

## SCHEDULES

### SCHEDULE 2

#### DETENTION OF VEHICLES USED WITHOUT OPERATOR'S LICENCE

##### *Immobilisation and removal*

3.—(1) Regulations may provide that an authorised person may, before a goods vehicle is moved by virtue of paragraph 5—

- (a) fix an immobilisation device to the vehicle in the place where the vehicle has been detained, or
- (b) move the vehicle, or require it to be moved, to a more convenient place and fix an immobilisation device to the vehicle in that other place.

(2) Regulations may provide that on any occasion when an immobilisation device is fixed to a goods vehicle in accordance with the regulations the person fixing the device must also fix to the vehicle a notice—

- (a) indicating that the device has been fixed to the vehicle and warning that no attempt should be made to drive it or otherwise put it in motion until it has been released from the device,
- (b) specifying the steps to be taken to secure its release, and
- (c) giving such other information as may be prescribed.

(3) Regulations may provide that—

- (a) a goods vehicle to which an immobilisation device has been fixed in accordance with the regulations may only be released from the device by or under the direction of an authorised person;
- (b) an immobilisation notice shall not be removed or interfered with except by or on the authority of an authorised person.

4.—(1) Regulations may provide that a person who, without being authorised to do so in accordance with paragraph 3(3)(a), removes or attempts to remove an immobilisation device fixed to a goods vehicle under regulations made by virtue of paragraph 3(1) is guilty of an offence and liable on summary conviction to a fine not exceeding level 3 on the standard scale.

(2) Regulations may provide that a person who removes or interferes with an immobilisation notice in contravention of regulations made by virtue of paragraph

3(3)(b) is guilty of an offence and liable on summary conviction to a fine not exceeding level 2 on the standard scale

5.—(1) Regulations may make provision for an authorised person to direct that any property detained by virtue of paragraph 1 be removed and delivered into the custody of a person specified in the direction.

(2) Regulations may provide that a direction under sub-paragraph (1) may only specify a person—

- (a) who is identified in accordance with prescribed rules, and
- (b) who has made arrangements with the Department and has agreed to accept delivery of the property in accordance with those arrangements;

and the arrangements may include the payment of a sum to a person into whose custody any property is delivered.

(3) Regulations may also provide that, where an authorised person has given a direction by virtue of sub-paragraph (1) in respect of a goods vehicle, the authorised person may allow the driver of the vehicle to deliver its contents to their destination or some other suitable place before delivering the vehicle into the custody of the person specified in the direction.

6.—(1) Regulations may make provision for informing persons who may be entitled to the property that it has been detained.

(2) Provision made by virtue of sub-paragraph (1) may, in particular, include provision requiring—

- (a) the publication by an authorised person of such notices as may be prescribed, and
- (b) the giving of notice by an authorised person to such persons as may be prescribed.