STATUTORY INSTRUMENTS

2007 No. 3484

ROAD TRAFFIC, ENGLAND

The Removal and Disposal of Vehicles (Amendment) (England) Regulations 2007

Made - - - -	*10th December 2007*
Laid before Parliament	*14th December 2007*
Coming into force - -	*31st March 2008*

The Secretary of State for Transport makes these Regulations in exercise of the powers conferred by sections 99(1) and (2) of the Road Traffic Regulation Act 1984(**a**) and after consultation with representative organisations in accordance with section 134(2) of that Act.

Citation and commencement

1. These Regulations may be cited as the Removal and Disposal of Vehicles (Amendment) (England) Regulations 2007 and shall come into force on 31st March 2008.

Preliminary

2. The Removal and Disposal of Vehicles Regulations 1986(**b**) shall be further amended in accordance with the following provisions of these Regulations.

Powers of parking attendants to remove vehicles

3. In regulation 5A the following paragraph shall be added after paragraph (7)—

"(8) This regulation shall not apply to a vehicle found in a civil enforcement area for parking contraventions (as defined by regulation 5C(4)) on or after 31st March 2008."

Removal of vehicles from roads in England by civil enforcement officer

4. The following regulation shall be inserted after regulation 5B—

"Power of civil enforcement officers to remove vehicles in a civil enforcement area for parking contraventions in England

5C.—(1) Paragraph (2) applies where—

(a) a vehicle has been permitted to remain at rest on a road in a civil enforcement area for parking contraventions in England; and

(**a**) 1984 c. 27; section 99(2) was amended by the Road Traffic Act 1991 (c. 27), Schedule 8.
(**b**) S.I. 1986/183; relevant amending instruments are S.I. 1993/1475 and 1708, 1998/2019, 2002/1353.

(b) a civil enforcement officer has, in accordance with regulation 9 of the Civil Enforcement of Parking Contraventions (England) General Regulations 2007(**a**), fixed a penalty charge notice to the vehicle or handed such a notice to the person appearing to him to be in charge of the vehicle.

(2) Where this paragraph applies, a civil enforcement officer or a person acting under his direction may subject to paragraph (3) remove the vehicle concerned—

(a) to another position on the road where it is found;

(b) to another road; or

(c) to a place which is not on a road.

(3) The power conferred by paragraph (2) is not exercisable where the vehicle concerned is in a parking place and a penalty charge notice has been served as mentioned in paragraph (1)(b) in respect of a contravention consisting of, or arising out of, a failure—

(a) to pay a parking charge with respect to the vehicle;

(b) properly to display a ticket or parking device; or

(c) to remove the vehicle from the parking place by the end of the period for which the appropriate charge was paid,

until the appropriate period has elapsed since the giving of that penalty charge notice in respect of the contravention.

(4) In this regulation—

"the appropriate period" means—

(a) in the case of a vehicle as respects which there are 3 or more penalty charges outstanding, 15 minutes;

(b) in any other case 30 minutes;

"civil enforcement area for parking contraventions" and "civil enforcement officer" have the same meanings as in the Traffic Management Act 2004 (see Schedule 8 and section 76 of that Act);

"outstanding" in relation to a penalty charge has the same meaning as in the Civil Enforcement of Parking Contraventions (England) General Regulations 2007 (see regulation 2(2), (3) and (4) of those Regulations);

"parking place" has the meaning given by section 79(7) of the Traffic Management Act 2004;

"penalty charge" has the same meaning as in the Civil Enforcement of Parking Contraventions (England) General Regulations 2007 (see regulation 2(1) of those Regulations); and

"penalty charge notice" has the same meaning as in the Civil Enforcement of Parking Contraventions (England) General Regulations 2007 (see regulation 8(1) of those Regulations)."

Signed by authority of the Secretary of State for Transport

Rosie Winterton
Minister of State
Department for Transport

10th December 2007

(**a**) S.I. 2007/3483.

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations further amend the Removal and Disposal of Vehicles Regulations 1986 by an amendment to regulation 5A and the insertion of a new regulation 5C.

Regulation 5A of the 1986 Regulations is amended by *regulation 3* so as not to apply to a vehicle found in a civil enforcement area for parking contraventions on or after 31st March 2008

The new regulation 5C (inserted by *regulation 4*) empowers a civil enforcement officer (as defined in Part 6 of the Traffic Management Act 2004) to remove a vehicle found in a civil enforcement area for parking contraventions (as so defined) in respect of which he has given a penalty charge notice for a parking contravention in accordance with regulation 9 of the Civil Enforcement of Parking Contraventions (England) General Regulations 2007. By virtue of paragraph (3) of the inserted regulation 5C, where a vehicle is in a parking place, the power of removal under that regulation does not arise until the expiry of "the appropriate period" as defined by paragraph (4).

A full impact assessment of the effect that this instrument will have on the costs of business and the voluntary sector is available from Traffic Management Division, Department for Transport, 2/06 Great Minster House, 76 Marsham Street, London SWIP 4DR (telephone 020 7944 8692) and can be found on the website of the Department for Transport at www.dft.gov.uk/.

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