Any enactment contained in a local Act, being an enactment imposing or authorising the imposition of a prohibition or restriction similar to any prohibition or restriction which is or can be imposed by or under any of the abovementioned enactments.

EXPLANATORY NOTE

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

These Regulations, which apply to England and Wales, revoke the Removal of Vehicles Regulations, 1938, and make new provision empowering the police to require the owner, driver or other person in control or in charge of a vehicle to move it if it is a vehicle which has broken down or been left on a road and is likely to cause danger or is causing obstruction or if it is a vehicle which has been left on a road in contravention of a statutory prohibition or restriction having effect under any of the enactments mentioned in the Schedule to the Regulations, e.g. a prohibition or restriction on waiting or parking. The Regulations also empower the police to move, or remove from the roads altogether, any such vehicle and any vehicle which, having broken down or been left on a road, appears to have been abandoned, but the exercise of this power on the ground of obstruction only is subject to the limitations contained in the proviso to Regulation 4. Where a vehicle is removed from the roads altogether under these Regulations the police are required to make arrangements for the safe custody of the vehicle and of its load.

1957 No. 676 (S. 32)

The Removal of Vehicles (Scotland) Regulations, 1957

Made - - - -	15*th April*, 1957
Laid before Parliament	16*th April*, 1957
Coming into Operation	1*st May*, 1957

In exercise of the powers conferred on me by section 59 and section 111 of the Road Traffic Act, 1930(**a**), as amended and extended by section 22 of the Road Traffic Act, 1934(**b**), section 6 of and paragraph 19 of the Eighth Schedule to the Road Traffic Act, 1956(**c**), as read with the Transfer of Functions (Roads, Bridges and Ferries) Order, 1955(**d**), and of all other powers enabling me in that behalf, I hereby make the following Regulations:—

1.—(1) These Regulations shall come into operation on the 1st day of May, 1957, and may be cited as "The Removal of Vehicles (Scotland) Regulations, 1957".

(2) In these Regulations—

(*a*) references to the removal of a vehicle from a road are references to the removal of that vehicle from that road to a place which is not on any other road;

(**a**) 20 & 21 Geo. 5. c. 43. (**b**) 24 & 25 Geo. 5. c. 50. (**c**) 4 & 5 Eliz. 2. c. 67.
(**d**) S.I. 1955/1955 (1955 I, p. 1205).

(*b*) references to removing, moving or making arrangements for the safe custody of a vehicle shall respectively include references to removing, moving or making arrangements for the safe custody of any load carried by the vehicle;

(*c*) the expression "relevant statutory prohibition or restriction" means a prohibition or restriction contained in, or having effect under, any of the enactments mentioned in the Schedule to these Regulations;

(*d*) references to any enactment shall be construed as references to that enactment as amended or extended by or under any subsequent enactment.

(3) The Interpretation Act, 1889(a), shall apply to the interpretation of these Regulations as it applies to the interpretation of an Act of Parliament.

2. The Removal of Vehicles Regulations, 1938(b), are hereby revoked without prejudice, however, to the validity of anything done thereunder or to any liability incurred in respect of any act or omission before the coming into operation of these Regulations.

3.—(1) This Regulation applies to a vehicle which—

(*a*) has broken down, or been permitted to remain at rest, on a road in such a position or in such condition or in such circumstances as to be likely to cause danger to other persons using the road, or

(*b*) has been permitted to remain at rest on a road in contravention of any relevant statutory prohibition or restriction, or

(*c*) has broken down, or been permitted to remain at rest, 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.

(2) A constable may require the owner, driver or other person in control or in charge of a 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 not be moved to any such road or to any such position on a road as may be specified.

(3) Any person who fails to comply as soon as practicable with any requirement given under this Regulation shall be guilty of an offence and liable on conviction in a court of summary jurisdiction to a fine not exceeding twenty pounds.

(4) For the purpose of sub-paragraph (*b*) of paragraph (1) of this Regulation a vehicle which has broken down and has remained at rest for any period in any position on a road shall be treated as if it had been permitted to remain at rest in that position throughout that period.

4. Where a vehicle—

(*a*) is a vehicle to which Regulation 3 of these Regulations applies, or

(*b*) having broken down on a road, appears to have been abandoned, or

(*c*) has been permitted to remain at rest on a road in such a position or in such condition or in such circumstances as to appear to have been abandoned,

a constable may remove the vehicle or arrange for it to be removed from that road or may move it or arrange for it to be moved to another position on that or another road:

(a) 52 & 53 Vict. c. 63. (b) S.R. & O. 1938/79 (Rev. XII, p. 819: 1938 II, p. 2990).

