STATUTORY INSTRUMENTS

# 1989 No. 1376

# ROAD TRAFFIC

## The Recovery Vehicles (Prescribed Purposes) Regulations 1989

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| *Made - - - -* | *2nd August 1989* |
| *Laid before Parliament* | *11th August 1989* |
| *Coming into force* | *1st September 1989* |

The Secretary of State for Transport, in exercise of the powers conferred by sections 37(1) and (2) and 38(1) of and paragraph 8(2)(e) and 8(3)(c) of Part I of Schedule 3 to the Vehicles (Excise) Act 1971(**a**), and of all other enabling powers, hereby makes the following Regulations:

**1.** These Regulations may be cited as the Recovery Vehicles (Prescribed Purposes) Regulations 1989 and shall come into force on 1st September 1989.

**2.** The Recovery Vehicles (Prescribed Purposes) Regulations 1987(**b**) are hereby revoked.

**3.** The purposes specified in Schedule 1 to these Regulations are hereby prescribed for the purposes of paragraph 8(2) of Part I of Schedule 3 to the Vehicles (Excise) Act 1971 ("the 1971 Act").

**4.** The purposes specified in Schedule 2 to these Regulations are hereby prescribed for the purposes of paragraph 8(3) of Part I of Schedule 3 to the 1971 Act.

**5.** In paragraph 2 of Schedule 1 the following expressions have the following meanings –

"local authority" means –

(a) in relation to England, a district council, a London borough council or the Common Council of the City of London;

(b) in relation to Scotland, an islands or district council; and

(c) in relation to Wales, a district council;

(**a**) 1971 c.10. Paragraph 8 was added to Part I of Schedule 3 by the Finance Act 1987 (c.16), Schedule 1, Part II, paragraph 2, and was amended by section 4(3)(b), (c) and (d) of the Finance Act 1988 (c.39). In section 38(1) of the Vehicles (Excise) Act 1971 *see* the definition of "prescribed". (**b**) S.I. 1987/2120.

"road" has the meaning given –

(a) in relation to England and Wales by the Road Traffic Act 1988(**a**); and

(b) in relation to Scotland by the Roads (Scotland) Act 1984(**b**).

Signed by authority of the Secretary of State

*Patrick McLoughlin*
Parliamentary Under Secretary of State,
Department of Transport

22nd August 1989

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## SCHEDULE 1

Regulation 3

## PURPOSES PRESCRIBED FOR THE PURPOSES OF PARAGRAPH 8(2) OF PART I OF SCHEDULE 3 TO THE 1971 ACT

**1.** Carrying any person who, immediately before a vehicle became disabled, was the driver of or a passenger in that vehicle, together with his personal effects, from the premises at which that vehicle is to be repaired or scrapped to his original intended destination.

**2.** At the request of –

(a) a constable, or

(b) a local authority,

empowered by or under statute to remove a vehicle from a road, removing such a vehicle to a place nominated by the constable or the local authority.

**3.** Proceeding to a place at which the vehicle will be available for use for either of the purposes specified in paragraph 8(2)(a) and (b) of Part I of Schedule 3 to the 1971 Act and remaining temporarily at such a place so as to be available for such use.

**4.** Proceeding from –

(a) a place where the vehicle has remained temporarily so as to be available for such use;

(b) a place where the vehicle has recovered a disabled vehicle; or

(c) any premises mentioned in paragraph 8(2)(b) or (c) to which the vehicle has removed a disabled vehicle.

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## SCHEDULE 2

Regulation 4

## PURPOSES PRESCRIBED FOR THE PURPOSES OF PARAGRAPH 8(3) OF PART I OF SCHEDULE 3 TO THE 1971 ACT

**1.** Repairing a disabled vehicle at the place where it became disabled or to which it has been moved in the interests of safety after becoming disabled.

**2.** Drawing or carrying one trailer if the trailer was immediately before a vehicle became disabled, being drawn or carried by the disabled vehicle.

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(**a**) 1988 c.52. (**b**) 1984 c.54.

## EXPLANATORY NOTE

*(This note is not part of the Regulations)*

1. These Regulations revoke and reenact the provisions of the Recovery Vehicles (Prescribed Purposes) Regulations 1987. In addition they also prescribe four purposes for which recovery vehicles may be used, in addition to those specified in paragraph 8(2) of Part I of Schedule 3 to the 1971 Act, for the purposes of that provision.

2. The Regulations apply in Great Britain.