

2023 No. 331

ROAD TRAFFIC

**The Removal, Storage and Disposal of Motor Vehicles
(Amendment) Regulations 2023**

<i>Made</i>	- - - -	<i>13th March 2023</i>
<i>Laid before Parliament</i>		<i>16th March 2023</i>
<i>Coming into force</i>	- -	<i>6th April 2023</i>

The Secretary of State makes the following Regulations in exercise of the powers conferred by sections 4(5) and (6), 5(1) and 10(1) of the Refuse Disposal (Amenity) Act 1978(a), sections 101A(3) and (4), 102(2) and (2A) and 103(3) of the Road Traffic Regulation Act 1984(b), section 165B(1) and (2)(a) to (c) and (4) of the Road Traffic Act 1988(c), section 67(3) and (5) of the Criminal Justice and Public Order Act 1994(d) and sections 60(1) and (2)(a) to (c) and 105(4) of the Police Reform Act 2002(e).

In accordance with section 134(2) of the Road Traffic Regulation Act 1984(f) and section 195(2) of the Road Traffic Act 1988, before making these Regulations the Secretary of State has consulted with such representative organisations as she thinks fit.

PART 1

General

Citation, commencement, application and extent

1.—(1) These Regulations may be cited as the Removal, Storage and Disposal of Motor Vehicles (Amendment) Regulations 2023.

(2) These Regulations come into force on 6th April 2023, but do not apply to vehicles seized or removed before that date.

(3) Parts 1 and 4 of these Regulations extend to England and Wales and Scotland.

(4) Parts 2, 3 and 5 of these Regulations extend to England and Wales only.

(a) 1978 c. 3. See the definition of “prescribed” in section 11(1).

(b) 1984 c. 27. Section 101A was inserted by paragraph 3(2) of Schedule 11 to the Traffic Management Act 2004 (c. 18). Section 102(2) was substituted by paragraph 4(1) and (2) of Schedule 11 to the Traffic Management Act 2004 and amended by section 90(1) and (2) of the Police, Crime, Sentencing and Courts Act 2022 (c. 32) and section 102(2A) was substituted by section 90(1) and (3) of the Police, Crime, Sentencing and Courts Act 2022. Section 103(3) was substituted by paragraph 33 of Schedule 4 to the Road Traffic Act 1991 (c. 40). See the definition of “prescribed” in section 142(1).

(c) 1988 c. 52. Section 165B was inserted by section 152 of the Serious Organised Crime and Police Act 2005 (c. 15).

(d) 1994 c. 33.

(e) 2002 c. 30.

(f) Section 134(2) was amended by paragraph 12(3) of Schedule 2 to the Scotland Act 2016 (c. 11).

PART 2

Amendment of the Police (Retention and Disposal of Vehicles) Regulations 1995

Amendment of the Police (Retention and Disposal of Vehicles) Regulations 1995

2. The Police (Retention and Disposal of Vehicles) Regulations 1995(a) are amended in accordance with this Part.

Amendment of regulation 2 (application and interpretation)

3. In regulation 2, in paragraph (2), at the appropriate place, insert the following definition—

““email address” means the email address provided on the vehicle’s seizure by the person from whom the vehicle was seized;”.

Amendment of regulation 4 (service of removal notice)

4. In regulation 4—

- (a) at the end of paragraph (4)(c), omit “or”;
- (b) after paragraph (4)(c), insert “(cc) by sending it to the email address; or”; and
- (c) in paragraph (4)(d)(i), after “that office” insert “, or by sending it to the email address”.

Substitution of regulation 9 (charges for removal, retention and disposal of vehicles)

5. For regulation 9, substitute—

“Charges for removal and retention of vehicles

9.—(1) The charges for the purpose of section 67(3)(b) of the 1994 Act(b) are—

- (a) the amount payable for the removal of the vehicle as set out in paragraph (2);
- (b) the amount payable for the retention of the vehicle as set out in paragraph (3).

(2) The amount payable for the removal of the vehicle—

- (a) depends upon the condition of the vehicle, the type of vehicle, whether it is on road or off road, as set out in column 1 of Table 1; and
- (b) shall be the charge specified in relation to that vehicle in columns 2 to 5 of that Table, the particular charge to be determined by—
 - (i) reference to the MAM of the vehicle as described in row 1 of that Table; and
 - (ii) for vehicles exceeding 7.5 tonnes MAM and not falling within row 2 of that Table, whether the vehicle is laden or unladen.

