



Malvern Hills Act 1995

1995 CHAPTER iii

20 Removal of placards and abandoned machinery and vehicles

- (1) The Conservators may remove bills, placards and signs posted or placed on any wall, railing, fence, tree, lamp post, walk, pavement or seat or elsewhere within the Malvern Hills and any other articles or things, including without prejudice to the generality of the foregoing, farm machinery placed or left on the Malvern Hills without proper authority or in contravention of any byelaw duly made by the Conservators or which appears to the Conservators to have been abandoned.
- (2)
 - (a) This subsection applies in relation to items removed under subsection (1) above other than vehicles.
 - (b)
 - (i) On removal the Conservators shall impound such items as are capable of impoundment in a convenient place and if on expiry of a period of 14 days beginning with the day of removal the owner has not claimed the item and paid all expenses incurred by reason of its removal, impoundment and storage the Conservators may dispose of the item in such a manner as they think fit.
 - (ii) In the case of farm machinery the Conservators shall give notice of the impounding to the officer in charge of a police station and also to the owner of the machinery if his identity be known to them or can reasonably be ascertained and shall not dispose of it in accordance with sub-paragraph (i) above until the expiry of a period of 28 days beginning with the day of removal.
- (3)
 - (a) In the case of vehicles, the power of removal under this section applies only to relevant vehicles.
 - (b) Not less than 7 days before removing a relevant vehicle the Conservators shall cause to be affixed to the vehicle a notice stating that they propose to remove it when that period expires for disposal pursuant to subsections (5) and (6) below.
- (4) On removal the Conservators may impound a relevant vehicle in a convenient place and on such impoundment shall give notice of the impounding to the officer in charge of a police station and also to the owner of the vehicle if his identity be known to them or can reasonably be ascertained.

Status: This is the original version (as it was originally enacted). This item of legislation is currently only available in its original format.

- (5) Subject to the following provisions of this section, the Conservators may, in such manner as they think fit, dispose of a relevant vehicle which has been removed under this section.
- (6) The time at which the Conservators may dispose of a vehicle under subsection (5) above is as follows:—
- (a) in the case of a motor vehicle on which no current licence was displayed at the time of its removal, any time after its removal;
 - (b) in the case of a motor vehicle on which a current licence was so displayed, any time after the licence expires;
 - (c) in the case of a vehicle other than a motor vehicle, any time after the expiration of a period of 28 days beginning with the day of removal.
- (7) If, before the vehicle is disposed of by the Conservators in pursuance of subsections (5) and (6) above, the vehicle is claimed by a person who satisfies the Conservators that he is its owner and pays the Conservators all expenses incurred by reason of its removal, impoundment and storage, the Conservators shall permit him to remove the vehicle from their custody within the prescribed period.
- (8) If in the case of any vehicle it appears to the Conservators that more than one person is or was its owner at the relevant time, such one of them as the Conservators think fit shall be treated as its owner for the purposes of subsection (7) above.
- (9) The Conservators shall, in relation to the disposal, give to such persons as are prescribed by regulations under subsection (7) of section 101 of the Act of 1984 such information as is so prescribed, as if the Conservators were a competent authority within the meaning of that section and the disposal were a disposal in pursuance of that section.
- (10) For the purposes of this section—
- “the Act of 1984” means the Road Traffic Regulation Act 1984;
 - “licence”, “owner” and “vehicle” have the same respective meanings as in section 101 of the Act of 1984 and “motor vehicle” has the same meaning as in section 136 of that Act;
 - “prescribed period”, in relation to removal of a vehicle from the Conservators' custody, means the period commencing on the day on which the Conservators became satisfied that the person claiming the vehicle was its owner and ending on the expiration of the seventh day after that day, or at the time when the vehicle is disposed of, whichever is the later;
 - “relevant vehicle” means a vehicle which appears to the Conservators to be abandoned on the Malvern Hills and which, in the case of a motor vehicle, is in their opinion in such a condition that it ought to be destroyed.