



Refuse Disposal (Amenity) Act 1978

1978 CHAPTER 3

Abandoned vehicles and other refuse

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—
 - [^{F1}“the appropriate authority” means—
 - (a) in the case of a vehicle removed in pursuance of section 3(1) above by a local authority in England other than the council of a non-metropolitan district, or by a local authority in Wales, the local authority; and
 - (b) in the case of a vehicle so removed by the council of a non-metropolitan district in England, the county 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;

Changes to legislation: There are currently no known outstanding effects for the Refuse Disposal (Amenity) Act 1978, Section 5. (See end of Document for details)

- (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—
- ^{F2}(a)
 - (b) a vehicle so removed by the council of [^{F3}a non-metropolitan 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.

Subordinate Legislation Made

- P1** S. 5: for exercises of 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](#).

Textual Amendments

- F1** S. 5(4): definition of "the appropriate authority" substituted (1.4.1986) by [Local Government Act 1985 \(c. 51, SIF 81:1\)](#), ss. 1(2), 2, 9, [Sch. 6 para. 4\(5\)](#)
- F2** S. 5(5)(a) repealed (1.4.1986) by [Local Government Act 1985 \(c. 51, SIF 81:1\)](#), ss. 1(2), 102, [Sch. 17](#)
- F3** Words in s. 5(5)(b) substituted (1.4.1986) by [Local Government Act 1985 \(c. 51, SIF 81:1\)](#), ss. 1(2), 2, 9, [Sch. 6 para. 4\(6\)](#)

Modifications etc. (not altering text)

- C1** S. 5 modified (E.W.) by [S.I. 1985/1884](#), art. 5, [Sch. 2 para. 17](#)
- C2** S. 5 modified by [Transport Act 1982 \(c. 49, SIF 107:1\)](#), [s. 53\(8\)](#) and [Road Traffic Regulations Act 1984 \(c. 27, SIF 107:1\)](#), [s. 104\(8\)](#)
- C3** S. 5 power to apply conferred by [Airports Act 1986 \(c. 31, SIF 9\)](#), [s. 66\(1\)\(a\)](#)
- C4** S. 5 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](#)
- C5** S. 5 applied (with modifications) (E.W.S.) by [London Local Authorities Act 2004 \(c. i\)](#), ss. 1(1), [4 \(with s. 8\)](#)

Changes to legislation:

There are currently no known outstanding effects for the Refuse Disposal (Amenity) Act 1978, Section 5.