

EXECUTIVE NOTE

THE REMOVAL, STORAGE AND DISPOSAL OF VEHICLES (PRESCRIBED SUMS AND CHARGES ETC.) AMENDMENT (SCOTLAND) REGULATIONS 2005 SSI/2005/486

1. The above Instrument is proposed to be made in exercise of the powers conferred by sections 4, 5 and 11 of the Refuse Disposal (Amenity) Act 1978 and sections 101, 102 and 142 of the Road Traffic Regulation Act 1984. The Instrument is subject to negative resolution procedure.

POLICY OBJECTIVES

2. The Refuse Disposal (Amenity) Act 1978 makes provision for the removal, storage and disposal of removed vehicles by local authorities and recovery of expenses connected with such vehicles.

3. The Road Traffic Regulation Act 1984 makes provision *inter alia* for the recovery of charges by local authorities and the police in respect of the removal, storage and disposal of abandoned vehicles.

4. The Removal, Storage and Disposal of Vehicles (Prescribed Sums and Charges etc.) Regulations 1989 prescribe new sums and charges in respect of the removal, storage and disposal of vehicles by the police and local authorities.

5. This Instrument amends the Removal, Storage and Disposal of Vehicles (Prescribed Sums and Charges etc) Regulations 1989 by increasing the levels of charges which local authorities and police can levy on the registered owner of an abandoned vehicle. The increases are as follows: *Removal* of vehicle from £105 to £150; *Storage* of vehicle from £12 per day to £20 per day; and unless the vehicle is claimed by the rightful owner, *disposal* of vehicle from £50 to £150. The increases are based on the GDP deflator which is a measure of general inflation in the domestic economy, and is published by HM Treasury. The greater increase in disposal charges allows for those costs arising from implementation of the End of Life Vehicles Directive (2000/53/EC).

CONSULTATION

6. The policy intention addressed by the draft instrument was included in the “Putting Our Communities First” consultation paper.

7. The paper issued by the Scottish Executive was sent to COSLA, Scottish Local Authorities Chief Executives and, Scottish Police Forces and SEPA, among others.

8. All of those who responded to the relevant questions favoured an increase in the relevant prescribed sums or charges.

EFFECT OF THE REGULATIONS

9. The new Regulations will allow for an increase in the prescribed sum or charge which Scottish local authorities and police can recover from registered owners of abandoned vehicles, in respect of costs incurred in the removal, storage and disposal of the vehicle. The Regulations will effect Scotland only.

FINANCIAL IMPLICATIONS

10. The new regulations increase existing prescribed sums or charges and therefore place no new regulatory obligations on any party. Rather they will allow Scottish local authorities and police to recover more realistic and up to date costs which they have incurred in dealing with an abandoned vehicle. Any costs relating to the increased charges will be trivial and one-off and relate to such issues as charging documentation.