
STATUTORY INSTRUMENTS

1997 No. 276

The Road Traffic Regulation (Northern Ireland) Order 1997

PART VIII

REMOVAL AND DISPOSAL OF VEHICLES

Disposal of vehicles by a police officer

51.—(1) Subject to paragraphs (2) to (4), a police officer may, in such manner as he thinks fit, dispose of a vehicle which appears to him to be abandoned and which has been, or could at any time be, removed in pursuance of Article 48 or an order under Article 13 or 15.

(2) The time at which a vehicle may be disposed of by a police officer under paragraph (1) is as follows—

- (a) in the case of a vehicle which in his opinion is in such condition that it ought to be destroyed and on which no current licence was displayed at the time of its removal, any time in the course of or after its removal;
- (b) in the case of a vehicle which in his opinion is in such condition that it ought to be destroyed and on which a current licence was displayed at the time of its removal, any time after the licence expires;
- (c) in any other case, any time after the police officer has taken reasonable steps to find the owner of the vehicle and either—
 - (i) the police officer has failed to find such a person; or
 - (ii) he has failed to comply with a notice served on him requiring him to remove the vehicle from the custody of a constable within 21 days from the day on which the notice was served,

but, in a case where it appears to the police officer that a licence is in force in respect of the vehicle, not a time earlier than the expiration of the licence.

(3) In paragraph (2)—

- (a) any reference in sub-paragraphs (a) and (b) to a current licence includes a reference to a licence which was current during any part of the period of 14 days ending with the day preceding that on which the removal of the vehicle in question took place;
- (b) for the purposes of sub-paragraphs (b) and (c) a licence shall be treated as still in force for a period of 14 days beginning with the day following that on which it expired, and references to the expiration of the licence shall be construed accordingly.

(4) If, before a vehicle is disposed of under paragraph (1), the vehicle is claimed by a person who—

- (a) satisfies the police officer that he is the owner of the vehicle; and
- (b) pays the Police Authority such sums as may reasonably have been incurred in respect of the removal and storage of the vehicle,

the police officer shall permit him to remove the vehicle from the custody of a constable.

(5) If, before the expiration of one year from the date on which a vehicle is sold in pursuance of this Article, any person satisfies the Police Authority that at the time of the sale he was the owner of the vehicle, the Police Authority shall pay him any sum by which the proceeds of sale exceed the reasonable costs of the removal, storage and disposal of the vehicle.

(6) If in the case of any vehicle it appears to the Police Authority that more than one person is or was the owner of the vehicle at the relevant time, such one of them as the Police Authority thinks fit shall be treated as the owner of the vehicle for the purposes of paragraphs (4) and (5).

(7) In this Article and Article 52—

“licence”, in relation to a vehicle, means a licence issued in respect of the vehicle under the Vehicle Excise and Registration Act 1994 or anything which appears to the Department or a police officer to be a corresponding licence in a country outside Northern Ireland;

“owner”, in relation to a vehicle which is the subject of a hiring agreement or hire-purchase agreement, includes the person entitled to possession of the vehicle under the agreement;

“police officer” means a member of the Royal Ulster Constabulary not below the rank of Inspector.