

1986 No. 184

ROAD TRAFFIC

**The Removal and Disposal of Vehicles (Loading Areas)
Regulations 1986**

<i>Made - - - -</i>	<i>4th February 1986</i>
<i>Laid before Parliament</i>	<i>19th February 1986</i>
<i>Coming into Operation</i>	<i>1st April 1986</i>

The Secretary of State for Transport, as respects England, and the Secretary of State for Wales, as respects Wales, in exercise of the powers conferred by section 103 of the Road Traffic Regulation Act 1984 **(a)**, and of all other enabling powers, and after consultation with representative organisations in accordance with section 134(2) of that Act, hereby make the following Regulations:—

PART I

GENERAL

Citation, commencement and revocation

1.—(1) These Regulations may be cited as the Removal and Disposal of Vehicles (Loading Areas) Regulations 1986, and shall come into operation on 1st April 1986.

(2) The Removal and Disposal of Vehicles (Loading Areas) Regulations 1978 **(b)** are hereby revoked.

Interpretation

2. In these Regulations—

“the 1984 Act” means the Road Traffic Regulation Act 1984;

“loading area” has the same meaning as in section 61 of the 1984 Act;

“vehicle” has the same meaning as in section 99 of the 1984 Act.

PART II

REMOVAL OF VEHICLES

Power to require the removal of vehicles from loading areas

3.—(1) This regulation applies to a vehicle which is in any part of a loading area while the parking of it in that part is prohibited by virtue of section 61 of the 1984 Act.

(a) 1984 c.27.

(b) S.I. 1978/1345.

(2) Subject to paragraph (3) below, an officer of the local authority, duly authorised in writing by that authority, may require the owner, driver or other person in control or in charge of any vehicle to which this regulation applies to move it or cause it to be removed, and any such requirement may include a requirement that the vehicle shall be moved from the part of the loading area where it is to some other part of that loading area, or to a place on a highway, or to some other place which is not on a highway (being a place where the vehicle can be lawfully parked).

(3) When making any requirement under paragraph (2) above an officer of the local authority, if requested so to do by the owner, driver or other person in control or in charge of the vehicle, shall produce evidence of his authorisation.

(4) In this regulation and in regulation 4 below "the local authority" means—

- (a) in Greater London, the Council of the London borough or, as the case may be, the Common Council of the City,
- (b) elsewhere in England, or in Wales, the council of the district in whose area is situated the part of the loading area where the vehicle in question is while parking is prohibited as mentioned in paragraph (1) above.

Power to remove vehicles

4.—(1) Where, in the case of a vehicle to which regulation 3 above applies—

- (a) the owner, driver or other person in control or in charge of the vehicle refuses or fails to comply with a requirement, made under that regulation by a duly authorised officer of the local authority, to move it or cause it to be moved, or
- (b) no person who is in control or in charge of the vehicle and who is capable of moving it or causing it to be moved is present on or in the vicinity of the vehicle,

an officer of the local authority (who need not be the officer who has made any requirement as respects the vehicle under regulation 3 above) may move or arrange for the removal of the vehicle to another part of the loading area, or may remove it or arrange for its removal from the loading area to some other place which is not on a highway.

(2) Any person removing or moving a vehicle under this regulation 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.

PART III

DISPOSAL OF ABANDONED VEHICLES

Disposal of abandoned vehicles

5. The provisions of Part III of the Removal and Disposal of Vehicles Regulations 1986 (a) (Disposal of abandoned vehicles) shall apply in relation to a vehicle which has been removed from a loading area under Part II of

(a) S.I. 1986/183.

these Regulations and which appears to an authority to have been abandoned as they apply in relation to a vehicle which has been removed under Part II of those Regulations.

3rd February 1986.

Nicholas Ridley,
Secretary of State for Transport.

4th February 1986.

Nicholas Edwards,
Secretary of State for Wales.

EXPLANATORY NOTE

(This Note is not part of the Regulations.)

These Regulations make provision for the removal and disposal of vehicles under sections 99 to 102 of the Road Traffic Regulation Act 1984 as these sections have been applied by section 103 of that Act in relation to vehicles in any part of a loading area (as defined in section 61 of that Act) while the parking of such vehicles on that part is prohibited by virtue of that section (which relates to the control of parking on areas used for loading or unloading goods vehicles).

Regulation 2 empowers a duly authorised officer of the local authority to require the removal of a vehicle which is in a part of a loading area while the parking of it is prohibited by virtue of section 61 of the Road Traffic Regulation Act 1984.

Regulation 3 empowers a duly authorised officer of the local authority to remove the vehicle if the person in charge of the vehicle fails or refuses to comply with the requirement made under regulation 2 or if there is no person present who is in charge of the vehicle and is able to remove it.

Regulation 4 applies to vehicles which have been removed under regulation 3 and which appear to have been abandoned under the provisions of the Removal and Disposal of Vehicles Regulations 1986 (S.I. 1986/183) which relate to the disposal of abandoned vehicles.

Charges for the removal, storage and disposal of vehicles are prescribed in the Removal, Storage and Disposal of Vehicles (Charges) Regulations 1985 (S.I. 1985/1661).

SI 1986/184
ISBN 0-11-066184-2



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