



Refuse Disposal (Amenity) Act 1978

1978 CHAPTER 3

Abandoned vehicles and other refuse

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) [^{F1}in the case of a vehicle which in the opinion of the authority is in such a condition that it ought to be destroyed, at any time after its removal;]
 - (b) [^{F1}in the case of a vehicle, not falling within paragraph (a), which—
 - (i) does not display a licence (whether current or otherwise and whether or not the vehicle is required to display a licence), and
 - (ii) does not display any registration mark (whether indicating registration within or outside the United Kingdom),at any time after its removal;]
 - (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,[^{F2}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) [^{F3}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

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- (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.
- ^{F4}(4)
- (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.
- ^{F5}(8) In this section “ local authority ” means, in relation to England, the council of a county, metropolitan district or London borough or the Common Council.]

Subordinate Legislation Made

- P1** S. 4: for exercise of this power see Index to Government Orders.
P2 S. 4(5)(6) (with ss. 5(1)(a)(b) and 11(1)) power exercised by [S.I.1991/336](#).
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Textual Amendments

- F1** S. 4(1)(a)(b) substituted (18.10.2005 for E., 27.10.2006 for W.) by [Clean Neighbourhoods and Environment Act 2005 \(c. 16\)](#), **ss. 12(2)**, 108(1), 108(2); [S.I. 2005/2896](#), art. 3(b) (with art. 4); [S.I. 2006/2797](#), art. 2(b) (with art. 8); [S.I. 2005/2896](#), art. 3(b) (with art. 4); [S.I. 2006/2797](#), art. 2(b) (with art. 8)
- F2** Words in s. 4(1) repealed (E.W.) (18.10.2005 for E., 27.10.2006 for W.) by [Clean Neighbourhoods and Environment Act 2005 \(c. 16\)](#), **ss. 12(3)**, 108(1), 108(2), **Sch. 5 Pt. 1**; [S.I. 2005/2896](#), art. 3(b)(j) (with art. 4); [S.I. 2006/2797](#), art. 2(b)(t) (with art. 8); [S.I. 2005/2896](#), art. 3(b)(j) (with art. 4); [S.I. 2006/2797](#), art. 2(b)(t) (with art. 8)
- F3** S. 4(2) repealed (E.W.) (18.10.2005 for E., 27.10.2006 for W.) by [Clean Neighbourhoods and Environment Act 2005 \(c. 16\)](#), **s. 108(1)(2)**, **Sch. 5 Pt. 1**; [S.I. 2005/2896](#), art. 3(j); [S.I. 2006/2797](#), art. 2(t); [S.I. 2005/2896](#), art. 3(j); [S.I. 2006/2797](#), art. 2(t)
- F4** S. 4(4) repealed by [Local Government, Planning and Land Act 1980 \(c. 65, SIF 81:1, 2\)](#), **ss. 1(3)**, 194, **Sch. 3 para. 15**, **Sch. 34 Pt. III**
- F5** S. 4(8) substituted (1.4.1986) by [Local Government Act 1985 \(c. 51, SIF 81:1\)](#), **ss. 1(2)**, 2, 9, **Sch. 6 para. 4(4)**

Changes to legislation: There are currently no known outstanding effects for the Refuse Disposal (Amenity) Act 1978, Section 4. (See end of Document for details)

Modifications etc. (not altering text)

- C1** S. 4 modified (E.W.) by S.I. 1985/1884, art. 5, **Sch. 2 para. 16**
- C2** S. 4 power to apply conferred by Airports Act 1986 (c. 31, SIF 9), **s. 66(1)(a)**
- C3** S. 4 extended (E.W.) by Norfolk and Suffolk Broads Act 1988 (c. 4, SIF 81:1), ss. 2(6), 23(2), 27(2), **Sch. 3 para. 45(a)**
Ss. 4, 5, 8, 10, 11 extended (S.) (8.9.2000) by 2000 asp 10, s. 36, **Sch. 5 para. 6(1)**; S.S.I. 2000/312, **art. 2**
- C4** S. 4 applied (with modifications) (13.7.2004) by London Local Authorities Act 2004 (c. i), ss. 1(1), **3** (with s. 8)
- C5** S. 4 modified (13.7.2004) by London Local Authorities Act 2004 (c. i), ss. 1(1), **7** (with s. 8)
- C6** S. 4 applied (with modifications) (19.9.2007) by London Local Authorities Act 2007 (c. ii), ss. 1(3), **28**

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