STATUTORY INSTRUMENTS

# 1967 No. 1900

# ROAD TRAFFIC

## The Removal and Disposal of Vehicles (Alteration of Enactments) Order 1967

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| *Made - - -* | *19th December* 1967 |
| *Laid before Parliament* | *3rd January* 1968 |
| *Coming into Operation* | *5th January* 1968 |

The Secretary of State (as respects Scotland, Wales and Monmouthshire), and the Minister of Transport (as respects England excluding Monmouthshire), in exercise of their powers under section 25 of the Civic Amenities Act 1967(a) as amended by section 109 of and Schedule 6 to the Road Traffic Regulation Act 1967(b), and of all other powers them enabling in that behalf, hereby make the following Order:—

*Citation, commencement and interpretation.*

1.—(1) This Order may be cited as the Removal and Disposal of Vehicles (Alteration of Enactments) Order 1967 and shall come into operation on 5th January 1968.

(2) The Interpretation Act 1889(c) shall apply for the interpretation of this Order as it applies for the interpretation of an Act of Parliament.

*Alteration of enactments.*

2.—Sections 20, 52 and 53 of the Road Traffic Regulation Act 1967, as amended by Section 52(2) of and Schedule 5 to the Police (Scotland) Act 1967(d), shall be altered so as to have effect as set out in Schedule 1 to this Order.

*Transitional, incidental and supplemental provisions.*

3.—(1) Notwithstanding the alterations made by Article 2 of this Order to sections 20, 52 and 53 of the Road Traffic Regulation Act 1967, the said sections as in force immediately before the coming into operation of this Order and the orders and regulations then in force thereunder (being the orders and regulations specified in Schedule 2 to this Order) shall remain in force until the coming into operation of the first regulations to be made under the said sections as altered, and on the coming into operation of such regulations under the said sections as altered the said orders and regulations specified in Schedule 2 to these Regulations shall cease to have effect.

(a) 1967 c. 69. (b) 1967 c. 76. (c) 52 & 53 Vict. c. 63.
(d) 1967 c. 77.

(2) In so far as any local act, order or scheme applies the provisions of any regulations for the time being in force under section 20 of the Road Traffic Regulation Act 1967 as in force immediately before the coming into operation of this Order as to the method of removing vehicles and their loads and as to arrangements for the safe custody of vehicles and their loads, or applies section 52 of the said Act as in force immediately before the coming into operation of this Order and any order for the time being in force thereunder, or requires compliance on the disposal of a vehicle with any regulations for the time being in force under the said section 20 as in force immediately before the coming into operation of this Order or contains provisions similar to any regulations relating to the disposal of a vehicle made thereunder, it shall have effect after the coming into operation of the first regulations to be made under sections 20, 52 and 53 of the said Act as altered by Article 2 of this Order as if it applied the provisions of the said section 20 as altered as aforesaid and any regulations for the time being in force thereunder, or applied section 52 as altered as aforesaid and any regulations for the time being in force thereunder, or required compliance on the disposal of a vehicle with the provisions of, or contained provisions similar to, the provisions of section 53 of the said Act as altered as aforesaid and any regulations for the time being in force thereunder.

(3) Section 38(2) of the Interpretation Act 1889 shall apply as if sections 20, 52 and 53 of the Road Traffic Regulation Act 1967 as altered by Article 2 of this Order were an Act of Parliament, as if the said sections as in force immediately before the coming into operation of this Order and the Orders and Regulations revoked by paragraph (1) of this Article were Acts of Parliament repealed by the said sections as altered by Article 2 of this Order, and as if such repeal took effect at the time at which the first regulations to be made under the said sections as altered by this Order came into operation.

Dated the 19th December 1967.

*William Ross,*
One of Her Majesty's Principal Secretaries of State.

Dated the 19th December 1967.

*Cledwyn Hughes,*
One of Her Majesty's Principal Secretaries of State.

Given under the Official Seal of the Minister of Transport the 19th December 1967.

(L.S.)

*Barbara Castle,*
The Minister of Transport.

## SCHEDULE 1

(PROVISIONS REPLACING SECTIONS 20, 52 AND 53 OF THE ROAD TRAFFIC REGULATION ACT 1967)

Article 2

Removal of vehicles illegally, obstructively or dangerously parked, abandoned, or broken down.

