
STATUTORY INSTRUMENTS

2009 No. 493

**The Road Safety (Immobilisation, Removal
and Disposal of Vehicles) Regulations 2009**

PART 2

Immobilisation of Vehicles

Power to immobilise vehicles

4.—(1) An authorised person or a person acting under the direction of the authorised person may, in relation to any vehicle in a case where these Regulations apply—

- (a) fix an immobilisation device to the vehicle; and
- (b) move the vehicle, or direct the driver or the person appearing to be in charge of the vehicle to move the vehicle, for the purpose of enabling an immobilisation device to be fitted to it.

(2) On any occasion when an immobilisation device is fixed to a vehicle in accordance with these Regulations, the person fixing the device must also fix to the vehicle a notice (“an immobilisation notice”)—

- (a) indicating that the device has been fixed to the vehicle and warning that no attempt should be made to drive it or otherwise put it in motion until it has been released from the device;
- (b) specifying the steps to be taken to secure its release, including—
 - (i) how payment of any release fee should be made; and
 - (ii) the evidence to be produced to show that the prohibition under which the driving of the vehicle was prohibited has been removed; and
- (c) giving any other relevant information, including the consequences of not securing release of the vehicle.

(3) A vehicle to which an immobilisation device has been fixed in accordance with these Regulations—

- (a) may only be released from the device by or under the direction of an authorised person; but
- (b) subject to sub-paragraph (a), must be released from the device if the first and second requirements specified below are met.

(4) The first requirement is that a charge of £80 in respect of the release is paid in any manner specified in the immobilisation notice.

(5) The second requirement is that, in accordance with instructions specified in the immobilisation notice, there is produced—

- (a) in the case of a prohibition issued under section 99A(1) of the Transport Act 1968 (powers to prohibit driving of vehicles in connection with contravention of provisions about drivers’ hours), the notice referred to in section 99B(3)(1) of that Act (notice to driver

(1) Section 99B was inserted by section 266 of the Transport Act 2000.

of the vehicle that the prohibition has been removed), or evidence that that prohibition has expired;

- (b) in the case of a prohibition issued under section 1 of the Road Traffic (Foreign Vehicles) Act 1972 (powers to prohibit driving of foreign goods vehicles and foreign public service vehicles), the notice referred to in section 2(3) of that Act (notice to driver of the vehicle that the prohibition has been removed), or evidence that that prohibition has expired;
- (c) In the case of a prohibition issued under sections 69 or 70 of the Road Traffic Act 1988 (powers to prohibit driving of unfit or overloaded vehicles), the notice referred to in section 72(7)(2) of that Act (notice to owner that the prohibition has been removed); and
- (d) in the case of a prohibition issued under section 90D of the Road Traffic Offenders Act 1988 (power to prohibit driving of vehicle on failure to make payment in compliance with financial penalty deposit requirement), evidence that one of the events referred to in section 90D(4) of that Act has occurred.

(6) An immobilisation notice may not be removed or interfered with except by an authorised person or a person acting on the authority of an authorised person.

(7) In this regulation, the “release fee” means the charge referred to in paragraph (4).

Offence of failing to move vehicle

5. A person who fails to comply within a reasonable time with a direction under regulation 4(1)(b) is guilty of an offence and liable on summary conviction to a fine not exceeding level 5 on the standard scale.

Offence of removing or interfering with immobilisation notice

6. A person, other than an authorised person or a person acting on the authority of an authorised person, who removes or interferes with an immobilisation notice is guilty of an offence and liable on summary conviction to a fine not exceeding level 2 on the standard scale.

Offence of removing or interfering with immobilisation device, etc.

7. A person, other than an authorised person or a person acting under the direction of an authorised person, who removes or attempts to remove an immobilisation device fixed to a vehicle in accordance with these Regulations is guilty of an offence and liable on summary conviction to a fine not exceeding level 3 on the standard scale.

False or misleading statements, etc.

8.—(1) Where—

- (a) a person makes a declaration with a view to securing the release of a vehicle from an immobilisation device purported to have been fixed in accordance with these Regulations;
- (b) the declaration is that the prohibition has been removed; and
- (c) the declaration is to the person’s knowledge either false or in any material respect misleading,

that person is guilty of an offence.

(2) A person guilty of an offence under paragraph (1) is liable—

- (a) on summary conviction, to a fine not exceeding the statutory maximum; or

(2) Section 72 was substituted, for section 72 as originally enacted, by section 15 of the Road Traffic Act 1991.

- (b) on conviction on indictment, to imprisonment for a term not exceeding two years, or to a fine, or both.