Provided that the powers conferred by this Regulation on a constable shall not be exercised in the case of any vehicle by reason only of its being such a vehicle as is mentioned in sub-paragraph (*c*) of paragraph (1) of Regulation 3 of these Regulations unless the constable is of the opinion that the vehicle is so near a road junction as to interfere with the passage of other vehicles at or near that junction or that it is so far from the edge of the carriageway or so near another vehicle that the space available for the passage of other vehicles along the road is unduly restricted.

5. Any person removing or moving a vehicle under these Regulations 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.

6. Where a constable removes or makes arrangements for the removal of a vehicle from a road under these Regulations he shall make such arrangements as may be reasonably necessary for the safe custody of the vehicle.

Dated this 15th day of April, 1957.

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

St. Andrew's House,
Edinburgh, 1.

SCHEDULE

Section 104 of the Roads and Bridges (Scotland) Act, 1878(a) (which among other things empowers a local authority to make byelaws regulating traffic).

Section 385 of the Burgh Police (Scotland) Act, 1892(b) (which among other things permits a town council to regulate traffic in a burgh).

Sections 46 and 47 of the Road Traffic Act, 1930 (which respectively authorise the making of orders regulating traffic on roads and provide for traffic regulation in consequence of the execution of works).

Sections 48 and 49 of the Road Traffic Act, 1930 (which respectively relate to the placing of traffic signs and make it an offence to fail to conform to the indications given by certain traffic signs).

Section 120 of the Road Traffic Act, 1930 (which relates to the provision of parking places for vehicles).

Section 18 of the Road Traffic Act, 1934 (which relates to crossings for foot passengers).

Section 12 of the Special Roads Act, 1949(c) (which authorises the making of regulations with respect to the use of special roads).

Sections 19 to 22 of the Road Traffic Act, 1956 (which relate to parking places).

Section 35 of the Road Traffic Act, 1956 (which relates to traffic signs).

Sections 37 and 38 of the Road Traffic Act, 1956 (which empower the police to place traffic signs relating to special traffic regulations and temporary signs for dealing with traffic congestion and danger).

Any enactment contained in a local Act, being an enactment imposing or authorising the imposition of a prohibition or restriction similar to any prohibition or restriction which is or can be imposed by or under any of the above-mentioned enactments.

(a) 41 & 42 Vict. c. 51. (b) 55 & 56 Vict. c. 55. (c) 12, 13 & 14 Geo. 6. c. 32.

EXPLANATORY NOTE

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

These Regulations, which apply only to Scotland, revoke the Removal of Vehicles Regulations, 1938, and make new provision empowering the police to require the owner, driver or other person in control or in charge of a vehicle to move it if it is a vehicle which has broken down or been left on a road and is likely to cause danger or is causing obstruction, or if it is a vehicle which has been left on a road in contravention of a statutory prohibition or restriction having effect under any of the enactments mentioned in the Schedule to the Regulations, e.g., a prohibition or restriction on waiting or parking. The Regulations also empower the police to move or remove from the roads altogether any such vehicle and any vehicle which, having broken down or been left on a road, appears to have been abandoned, but the exercise of this power on the ground of obstruction only is subject to the limitations contained in the proviso to Regulation 4. Where a vehicle is removed from the roads altogether under these Regulations, the police are required to make arrangements for the safe custody of the vehicle and its load.

1957 No. 1961

The Traffic Regulation Orders (Procedure) (England and Wales) Regulations, 1957

Made - - - -	11*th November*, 1957
Laid before Parliament	18*th November*, 1957
Coming into Operation	2*nd December*, 1957

The Minister of Transport and Civil Aviation (hereinafter referred to as "the Minister") in exercise of his powers under sections 46 and 59 of the Road Traffic Act, 1930(a), section 29 of the Road and Rail Traffic Act, 1933(b), and section 33 of the Road Traffic Act, 1956(c), and of all other powers him enabling in that behalf hereby makes the following Regulations:—

PART I

General

1. These Regulations shall come into operation on the second day of December, 1957, and may be cited as the Traffic Regulation Orders (Procedure) (England and Wales) Regulations, 1957.

2. The Regulation and Restriction of Road Traffic (Procedure) Regulations, 1931(d), in so far as the same are still in force, are hereby revoked, and the Regulation and Restriction of Road Traffic (Procedure) Provisional Regulations, 1934, are hereby also revoked except in relation to an Order made by a Council under subsection (2) of section 46 of the Act of 1930 which has been submitted to the Minister for confirmation before the date

(a) 20 & 21 Geo. 5. c. 43. (b) 23 & 24 Geo. 5. c. 53. (c) 4 & 5 Eliz. 2. c. 67.
(d) S.R. & O. 1931/486 (Rev. XX, p. 370 : 1931 p. 1155).