STATUTORY INSTRUMENTS

1978 No. 1345

ROAD TRAFFIC

The Removal and Disposal of Vehicles (Loading Areas) Regulations 1978

Made - - -	8*th September* 1978
Laid before Parliament	20*th September* 1978
Coming into operation	12*th October* 1978

The Secretary of State for Transport, as respects England, and the Secretary of State for Wales, as respects Wales, in exercise of the powers conferred by sections 20, 52 and 53 of the Road Traffic Regulation Act 1967(**a**) (which sections were altered by the Removal and Disposal of Vehicles (Alteration of Enactments) Order 1967(**b**) (as amended (**c**)), were amended by Schedule 19 to the Local Government Act 1972(**d**) and section 19 of the Road Traffic Act 1974(**e**), and were continued in effect (as so altered) by section 2(3) of the Statute Law (Repeals) Act 1976(**f**)), as modified by the Removal and Disposal of Vehicles (Loading Areas) (Modification of Enactments) Regulations 1978(**g**), and now vested in them (**h**), and of all other enabling powers, and after consultation with representative organisations in accordance with section 107(2) of the Road Traffic Regulation Act 1967, hereby make the following Regulations:—

PART I

GENERAL

Commencement, citation and interpretation

1.—(1) These Regulations may be cited as the Removal and Disposal of Vehicles (Loading Areas) Regulations 1978, and shall come into operation on 12th October 1978.

(2) In these Regulations, unless the context otherwise requires—
"loading area" has the meaning given in section 37 of the Local Government (Miscellaneous Provisions) Act 1976(**i**);
"vehicle" means any vehicle, and includes any load carried by and anything attached to the vehicle.

(3) Any reference in these Regulations to any enactment is a reference to that enactment as amended, altered, or extended by or under any enactment.

(4) The Interpretation Act 1889(**j**) shall apply for the interpretation of these Regulations as it applies for the interpretation of an Act of Parliament.

(**a**) 1967 c. 76. (**b**) S.I. 1967/1900. (**c**) S.I. 1975/1949.
(**d**) 1972 c. 70. (**e**) 1974 c. 50. (**f**) 1976 c. 16.
(**g**) S.I. 1978/889.
(**h**) As respects the Secretary of State for Transport—see S.I. 1970/1681.
(**i**) 1976 c. 57. (**j**) 1889 c. 63.

PART II

REMOVAL OF VEHICLES

Power to require the removal of vehicles from loading areas

2.—(1) This Regulation applies to a vehicle which is in any part of a loading area while the parking of it in that part is prohibited by virtue of section 37 of the Local Government (Miscellaneous Provisions) Act 1976.

(2) Subject to paragraph (3) below, an officer of the local authority, duly authorised in writing by that authority, may require the owner, driver or other person in control or in charge of any vehicle to which this Regulation applies to move it or cause it to be moved, and any such requirement may include a requirement that the vehicle shall be moved from the part of the loading area where it is to some other part of that loading area, or to a place on a highway, or to some other place which is not on a highway (being a place where the vehicle can be lawfully parked).

(3) When making any requirement under paragraph (2) above an officer of the local authority, if requested so to do by the owner, driver or other person in control or in charge of the vehicle, shall produce evidence of his authorisation.

(4) A person required to move or cause to be moved a vehicle under this Regulation shall comply with such requirement as soon as practicable, and a person who fails to comply with this paragraph of this Regulation commits an offence under section 87 of the Road Traffic Regulation Act 1967 for which he is liable on summary conviction to a fine not exceeding £50.

(5) In this Regulation and in Regulation 3 below "the local authority" means—

(*a*) in Greater London, the Council of the London borough or, as the case may be, the Common Council of the City,

(*b*) elsewhere in England, or in Wales, the council of the district,

in whose area is situated the part of the loading area where the vehicle in question is while parking is prohibited as mentioned in paragraph (1) above.

Power to remove vehicles

3.—(1) Where, in the case of a vehicle to which Regulation 2 above applies—

(*a*) the owner, driver or other person in control or in charge of the vehicle refuses or fails to comply with a requirement, made under that Regulation by a duly authorised officer of the local authority, to move it or cause it to be moved, or

(*b*) no person who is in control or in charge of the vehicle and who is capable of moving it or causing it to be moved is present on or in the vicinity of the vehicle,

an officer of the local authority (who need not be the officer who has made any requirement as respects the vehicle under Regulation 2 above) may move or arrange for the removal of the vehicle to another part of the loading area, or may remove it or arrange for its removal from the loading area to some other place which is not on a highway.

