
Status: Point in time view as at 12/11/2009.

Changes to legislation: There are currently no known outstanding effects for the Coroners and Justice Act 2009, Schedule 18. (See end of Document for details)

SCHEDULES

SCHEDULE 18

Section 152

MOTOR VEHICLE ORDERS

The following is the Schedule to be inserted as Schedule 3A to the Access to Justice Act 1999 (c. 22)—

“SCHEDULE 3A

MOTOR VEHICLE ORDERS

Introductory

- 1 In this Schedule “enforcement regulations” means regulations under section 17A(1) made by virtue of section 17A(2)(e).

Further general powers to regulate motor vehicle orders

- 2 Enforcement regulations may make provision about or in connection with—
- (a) the procedure for making motor vehicle orders;
 - (b) the matters which must be included in such orders;
 - (c) the fitting of immobilisation devices;
 - (d) the fixing of notices to motor vehicles to which immobilisation devices have been fitted and the content of such notices;
 - (e) the removal and storage of motor vehicles;
 - (f) the release of motor vehicles from immobilisation devices or from storage (including the conditions to be met before a motor vehicle is released);
 - (g) the sale or other disposal of motor vehicles not released;
 - (h) the imposition of charges in connection with—
 - (i) the fitting of immobilisation devices;
 - (ii) the removal, storage, release (whether from immobilisation devices or from storage), sale or disposal of motor vehicles;
 - (i) the recovery of such charges (including provision for them to be recovered from the proceeds of sale of motor vehicles).

Applications

- 3 Enforcement regulations must provide that a motor vehicle order may be made in relation to an overdue sum only on the application of the person or body to which the overdue sum is payable.

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Matters of which court to be satisfied

- 4 (1) Enforcement regulations must provide that, before a court makes a clamping order in respect of an individual, it must be satisfied—
- (a) that the failure to pay the overdue sum is attributable to the individual's wilful refusal or culpable neglect, and
 - (b) that the value of the motor vehicle or vehicles to be clamped, if sold, would be likely to be an amount which exceeds half of the estimated recoverable amount.
- (2) “The estimated recoverable amount” means the aggregate of—
- (a) the amount of the overdue sum, and
 - (b) the amount of the likely charges due under the enforcement regulations in relation to the motor vehicle or vehicles.

Ownership of motor vehicles

- 5 (1) Enforcement regulations must provide that a clamping order must not be made except in relation to a motor vehicle which is owned by the individual liable to pay the overdue sum.
- (2) For this purpose a motor vehicle is owned by an individual if the individual has an interest in the motor vehicle.

Motor vehicles used by disabled persons

- 6 Enforcement regulations must provide that an immobilisation device may not be fitted to a motor vehicle—
- (a) which displays a current disabled person's badge or a current recognised badge, or
 - (b) in relation to which there are reasonable grounds for believing that it is used for the carriage of a disabled person.

Restrictions on making vehicle sale orders

- 7 Enforcement regulations must provide that, where a motor vehicle has been clamped under a clamping order, no vehicle sale order may be made in respect of the motor vehicle before the end of the period specified in the regulations.

Interpretation

- 8 In this Schedule—
- “disabled person's badge” means a badge issued, or having effect as if issued, under regulations made under section 21 of the Chronically Sick and Disabled Persons Act 1970 (badges for display on motor vehicles used by disabled persons);
 - “immobilisation device” has the same meaning as in section 104(9) of the Road Traffic Regulation Act 1984 (immobilisation of vehicles illegally parked);
 - “motor vehicle” means a mechanically propelled vehicle intended or adapted for use on roads, except that section 189 of the Road Traffic Act 1988 (exceptions for certain vehicles) applies for the purposes of this Schedule as it applies for the purposes of the Road Traffic Acts;

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“recognised badge” has the meaning given by section 21A of the Chronically Sick and Disabled Persons Act 1970 (recognition of badges issued outside Great Britain);
and “clamped”, “clamping order”, “motor vehicle order”, “overdue sum” and “vehicle sale order” are to be construed in accordance with section 17A.”

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