



Refuse Disposal (Amenity) Act 1978

1978 CHAPTER 3

Abandoned vehicles and other refuse

3 Removal of abandoned vehicles

- (1) Where it appears to a local authority that a motor vehicle in their area is abandoned without lawful authority on any land in the open air or on any other land forming part of a highway, it shall be the duty of the authority, subject to the following provisions of this section, to remove the vehicle.
- (2) Where it appears to a local authority that the land on which a motor vehicle is abandoned as aforesaid is occupied by any person, the authority shall give him notice in the prescribed manner that they propose to remove the vehicle in pursuance of subsection (1) above but shall not be entitled to remove it if he objects to the proposal in the prescribed manner and within the prescribed period.
- (3) A local authority shall not be required by virtue of subsection (1) above to remove a vehicle situated otherwise than on a carriageway within the meaning of the Highways Act 1959 if it appears to them that the cost of its removal to the nearest convenient carriageway within the meaning of that Act would be unreasonably high.
- (4) In the application of subsection (3) above to Scotland, "carriageway" means a way, other than a cycle track, over which the public have a right of way for the passage of vehicles.
- (5) Where in pursuance of this section a local authority propose to remove a vehicle which in their opinion is in such a condition that it ought to be destroyed they shall, not less than the prescribed period before removing it, cause to be affixed to the vehicle a notice stating that the authority propose to remove it for destruction on the expiration of that period.
- (6) Any vehicle removed by the council of a London borough or the Common Council under this section shall be delivered by them to the Greater London Council in accordance with such arrangements (including arrangements as to the sharing of any expenses incurred or sums received by the council and the Greater London Council

under this Act) as may be agreed between the council and the Greater London Council or, in default of agreement, as may be determined by the Secretary of State.

- (7) Any vehicle removed by the council of a district in England under this section shall be delivered by them to the county council in accordance with such arrangements (including arrangements as to the sharing of any expenses incurred or sums received by the district council and the county council under this Act) as may be agreed between the district council and the county council or, in default of agreement, as may be determined by arbitration.
- (8) While a vehicle, other than a vehicle to which a notice was affixed in accordance with subsection (5) above, is in the custody of a local authority or the Greater London Council or the council of a county in England in pursuance of this section, it shall be the duty of that body to take such steps as are reasonably necessary for the safe custody of the vehicle.
- (9) Subsections (5) and (6) of section 1 above shall apply to the duties imposed by subsections (1) and (2) above as if—
- (a) for any reference to the duty imposed by that section there were substituted a reference to the duties aforesaid; and
 - (b) for any reference to a local authority within the meaning of that section there were substituted a reference to a local authority within the meaning of this section.

4 Disposal of removed vehicles

- (1) Subject to subsections (5) and (6) below, a local authority may, in such manner as they think fit, dispose of any vehicle which is in their custody in pursuance of section 3 above—
- (a) in the case of a vehicle to which a notice was affixed in accordance with subsection (5) of that section and on which no current licence was displayed at the time of its removal, at any time after its removal;
 - (b) in the case of a vehicle to which a notice was so affixed and on which a current licence was so displayed, at any time after the licence expires ;
 - (c) in any other case, at any time after the local authority have taken such steps as may be prescribed to find a person appearing to them to be the owner of the vehicle and either—
 - (i) they have failed to find such a person, or
 - (ii) he has failed to comply with a notice served on him in the prescribed manner by the local authority requiring him to remove the vehicle within the prescribed period from their custody,
 but not earlier, in a case where it appears to the local authority that a licence is in force in respect of the vehicle, than the expiration of the licence.
- (2) On the relevant date, subsection (1) above shall have effect subject to the provisions of this subsection, that is to say—
- (a) any reference in paragraphs (a) and (b) to a current licence shall be construed as including a reference to a licence which was current during any part of the period of 14 days ending with the day preceding that on which the removal of the vehicle in question took place; and

- (b) the reference in paragraph (b) to the expiration of a licence shall be construed as a reference to the expiration of the period of 14 days beginning with the day following that on which the licence expired,
and for the purposes of paragraph (c) of that subsection an expired licence shall be treated as still in force during the period of 14 days beginning with the day following that on which it expired, and the reference in that paragraph to the expiration of the licence shall be construed accordingly.
- (3) The power to dispose of vehicles conferred on a local authority by subsection (1) above includes power to provide plant and apparatus for the purpose of disposing of vehicles.
- (4) The Secretary of State may by regulations require a local authority by whom a vehicle is disposed of in pursuance of this section to give such information relating to the disposal as may be prescribed to such persons as may be prescribed.
- (5) If before a vehicle is disposed of by a local authority in pursuance of this section the vehicle is claimed by a person who satisfies the authority that he is its owner and pays to the authority such sums in respect of its removal and storage as may be prescribed, the local authority shall permit him to remove the vehicle from their custody during such period as may be prescribed.
- (6) If before the expiration of the period of one year beginning with the date on which a vehicle is sold by a local authority in pursuance of this section any person satisfies the authority that at the time of its sale he was the owner of the vehicle, the local authority shall pay over to him any sum by which the proceeds of sale exceed the aggregate of such sums in respect of the removal, storage and disposal of the vehicle as may be prescribed.
- (7) If in the case of any vehicle it appears to a local authority that more than one person is or was its owner at the relevant time, such one of them as the authority think fit shall be treated as its owner for the purposes of subsections (5) and (6) above.
- (8) In this section "local authority" means, in relation to England, a county council or the Greater London Council.

