

STATUTORY INSTRUMENTS

2005 No. 1964

The Traffic Management (Northern Ireland) Order 2005

Immobilisation and removal of vehicles

Removal of vehicles by the [F¹ enforcement authority]

21.—(1) The [F¹ enforcement authority] may remove to another place a stationary vehicle ^{F2} ... if—

- (a) a traffic attendant has fixed a penalty charge notice to the vehicle; or
- (b) an amount is recoverable [F³ by the enforcement authority] from the owner of the vehicle under Article 15 and prescribed conditions are satisfied.

[F⁴(1A) The power of an enforcement authority under paragraph (1) is exercisable only—

- (a) in the case of a district council, in relation to a vehicle in an off-street parking place in the district of the council (other than one operated as a “park and ride” or “park and share” parking place);
- (b) in the case of the Department, in relation to a vehicle on a public road or in an off-street parking place operated as a “park and ride” or “park and share” parking place.]

(2) The [F¹ enforcement authority] may remove a vehicle under paragraph (1) in such manner as it thinks necessary and may take such measures in relation to the vehicle as it thinks necessary to enable the vehicle to be removed.

(3) The power of removal conferred by paragraph (1) in relation to a vehicle before it was moved shall continue to be exercisable in relation to the vehicle while it remains in the place to which it was moved.

(4) The [F¹ enforcement authority] shall take such steps as are reasonably necessary for the safe custody of a vehicle which is removed under paragraph (1) to a place which is not on a public road.

(5) Paragraph (4) shall not apply if in the opinion of the [F¹ enforcement authority] the vehicle is in such a condition that it ought to be destroyed.

(6) The power of removal conferred by paragraph (1) in relation to a vehicle includes power to remove from the vehicle any of its contents where—

- (a) it is reasonable to do so to facilitate the removal of the vehicle;
- (b) there is good reason for storing them at a different place from the vehicle; or
- (c) their condition requires them to be disposed of without delay.

(7) A person who intentionally obstructs or impedes, or assists another person to obstruct or impede, the removal of a vehicle under this Article shall be guilty of an offence and liable on summary conviction to a fine not exceeding level 3 on the standard scale.

(8) It shall be the duty of the Department to prescribe conditions for the purposes of paragraph (1) (b).

F1 Words in arts. 5-28 (except arts. 8(3)(4), 18(6), 21(8), 24(1)) substituted (1.4.2015) by [Off-street Parking \(Functions of District Councils\) Act \(Northern Ireland\) 2015 \(c. 3\)](#), art. 1(8), [Sch. para. 8](#)

- F2** Words in art. 21(1) omitted (1.4.2015) by virtue of Off-street Parking (Functions of District Councils) Act (Northern Ireland) 2015 (c. 3), art. 1(8), **Sch. para. 10(2)(a)**
- F3** Words in art. 21(1)(b) inserted (1.4.2015) by Off-street Parking (Functions of District Councils) Act (Northern Ireland) 2015 (c. 3), art. 1(8), **Sch. para. 10(2)(b)**
- F4** Art. 21(1A) inserted (1.4.2015) by Off-street Parking (Functions of District Councils) Act (Northern Ireland) 2015 (c. 3), art. 1(8), **Sch. para. 10(3)**

Modifications etc. (not altering text)

- C1** Arts. 3-28: transfer of functions (1.4.2015) by Off-street Parking (Functions of District Councils) Act (Northern Ireland) 2015 (c. 3), **arts. 1(3)(8)** (with art. 1(5))

Commencement Information

- I1** Art. 21 wholly in force at 30.10.2006; art. 21(1)(b)(8) in force at 20.8.2005 see art. 1(2); art. 21(1)(a)(2)-(7) in force at 30.10.2006 by S.R. 2006/347, **art. 2**, Sch.

Changes to legislation:

There are currently no known outstanding effects for the The Traffic Management (Northern Ireland) Order 2005, Section 21.