
STATUTORY RULES OF NORTHERN IRELAND

2006 No. 243

The Unauthorised Encampments (Retention and Disposal of Vehicles) Regulations (Northern Ireland) 2006

Disposal and destruction of vehicles

6.—(1) Where the authority have been unable to serve a removal notice on the person from whom the vehicle was seized or, following the service of a removal notice, the vehicle has not been removed from their custody under these Regulations, the authority may dispose of or destroy the vehicle in accordance with the following provisions of this regulation.

(2) If the authority are satisfied that the person on whom they have served or attempted to serve a removal notice is the owner of the vehicle, they may dispose of or destroy the vehicle at any time, subject to paragraph (5).

(3) Where the authority are not so satisfied, they may, after taking steps under paragraph (4) to find a person who may be the owner of the vehicle and any other steps for that purpose which appear to them to be practicable, in such manner as they think fit dispose of or destroy the vehicle at any time, subject to paragraph (5), if—

- (a) they fail to find such a person, allowing a reasonable time for any person or body from whom they have requested information to respond to the request; or
- (b) they find such a person but he fails to comply with a removal notice served on him under this paragraph but complying with, and served in accordance with, regulation 4; or
- (c) they find such a person but he is a person on whom the authority have already served or attempted to serve a removal notice under regulation 4.

(4) The steps to be taken under this paragraph to find a person who may be the owner of the vehicle shall be such of the following as are applicable to the vehicle—

- (a) if the vehicle carries a N.I. registration mark—
 - (i) the authority shall ascertain from the records maintained by the Secretary of State for Transport in connection with any functions exercisable by him by virtue of the Vehicle Excise and Registration Act 1994 the name and address of the person by whom the vehicle is kept and used; and
 - (ii) they shall give, where practicable, the specified information to a relevant agency and shall enquire of them whether they can make any enquiries to find the owner of the vehicle;
- (b) if the vehicle carries a mark indicating registration in Great Britain, the authority shall give the specified information and a description of the place where the vehicle was seized to the Secretary of State for Transport and, where practicable, the specified information to a relevant agency and shall enquire of them whether they can make any enquiries to find the owner of the vehicle;
- (c) if the vehicle carries a registration mark other than the one mentioned in sub-paragraphs (a) and (b), the authority shall, where practicable, give the specified information to a relevant agency and shall enquire of it whether it can make enquiries to find the owner of the vehicle.

- (5) The authority may not destroy or dispose of the vehicle under this regulation —
- (a) during the period of 3 months starting with the date on which the vehicle was seized;
 - (b) if the period in sub-paragraph (a) has expired, until after the date specified by virtue of regulation 4(3)(c); or
 - (c) if not otherwise covered by sub-paragraph (a) or (b), during the period of 7 days starting with the date on which the vehicle is claimed under regulation 5.
- (6) In this regulation “relevant agency” means such agency maintaining records of hire purchase agreements about vehicles as the authority considers appropriate.