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STATUTORY INSTRUMENTS

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**2009 No. 493**

**The Road Safety (Immobilisation, Removal  
and Disposal of Vehicles) Regulations 2009**

**PART 3**

**Removal and Disposal of Vehicles**

**Power to remove vehicles**

**9.**—(1) Where any of the conditions specified in paragraph (2) are met, an authorised person, or a person acting under the direction of an authorised person, may remove the vehicle or direct the driver or the person appearing to be in charge of the vehicle to remove the vehicle.

(2) The conditions are that the authorised person considers that the vehicle should be removed—

- (a) for the safety of traffic, the vehicle, its occupants or its load;
- (b) because there is insufficient space for the vehicle to remain at the location at which the vehicle was inspected; or
- (c) because it appears to the authorised person that the vehicle has been abandoned.

**Delivery of vehicles**

**10.**—(1) An authorised person, or a person acting under the direction of an authorised person, may deliver a vehicle removed under regulation 9, or direct it to be delivered, into the custody of an identified person if—

- (a) the identified person agrees to accept delivery; and
- (b) a receipt is provided by the identified person to the authorised person, or the person acting under the direction of an authorised person, to confirm that the identified person has taken safe custody of the vehicle.

(2) An “identified person” is a person who—

- (a) is capable of accepting delivery of the vehicle; and
- (b) has agreed arrangements with the Secretary of State for accepting custody of vehicles, including arrangements regarding security and access.

(3) The arrangements made by virtue of sub-paragraph (2)(b) may include provision as to the payment of a sum to the identified person.

**Notice of removal of vehicle**

**11.**—(1) Subject to paragraph (3), where a vehicle has been removed and delivered into the custody of an identified person under regulation 10, the authorised person must provide a notice to the person referred to in paragraph (2) specifying—

- (a) the statutory power under which the vehicle has been removed;

- (b) the particulars of the place to which the vehicle has been removed;
  - (c) the identity of the person to whom the vehicle has been delivered;
  - (d) the steps to be taken to reclaim the vehicle, including—
    - (i) how payment of any release fee should be made; and
    - (ii) the evidence to be produced to show that the prohibition under which the driving of the vehicle was prohibited has been removed or has expired;
  - (e) the steps to be taken, in accordance with regulation 18, in the event of a dispute; and
  - (f) any other relevant information, including the consequences of not reclaiming the vehicle.
- (2) The notice shall be provided by the authorised person to the person who was the driver of the vehicle when the driving of the vehicle was prohibited.
- (3) If it is not reasonably practicable to give the notice to the person referred to in paragraph (2), then the authorised person shall take reasonable steps to locate the owner of the vehicle and to give the notice to the owner in writing by post.

### **Taking possession of a vehicle**

- 12.** A person (“the claimant”) may take possession of the vehicle if the claimant—
- (a) claims it before it is disposed of;
  - (b) claims it not more than three months from the date on which the vehicle was removed or the direction to remove it was given;
  - (c) produces evidence to the satisfaction of the authorised person that the claimant—
    - (i) is either the owner of the vehicle; or
    - (ii) was the person in charge of the vehicle at the time it was removed or was directed to be removed;
  - (d) pays the charges specified in the Schedule for the release, removal and custody of the vehicle, as applicable; and
  - (e) produces such evidence as is required by regulation 4(5).

### **Compensation**

- 13.—**(1) An amount calculated in accordance with paragraph (2) may be paid to a person if—
- (a) he claims after the vehicle’s disposal to be or to have been its owner or to have been the person in charge of the vehicle when it was removed; and
  - (b) the claim is made within three months of the date on which the vehicle was removed or the direction to remove the vehicle was given.
- (2) The amount payable under paragraph (1) shall be calculated by deducting from any proceeds of sale the charges specified in the Schedule in respect of the release, removal, custody and disposal of the vehicle, as applicable.

### **Power to dispose, etc., of vehicles**

- 14.** The person into whose custody the vehicle is delivered pursuant to regulation 10 may dispose, sell or destroy the vehicle as that person sees fit if the vehicle has not been claimed in accordance with regulation 12 within three months from the date on which the vehicle was removed or the direction to remove the vehicle was given.

### **Recovery of prescribed charges**

15. Whether or not a claim is made under regulation 12 or 13—

- (a) the Secretary of State; or
- (b) a person into whose custody the vehicle is delivered in accordance with regulation 10

may recover from the vehicle's owner or the person in charge of the vehicle the charges specified in the Schedule in respect of the release, removal, custody and disposal of the vehicle, as applicable.

### **Offences of failing to remove or deliver vehicles**

16. A person who fails to comply within a reasonable time with a direction under regulation 9(1) or 10(1) is guilty of an offence and liable on summary conviction to a fine not exceeding level 5 on the standard scale.

### **False or misleading statements, etc.**

17.—(1) Where—

- (a) a person makes a declaration with a view to securing possession of a vehicle purported to have been delivered into the custody of an identified person;
- (b) the declaration is that the prohibition has been removed; 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.

(2) A person guilty of an offence under paragraph (1) is liable—

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