EXPLANATORY MEMORANDUM TO

THE REMOVAL, STORAGE AND DISPOSAL OF MOTOR VEHICLES TIMEFRAMES (AMENDMENT) REGULATIONS 2026

2026 No. 704

1. Introduction

1.1 This Explanatory Memorandum has been prepared by the Home Office and is laid before Parliament by Command of His Majesty.

2. Declaration

2.1 Sarah Jones, Minister for Policing and Crime at the Home Office confirms that this Explanatory Memorandum meets the required standard.

2.2 Lizzy Gummer, Deputy Director for the Police Powers Unit, at the Home Office confirms that this Explanatory Memorandum meets the required standard.

3. Contact

3.1 Francesca Kingsmill at the Home Office can be contacted by email at the following address with any queries regarding the instrument: francesca.kingsmill@homeoffice.gov.uk. Alternatively, the department can be contacted by telephone: 02070354848.

Part One: Explanation, and context, of the Instrument

4. Overview of the Instrument

What does the legislation do?

4.1 This instrument will reduce the three police vehicle disposal timeframes covering the period for disposal following issuing of a seizure notice, the period an individual has to notify of their intention to collect prior to disposal and the period an individual has to subsequently collect before disposal, to seven calendar days. This instrument will also ensure consistency in referring to days across vehicle disposal legislation, as opposed to a mix of working days and calendar days.

Where does the legislation extend to, and apply?

4.2 The extent of this instrument (that is, the jurisdiction(s) which the instrument forms part of the law of) extend to England and Wales for:

- The Police (Retention and Disposal of Motor Vehicles) Regulations 2002

- The Police (Retention and Disposal of Vehicles) Regulations 1995

and England and Wales and Scotland for:

- The Road Traffic Act 1988 (Retention and Disposal of Seized Motor Vehicles) Regulations 2005.

4.3 The territorial application of this instrument (that is, where the instrument produces a practical effect) is England and Wales for

- The Police (Retention and Disposal of Motor Vehicles) Regulations 2002
- The Police (Retention and Disposal of Vehicles) Regulations 1995

and England and Wales and Scotland for

- The Road Traffic Act 1988 (Retention and Disposal of Seized Motor Vehicles) Regulations 2005.

5. Policy Context

What is being done and why?

5.1 This instrument amends the statutory framework for the disposal of vehicles that have been seized by police under existing powers, where vehicles are being used in an anti-social, illegal or dangerous manner, or where driven by an uninsured or unlicensed driver or for unlawful trespass.

5.2 Current statutory timeframes for disposal mean seized vehicles can remain in compounds for long periods, making it easier for individuals to reclaim vehicles after seizure, and continue engaging in similar offending behaviour. Current retention periods may also allow offenders time to organise payment of release and storage fees and transfer ownership, enabling them to recover vehicles that have previously been used in anti-social, illegal or dangerous activity. This can contribute to repeat offending, as the same vehicle may be re-used in a similar manner shortly after release, thereby reducing the overall deterrent effect of existing enforcement powers.

5.3 This instrument aims to reduce the opportunity for individuals to re-offend by allowing the police to more quickly dispose of seized vehicles and create consistency in timeframes across legislation. This will reduce opportunities for repeat offending, reduce burdens on the police and ensure vehicles do not pose ongoing risks to members of the public.

What was the previous policy, how is this different?

5.4 Prior to bringing forward this instrument, legislation provided for long and inconsistent disposal timeframes, which were insufficient in deterring repeat behaviour due to the ease with which individuals could re-claim vehicles.

5.4.1 For example, prior to bringing forward this instrument, police had to wait for a maximum of between 14 days and 3 months, depending on the legislation used to seize the vehicle, before they could dispose of it. This instrument brings disposal timeframes down to a maximum of 14 days across all vehicle disposal legislation.

