
DRAFT STATUTORY INSTRUMENTS

2007 No.

The Road Traffic (Northern Ireland) Order 2007

PART II

OFFENCES AND ENFORCEMENT

Miscellaneous

Power to seize etc. vehicles driven without insurance

21. After Article 180B of the Order of 1981 insert—

“Power to seize vehicles driven without insurance

180C.—(1) Paragraph (4) applies if any of the following conditions is satisfied.

(2) The first condition is that—

- (a) a constable in uniform requires, under Article 180(2), a person to produce evidence that a motor vehicle is not or was not being driven in contravention of Article 90;
- (b) the person fails to produce such evidence; and
- (c) the constable has reasonable grounds for believing that the vehicle is or was being so driven.

(3) The second condition is that—

- (a) a constable in uniform requires, under Article 180(1), a person driving a motor vehicle to stop the vehicle;
- (b) the person fails to stop the vehicle, or to stop the vehicle long enough, for the constable to make such lawful enquiries as he considers appropriate; and
- (c) the constable has reasonable grounds for believing that the vehicle is or was being driven in contravention of Article 90.

(4) Where this paragraph applies, the constable may—

- (a) seize the vehicle in accordance with paragraphs (5) and (6) and remove it;
- (b) enter, for the purpose of exercising a power falling with sub-paragraph (a), any premises (other than a private dwelling house) on which he has reasonable grounds for believing the vehicle to be;
- (c) use reasonable force, if necessary, in the exercise of any power conferred by sub-paragraph (a) or (b).

(5) Before seizing the motor vehicle, the constable must warn the person by whom it appears that the vehicle is or was being driven in contravention of Article 90 that he will seize it if the person does not provide him immediately with evidence that the vehicle is not or was not being driven in contravention of that Article.

But the constable is not required to give him such a warning if the circumstances make it impracticable for him to do so.

(6) If the constable is unable to seize the vehicle immediately because the person driving the vehicle has failed to stop as requested or has driven off, he may seize it at any time within the period of 24 hours beginning with the time at which the condition in question is first satisfied.

(7) The powers conferred on a constable by this Article are exercisable only at a time when regulations under Article 180D are in operation.

(8) In this Article—

- (a) a reference to a motor vehicle does not include an invalid carriage;
- (b) a reference to evidence that a motor vehicle is not or was not being driven in contravention of Article 90 is a reference to a document or other evidence within Article 103(1)(b);
- (c) “private dwelling house” does not include any garage or other structure occupied with the dwelling house, or any land appurtenant to the dwelling house.

Retention etc. of vehicles seized under Article 180C

180D.—(1) The Secretary of State may by regulations make provision as to—

- (a) the removal and retention of motor vehicles seized under Article 180C; and
- (b) the release or disposal of such motor vehicles.

(2) Regulations under paragraph (1) may, in particular, make provision—

- (a) for the giving of notice of seizure of a motor vehicle under Article 180C to a person who is the registered keeper, the owner or the driver of that vehicle;
- (b) for the procedure by which a person who claims to be the registered keeper or the owner of a motor vehicle seized under Article 180C may seek to have it released;
- (c) for requiring the payment, by the registered keeper, owner or driver of the vehicle, of fees, charges or costs in relation to the removal and retention of such a motor vehicle and to any application for its release;
- (d) as to the circumstances in which a motor vehicle seized under Article 180C may be disposed of;
- (e) as to the destination—
 - (i) of any fees, charges or costs payable in accordance with the regulations;
 - (ii) of the proceeds (if any) arising from the disposal of a motor vehicle seized under Article 180C.

(3) Regulations under paragraph (1) must provide that a person who would otherwise be liable to pay any fee, charge or cost under the regulations is not liable to pay it if—

- (a) he was not driving the motor vehicle at the time in question, and
- (b) he did not know that the vehicle was being driven at that time, had not consented to its being driven and could not, by the taking of reasonable steps, have prevented it from being driven.

(4) Regulations under this Article shall be subject to annulment in pursuance of a resolution of either House of Parliament in like manner as a statutory instrument and section 5 of the Statutory Instruments Act 1946 (c. 36) shall apply accordingly.

(5) In this Article “registered keeper”, in relation to a motor vehicle, means the person in whose name the vehicle is registered under the Vehicle Excise and Registration Act 1994.”.