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STATUTORY INSTRUMENTS

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**1986 No. 183**

**The Removal and Disposal of Vehicles Regulations 1986**

**PART II**

**REMOVAL OF VEHICLES**

**Power of constable to require removal of vehicles from roads**

**3.—**(1) Except as provided by regulation 7 of these Regulations, this regulation applies to a vehicle which—

- (a) has broken down, or been permitted to remain at rest, on a road in such a position or in such condition or in such circumstances as to cause obstruction to persons using the road or as to be likely to cause danger to such persons, or
- (b) has been permitted to remain at rest or has broken down and remained at rest on a road in contravention of a prohibition or restriction contained in, or having effect under, any of the enactments mentioned in Schedule 1 to these Regulations.

(2) A constable may require the owner, driver or other person in control or in charge of any vehicle to which this regulation applies to move or cause to be moved the vehicle and any such requirement may include a requirement that the vehicle shall be moved from that road to a place which is not on that or any other road, or that the vehicle shall not be moved to any such road or to any such position on a road as may be specified.

(3) A person required to move or cause to be moved a vehicle under this regulation shall comply with such requirement as soon as practicable.

**Power of constable to remove vehicles**

**4.** Except as provided by regulation 7 of these Regulations, where a vehicle—

- (a) is a vehicle to which regulation 3 of these Regulations applies, or
- (b) having broken down on a road or on any land in the open air, appears to a constable to have been abandoned without lawful authority, or
- (c) has been permitted to remain at rest on a road or on any land in the open air in such a position or in such condition or in such circumstances as to appear to a constable to have been abandoned without lawful authority,

then, subject to the provisions of sections 99 and 100 of the 1984 Act, a constable may remove or arrange for the removal of the vehicle, and, in the case of a vehicle which is on a road, he may remove it or arrange for its removal from that road to a place which is not on that or any other road, or may move it or arrange for its removal to another position on that or another road.

**Power of local authority to remove certain vehicles**

**5.—**(1) Except as provided by regulation 7 of these Regulations, where a vehicle (other than a motor vehicle which a local authority have a duty to remove under section 3 of the 1978 Act)—

- (a) having broken down on a road or on any land in the open air in the area of a local authority, appears to them to have been abandoned without lawful authority, or
- (b) has been permitted to remain at rest on a road or on any land in the open air in the area of a local authority in such a position or in such condition or in such circumstances as to appear to them to have been abandoned without lawful authority,

the local authority may, subject to the provisions of sections 99 and 100 of the 1984 Act, remove or arrange for the removal of the vehicle to a place which is not on any road.

(2) In this regulation “local authority” means, in the case of a vehicle situate at a place—

- (a) in England, the council of the district or of the London borough, or the Common Council of the City of London;
- (b) in Scotland, the regional or islands or district council; or
- (c) in Wales, the council of the district,

within whose area is situate that place.

### **Method of removing vehicles**

6. Any person removing or moving a vehicle under the last two preceding regulations may do so by towing or driving the vehicle or in such other manner as he may think necessary and may take such measures in relation to the vehicle as he may think necessary to enable him to remove or move it as aforesaid.

### **Exception for Severn Bridge**

7. Regulations 3, 4 and 5 of these Regulations shall not apply in relation to any vehicle while on the central section of the specified carriageways (as defined in section 1 of the Severn Bridge Tolls Act 1965 (1) ) of a road which crosses the Rivers Severn and Wye.

### **Manner of giving notice to occupier of land before removing a vehicle therefrom**

8. For the purpose of section 99(3) of the 1984 Act, the manner in which the authority shall give notice to a person who appears to them to be an occupier of land on which there is a vehicle which the authority propose to remove, shall be as follows:—

- (1) the notice shall be given in the form set out in Schedule 2 hereto or a form substantially to the like effect;
- (2) the notice shall be addressed to the person who appears to be the occupier by name or by the description of “the occupier” of the land (describing it);
- (3) the notice shall be given—
  - (a) by delivering it to the person who appears to be the occupier;
  - (b) by leaving it at his usual or last known place of abode;
  - (c) by sending it in a prepaid registered letter, or by the recorded delivery service, and addressed to him at his usual or last known place of abode;
  - (d) if the person who appears to be the occupier is an incorporated company or body, by delivering it to the secretary or clerk of the company or body at their registered or principal office, or sending it in a prepaid registered letter, or by the recorded delivery service, addressed to the secretary or clerk of the company or body at that office; or

- (e) by sending it, marked clearly and legibly upon the notice and upon the envelope containing it with the words “Important This Communication affects your property”, to the land in a prepaid registered letter or by the recorded delivery service (providing the notice is not returned to the authority sending it), or by delivering it, so marked, to some person on the land, or by affixing it, so marked, to some object on the land.

**Manner and period during which occupier of land may object**

9.—(1) For the purpose of section 99(3) of the 1984 Act—

- (a) the manner in which a person who appears to an authority to be an occupier of land on which there is a vehicle which the authority propose to remove may object to a proposal by the authority to remove the vehicle shall be as follows:—
  - (i) the objection shall be in writing;
  - (ii) the objection shall be sent by post addressed to the authority or left at their office.
- (b) the period during which a person who appears to an authority to be an occupier of land on which there is a vehicle which the authority propose to remove may object shall be 15 days from the day when the notice referred to in the last preceding regulation is served on him.

(2) For the purpose of section 3(2) of the 1978 Act the period during which a person who appears to an authority to be an occupier of land on which there is a vehicle which the authority propose to remove may object shall be 15 days from the day when the notice mentioned in that section is given to him.

**Period before which notice must be affixed to a vehicle in certain cases before removing it for destruction**

10. For the purposes of section 3(5) of the 1978 Act and section 99(4) of the 1984 Act, the period before the commencement of which a notice must be caused to be affixed to a vehicle by an authority who propose to remove it, before they remove it, being a vehicle which in the opinion of the authority is in such a condition that it ought to be destroyed, shall be seven days.