
SCOTTISH STATUTORY INSTRUMENTS

2005 No. 80

The Police (Retention and Disposal of Motor Vehicles) (Scotland) Regulations 2005

Release of vehicles

5.—(1) Subject to the provisions of these Regulations, if, before a relevant motor vehicle is disposed of by a retaining authority, a person satisfies the retaining authority that they are the owner of that motor vehicle and pay to the retaining authority such a charge in respect of its removal and retention as is provided for in regulation 6, the retaining authority shall permit that person to remove the motor vehicle from such custody.

(2) In determining whether the retaining authority is satisfied that a person who claims to be the owner of a relevant motor vehicle is in fact the owner, the retaining authority may consider such documentary evidence as may be supplied.

(3) A person who would otherwise be liable to pay a charge under paragraph (1) shall not be liable to pay it if—

- (a) the use by reference to which the motor vehicle was seized under section 126 of the 2004 Act was not a use by that person; and
- (b) that person did not know of the use of the motor vehicle in the manner which led to its seizure, had not consented to its use in that manner and could not, by the taking of reasonable steps, have prevented its use in that manner.