20—(1) The appropriate Minister may by regulations make provision for the removal of vehicles which have been permitted to remain at rest—

(*a*) on a road in contravention of any statutory prohibition or restriction, or

(*b*) on a road in such a position or in such condition or in such circumstances as to cause obstruction to other persons using the road or as to be likely to cause danger to such other persons, or

(*c*) on a road or on any land in the open air in such a position or in such condition or in such circumstances as to appear to an authority empowered by such regulations to remove such vehicles to have been abandoned without lawful authority,

or which have broken down on a road.

(2) Where it appears to an authority who are empowered to remove a vehicle in pursuance of regulations under this section that the vehicle is on land which is occupied by any person, the authority shall give him notice in the prescribed manner that they propose to remove the vehicle in pursuance of regulations under this section but shall not be entitled to remove it if he objects to the proposal in the prescribed manner and within the prescribed period.

(3) Where in pursuance of regulations under this section an authority propose to remove a vehicle which appears to them to have been abandoned and in their opinion is in such a condition that it ought to be destroyed, then, except in the case of a vehicle which they are empowered to remove from a road by regulations under this section because of a contravention of a statutory prohibition or restriction, or because the vehicle is in such a position or in such condition or the circumstances are such as to cause obstruction to other persons using the road or so as to be likely to cause danger to such other persons they shall, not less than the prescribed period before removing it, cause to be affixed to the vehicle a notice stating that they propose to remove it for destruction on the expiration of that period.

(4) Any vehicle removed by the council of a London borough or the Common Council of the City of London under regulations under this section shall be delivered by them to the Greater London Council in accordance with such arrangements (including arrangements as to the sharing of any expenses incurred or sums received by the council and the Greater London Council under this Part of this Act) as may be agreed between the council and the Greater London Council or, in default of agreement, as may be determined by the Minister of Housing and Local Government.

(5) Any vehicle removed by a constable in pursuance of regulations under this section and which appears to him to have been abandoned may be delivered by the chief officer of the police force to which the constable belongs to a local authority, with the consent of that authority.

(6) While a vehicle is in the custody of an authority in pursuance of this section or of regulations under this section, other than a vehicle which in the opinion of that authority is in such a condition that it ought to be destroyed, it shall be the duty of that authority to take such steps as are reasonably necessary for the safe custody of the vehicle.

(7) Regulations under this section—

(*a*) may provide, in the case of a vehicle which may be removed from a road, for the moving of the vehicle from one position on a road to another position on that or another road.

(*b*) may provide for repealing byelaws dealing with the same subject-matter as the regulations, and for suspending, while the regulations remain in force, any power of making such byelaws;

(*c*) may be made so as to apply either generally or in such circumstances only as may be specified in the regulations; and

(*d*) may make different provision for different classes of vehicles.

(8) In this section—

"local authority" in relation to England and Wales means the Greater London Council or the council of a county borough or county district, and in relation to Scotland means the county council or town council of a burgh;

"prescribed" means prescribed by regulations made by the appropriate Minister; and

"vehicle" means any vehicle, whether or not it is in a fit state for use on roads, and includes any chassis or body, with or without wheels, appearing to have formed part of such a vehicle, and any load carried by and anything attached to such a vehicle.

(9) Any reference in this section to a vehicle which has been permitted to remain at rest or which has broken down includes a reference to a vehicle which has been permitted to remain at rest or which has broken down before the coming into force of the provisions contained in this section.

Charges for removing, storing and disposing of vehicles.

52.—(1) Where a vehicle is removed from a road or land in the open air in pursuance of regulations under section 20 of this Act, or is removed from a parking place in pursuance of an order under section 31(1) thereof or of an order relating to a parking place designated under section 35 thereof, or of a provision of a designation order having effect by virtue of section 39(2) thereof—

(*a*) the appropriate authority shall be entitled to recover from any person responsible such charges as may be prescribed in respect of the removal of the vehicle;

(*b*) the chief officer of a police force or a local authority in whose custody any such vehicle is during any period shall be entitled to recover from any person responsible charges ascertained by reference to a prescribed scale in respect of that period; and

(*c*) the chief officer of a police force or a local authority who dispose of any such vehicle in pursuance of section 53 of this Act shall be entitled to recover from any person responsible charges determined in the prescribed manner in respect of its disposal.