Table 1

<i>1</i>	<i>2</i>	<i>3</i>	<i>4</i>	<i>5</i>
1 Vehicle position and condition	Vehicle equal to or less than 3.5 tonnes MAM	Vehicle exceeding 3.5 tonnes MAM but equal to or less than 7.5 tonnes	Vehicle exceeding 7.5 tonnes MAM but equal to or less than 18 tonnes MAM	Vehicle exceeding 18 tonnes MAM

(a) S.I. 1995/723, to which there are amendments not relevant to these Regulations.

(b) The “1994 Act” is defined in regulation 2 of the Police (Retention and Disposal of Vehicles) Regulations 1995 to mean the Criminal Justice and Public Order Act 1994.

			MAM		
2	Vehicle on road, upright, and not substantially damaged, or any two wheeled vehicle whatever its condition or position on or off road	£192	£256	£448	£448
3	Vehicle, excluding a two wheeled vehicle, on road but either not upright or substantially damaged or both	£320	£832	Unladen - £2561 Laden - £3842	Unladen - £3842 Laden - £5763
4	Vehicle, excluding a two wheeled vehicle, off road, upright and not substantially damaged	£256	£512	Unladen - £1281 Laden - £1921	Unladen - £1921 Laden - £2561
5	Vehicle, excluding a two wheeled vehicle, off road but either not upright or substantially damaged or both	£384	£1089	Unladen - £3842 Laden - £5763	Unladen - £5763 Laden - £7684

(3) The amount payable for the retention of the vehicle, for each period of 24 hours or a part thereof during which the vehicle is in the custody of the authority, with regards to vehicles set out in row 1 of Table 2, is the charge specified in relation to those vehicles in row 2 of that Table.

Table 2

<i>1</i>	<i>2</i>	<i>3</i>	<i>4</i>	<i>5</i>	
1	Two wheeled vehicle	Vehicle, not including two wheeled vehicle, equal to or less than 3.5 tonnes MAM	Vehicle exceeding 3.5 tonnes MAM but equal to or less than 7.5 tonnes MAM	Vehicle exceeding 7.5 tonnes MAM but equal to or less than 18 tonnes MAM	Vehicle exceeding 18 tonnes MAM
2	£13	£26	£32	£38	£45

(4) For the purpose of this regulation, the MAM of a vehicle includes the MAM of any trailer attached to that vehicle.

(5) For the purposes of Table 1 a vehicle will only be considered upright if all the parts of the vehicle are upright.

(6) For the purposes of paragraph (3), each period of 24 hours shall be reckoned from noon on the first day after removal during which the place at which the vehicle is stored is open for the claiming of vehicles before noon.

(7) For the purpose of this regulation—

“laden” means that the vehicle is carrying a load;

“load” means anything other than—

- (a) the body and all parts of the vehicle which are necessary to or ordinarily used with the vehicle when working on a road;
- (b) any water, fuel or accumulators used for the purpose of the supply of power for the propulsion of the vehicle;

- (c) the driver, any passengers and their personal effects;
- (d) a crane, works truck as defined in regulation 3(2) of the Road Vehicles (Construction and Use) Regulations 1986(a), or other special appliance or apparatus which is a permanent or essentially permanent fixture of the vehicle; and
- (e) any containers or other equipment intended or adapted for the purpose of holding or carrying a load by the vehicle;

“MAM” means maximum authorised mass as defined in regulation 3(1) of the Motor Vehicles (Driving Licences) Regulations 1999(b);

“off road” means that no part of the vehicle is in contact with the road;

“on road” means that any part of the vehicle is in contact with the road;

“road” means any length of highway or of any other road to which the public has access, and includes bridges over which a road passes;

“substantially damaged” means such damage to a vehicle that in the reasonable opinion of a constable it cannot be driven safely on the road;

“two wheeled vehicle” means a mechanically propelled vehicle constructed or adapted to have two wheels or less and the MAM of which does not exceed 3.5 tonnes;

“unladen” means that the vehicle is not carrying a load.”.

