
STATUTORY INSTRUMENTS

2008 No. 2367

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

PART 3

DISPOSAL OF ABANDONED VEHICLES

Amendment of the Road Traffic Regulation Act 1984

13.—(1) The Road Traffic Regulation Act 1984 Act is amended as follows in its application as respects England.

(2) In section 100 (interim disposal of vehicles removed under section 99)—

(a) after subsection (3) insert—

“(3A) Any vehicle removed by, or by virtue of arrangements made by, a traffic officer in pursuance of regulations made under section 99 of this Act and appearing to the traffic officer to have been abandoned shall be delivered to the Secretary of State.”; and

(b) in subsection (5)—

(i) after “section” insert “—”;

(ii) after the definition of “local authority” insert—

““traffic officer” means an individual designated as such by the Secretary of State, or by a person authorised by the Secretary of State, in accordance with section 2 of the Traffic Management Act 2004;” and

(iii) omit the word “and” before the definition of “vehicle”.

(3) In section 101 (ultimate disposal of vehicles abandoned and removable), in subsection (8)—

(a) in the definition of “competent authority”—

(i) omit the word “or” at the end of paragraph (b); and

(ii) at the end insert—

“or

(d) the Secretary of State, where the vehicle has been removed by, or by virtue of arrangements made by, a traffic officer;” and

(b) in the definition of “local authority” for “has the meaning assigned to it” substitute “and “traffic officer” have the meanings assigned to them”.

(4) In section 102 (charges for removal, storage and disposal of vehicles)—

(a) after subsection (2) insert—

“(2ZA) In the case of a vehicle removed by, or by virtue of arrangements made by, a traffic officer, subsection (2) applies as if for paragraphs (b) and (c) there were substituted—

Status: This is the original version (as it was originally made).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

- “(b) the Secretary of State is entitled to recover from any person responsible charges ascertained by reference to a prescribed scale in respect of any period during which the vehicle is in his custody; and
 - (c) the Secretary of State is entitled to recover from any person responsible charges determined in the prescribed manner in respect of any vehicle disposed of by him in pursuance of section 101 of this Act;”
- (b) after subsection (4) insert—
- “(4A) Without prejudice to subsection (3) above, where by virtue of paragraph (a) or (b) of subsection (2) above any sum is recoverable in respect of a vehicle which is in the custody of the Secretary of State, the Secretary of State shall be entitled to retain custody of it until that sum has been paid.”; and
- (c) in subsection (8)—
- (i) in the definition of “appropriate authority” at the end insert—
 - “and
 - (c) in relation to a vehicle removed by, or by virtue of arrangements made by, a traffic officer, means the Secretary of State;”; and
 - (ii) after “Transport for London,” (in the definition of “local authority”), insert—
 - ““traffic officer” also has the meaning assigned to it by section 100(5).”.