



Transport (Scotland) Act 2001

2001 asp 2

PART 3

ROAD USER CHARGING

Road user charging schemes

56 Examination, immobilisation and removal of vehicles etc.

- (1) The Scottish Ministers may by regulations make provision enabling or requiring charging schemes to confer powers on persons specified in, or determined in accordance with, the regulations for or in connection with examining a motor vehicle for the purpose of ascertaining—
 - (a) whether any document required by a charging scheme to be displayed on a motor vehicle while it is on a road in respect of which charges are imposed is so displayed;
 - (b) whether any equipment required by a charging scheme to be carried in or fitted to the motor vehicle while it is on such a road is carried or fitted, is in proper working order or has been interfered with with intent to avoid payment of, or being identified as having failed to pay, a charge; or
 - (c) whether any conditions relating to the use of any such equipment are satisfied.
- (2) Regulations under subsection (1) above may include provision for or in connection with—
 - (a) conferring on a person duly authorised in writing by the charging authority, or any of the charging authorities, power to enter a motor vehicle for the purpose of exercising any of the powers conferred on that person by virtue of that subsection;
 - (b) conferring on a person on whom power to enter a motor vehicle has been conferred by virtue of paragraph (a) above power to seize anything (if necessary by detaching it from a motor vehicle) and detain it as evidence of the commission of an offence under section 55(4) or (5) of this Act.
- (3) Any person who intentionally obstructs a person acting in the exercise of any power conferred by virtue of subsection (2) above shall be guilty of an offence and liable—
 - (a) on summary conviction, to a fine not exceeding the statutory maximum; or

Changes to legislation: Transport (Scotland) Act 2001, Section 56 is up to date with all changes known to be in force on or before 19 March 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

- (b) on conviction on indictment, to a fine.
- (4) The Scottish Ministers may by regulations make provision enabling or requiring charging schemes to make provision for or in connection with—
 - (a) the fitting of immobilisation devices to motor vehicles;
 - (b) the fixing of notices to motor vehicles to which an immobilisation device has been fitted;
 - (c) the removal and storage of motor vehicles;
 - (d) the release of motor vehicles from immobilisation devices or from storage;
 - (e) the satisfaction of conditions before the release of a motor vehicle; and
 - (f) the sale or destruction of motor vehicles not released.
- (5) Any person who removes or interferes with a notice fixed to a motor vehicle in accordance with provision included in a charging scheme by virtue of subsection (4) above in contravention of such provision shall be guilty of an offence and liable on summary conviction to a fine not exceeding level 2 on the standard scale.
- (6) Any person who removes or attempts to remove an immobilisation device fitted to a motor vehicle in accordance with provision included in a charging scheme by virtue of subsection (4) above in contravention of such provision shall be guilty of an offence and liable on summary conviction to a fine not exceeding level 3 on the standard scale.
- (7) Any person who intentionally obstructs a person exercising any power conferred by provision included in a charging scheme by virtue of subsection (4) above shall be guilty of an offence and liable on summary conviction to a fine not exceeding level 3 on the standard scale.
- (8) A charging scheme may authorise or require—
 - (a) the examination of a motor vehicle;
 - (b) the fitting of an immobilisation device to a motor vehicle; or
 - (c) the removal of a motor vehicle,only if the vehicle is on a road.
- (9) In this section “immobilisation device” has the same meaning as in section 104 of the Road Traffic Regulation Act 1984 (c.27).

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Changes and effects yet to be applied to the whole Act associated Parts and Chapters:

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- Pt. 2 Ch. 3 applied in part by [2019 asp 17 s. 47\(1\)\(2\)](#)
- Pt. 2 Ch. 3 inserted by [2019 asp 17 s. 41\(2\)](#)
- Pt. 2 Ch. 4 heading inserted by [2019 asp 17 sch. para. 3\(2\)](#)
- s. 27B and cross-heading inserted by [2019 asp 17 s. 42\(2\)](#)
- s. 29(3A)-(3C) inserted by [2019 asp 17 s. 44\(2\)\(a\)](#)
- s. 29(7)(8) inserted by [2019 asp 17 s. 44\(2\)\(c\)](#)
- s. 30(3)(ca)-(cc) inserted by [2019 asp 17 s. 44\(3\)\(b\)](#)
- s. 31(1A) inserted by [2019 asp 17 s. 44\(4\)\(a\)](#)
- s. 31(3)(ca) inserted by [2019 asp 17 s. 44\(4\)\(b\)\(iii\)](#)
- s. 31(5)-(7) inserted by [2019 asp 17 s. 44\(4\)\(d\)](#)
- s. 32A inserted by [2019 asp 17 s. 45\(2\)](#)
- s. 32B and cross-heading inserted by [2019 asp 17 s. 46\(2\)](#)
- s. 35A inserted by [2019 asp 17 s. 40\(2\)](#)
- s. 39(1)(ca) inserted by [2019 asp 17 s. 40\(3\)](#)
- s. 79(1)(ca) inserted by [2019 asp 17 s. 48\(2\)\(b\)](#)