PART 3

Amendment of the Police (Retention and Disposal of Motor Vehicles) Regulations 2002

Amendment of the Police (Retention and Disposal of Motor Vehicles) Regulations 2002

6. The Police (Retention and Disposal of Motor Vehicles) Regulations 2002(c) are amended in accordance with this Part.

Amendment of regulation 2 (interpretation)

7. In regulation 2, at the appropriate place, insert the following definition—

““email address” means the email address provided on the vehicle’s seizure by the person from whom the vehicle was seized;”.

Amendment of regulation 4 (giving of seizure notice)

8. In regulation 4—

- (a) at the end of paragraph (4)(c), omit “or”;
- (b) after paragraph (4)(c) insert “(cc) by sending it to the email address; or”;
- (c) in paragraph (4)(d), after “that office”, insert “, or by sending it to the email address”.

(a) S.I. 1986/1078, to which there are amendments not relevant to these Regulations.
 (b) S.I. 1999/2864, to which there are amendments not relevant to these Regulations.
 (c) S.I. 2002/3049 was amended by S.I. 2005/2702 and S.I. 2008/2096.

Amendment of regulation 6 (charges in relation to the removal and retention of a motor vehicle)

9. In regulation 6(a)—

- (a) in paragraph (2), for the table entitled “Table 1 – Regulation 6(2)”, substitute the table entitled “Table 1” in the Schedule, and
- (b) in paragraph (3), for the table entitled “Table 2 – Regulation 6(3)”, substitute the table entitled “Table 2” in the Schedule.

PART 4

Amendment of the Road Traffic Act 1988 (Retention and Disposal of Seized Motor Vehicles) Regulations 2005

Amendment of the Road Traffic Act 1988 (Retention and Disposal of Seized Motor Vehicles) Regulations 2005

10. The Road Traffic Act 1988 (Retention and Disposal of Seized Motor Vehicles) Regulations 2005(b) are amended in accordance with this Part.

Amendment of regulation 2 (interpretation)

11. In regulation 2 at the appropriate place, insert the following definition—

““email address” means the email address provided on the vehicle’s seizure by the person from whom the vehicle was seized;”.

Amendment of regulation 4 (giving of seizure notice)

12. In regulation 4—

- (a) at the end of paragraph (5)(b)(ii), insert “or”;
- (b) after paragraph (5)(b)(ii), insert “(iii) by sending it to the email address;”;
- (c) after paragraph (5)(c)(ii), insert “(iii) by sending to the email address; or”;
- (d) in paragraph (5)(d), after “that office” insert “or by sending it to the email address”.

Amendment of regulation 5 (release of vehicles)

13. For regulation 5(1)(a) substitute—

“(a) satisfies the authorised person that at the time of the seizure of the vehicle he was the registered keeper or the owner of that vehicle”.

Amendment of regulation 6 (charges in relation to the seizure and retention of a motor vehicle)

14. In regulation 6(c)—

- (a) in paragraph (2), for the table entitled “Table 1 – Regulation 6(2)”, substitute the table entitled “Table 1” in the Schedule, and
- (b) in paragraph (3), for the table entitled “Table 2 – Regulation 6(3)”, substitute the table entitled “Table 2” in the Schedule.

(a) Regulation 6 was substituted by regulation 4 of S.I. 2008/2096.
(b) S.I. 2005/1606 was amended by S.I. 2008/2097.
(c) Regulation 6 was substituted by regulation 4 of S.I. 2008/2097.

PART 5

Amendment of the Removal, Storage and Disposal of Vehicles (Prescribed Sums and Charges) Regulations 2008

Amendment of the Removal, Storage and Disposal of Vehicles (Prescribed Sums and Charges) Regulations 2008

15. The Removal, Storage and Disposal of Vehicles (Prescribed Sums and Charges) Regulations 2008(a) are amended in accordance with this Part.

Amendment of regulation 4 (charges in relation to the removal of vehicles)

16. In regulation 4, for the table entitled “Table 1- Regulation 4”, substitute the table entitled “Table 1” in the Schedule.

Amendment of regulation 5 (charges in relation to the storage of vehicles)

17. In regulation 5, for the table entitled “Table 2 – Regulation 5”, substitute the table entitled “Table 2” in the Schedule.

Amendment of regulation 6 (charges in relation to the disposal of vehicles)

18. In regulation 6, for the table entitled “Table 3 – Regulations 6”, substitute the table entitled “Table 3” in the Schedule.

