



# Antisocial Behaviour etc. (Scotland) Act 2004

2004 asp 8

## PART 10

### FURTHER CRIMINAL MEASURES

#### *Seizure of vehicles*

#### **127 Retention etc. of vehicles seized under section 126**

- (1) The Scottish Ministers may by regulations make provision as to—
  - (a) the removal and retention of motor vehicles seized under section 126; and
  - (b) the release or disposal of such vehicles.
- (2) Regulations under subsection (1) may in particular make provision for or in connection with—
  - (a) the giving of notice of the seizure of a motor vehicle under section 126 to a person who—
    - (i) is the owner of that vehicle; or
    - (ii) in accordance with the regulations, appears to be its owner;
  - (b) the procedure by which a person who claims to be the owner of a motor vehicle seized under section 126 may seek to have it released;
  - (c) requiring the payment of fees, charges or other costs in relation to—
    - (i) the removal and retention of such a motor vehicle; and
    - (ii) any application for its release;
  - (d) the circumstances in which a motor vehicle seized under section 126 may be disposed of;
  - (e) the delivery to a local authority, in circumstances prescribed by or determined in accordance with the regulations, of any motor vehicle seized under section 126.
- (3) Regulations under subsection (1) shall provide that a person who would otherwise be liable to pay any fee or charge under the regulations shall not be liable to pay it if—

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*Status: This is the original version (as it was originally enacted).*

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- (a) the use by reference to which the motor vehicle concerned was seized was not a use by that person; and
  - (b) the person—
    - (i) did not know of the use of the vehicle in the manner that led to its seizure;
    - (ii) had not consented to its use in that manner; and
    - (iii) could not, by the taking of reasonable steps, have prevented its use in that manner.
- (4) In this section, “motor vehicle” has the same meaning as in section 126.