
STATUTORY INSTRUMENTS

2005 No. 1964

The Traffic Management (Northern Ireland) Order 2005

Immobilisation and removal of vehicles

Disposal or recovery of vehicles removed under Article 21

23.—(1) Subject to paragraphs (2) and (3), the Department may, in such manner as it thinks fit, dispose of a vehicle which has been removed by the Department under Article 21.

(2) The Department shall not dispose of a vehicle under paragraph (1)—

(a) before the end of the period of 35 days from the removal date; and

(b) unless—

(i) the owner of the vehicle has failed to comply with a notice served on him requiring him to remove the vehicle from the custody of the Department within 21 days from the date of the notice; or

(ii) the Department has been unable to serve such a notice.

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

(a) that he is the owner of the vehicle or is acting with the authority of the owner, and

(b) that the relevant charges have been paid,

the Department shall permit him to remove the vehicle from its custody.

(4) 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 Department that at the time of the sale he was the owner of the vehicle, the Department shall pay him any sum by which the proceeds of sale exceed the relevant charges.

(5) If the relevant charges exceed the proceeds of sale, the amount of the difference shall be recoverable by the Department from the person who was the owner of the vehicle on the removal date and Article 15(5) shall apply to that amount and any costs reasonably incurred by the Department as it applies in relation to a sum recoverable under that Article.

(6) The Department may dispose of the contents of a vehicle (including those removed from the vehicle under Article 21(6)) and references in paragraphs (4) and (5) to the proceeds of sale include any proceeds of sale of the contents.

(7) In this Article—

“relevant charges” means—

(a) the penalty charge payable if a penalty charge notice was fixed to the vehicle;

(b) any amount recoverable under Article 15 from the person who was the owner of the vehicle on the removal date; and

(c) such charges in respect of the removal and storage, and in paragraph (4) disposal, of the vehicle as may be prescribed;

“removal date” means the date on which the vehicle was removed (or first removed) under Article 21.

(8) If in the case of any vehicle it appears to the Department that more than one person is or was the owner of the vehicle at the time of the sale, such one of them as the Department thinks fit shall be treated as the owner of the vehicle for the purposes of paragraphs (3) and (4).