13th March 2023

Chris Philp
Minister of State
Home Office

SCHEDULE Regulations 9, 14, 16, 17 and 18

Charges applied in respect of removal, storage and disposal of vehicles

Table 1

<i>1</i>	<i>2</i>	<i>3</i>	<i>4</i>	<i>5</i>
1 Vehicle position and condition	Vehicle equal to or less than 3.5 tonnes MAM	Vehicle exceeding 3.5 tonnes MAM but equal to or less than 7.5 tonnes MAM	Vehicle exceeding 7.5 tonnes MAM but equal to or less than 18 tonnes MAM	Vehicle exceeding 18 tonnes MAM
2 Vehicle on road, upright, and not substantially damaged, or any two wheeled vehicle whatever its condition or position on or off road	£192	£256	£448	£448

(a) S.I. 2008/2095 was amended by S.I. 2008/3013.

3	Vehicle, excluding a two wheeled vehicle, on road but either not upright or substantially damaged or both	£320	£832	Unladen - £2561 Laden - £3842	Unladen - £3842 Laden - £5763
4	Vehicle, excluding a two wheeled vehicle, off road, upright and not substantially damaged	£256	£512	Unladen - £1281 Laden - £1921	Unladen - £1921 Laden - £2561
5	Vehicle, excluding a two wheeled vehicle, off road but either not upright or substantially damaged or both	£384	£1089	Unladen - £3842 Laden - £5763	Unladen - £5763 Laden - £7684

Table 2

1	2	3	4	5	
1	Two wheeled vehicle	Vehicle, not including two wheeled vehicle, equal to or less than 3.5 tonnes MAM	Vehicle exceeding 3.5 tonnes MAM but equal to or less than 7.5 tonnes MAM	Vehicle exceeding 7.5 tonnes MAM but equal to or less than 18 tonnes MAM	Vehicle exceeding 18 tonnes MAM
2	£13	£26	£32	£38	£45

Table 3

1	2	3	4	5	
1	Two wheeled vehicle	Vehicle, not including a two wheeled vehicle, equal to or less than 3.5 tonnes MAM	Vehicle exceeding 3.5 tonnes MAM but equal to or less than 7.5 tonnes MAM	Vehicle exceeding 7.5 tonnes MAM but equal to or less than 18 tonnes MAM	Vehicle exceeding 18 tonnes MAM
2	£64	£96	£128	£160	£192

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend the Police (Retention and Disposal of Vehicles) Regulations 1995 (S.I. 1995/723) ('the 1995 Regulations'), the Police (Retention and Disposal of Motor Vehicles) Regulations 2002 (S.I. 2002/3049) ('the 2002 Regulations') and the Road Traffic Act 1988 (Retention and Disposal of Seized Motor Vehicles) Regulations 2005 (S.I. 2005/1606) ('the 2005 Regulations') to enable police officers to electronically serve notices of seizure or removal of vehicles.

These Regulations also substitute regulation 9 of the 1995 Regulations including by introducing two tables of charges. Different charges are prescribed for different classes of vehicle. The first table prescribes charges for the removal of vehicles. The charge for removal previously specified in the 1995 Regulations was £105. The second table prescribes charges for the retention of vehicles. The charge for retention previously specified in the 1995 Regulations was £12 for storage for each period of 24 hours or a part thereof. The level of the new charges prescribed is an

increase of 28% (based on the increase in inflation calculated by comparing the increase in GDP deflators between 2008 and 2021/2022) in the charges, prior to amendment by these Regulations, in regulations 4 and 5 of the Removal, Storage and Disposal of Vehicles (Prescribed Sums and Charges) Regulations 2008 (S.I. 2008/2095) ('the 2008 Regulations').

These Regulations also amend the 2002 Regulations, the 2005 Regulations and the 2008 Regulations by providing an increase in the charges of 28% (based on the increase in inflation calculated by comparing the increase in GDP deflators between 2008 and 2021/2022). The amendments provide different fees for different classes of vehicles.

A full impact assessment of the effect that this instrument will have on the costs of business, the voluntary sector and community bodies is available from the Home Office, 2 Marsham Street, London, SW1P 4DF and is published with the Explanatory Memorandum alongside this instrument at www.legislation.gov.uk.

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