



# Police Reform Act 2002

## 2002 CHAPTER 30

### PART 4

#### POLICE POWERS ETC.

### CHAPTER 2

#### PROVISIONS MODIFYING AND SUPPLEMENTING POLICE POWERS

##### *Seizure of motor vehicles*

#### **59 Vehicles used in manner causing alarm, distress or annoyance**

- (1) Where a constable in uniform has reasonable grounds for believing that a motor vehicle is being used on any occasion in a manner which—
  - (a) contravenes section 3 or 34 of the Road Traffic Act 1988 (c. 52) (careless and inconsiderate driving and prohibition of off-road driving), and
  - (b) is causing, or is likely to cause, alarm, distress or annoyance to members of the public,he shall have the powers set out in subsection (3).
- (2) A constable in uniform shall also have the powers set out in subsection (3) where he has reasonable grounds for believing that a motor vehicle has been used on any occasion in a manner falling within subsection (1).
- (3) Those powers are—
  - (a) power, if the motor vehicle is moving, to order the person driving it to stop the vehicle;
  - (b) power to seize and remove the motor vehicle;
  - (c) power, for the purposes of exercising a power falling within paragraph (a) or (b), to enter any premises on which he has reasonable grounds for believing the motor vehicle to be;

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- (d) power to use reasonable force, if necessary, in the exercise of any power conferred by any of paragraphs to (a) to (c).
- (4) A constable shall not seize a motor vehicle in the exercise of the powers conferred on him by this section unless—
  - (a) he has warned the person appearing to him to be the person whose use falls within subsection (1) that he will seize it, if that use continues or is repeated; and
  - (b) it appears to him that the use has continued or been repeated after the the warning.
- (5) Subsection (4) does not require a warning to be given by a constable on any occasion on which he would otherwise have the power to seize a motor vehicle under this section if—
  - (a) the circumstances make it impracticable for him to give the warning;
  - (b) the constable has already on that occasion given a warning under that subsection in respect of any use of that motor vehicle or of another motor vehicle by that person or any other person;
  - (c) the constable has reasonable grounds for believing that such a warning has been given on that occasion otherwise than by him; or
  - (d) the constable has reasonable grounds for believing that the person whose use of that motor vehicle on that occasion would justify the seizure is a person to whom a warning under that subsection has been given (whether or not by that constable or in respect the same vehicle or the same or a similar use) on a previous occasion in the previous twelve months.
- (6) A person who fails to comply with an order under subsection (3)(a) is guilty of an offence and shall be liable, on summary conviction, to a fine not exceeding level 3 on the standard scale.
- (7) Subsection (3)(c) does not authorise entry into a private dwelling house.
- (8) The powers conferred on a constable by this section shall be exercisable only at a time when regulations under section 60 are in force.
- (9) In this section—
  - “driving” has the same meaning as in the Road Traffic Act 1988 (c. 52);
  - “motor vehicle” means any mechanically propelled vehicle, whether or not it is intended or adapted for use on roads; and
  - “private dwelling house” does not include any garage or other structure occupied with the dwelling house, or any land appurtenant to the dwelling house.

## **60 Retention etc. of vehicles seized under section 59**

- (1) The Secretary of State may by regulations make provision as to—
  - (a) the removal and retention of motor vehicles seized under section 59; and
  - (b) the release or disposal of such motor vehicles.
- (2) Regulations under subsection (1) may, in particular, make provision—
  - (a) for the giving of notice of the seizure of a motor vehicle under section 59 to a person who is the owner of that vehicle or who, in accordance with the regulations, appears to be its owner;

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- (b) for the procedure by which a person who claims to be the owner of a motor vehicle seized under section 59 may seek to have it released;
  - (c) for requiring the payment of fees, charges or costs in relation to the removal and retention of such a motor vehicle and to any application for its release;
  - (d) as to the circumstances in which a motor vehicle seized under section 59 may be disposed of;
  - (e) as to the destination—
    - (i) of any fees or charges payable in accordance with the regulations; and
    - (ii) of the proceeds (if any) arising from the disposal of a motor vehicle seized under section 59;
  - (f) for the delivery to a local authority, in circumstances prescribed by or determined in accordance with the regulations, of any motor vehicle seized under section 59.
- (3) Regulations under subsection (1) must provide that a person who would otherwise be liable to pay any fee or charge under the regulations shall not be liable to pay it if—
- (a) the use by reference to which the motor vehicle in question was seized was not a use by him; and
  - (b) he did not know of the use of the vehicle in the manner which led to its seizure, had not consented to its use in that manner and could not, by the taking of reasonable steps, have prevented its use in that manner.
- (4) In this section—
- “local authority”—
- (a) in relation to England, means the council of a county, metropolitan district or London borough, the Common Council of the City of London or Transport for London; and
  - (b) in relation to Wales, means the council of a county or county borough;
- “motor vehicle” has the same meaning as in section 59.

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**Changes and effects yet to be applied to the whole Act, associated Parts and Chapters:**

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- s. 38B 38C inserted by [2011 c. 13 Sch. 13 para. 3](#)

**Commencement Orders yet to be applied to the Police Reform Act 2002:**

Commencement Orders bringing legislation that affects this Act into force:

- [S.I. 2010/999 art. 2-4](#) commences ([2009 c. 26](#))
- [S.I. 2010/2543 art. 2 3](#) commences ([2006 c. 40](#))
- [S.I. 2011/414 art. 2](#) commences ([2010 c. 17](#))
- [S.I. 2011/2148 art. 2](#) commences ([2009 c. 25](#))
- [S.I. 2011/2515 art. 2 3](#) commences ([2011 c. 13](#))
- [S.I. 2011/3019 art. 3 Sch. 1](#) Comencement Order