

STATUTORY INSTRUMENTS

2005 No. 1964

The Traffic Management (Northern Ireland) Order 2005

Immobilisation and removal of vehicles

Immobilisation of vehicles

18.—(1) The [^{F1}enforcement authority] may fix an immobilisation device to a stationary vehicle ^{F2}... if—

- (a) a traffic attendant has fixed a penalty charge notice to the vehicle; or
- (b) an amount is recoverable [^{F3}by the enforcement authority] from the owner of the vehicle under Article 15 and prescribed conditions are satisfied.

[^{F4}(1A) The power of an enforcement authority under paragraph (1) is exercisable only—

- (a) in the case of a district council, in relation to a vehicle in an off-street parking place in the district of the council (other than one operated as a “park and ride” or “park and share” parking place);
- (b) in the case of the Department, in relation to a vehicle on a public road or in an off-street parking place operated as a “park and ride” or “park and share” parking place.]

(2) The [^{F1}enforcement authority] shall also fix to the vehicle a notice—

- (a) indicating that an immobilisation device has been fixed to the vehicle and warning that no attempt should be made to drive the vehicle or otherwise put it in motion unless it has been released from the device;
- (b) specifying the steps to be taken in order to secure its release; and
- (c) giving such other information as the [^{F1}enforcement authority] may determine.

(3) A notice fixed to a vehicle in accordance with this Article shall 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 [^{F1}enforcement authority].

(4) A person contravening paragraph (3) shall be guilty of an offence and liable on summary conviction to a fine not exceeding level 2 on the standard scale.

(5) The power conferred by paragraph (1) includes power to move the vehicle to another place and fix an immobilisation device to the vehicle in that other place.

(6) It shall be the duty of the Department to prescribe conditions for the purposes of paragraph (1) (b).

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| F1 | Words in arts. 5-28 (except arts. 8(3)(4), 18(6), 21(8), 24(1)) substituted (1.4.2015) by <i>Off-street Parking (Functions of District Councils) Act (Northern Ireland) 2015 (c. 3)</i> , art. 1(8), Sch. para. 8 |
| F2 | Words in art. 18(1) omitted (1.4.2015) by virtue of <i>Off-street Parking (Functions of District Councils) Act (Northern Ireland) 2015 (c. 3)</i> , art. 1(8), Sch. para. 9(2)(a) |
| F3 | Words in art. 18(1)(b) inserted (1.4.2015) by <i>Off-street Parking (Functions of District Councils) Act (Northern Ireland) 2015 (c. 3)</i> , art. 1(8), Sch. para. 9(2)(b) |

Changes to legislation: There are currently no known outstanding effects for the The Traffic Management (Northern Ireland) Order 2005, Section 18. (See end of Document for details)

F4 Art. 18(1A) inserted (1.4.2015) by Off-street Parking (Functions of District Councils) Act (Northern Ireland) 2015 (c. 3), art. 1(8), **Sch. para. 9(3)**

Modifications etc. (not altering text)

C1 Arts. 3-28: transfer of functions (1.4.2015) by Off-street Parking (Functions of District Councils) Act (Northern Ireland) 2015 (c. 3), **arts. 1(3)(8)** (with art. 1(5))

Commencement Information

I1 Art. 18 wholly in force at 30.10.2006; art. 18(1)(b)(6) in force at 20.8.2005 see art. 1(2); art. 18(1)(a)(2)-(5) in force at 30.10.2006 by S.R. 2006/347, **art. 2**, Sch.

Changes to legislation:

There are currently no known outstanding effects for the The Traffic Management (Northern Ireland) Order 2005, Section 18.