(2) Any sum recoverable by virtue of this section shall be recoverable as a simple contract debt in any court of competent jurisdiction or, in the case of a sum not exceeding £20, summarily as a civil debt; and, without prejudice to the foregoing provisions of this subsection, the court by which a person is convicted of an offence under section 19(1) of the Civic Amenities Act 1967 in respect of a motor vehicle may, on the application of an authority and in addition to any other order made by the court in relation to that person, order him to pay to the authority any sum which, in the opinion of the court, the authority are entitled to recover from him under this section in respect of the vehicle.

(3) In this section—

"appropriate authority" means—

(*a*) in relation to a vehicle removed by a constable or a person acting in aid of a police force, the chief officer of the police force to which the constable belongs or in whose aid that person was acting; and

(*b*) in relation to a vehicle removed by a person other than as aforesaid from a parking place outside Greater London provided or controlled by a local authority, from a parking place in Greater London designated under section 6 of this Act, or from a road or land in the open air otherwise than from a parking place, the local authority in whose area is such place; and for the purposes of this paragraph a parking place provided under a letting or arrangements made by a local authority in pursuance of section 29(6) of this Act shall be treated as provided by them;

"person responsible", in relation to a vehicle means—

(*a*) the owner of the vehicle at the time when it was put in the place from which it was so removed, unless he shows that he was not concerned in and did not know of its being put there;

(*b*) any person by whom it was put in the place aforesaid;

(*c*) any person convicted of an offence under section 19(1) of the Civic Amenities Act 1967 in consequence of the putting of the vehicle in the place aforesaid;

"prescribed" means prescribed by regulations made by the appropriate Minister; and

"local authority" and "vehicle" have the meanings respectively assigned to them in section 20(8) of this Act.

(4) For the purposes of this section a vehicle removed as aforesaid by the council of a London borough or the common Council of the City of London shall be treated as in the custody of the Greater London Council while it was in the custody of the council by whom it was so removed.

(5) Any sum recovered under this section by the chief officer of a police force shall be paid into the police fund.

(6) Regulations under this section may make different provision for different classes of vehicles.

(7) In the application of this section to Scotland, in subsection (2), the words from the beginning to the words "this subsection" shall be omitted.

Disposal of abandoned vehicles.

53.—(1) Subject to subsection (3) of this section, a competent authority may, in such manner as they think fit, dispose of a vehicle which appears to them to be abandoned and which has been, or could at any time be, removed in pursuance of regulations under section 20 of this Act, an order under section 31(1) thereof, an order relating to a parking place designated under section 35 thereof, or an order containing a provision having effect by virtue of section 39(2) thereof—

(*a*) in the case of a vehicle which in their opinion is in such a condition that it ought to be destroyed and on which no current licence was displayed at the time of its removal, at any time after its removal;

(*b*) in the case of a vehicle which in their opinion is in such a condition that it ought to be destroyed and on which no current licence was so displayed, at any time after the licence expires;

(*c*) in any other case, at any time after such steps as may be prescribed have been taken by a competent authority (or partly by one competent authority and partly by the other) to find a person appearing to the authority taking such steps to be the owner of the vehicle and either—

(i) they have failed to find such a person, or

(ii) he has failed to comply with a notice served on him in the prescribed manner by a competent authority requiring him to remove the vehicle within the prescribed period from their custody,

but not earlier, in a case where it appears to the authority proposing to dispose of the vehicle that a licence is in force in respect of the vehicle, than the expiration of the licence.

(2) The appropriate Minister may by regulations require an authority by whom a vehicle is disposed of in pursuance of this section to give such information relating to the disposal as may be prescribed to such persons as may be prescribed.

(3) If before a vehicle is disposed of by an authority in pursuance of the foregoing provisions of this section the vehicle is claimed by a person who satisfies the authority that he is its owner and pays to the authority entitled thereto such sums in respect of its removal and storage as may be prescribed, the authority shall permit him to remove the vehicle from their custody during such period as may be prescribed; and if before the expiration of the period of one year beginning with the date on which a vehicle is sold by an authority in pursuance of this section any person satisfies that authority that at the time of its sale he was the owner of the vehicle, that authority shall pay over to him any sum by which the proceeds of sale exceed the aggregate of such sums in respect of the removal, storage and disposal of the vehicle as may be prescribed.

