



Traffic Management Act 2004

2004 CHAPTER 18

PART 6

CIVIL ENFORCEMENT OF TRAFFIC CONTRAVENTIONS

Notification, adjudication and enforcement

79 Immobilisation of vehicle where penalty charge payable

- (1) The appropriate national authority may make provision by regulations for or in connection with—
 - (a) the fixing of an immobilisation device to a stationary vehicle found in any place where there is reason to believe the vehicle has been permitted to remain at rest there in circumstances in which a penalty charge has become payable, and
 - (b) the release of the vehicle from the device only on payment of—
 - (i) the penalty charge mentioned in paragraph (a),
 - (ii) such unpaid earlier penalty charges relating to the vehicle as may be specified in the regulations, and
 - (iii) the charge payable in respect of the release.
- (2) The regulations may make provision authorising—
 - (a) the fixing of an immobilisation device to the vehicle while it remains in the place where it was found, or
 - (b) the moving of the vehicle to another place and the fixing of an immobilisation device to it in that other place,and providing for any power of removal that was exercisable in relation to the vehicle before it was so moved to continue to be exercisable in relation to the vehicle while it remains in the place to which it was so moved.
- (3) The regulations may provide—

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- (a) that on any occasion when an immobilisation device is fixed to a vehicle in accordance with the regulations, the person fixing the device shall also fix to the vehicle a notice—
 - (i) indicating that such a device has been fixed to the vehicle and warning that no attempt should be made to drive it or otherwise put it in motion unless it has been released from the device;
 - (ii) specifying the steps to be taken in order to secure its release; and
 - (iii) giving such other information as may be specified by the regulations; and
 - (b) that a notice fixed to a vehicle in accordance with the regulations shall not be removed or interfered with except by or under the authority of—
 - (i) the owner or person in charge of the vehicle, or
 - (ii) the enforcement authority,
 and that a person contravening that prohibition commits an offence and is liable on summary conviction to a fine not exceeding level 2 on the standard scale.
- (4) The regulations may also provide—
- (a) that a vehicle to which an immobilisation device has been fixed in accordance with the regulations may only be released from the device by or under the direction of a person authorised by the enforcement authority; and
 - (b) that a person who, without being authorised to do so in accordance with the regulations, removes or attempts to remove an immobilisation device fixed to a vehicle in accordance with the regulations commits an offence and is liable on summary conviction to a fine not exceeding level 3 on the standard scale.
- (5) The regulations shall provide—
- (a) that an immobilisation device must not be fixed to a vehicle if a current disabled person's badge is displayed on the vehicle; and
 - (b) that if, in a case in which an immobilisation device would have been fixed to a vehicle but for paragraph (a), the vehicle was not being used—
 - (i) in accordance with regulations under section 21 of the Chronically Sick and Disabled Persons Act 1970 (c. 44), and
 - (ii) in circumstances falling within section 117(1)(b) of the Road Traffic Regulation Act 1984 (c. 27) (use where a disabled person's concession would be available),
 the person in charge of the vehicle commits an offence and is liable on summary conviction to a fine not exceeding level 3 on the standard scale.

[^{F1}(5A) The regulations shall provide—

- (a) that an immobilisation device must not be fixed to a vehicle if a current recognised badge is displayed on the vehicle; and
- (b) that if, in a case in which an immobilisation device would have been fixed to a vehicle but for paragraph (a), the vehicle was not being used—
 - (i) in accordance with regulations under section 21A of the Chronically Sick and Disabled Persons Act 1970, and
 - (ii) in circumstances falling within section 117(1A)(b) of the Road Traffic Regulation Act 1984 (use where a disabled person's concession would be available by virtue of displaying a non-GB badge),

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the person in charge of the vehicle commits an offence and is liable on summary conviction to a fine not exceeding level 3 on the standard scale.]

(6) The regulations shall also provide that an immobilisation device must not be fixed to a vehicle in a parking place in respect of a contravention consisting of, or arising out of, a failure—

- (a) to pay a parking charge with respect to the vehicle,
- (b) properly to display a ticket or parking device, or
- (c) to remove the vehicle from the parking space by the end of a period for which the appropriate charge was paid,

until 15 minutes have elapsed since the giving of a notification of a penalty charge in respect of the contravention.

(7) In this section—

“disabled person's badge“ has the same meaning as in section 142(1) of the Road Traffic Regulation Act 1984;

“parking device” means a parking device within the meaning of section 35(3B) or 51(4) of that Act; ^{F2}...

“parking place” means—

- (a) a parking place designated by an order under section 45 of that Act, or
- (b) an off-street parking place provided under section 32(1)(a) or 57(1)(b), or under a letting or arrangement made under section 33(4), of that Act;

[^{F3}“recognised badge” has the meaning given by section 21A of the Chronically Sick and Disabled Persons Act 1970.]

Textual Amendments

- F1** S. 79(5A) inserted (30.6.2005 for E., 30.3.2008 for W.) by [Disability Discrimination Act 2005 \(c. 13\)](#), s. 20(4), [Sch. 1 para. 48\(2\)](#); [S.I. 2005/1676](#), art. 3(b); [S.I. 2007/3285](#), art. 2(b)
- F2** Word in s. 79(7) repealed (30.6.2005 for E., 30.3.2008 for W.) by [Disability Discrimination Act 2005 \(c. 13\)](#), s. 20(3), [Sch. 2](#); [S.I. 2005/1676](#), art. 3(c); [S.I. 2007/3285](#), art. 2(c)
- F3** Words in s. 79(7) inserted (30.6.2005 for E., 30.3.2008 for W.) by [Disability Discrimination Act 2005 \(c. 13\)](#), s. 20(4), [Sch. 1 para. 48\(3\)](#); [S.I. 2005/1676](#), art. 3(b); [S.I. 2007/3285](#), art. 2(b)

Commencement Information

- I1** S. 79 in force at 26.10.2006 for W. by [S.I. 2006/2826](#), [art. 2\(1\)\(2\)\(c\)](#)
- I2** S. 79 in force at 23.7.2007 for E. by [S.I. 2007/2053](#), [arts. 1\(2\), 2\(1\)\(2\)\(e\)](#) (with [art. 4](#)) (as amended (17.3.2008) by [S.I. 2008/757](#), art. 3)

Changes to legislation:

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