**EXPLANATORY MEMORANDUM TO**

**THE DISPOSAL OF VEHICLES (PRESCRIBED PERIOD) REGULATIONS (NORTHERN IRELAND) 2013**

**S. R. 2013 No. 127**

## 1. Introduction

1.1. This Explanatory Memorandum has been prepared by the Department for Regional Development to accompany the Statutory Rule (details above) which is laid before the Northern Ireland Assembly.

1.2. The Statutory Rule is made under Articles 51(2) and 52(2) of the Road Traffic Regulation (Northern Ireland) Order 1997 (“the RTRO”) as amended by Articles 12 and 13 of the Clean Neighbourhoods and Environment Act (Northern Ireland) 2011 ("the CNEA") and is subject to the negative resolution procedure.

## 2. Purpose

2.1. The purpose of the rule is to set the prescribed period for a notice issued under Articles 51(2)(c)(ii) and 52(2)(c)(ii) of the RTRO, during which the owner of a vehicle removed by a police officer (or the Department) will have the opportunity to recover the vehicle, at 7 days (previously 21 days). This is in keeping with period applying elsewhere in the United Kingdom.

## 3. Background

3.1. Articles 48 and 51 of the RTRO provide for the removal of a vehicle (which has been, or appears to have been abandoned) from a road by a police officer, and its subsequent disposal. Articles 49 and 52 make similar provision in respect of the removal and disposal of vehicles by the Department.

3.2. Where a vehicle has been removed and the owner of the vehicle has been found, the police officer (or the Department) must first serve a notice on the owner giving the owner the opportunity to recover the vehicle within a prescribed period. The police officer (or the Department) may dispose of the vehicle after the expiry of that period, provided there is no licence (Tax Disc) in force in respect of the vehicle.

## 4. Consultation

4.1. The PSNI requested the reduction of the notice period to 7 days in respect of vehicles removed under Article 48 of the RTRO during the Department of Environment's consultation on the CNEA which subsequently introduced the power under which these regulations are made.

4.2. There is no statutory requirement to go to public consultation to make this rule.

## 5. Equality Impact

5.1. The Department of Environment considered the equality implications of the policy when making the CNEA which introduced the amendment to the RTRO to permit the making of these regulations.

5.2. The Department has therefore concluded that a full equality impact assessment is not required.

## 6. Regulatory Impact

6.1. A Regulatory Impact Assessment was not considered necessary as the proposal does not result in any costs or savings to business, charities or the voluntary bodies.

## 7. Financial Implications

7.1. None

## 8. Section 24 of the Northern Ireland Act 1998

8.1. The Department of Environment considered the human rights implications of the policy when making the CNEA which introduced the amendment to the RTRO to permit the making of these regulations.

8.2. The Department has therefore concluded that a Human Rights Act impact assessment is not required.

## 9. EU Implications

9.1. Not applicable.

## 10. Parity or Replicatory Measure

10.1. Not applicable.

## 11. Additional Information

11.1. Not applicable.