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STATUTORY INSTRUMENTS

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**2005 No. 1964**

**The Traffic Management (Northern Ireland) Order 2005**

*Immobilisation and removal of vehicles*

**Disposal or recovery of vehicles removed under Article 21**

**23.**—(1) Subject to paragraphs (2) and (3), the [F<sup>1</sup>enforcement authority] may, in such manner as it thinks fit, dispose of a vehicle which has been removed by the [F<sup>1</sup>enforcement authority] under Article 21.

(2) The [F<sup>1</sup>enforcement authority] shall not dispose of a vehicle under paragraph (1)—

- (a) before the end of the period of 35 days from the removal date; and
- (b) unless—
  - (i) the owner of the vehicle has failed to comply with a notice served on him requiring him to remove the vehicle from the custody of the [F<sup>1</sup>enforcement authority] within 21 days from the date of the notice; or
  - (ii) the [F<sup>1</sup>enforcement authority] has been unable to serve such a notice.

(3) If before a vehicle is disposed of by the [F<sup>1</sup>enforcement authority] under paragraph (1), the vehicle is claimed by a person who satisfies the [F<sup>1</sup>enforcement authority] —

- (a) that he is the owner of the vehicle or is acting with the authority of the owner, and
- (b) that the relevant charges have been paid,

the [F<sup>1</sup>enforcement authority] shall permit him to remove the vehicle from its custody.

(4) If, before the expiration of one year from the date on which a vehicle is sold in pursuance of this Article, any person satisfies the [F<sup>1</sup>enforcement authority] that at the time of the sale he was the owner of the vehicle, the [F<sup>1</sup>enforcement authority] shall pay him any sum by which the proceeds of sale exceed the relevant charges.

(5) If the relevant charges exceed the proceeds of sale, the amount of the difference shall be recoverable by the [F<sup>1</sup>enforcement authority] from the person who was the owner of the vehicle on the removal date and Article 15(5) shall apply to that amount and any costs reasonably incurred by the [F<sup>1</sup>enforcement authority] as it applies in relation to a sum recoverable under that Article.

(6) The [F<sup>1</sup>enforcement authority] may dispose of the contents of a vehicle (including those removed from the vehicle under Article 21(6)) and references in paragraphs (4) and (5) to the proceeds of sale include any proceeds of sale of the contents.

(7) In this Article—

“relevant charges” means—

- (a) the penalty charge payable if a penalty charge notice was fixed to the vehicle;
- (b) any amount recoverable under Article 15 from the person who was the owner of the vehicle on the removal date; and
- (c) such charges in respect of the removal and storage, and in paragraph (4) disposal, of the vehicle as may be prescribed;

“removal date” means the date on which the vehicle was removed (or first removed) under Article 21.

(8) If in the case of any vehicle it appears to the [<sup>F1</sup>enforcement authority] that more than one person is or was the owner of the vehicle at the time of the sale, such one of them as the [<sup>F1</sup>enforcement authority] thinks fit shall be treated as the owner of the vehicle for the purposes of paragraphs (3) and (4).

**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**

**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. 23 wholly in force at 30.10.2006; art. 23(7) in force at 20.8.2005 see art. 1(2); art. 23(1)-(6)(8) 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 23.