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## EXPLANATORY NOTE

*(This note is not part of the Regulations)*

Under Article 180C of the Road Traffic (Northern Ireland) Order 1981 (“the 1981 Order”) (retention etc. of vehicles seized under Article 180B) the police have certain powers relating to the removal etc. of vehicles seized under Article 180B of that Order. These Regulations provide for the retention, safe keeping and disposal by the police or persons authorised by them, of vehicles seized under those powers.

Regulations 1 and 2 provide for citation, commencement and interpretation.

Regulation 3 provides for the retention and safe keeping of motor vehicles by a constable or person authorised by the Chief Constable.

Under regulation 4(1), a constable seizing a vehicle under Article 180B of the 1981 Order is required to give a seizure notice to the driver of that vehicle unless the circumstances make it impractical for him to do so. Under regulation 4(2) and (4), the authorised person having custody of the vehicle so seized is obliged to take such steps as are reasonably practicable to give a seizure notice to the registered keeper and to the owner, where that appears to be someone different, of the vehicle, requiring him to claim the vehicle within a specified period being not less than 7 working days.

Regulation 4(3) and (4) specifies the information that must be contained on a seizure notice. In particular, the notice must indicate that charges may be payable by that person and that a valid driving licence and certificate of insurance must be produced at a specified police station in respect of the vehicle and that the vehicle may be retained until these conditions are met. The level of charges is prescribed in regulation 6.

Where the registered keeper and, where the owner appears to be someone different, the owner of the vehicle fails to comply with any requirement in a seizure notice given to them under regulation 4(2) or where the authorised person was not able, having taken such steps as are reasonably practicable, to give a seizure notice to the registered keeper and, where the owner appears to be someone different, the owner under regulation 4(2), the authorised person may dispose of the vehicle in accordance with regulation 7.

Regulation 5 provides for the release of vehicles and how an owner or registered keeper can reclaim the vehicle. Regulation 6 provides for the charges to be paid according to the vehicles position, condition and weight when seized. Charges can cover both seizure and storage costs.

Regulation 8 provides that where a vehicle is sold, the net proceeds of sale are payable to the owner of the vehicle, if he makes a claim within a year of the sale.