

STATUTORY INSTRUMENTS

**2023 No. 331**

**The Removal, Storage and Disposal of Motor Vehicles (Amendment) Regulations 2023**

**PART 2**

**Amendment of the Police (Retention and Disposal of Vehicles) Regulations 1995**

**Substitution of regulation 9 (charges for removal, retention and disposal of vehicles)**

5. For regulation 9, substitute—

**“Charges for removal and retention of vehicles**

9.—(1) The charges for the purpose of section 67(3)(b) of the 1994 Act<sup>(1)</sup> are—

- (a) the amount payable for the removal of the vehicle as set out in paragraph (2);
- (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—

- (a) depends upon the condition of the vehicle, the type of vehicle, whether it is on road or off road, as set out in column 1 of Table 1; and
- (b) 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—
  - (i) reference to the MAM of the vehicle as described in row 1 of that Table; and
  - (ii) for vehicles exceeding 7.5 tonnes MAM and not falling within row 2 of that Table, whether the vehicle is laden or unladen.

**Table 1**

<i>1</i>	<i>2</i>	<i>3</i>	<i>4</i>	<i>5</i>
1 Vehicle position and condition	Vehicle equal to or less than 3.5 tonnes MAM	Vehicle exceeding 3.5 tonnes MAM but equal to or less than 7.5 tonnes MAM	Vehicle exceeding 7.5 tonnes MAM but less than 18 tonnes MAM	Vehicle exceeding 18 tonnes MAM
2 Vehicle on road, upright, and not	£192	£256	£448	£448

(1) The “1994 Act” is defined in regulation 2 of the Police (Retention and Disposal of Vehicles) Regulations 1995 to mean the Criminal Justice and Public Order Act 1994.

*Status: This is the original version (as it was originally made).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

<i>1</i>	<i>2</i>	<i>3</i>	<i>4</i>	<i>5</i>	
	substantially damaged, or any two wheeled vehicle whatever its condition or position on or off road				
3	Vehicle, excluding a two wheeled vehicle, on road but either not upright or substantially damaged or both	£320	£832	Unladen - £2561 Laden - £3842	Unladen - £3842 Laden - £5763
4	Vehicle, excluding a two wheeled vehicle, off road, upright and not substantially damaged	£256	£512	Unladen - £1281 Laden - £1921	Unladen - £1921 Laden - £2561
5	Vehicle, excluding a two wheeled vehicle, off road but either not upright or substantially damaged or both	£384	£1089	Unladen - £3842 Laden - £5763	Unladen - £5763 Laden - £7684

(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, is the charge specified in relation to those vehicles in row 2 of that Table.

**Table 2**

<i>1</i>	<i>2</i>	<i>3</i>	<i>4</i>	<i>5</i>	
1	Two wheeled vehicle	Vehicle, not including two wheeled vehicle, equal to or less than 3.5 tonnes MAM	Vehicle exceeding 3.5 tonnes MAM but equal to or less than 7.5 tonnes MAM	Vehicle exceeding 7.5 tonnes MAM but equal to or less than 18 tonnes MAM	Vehicle exceeding 18 tonnes MAM
2	£13	£26	£32	£38	£45

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

(5) For the purposes of Table 1 a vehicle will only be considered upright if all the 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.

(7) For the purpose of this regulation—

“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<sup>(2)</sup>, 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<sup>(3)</sup>;

“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.”.

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<sup>(2)</sup> S.I. 1986/1078, to which there are amendments not relevant to these Regulations.

<sup>(3)</sup> S.I. 1999/2864, to which there are amendments not relevant to these Regulations.