
STATUTORY INSTRUMENTS

1997 No. 2439

**The Vehicle Excise Duty (Immobilisation, Removal
and Disposal of Vehicles) Regulations 1997**

PART II

IMMOBILISATION OF VEHICLES

Power to immobilise vehicles

5.—(1) This regulation applies where an authorised person has reason to believe that an offence under section 29(1) of the 1994 Act is being committed as regards a vehicle which is stationary on a public road in England or in Wales.

(2) Where this regulation applies, without prejudice to the institution of proceedings for any offence under the 1994 Act, the authorised person or a person acting under his direction may—

- (a) fix an immobilisation device to the vehicle while it remains in the place where it is stationary, or
- (b) move it from that place to another place on the same or another public road and fix an immobilisation device to it in that other place.

(3) Where an immobilisation device is fixed to a vehicle in accordance with this regulation, the person fixing the device shall also fix to the vehicle an immobilisation notice which—

- (a) indicates that the device has been fixed to the vehicle and warns that no attempt should be made to drive it or otherwise put it in motion until it has been released from the device;
- (b) states the reason why the device has been fixed;
- (c) specifies the steps to be taken to secure its release including the charges payable under these Regulations and the person to whom and the means by which those charges may be paid.

Release of immobilised vehicles

6.—(1) A vehicle to which an immobilisation device has been fixed in accordance with regulation 5—

- (a) may be released only by or under the direction of an authorised person; and
- (b) subject to sub-paragraph (a) above, shall be released—
 - (i) where there is produced to an authorised person a vehicle licence for the vehicle which was in force when the vehicle was immobilised; or
 - (ii) where an authorised person is satisfied that the vehicle was immobilised in any of the circumstances specified in regulation 4(2) or that the vehicle was at the time it was immobilised an exempt vehicle; or
 - (iii) if the first and second requirements specified in paragraphs (2) and (3) are met.

(2) The first requirement is that the prescribed charge for the release of the vehicle from the immobilisation device is paid in any manner specified in the immobilisation notice.

(3) The second requirement is that—

- (a) a vehicle licence is produced in accordance with instructions specified in the immobilisation notice and the licence is one which is in force for the vehicle concerned at the time the licence is produced; or
- (b) where such a licence is not produced, the prescribed charge for a surety payment is paid in any manner specified in the immobilisation notice.

Removal of or interference with immobilisation notice or device

7.—(1) An immobilisation notice shall not be removed or interfered with except by or under the authority of an authorised person.

(2) A person contravening paragraph (1) shall be guilty of an offence and liable on summary conviction to a fine not exceeding level 2 on the standard scale.

(3) Any person who, without being authorised to do so in accordance with regulation 6, removes or attempts to remove an immobilisation device fixed to a vehicle in accordance with these Regulations is guilty of an offence and shall be liable on summary conviction to a fine not exceeding level 3 on the standard scale.

Other offences connected with immobilisation

8.—(1) Where these Regulations would apply in relation to a vehicle but for the provisions of regulation 4(1) and (2)(a) and the vehicle was not, at the time it was stationary, being used—

- (a) in accordance with regulations under section 21 of the Chronically Sick and Disabled Persons Act 1970(1) or with regulations under section 14 of the Chronically Sick and Disabled Persons (Northern Ireland) Act 1978(2), and
- (b) in circumstances falling within section 117(1)(b) of the Road Traffic Regulation Act 1984(3) or Article 174A(2)(b) of the Road Traffic (Northern Ireland) Order 1981(4) (use where a disabled person's concession would be available).

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

(2) Where—

- (a) a person makes a declaration with a view to securing the release of a vehicle from an immobilisation device purported to have been fixed in accordance with these Regulations,
- (b) the declaration is that the vehicle is or was an exempt vehicle, and
- (c) the declaration is to the person's knowledge either false or in any material respect misleading.

that person is guilty of an offence.

(3) A person guilty of an offence by virtue of paragraph (2) is liable—

- (a) on summary conviction, to a fine not exceeding the statutory maximum, and

(1) 1970 c. 44. Section 21 was amended by the Local Government Act 1972 (c. 72) Schedule 30, the Transport Act 1982 (c. 49) section 68, the Road Traffic Regulation Act 1984 (c. 27) Schedule 13, paragraph 11, the Local Government Act 1985 (c. 51) Schedule 5, paragraph 1 and the Road Traffic Act 1991 (c. 40) section 35 and Schedule 8.

(2) 1978 c. 53.

(3) 1984 c. 27. Section 117(1) was substituted by the Road Traffic Act 1991 (c. 40) section 35 and Schedule 8.

(4) S.I.1981/154 (N.I.1).

- (b) on conviction on indictment, to imprisonment for a term not exceeding two years or to a fine or to both.