffic Act 1991 (c. 40), and amended by paragraph 44 of Schedule 1 to the Disability Discrimination Act 2005 (c. 13). There are other amendments to section 117(1) which are not relevant to these Regulations.

(4) Section 21A was inserted by section 9 of the Disability Discrimination Act 2005. No regulations have been made under this section.

(5) Subsection (1A) was inserted by the Disability Discrimination Act 2005, Schedule 1, paragraph 44.

(6) “Parking place” and “parking device” are defined in section 79(7) of the TMA 2004.

- (i) the parking charge has not been paid and the enforcement authority to which it is payable has not waived payment, whether by cancellation of the penalty charge notice or notice to owner or otherwise,
 - (ii) the vehicle was immobilised following the imposition of the parking charge and the owner of the vehicle at the time it was immobilised was also the owner of the vehicle when the charge was imposed, and
 - (iii) either—
 - (aa) if an enforcement notice has been served in respect of the parking charge, the charge is the subject of a charge certificate which has not been set aside in accordance with regulation 23;
 - (bb) if no enforcement notice has been served in respect of the parking charge, the conditions in paragraph (7) are satisfied.
- (7) The conditions mentioned in paragraph (6)(b)(iii)(bb) are that—
- (a) the parking charge relates to a vehicle which, when the charge became payable—
 - (i) was not registered under the Vehicle Excise and Registration Act 1994, or
 - (ii) was so registered, but without the inclusion in the registered particulars of the correct name and address of the keeper of the vehicle,
 - (b) having taken all reasonable steps, the enforcement authority to which the parking charge was payable was unable to ascertain the name and address of the keeper of the vehicle and was consequently unable to serve an enforcement notice, and
 - (c) the period of 42 days beginning with the date on which the parking charge became payable has expired.

Release of immobilised vehicles

15.—(1) A vehicle to which an immobilisation device has been fixed in accordance with regulation 13 must be released from the device on payment in any manner specified in the immobilisation notice of—

- (a) the penalty charge payable in respect of the parking contravention, and
 - (b) such charge in respect of the release as may be required by the enforcement authority.
- (2) A vehicle may only be released from an immobilisation device by, or under the direction of, a person authorised by the enforcement authority to give such a direction.