
STATUTORY INSTRUMENTS

2008 No. 2367

**The Removal and Disposal of Vehicles
(Traffic Officers) (England) Regulations 2008**

PART 2

REMOVAL OF VEHICLES

Power of traffic officer to require removal of vehicles from relevant roads

- 3.—(1) This regulation applies to a vehicle which—
- (a) has broken down, or been permitted to remain at rest, on a relevant road in such a position or in such condition or in such circumstances as to cause obstruction to other persons using the road or as to be likely to cause danger to such persons; or
 - (b) has been permitted to remain at rest, or has broken down and remained at rest, on a relevant road in contravention of a prohibition or restriction contained in, or having effect under, any enactment mentioned in Schedule 1.
- (2) In relation to a vehicle to which this regulation applies, a traffic officer in uniform may require the owner, driver or other person in control or in charge of the vehicle and who is present, to remove it or have it removed.
- (3) The exercise of this power may include a requirement that the vehicle—
- (a) be moved to another position on any road or to any other place; or
 - (b) shall not be moved to any such part of, or position on, a road as is specified.
- (4) A person required to remove a vehicle, or to have it removed, under this regulation shall comply as soon as practicable.

Power of traffic officer to remove vehicles from relevant roads

- 4.—(1) This regulation applies to a vehicle which—
- (a) is a vehicle to which regulation 3 applies;
 - (b) having broken down on a relevant road appears to a traffic officer in uniform to have been abandoned without lawful authority; or
 - (c) has been permitted to remain at rest on a relevant road in such a position or in such condition or in such circumstances as to appear to a traffic officer in uniform to have been abandoned without lawful authority.
- (2) In relation to a vehicle to which this regulation applies, a traffic officer in uniform may, subject to section 100, remove it or arrange for its removal.
- (3) In exercising this power he may move it, or arrange for it to be moved, to another position on any road or to any other place.

Power of traffic officer to require removal of vehicles from roads other than relevant roads

5.—(1) This regulation applies to a vehicle which—

- (a) has broken down, or been permitted to remain at rest, on a road which is not a relevant road in such a position or in such condition or in such circumstances as to cause obstruction to other persons using the road or as to be likely to cause danger to such persons; or
- (b) has been permitted to remain at rest or has broken down and remained at rest on a road which is not a relevant road in contravention of a prohibition or restriction contained in, or having effect under, any enactment mentioned in Schedule 1.

(2) In relation to a vehicle to which this regulation applies, a traffic officer in uniform may, subject to regulation 7, require the owner, driver or other person in control or in charge of the vehicle and who is present, to remove it or have it removed.

(3) The exercise of this power may include a requirement that the vehicle—

- (a) be moved to another position on any road or to any other place; or
- (b) shall not be moved to any such part of, or position on, a road as is specified.

(4) A person required to remove a vehicle, or to have it removed, under this regulation shall comply as soon as practicable.

Power of traffic officer to remove vehicles from roads other than relevant roads

6.—(1) This regulation applies to a vehicle which—

- (a) is a vehicle to which regulation 5 applies;
- (b) having broken down on a road which is not a relevant road, appears to a traffic officer in uniform to have been abandoned without lawful authority; or
- (c) has been permitted to remain at rest on a road which is not a relevant road in such a position or in such condition or in such circumstances as to appear to a traffic officer in uniform to have been abandoned without lawful authority.

(2) In relation to a vehicle to which this regulation applies, a traffic officer in uniform may, subject to regulation 7 and section 100, remove it or arrange for its removal.

(3) In exercising this power he may move it, or arrange for it to be moved, to another position on any road or to any other place.

Restriction on the exercise of powers in regulations 5 and 6

7.—(1) The exercise of the powers contained in regulations 5(2) and 6(2) are subject to the following restrictions.

(2) Those powers may only be exercised for one or more of the following purposes—

- (a) avoiding danger to persons or other traffic using a relevant road or preventing risks of any such danger arising; and
- (b) preventing an obstruction to anything on or near to a relevant road,

or for a purpose incidental to either of those purposes.

(3) Subject to that, those powers may be exercised if the traffic officer is acting—

- (a) at the direction of the chief officer of police for the area in which the road, from which the vehicle is to be removed, is situated; or
- (b) with the consent of the traffic authority for that road.

Removing abandoned vehicles from land adjoining a relevant road

8. Where a vehicle has been permitted to remain at rest on any land in the open air, which is adjacent to a relevant road, in such a position or in such condition or in such circumstances as to appear to a traffic officer in uniform to have been abandoned without lawful authority, a traffic officer in uniform may, subject to sections 99 and 100, remove it or arrange for its removal.

Manner of giving notice to occupier of land before removing a vehicle

9.—(1) Any notice given by a traffic officer for the purposes of section 99(3) shall be in, or to the like effect as, the form in Schedule 2.

(2) Subject to paragraphs (3) and (4), the notice shall be—

(a) addressed to the person who appears to be the occupier of the land—

(i) by name; or

(ii) by the title “The Occupier”, followed by a description of the land; and

(b) given by—

(i) delivering it to that person;

(ii) leaving it at his usual or last known place of residence; or

(iii) sending it by prepaid registered or recorded delivery post, addressed to him at either of those places.

(3) Where it is not possible to identify—

(a) the person who appears to be the occupier of the land; or

(b) that person’s usual or last known place of residence;

the notice may be affixed to an object on the land.

(4) If the person who appears to be the occupier is a body corporate, the notice shall be given by delivering it, or sending it by prepaid registered or recorded delivery post, to its registered or principal office.

(5) Any envelope containing the notice shall be clearly and legibly marked with the words “IMPORTANT - This communication affects your property”.

Manner and period during which occupier of land may object

10.—(1) For the purpose of section 99(3), where a notice is given in accordance with regulation 9, the occupier of the land may object, in the manner set out in paragraph (2), to the removal of the vehicle.

(2) The objection shall be—

(a) in writing;

(b) addressed to the person specified in the notice; and

(c) delivered, or sent by post, to the address set out in that notice.

(3) The period within which the occupier may object shall be 15 days beginning with the day on which the notice is given.

Method of removing vehicles

11.—(1) A person who removes or moves a vehicle under regulation 3, 4, 5, 6 or 8 may do so by towing or driving the vehicle or in such other manner as he may think necessary and may take such measures in relation to the vehicle as he may think necessary to enable him to remove or move it.

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

(2) Subject to paragraph (3), where, under regulation 3 or 5, a traffic officer requires a person to remove a vehicle and he determines that the manner of removal proposed to be used by that person may cause danger to other persons using the road, the traffic officer may require the vehicle to be moved in such other manner as he considers safe.

(3) Where a safe manner of removal cannot be agreed between the traffic officer and a person required to remove a vehicle, the traffic officer may remove, or arrange for the removal of the vehicle.