1960 No. 2220 (S. 116)

The Removal of Vehicles (Charges) (Scotland) Order, 1960

Made - - - -	*29th November*, 1960
Laid before Parliament	*7th December*, 1960
Coming into Operation	*8th December*, 1960

In exercise of the powers conferred on me by section 15 of the Road Traffic and Roads Improvement Act, 1960(a), and of all other powers enabling me in that behalf, I hereby make the following Order:—

1. This order may be cited as the Removal of Vehicles (Charges) (Scotland) Order, 1960, and shall come into operation on the eighth day of December, 1960.

2.—(1) In this order the following expressions have the meanings hereby respectively assigned to them:—

"section 15" means section 15 of the Road Traffic and Roads Improvement Act, 1960;

"owner" has the same meaning as in the Road Traffic Act, 1960(b).

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

3. Subject to the provisions of the next succeeding article, the person by whom there shall be payable to the appropriate authority the charges mentioned in paragraphs (*a*) and (*b*) of subsection (1) of section 15 shall be the person driving the vehicle at the time it was left in the place from which it was removed in pursuance of any order or the regulations mentioned in subsection (1) of section 15.

4. Where it appears to an appropriate authority that a vehicle which has been removed in pursuance of any such order or regulations has been abandoned, then the person by whom the charges mentioned in the last preceding article shall be payable shall be the person who was the last owner of the vehicle before it was so removed, except in a case where that person satisfies the appropriate authority that he was not responsible for the vehicle being in the place from which it was removed and in that case the person by whom the said charges shall be payable shall be the person driving the vehicle at the time it was left in that place.

5. The scale by reference to which the charge mentioned in paragraph (*b*) of subsection (1) of section 15 shall be ascertained is the following, that is to say, ten shillings for each period of twenty-four hours or part of such a period reckoned from noon on the day following the day on which the vehicle was removed in pursuance of any order or the regulations mentioned in subsection (1) of section 15:

Provided that, where a vehicle is in the custody of the appropriate 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

(a) 8 & 9 Eliz. 2. c. 63. (b) 8 & 9 Eliz. 2. c. 16. (c) 52 & 53 Vict. c. 63.

the said scale it shall be reckoned from noon on the first day on which the said place is open at any time before noon for the claiming of any vehicle held in custody at that place.

Dated this 29th day of November, 1960.

J. S. Maclay,
One of Her Majesty's Principal Secretaries of State.

St. Andrew's House,
Edinburgh, 1.

EXPLANATORY NOTE

(This Note is not part of the Order, but is intended to indicate its general purport.)

Section 15 of the Road Traffic and Roads Improvement Act, 1960, provides that, where a vehicle is removed from a parking place in pursuance of an order mentioned in that section or from a road in pursuance of the regulations so mentioned there shall be payable to the appropriate authority by the prescribed person a fixed charge (at present £2) in respect of the removal and, in respect of the period during which the vehicle is in the custody of that authority, a charge to be ascertained by reference to the prescribed scale.

This Order, which applies to Scotland, prescribes the person by whom the above-mentioned charges are to be paid and the scale to which reference is to be made.