
WELSH STATUTORY INSTRUMENTS

2005 No. 3252 (W.245)

ROAD TRAFFIC, WALES

**The Removal and Disposal of Vehicles
(Amendment) (Wales) Regulations 2005**

Made - - - - 23 November 2005

Coming into force - - 25 November 2005

The National Assembly for Wales (“the National Assembly”), in exercise of the powers conferred upon the Secretary of State by sections 3 and 4 of the Refuse Disposal (Amenity) Act 1978⁽¹⁾ and sections 99 and 101 of the Road Traffic Regulation Act 1984⁽²⁾ and now exercisable by the National Assembly⁽³⁾, hereby makes the following Regulations:

Title, commencement and application

1.—(1) The title of these Regulations is the Removal and Disposal of Vehicles (Amendment) (Wales) Regulations 2005 and they come into force on 25 November 2005.

(2) Subject to paragraph (3), these Regulations apply in relation to Wales.

(3) These Regulations do not apply in relation to the following parts of Wales—

- (a) that part of the M4 Motorway in Wales which comprises “the New Toll Plaza area” and “the New Bridge”, as defined in section 39(1) of the Severn Bridges Act 1992⁽⁴⁾; or
- (b) that part of the road constructed by the Minister of Transport along the line described in Schedule 1 to the North Almondsbury-South of Haysgate Trunk Road Order 1947⁽⁵⁾ and referred to in that Order as “the new road” which lies to the east of the most easterly point before reaching the River Wye at which eastbound traffic of Classes I and II (as specified in Schedule 4 to the Highways Act 1980⁽⁶⁾) can leave that road by another special road.

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

(2) 1984 c. 27. See section 142(1) for the definition of “prescribed”.

(3) The functions of the Secretary of State under sections 3 and 4 of the Refuse Disposal (Amenity) Act 1978 were transferred to the National Assembly for Wales by the National Assembly for Wales (Transfer of Functions) Order 1999, S.I. 1999/672, article 2 and Schedule 1. The functions of the Secretary of State under sections 99 and 101 of the Road Traffic Regulation Act 1984 were transferred to the National Assembly for Wales by the National Assembly for Wales (Transfer of Functions) Order 2004, S.I. 2004/3044, article 2 and Schedule 1.

(4) 1992 c. 3.

(5) S.I. 1947/1562.

(6) 1980 c. 66.

Amendment of the Removal and Disposal of Vehicles Regulations 1986

2.—(1) The Removal and Disposal of Vehicles Regulations 1986⁽⁷⁾ are amended as follows:

(2) In regulation 10 (notice period prior to removal for destruction), for “seven days” substitute “24 hours”.

(3) In regulation 14 (removal of a vehicle by the owner before disposal), for the words after “to be the owner from their custody shall be” substitute “7 days from the day when that notice is served on that person”.

Signed on behalf of the National Assembly for Wales under section 66(1) of the Government of Wales Act 1998⁽⁸⁾

23 November 2005

D. Elis-Thomas
The Presiding Officer of the National Assembly

(7) [S.I. 1986/183](#), to which amendments relevant to these Regulations have been made, in relation to England, by [S.I. 2002/746](#) and, in relation to Scotland, by [S.S.I. 2002/538](#).

(8) [1998 c. 38](#).

EXPLANATORY NOTE

(This note is not part of the Regulations)

The Removal and Disposal of Vehicles Regulations 1986 (“the 1986 Regulations”) provide for the removal and disposal of vehicles under sections 3 and 4 of the Refuse Disposal (Amenity) Act 1978 and sections 99 and 101 of the Road Traffic Regulation Act 1984.

These Regulations amend the 1986 Regulations in relation to Wales (save for those parts of the Severn Crossings which are in Wales) so as to reduce the period of notice prescribed by the 1986 Regulations in two cases:—

- (a) Where an authority proposes to remove a vehicle which appears to the authority to be abandoned and in their opinion is in such a condition that it ought to be destroyed, the notice period is reduced from 7 days to 24 hours from when a notice is affixed to the vehicle;
- (b) Where an authority has removed a vehicle (but it is not in such a condition that it ought to be destroyed) and has located the owner, the period during which the owner is required to remove the vehicle from the custody of the authority is reduced from 21 days to 7 days from when the relevant notice is served on him. The authority may dispose of the vehicle after the expiry of that period, provided that there is no licence in force for that vehicle.