
STATUTORY INSTRUMENTS

2013 No. 1783

The Road User Charging Schemes (Penalty Charges, Adjudication and Enforcement) (England) Regulations 2013

PART 6

POWERS IN RESPECT OF MOTOR VEHICLES

Power to immobilise motor vehicles

25.—(1) Provided—

- (a) none of the circumstances in paragraph (2) apply; and
- (b) the conditions in paragraph (3) apply;

a charging scheme may provide for an authorised person to immobilise a motor vehicle in accordance with paragraphs (4) and (5).

(2) The circumstances are that—

- (a) a current disabled person's badge or a current recognised badge is displayed on the motor vehicle;
- (b) the motor vehicle appears to the authorised person to have been abandoned;
- (c) the motor vehicle is a public service vehicle being used for the carriage of passengers;
- (d) the motor vehicle is being used for the purpose of the removal of any obstruction to traffic, the maintenance, improvement or reconstruction of a public road, or the laying, erection, alteration, repair or cleaning in or near a road of any traffic sign or sewer or of any main, pipe or apparatus for the supply of gas, water or electricity, or of any telegraph or telephone wires, cables, posts or supports; or
- (e) the motor vehicle is being used by a universal service provider (within the meaning of the Postal Services Act 2000)⁽¹⁾ in relation to the provision of a universal postal service (within the meaning of that Act) and each side of the vehicle is clearly marked with the name of the universal service provider concerned.

(3) The conditions are that—

- (a) the charging authority has imposed at least three penalty charges of the type described in regulation 4(1) in respect of the motor vehicle which have not been paid;
- (b) the charging authority has been unable to serve a penalty charge notice in respect of the unpaid penalty charges because the motor vehicle—
 - (i) was not registered under the Vehicle Excise and Registration Act 1994⁽²⁾; or
 - (ii) was so registered but without inclusion in the registered particulars of the correct name or address of the keeper of the motor vehicle;

(1) 2000 c.26.

(2) 1994 c.22.

- (c) a period of 14 days, beginning with the date on which the third unpaid penalty charge was imposed, has elapsed; and
 - (d) the motor vehicle is stationary on a road.
- (4) An authorised person, or a person acting under the direction of the authorised person may—
- (a) fix an immobilisation device to the motor vehicle whilst on a road while it remains in the place where it is found; or
 - (b) move it, or require or arrange for it to be moved, to another place on that road or another road and fit an immobilisation device to the motor vehicle in that other place.
- (5) When an immobilisation device is fixed to a motor vehicle in accordance with this regulation, the person fitting the device is also to fix to the motor vehicle an immobilisation notice—
- (a) indicating that the device has been fixed to the motor 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) stating the reason why the device has been fixed to the motor vehicle;
 - (c) stating that the motor vehicle may only be released from the device by or under the direction of an authorised person;
 - (d) stating that the notice or the device must not be removed or interfered with except by or on the authority of an authorised person; and
 - (e) specifying the steps to be taken to secure the motor vehicle’s release including—
 - (i) giving contact information (including a telephone number) which may be used in order to request that the motor vehicle be released from the immobilisation device;
 - (ii) the amount of—
 - (aa) the penalty charges of the type described in regulation 4(1);
 - (bb) if applicable, the road user charges payable under the charging scheme; and
 - (cc) such penalty charge as is imposed by the charging scheme for the release of the motor vehicle,
 that are to be paid before the release of the motor vehicle; and
 - (iii) the person to whom, and the means by which the charges described in subparagraph (ii) are to be paid.
- (6) In this regulation—
- (a) “disabled person’s badge” is a badge issued by local authorities for motor vehicles driven by or used for the carriage of disabled persons pursuant to section 21 of the Chronically Sick and Disabled Persons Act 1970(3);
 - (b) “recognised badge” has the same meaning as in section 21A(1) of the Chronically Sick and Disabled Persons Act 1970(4); and
 - (c) “third unpaid penalty charge” means the third unpaid penalty charge in sequence beginning with the earliest in time.

(3) 1970 c.44; section 21 was amended by the Disabled Persons’ Parking Badges Act 2013 (c.4) sections 1(1) to (5), 2(1) to (4), 4(1) to (4), 5(1) and (2) and 6, the Local Government Act 1972 (c.70) section 272(1) and Schedule 30, the Transport Act 1982 (c.49) section 68, the Road Traffic Regulation Act 1984 (c.27) section 146 and Schedule 13, the Local Government Act 1985 (c.51) section 8 and Schedule 5 paragraph 1, the Road Traffic Act 1991 (c.40) sections 35(2) to (5) and 83 and Schedule 8, the Traffic Management Act 2004 (c.18) section 94(1) to (4), the Disability Discrimination Act 2005 (c.13) section 19(1), Schedule 1 Part 2 paragraph 41 and the Tribunals, Courts and Enforcement Act 2007 (c.15) section 48(1) and Schedule 8 paragraph 2.

(4) Section 21A inserted by the Disability Discrimination Act 2005 (c.13) section 9.

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