(2) Any person removing or moving a vehicle under this Regulation may do so by towing or driving the vehicle or in such other manner as he may think necessary, and may take such measures in relation to the vehicle as he may think necessary to enable him to remove or move it as aforesaid.

PART III

Disposal of Abandoned Vehicles

Disposal of abandoned vehicles

4.—(1) The provisions of Part III of the Removal and Disposal of Vehicles Regulations 1968(**a**) (Disposal of abandoned vehicles) shall apply in relation to a vehicle which has been removed from a loading area under Part II of these Regulations and which appears to an authority to have been abandoned as they apply in relation to a vehicle which has been removed under Part II of those Regulations.

(2) For the purposes of this application the references in Part III of the said Regulations of 1968 to section 53 of the Road Traffic Regulation Act 1967 shall be construed as references to the said section 53 as modified by the Removal and Disposal of Vehicles (Loading Areas) (Modification of Enactments) Regulations 1978.

PART IV

Charges for Removal, Storage and Disposal of Vehicles

Charge for removing vehicles

5. For the purposes of sections 52(1)(*a*) and 53 of the Road Traffic Regulation Act 1967, the charge in respect of the removal of a vehicle from a loading area shall be—

(i) if the vehicle is removed from any part of a loading area in the City of London or the Metropolitan Police District (not being, in the case of a vehicle which is removed by a local authority, a place which is in the area of the council of a district which lies partly within and partly outside the Metropolitan Police District) £22; and

(ii) in any other case, £20.

Charge for storing vehicles

6.—(1) For the purposes of section 52(1)(*b*) and 53(3) of the Road Traffic Regulation Act 1967, the charge in respect of any period during which a vehicle is in the custody of an authority shall be £2 for each period of 24 hours or part thereof.

(2) Subject to paragraph (3) below, each period of 24 hours or part thereof shall be reckoned from noon on the day following the day on which the vehicle was removed.

(3) Where a vehicle is in the custody of an authority in a place which is closed on the day following the day on which the vehicle was removed as aforesaid up to noon, then for the purpose of calculating the said charge each period of 24 hours or part thereof as aforesaid shall be reckoned from noon on the first day thereafter on which the said place is open at any time before noon for the claiming of any vehicle which is held in custody at that place and which may be lawfully claimed.

(a) S.I. 1968/43.

Charge for disposing of vehicles

7. For the purposes of sections 52(1)(*c*) and 53(3) of the Road Traffic Regulation Act 1967, the charge in respect of the disposal of a vehicle shall be £6.

William Rodgers,
Secretary of State for Transport.

8th September 1978.

Signed by authority of the
Secretary of State for Wales.

T. Alec Jones,
Parliamentary Under Secretary of State.

8th September 1978.

EXPLANATORY NOTE

(*This Note is not part of the Regulations.*)

These Regulations make provision for the removal and disposal of vehicles under sections 20, 52 and 53 of the Road Traffic Regulation Act 1967 as these sections have been applied in relation to vehicles in any part of a loading area (as defined in section 37 of the Local Government (Miscellaneous Provisions) Act 1976) while the parking of such vehicles on that part is prohibited by virtue of that section (which relates to the control of parking on areas used for loading or unloading goods vehicles).

Regulation 2 empowers a duly authorised officer of the local authority to require the removal of a vehicle which is in a part of a loading area while the parking of it is prohibited by virtue of section 37 of the Local Government (Miscellaneous Provisions) Act 1976. Non-compliance with this requirement would be an offence under section 87 of the Road Traffic Regulation Act 1967.

Regulation 3 empowers a duly authorised officer of the local authority to remove the vehicle if the person in charge of the vehicle fails or refuses to comply with the requirement made under Regulation 2 or if there is no person present who is in charge of the vehicle and is able to remove it.

Regulation 4 applies to vehicles which have been removed under Regulation 3 and which appear to have been abandoned the provisions of the Removal and Disposal of Vehicles Regulations 1968 which relate to the disposal of abandoned vehicles.

Regulation 5 prescribes the charges for the removal, storage and disposal of vehicles.

SI 1978/1345
ISBN 0-11-084345-2

