
EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations are made under sections 127 and 141 of the Antisocial Behaviour etc. (Scotland) Act 2004 (“the 2004 Act”) and amend the Police (Retention and Disposal of Motor Vehicles) (Scotland) Regulations 2005 (“the 2005 Regulations”).

Under section 126 of the 2004 Act the police have certain powers to seize and remove motor vehicles. Section 127 of the 2004 Act allows for Regulations to make provision for charges in relation to the removal and retention of motor vehicles and applications for their release. Section 141 of the 2004 Act allows for Regulations to make different provision for different cases or descriptions of case or for different purposes.

These Regulations amend regulation 6 of the 2005 Regulations.

These Regulations provide for the amounts payable in respect of removal and retention of vehicles as set out in Parts 1 and 2 of the schedule. The amount of the charge payable in respect of those matters is now determined by the type or size of a vehicle, and by the circumstances under which it is removed. In terms of removal of a vehicle, the Regulations also make provision for additional charges in certain circumstances: a mileage charge of £1.10 per mile is applied where the operator is required to travel in excess of 40 miles to remove and retain a vehicle; and a ferry charge of £125 is applied for every single journey by ferry the operator is required to make to remove and retain a vehicle.

A Business and Regulatory Impact Assessment has been prepared for these Regulations and placed in the Scottish Parliament Information Centre. Copies may be obtained from the Scottish Government Environment and Forestry Directorate, Zero Waste Delivery Team, Victoria Quay, Edinburgh EH6 6QQ.