
EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations replace the Vehicle Excise Duty (Immobilisation, Removal and Disposal of Vehicles) Regulations 1996, as amended by the Vehicle Excise Duty (Immobilisation, Removal and Disposal of Vehicles) (Amendment) Regulations 1997, which only applied in Greater London and provided that a vehicle could only be removed if it had previously been immobilised.

The Regulations provide for the immobilisation and removal of unlicensed mechanically propelled vehicles found stationary on public roads in England and Wales. Regulation 4 sets out circumstances in which the Regulations do not apply. Regulation 5 enables a person authorised by the Secretary of State to fix an immobilisation device to an unlicensed vehicle. Regulation 6 states the conditions to be fulfilled (including the payment of prescribed charges specified in Schedule 1) for the release of a vehicle from an immobilisation device. Offences in connection with immobilisation (including unlawful interference with an immobilisation device and falsely claiming exemption to secure the release of a vehicle) are created by regulations 7 and 8.

Part III (regulations 9 to 14) provides for the removal and disposal of vehicles under the Regulations, for the retention of a removed vehicle until prescribed charges are paid and for the conditions under which a removed vehicle can be recovered. A vehicle may be removed although it has not previously been immobilised. It is made an offence to obtain possession of a removed vehicle by falsely claiming that it is exempt from vehicle excise duty. When a vehicle has been disposed of, the owner can claim a sum equal to the proceeds of sale after deduction of prescribed charges.

Regulation 15 provides for the issue of a voucher on the making of a “surety payment” under regulation 6 or 12, where a vehicle is released after immobilisation or removal but a licence for the vehicle is not produced, and for obtaining a refund of the surety payment when the vehicle is licensed. Regulation 16 creates offences relating to false declarations in connection with obtaining vouchers or refunds and to the forgery, or fraudulent alteration or use, of vouchers.

Provision is made by regulation 17 for disputes about charges paid to secure the release of a vehicle from an immobilisation device, or to secure possession of it after its removal, to be referred to a person authorised by the Secretary of State. An appeal against the determination of the authorised person can be made to a magistrates' court.