(4) If in the case of any vehicle it appears to such authority as aforesaid that more than one person is or was its owner at the relevant time, such one of them as the authority think fit shall be treated as its owner for the purposes of subsection (3) of this section.

(5) In this section—

"competent authority", in relation to a vehicle, means—

(*a*) the chief officer of the police force in whose area is the place from which the vehicle has been removed or could at any time be removed;

(*b*) the local authority in whose area is such place or to whom the vehicle has been delivered by the chief officer of a police force;

"licence" means, in relation to a vehicle, a licence issued for the vehicle under the Vehicles (Excise) Act 1962(a);

"owner", in relation to a vehicle which is the subject of a hiring agreement or hire-purchase agreement, includes the person entitled to possession of the vehicle under the agreement;

"prescribed" means prescribed by regulations made by the appropriate Minister; and

"local authority" and "vehicle" have the meanings respectively assigned to them in section 20(8) of this Act.

(6) Regulations under this section may make different provision for different classes of vehicles.

(a) 10 & 11 Eliz. 2. c. 13.

## SCHEDULE 2

(ORDERS AND REGULATIONS CEASING TO HAVE EFFECT)

Article 3(1)

| Column 1<br>Orders and Regulation ceasing to have effect | Column 2<br>References |
|---|---|
| The Removal of Vehicles (Charges) (England and Wales) Order 1960. | S.I. 1960/2140 (1960 III, p. 2925). |
| The Removal of Vehicles (Charges) (Scotland) Order 1960. | S.I. 1960/2220 (S.116) (1960 III, p. 2927). |
| The Removal of Vehicles (England and Wales) Regulations 1961. | S.I. 1961/1462 (1961 II, p. 2961). |
| The Removal of Vehicles (Scotland) Regulations 1961. | S.I. 1961/1473 (S.89) (1961 II, p. 2992). |
| The Removal of Vehicles (England and Wales) (Amendment) Regulations 1965. | S.I. 1965/641 (1965 I, p. 2026). |
| The Removal of Vehicles (England) (Amendment) Regulations 1966. | S.I. 1966/193 (1966 I, p. 387). |
| The Removal of Vehicles (Wales) (Amendment) Regulations 1966. | S.I. 1966/510 (1966 I, p. 1081). |
| The Removal of Vehicles (Scotland) (Amendment) Regulations 1966. | S.I. 1966/846 (S.62) (1966 II, p. 1986). |

## EXPLANATORY NOTE

*(This note is not part of the Order.)*

Sections 20, 21 and 22 of the Civic Amenities Act 1967 prescribe a new procedure for the removal, storage and disposal by local authorities of motor vehicles. The previous law, contained in sections 20, 52 and 53 of the Road Traffic Regulation Act 1967 and the instruments having effect thereunder, will no longer apply to the removal, storage and disposal by local authorities of motor vehicles, but will continue to apply to the removal, storage and disposal by local authorities of vehicles other than motor vehicles, and to the removal by a constable, and the storage and disposal by a chief officer of a police force, of all vehicles.

This Order alters sections 20, 52 and 53 of the Road Traffic Regulation Act 1967 so that the procedure thereunder will accord so far as practicable with the procedure under sections 20, 21 and 22 of the Civic Amenities Act 1967.

Article 2 alters sections 20, 52 and 53 of the Road Traffic Regulation Act 1967. The sections as altered are set out in Schedule 1.

Article 3 contains transitional, incidental and supplemental provisions. Paragraph (1) provides that sections 20, 52 and 53 of the Road Traffic Regulation Act 1967 as in force immediately before the coming into force of this Order and the instruments having effect thereunder shall remain in force until the coming into force of the first Regulations to be made under these sections as altered; when the first Regulations to be made under those sections as altered come into force the instruments having effect under those sections as in force immediately before the coming into force of this Order, which are specified in Schedule 2, are to cease to have effect. Paragraph (2) converts references in local acts, orders and schemes to those sections as in force immediately before the coming into force of this Order and the instruments having effect thereunder, to references to those sections as altered and any Regulations for the time being in force thereunder.