5 Recovery of expenses connected with removed vehicles

- (1) Where a vehicle is removed in pursuance of section 3(1) above the appropriate authority shall be entitled to recover from any person responsible—
- (a) such charges as may be prescribed in respect of the removal of the vehicle ;
and
 - (b) charges ascertained by reference to a prescribed scale in respect of any period during which the vehicle is in the custody of the authority ; and
 - (c) where the vehicle is disposed of in pursuance of section 4 above, charges determined in the prescribed manner in respect of its disposal.
- (2) Any sum recoverable by virtue of this section shall be recoverable as a simple contract debt in any court of competent jurisdiction.
- (3) Without prejudice to subsection (2) above, the court by which a person is convicted of an offence under section 2(1) above in respect of a motor vehicle may, on the application of the appropriate authority and in addition to any other order made by the court in relation to that person, order him to pay to the authority any sum which,

in the opinion of the court, the authority are entitled to recover from him under this section in respect of the vehicle.

(4) In this section—

" the appropriate authority " means—

- (a) in the case of a vehicle removed in pursuance of section 3(1) above by the council of a district in England, the county council;
- (b) in the case of a vehicle so removed by a local authority in Wales, the local authority ; and
- (c) in the case of a vehicle so removed by the council of a London borough or the Common Council, the Greater London Council; and

" person responsible ", in relation to a vehicle, means—

- (a) the owner of the vehicle at the time when it was put in the place from which it was so removed, unless he shows that he was not concerned in and did not know of its being put there ;
- (b) any person by whom it was put in the place aforesaid;
- (c) any person convicted of an offence under section 2(1) above in consequence of the putting of the vehicle in the place aforesaid.

(5) For the purposes of subsection (1)(b) above—

- (a) a vehicle removed in pursuance of the said section 3(1) by the council of a London borough or the Common Council shall be treated as in the custody of the Greater London Council while it was in the custody of the council by whom it was so removed ; and
- (b) a vehicle so removed by the council of a district in England shall be treated as in the custody of the county council while it was in the custody of the district council by whom it was so removed.

(6) In the application of this section to Scotland—

- (a) the definition of " the appropriate authority " shall be omitted and for any other reference to the appropriate authority there shall be substituted a reference to the local authority;
- (b) subsection (2) and in subsection (3) the words from the beginning to " subsection (2) above " shall be omitted.

6 Removal and disposal etc. of other refuse

- (1) Where it appears to a local authority that any thing in their area, other than a motor vehicle, is abandoned without lawful authority on any land in the open air or on any other land forming part of a highway, the authority may if they think fit, subject to subsection (2) below, remove the thing.
- (2) A local authority shall not be entitled to exercise their powers under subsection (1) above as respects a thing situated on land appearing to the authority to be occupied by any person unless the authority have given him notice in the prescribed manner that they propose to remove the thing and he has failed to object to the proposal in the prescribed manner and within the prescribed period.
- (3) Section 76 of the Public Health Act 1936 (which relates to the deposit and disposal of refuse) shall, with the exception of subsection (3)(a) of that section, apply to any thing removed in pursuance of subsection (1) above as it applies to other refuse.

- (4) Subject to subsection (5) below, a local authority by whom any thing is removed in pursuance of subsection (1) above shall be entitled to recover the cost of removing and disposing of it from—
- (a) any person by whom it was put in the place from which it was so removed, or
 - (b) any person convicted of an offence under section 2(1) above in consequence of the putting of the thing in that place.
- (5) Any sum received in pursuance of subsection (4) above by a local authority in Greater London in respect of the cost to the Greater London Council of disposing of any thing shall be paid over by the authority to the Council.
- (6) Subsections (2) and (3) of section 5 above shall apply for the purposes of this section as they apply for the purposes of that section, but as if in the said subsection (3)—
- (a) for references to a vehicle there were substituted references to any other thing, and
 - (b) for references to the appropriate authority there were substituted references to the relevant local authority.
- (7) In the application of this section to Scotland—
- (a) for subsection (3) there shall be substituted the following subsection—
 - “(3) A local authority may—
 - (a) provide places for the deposit of any thing removed by them under subsection (1) above;
 - (b) provide plant and apparatus for the treatment or disposal of any thing deposited at such a place; and
 - (c) sell or otherwise dispose of any such thing.”; - (b) in subsection (6), for paragraphs (a) and (b) there shall be substituted the words " for references to a vehicle there were substituted references to any other thing ".
- (8) On the relevant date—
- (a) for subsection (3) of this section there shall be substituted the following subsection:—
 - “(3) A local authority may—
 - (a) provide places for the deposit of any thing removed by them under subsection (1) above;
 - (b) provide plant and apparatus for the treatment or disposal of any thing deposited at such a place; and
 - (c) sell or otherwise dispose of any such thing.”; - (b) subsection (7)(a) of this section shall be omitted.