5.5 Proposals aim to introduce a simpler and more consistent approach by reducing disposal timeframes across the different legislative regimes. This will mean:

5.5.1 Vehicles can be disposed of seven calendar days after police seizure, replacing previous disposal timeframes following seizure of between 14 days and three months

5.5.2 Vehicles can be disposed of seven calendar days after issuing a seizure notice, where an individual has not notified they intend to collect. This replaces the previous disposal timeframe of between seven working days and 21 days

5.5.3 Vehicles can be disposed of seven calendar days after an individual has notified they intend to collect but the vehicle is not subsequently collected. This replaces the previous disposal timeframe of up to seven working days.

6. Legislative and Legal Context

How has the law changed?

6.1 Under the Police Reform Act 2002, Road Traffic Act 1988 and Criminal Justice and Public Order Act 1994, police are empowered to seize vehicles in certain circumstances. The Regulations being amended set minimum time limits for those vehicles to be reclaimed, after which they will be disposed of.

6.2 As set out in paragraph at 5.4 above, the Regulations being amended included various timescales, meaning that depending on which Act the vehicle was seized under, the storage period would vary. This instrument seeks to remove these inconsistencies and clarify that whatever Act the vehicle was seized under, a person would have seven calendar days to notify that they intend to reclaim the vehicle, and seven further calendar days to reclaim it.

6.3 The cumulative effect is that, across all the relevant legislation, if a vehicle is seized, the police must store it for a minimum of seven calendar days. Once they issue a notice requiring the vehicle to be collected, the owner has seven calendar days from the date of the notice to notify the police they intend to collect the vehicle. Once that notice has been given, the person has seven calendar days to collect it. If the time period expires before the relevant event happens, the police can dispose of the vehicle.

Why was this approach taken to change the law?

6.4 Disposal timeframes are set out in statute and can therefore only be amended via a statutory instrument. Section 195(2) of the Road Traffic Act 1988 (the parent Act for the Road Traffic Act 1988 (Retention and Disposal of Motor Vehicles) Regulations 2005) requires the Secretary of State to consult with such representative organisations as they consider appropriate before making regulations under this provision.

7. Consultation

Summary of consultation outcome and methodology

7.1 The Home Office consulted publicly on proposals to amend vehicle disposal legislation, including reducing the timeframe for disposal under anti-social behaviour powers to 48 hours and potential changes to fees. Responses were invited via an online questionnaire on the gov.uk website. To maximise engagement, stakeholders were also notified that the consultation had been launched to ensure that they had the opportunity to respond.

7.2 The Home Office received 138 responses to the consultation. Responses were received from members of the Association of Vehicle Recovery Operators, and individual vehicle recovery operators. There were also responses from: national policing leads for vehicle recovery and roads policing; several Police and Crime Commissioners; individual police forces; members of the public and anonymous respondents.

7.3 While respondents were broadly supportive of the policy aim of reducing re-offending and tackling anti-social behaviour linked to vehicle use, concerns were raised about the practical implementation of disposal timeframes being reduced to 48 hours. Concerns included limited access to compounds over weekends and bank holidays for companies and individuals to re-claim their vehicles; the impacts on individual's rights to property; disproportionate impacts on vulnerable individuals and the risk that there would be insufficient time to resolve disputes and correct erroneous seizure notices. A small number of respondents suggested that using 'working days' would

better support fairness by allowing individuals more time to recover their vehicles. However, a majority supported the use of calendar days, for clarity and consistency.

7.4 In light of this consultation feedback, the regulations being brought forward differ from those originally consulted on, in that they allow seven calendar days for disposal under anti-social behaviour Regulations. This reflects the need to balance the rights of members of the public, including vulnerable individuals, and the need to ensure that the Regulations are operationally workable.

7.5 Consultation responses raised concern about the operational practicalities of implementing a 48 hour timeframe, as well as the need to ensure alignment across all three timeframes to ensure any amendments would be operationally workable.

7.6 The consultation response on timeframes was published on GOV.UK on 9 June prior to laying these legislative amendments. The consultation and its response can be found here https://www.gov.uk/government/consultations/amends-to-legislation-on-vehicle-removal-storage-and-disposal. Regulations to amend the fees for the removal, storage and disposal of vehicles, consulted on at the same time as vehicle disposal timeframe amendments, are being considered separately, and are not included in this statutory instrument.

8. Applicable Guidance

8.1 The Home Office will alert police forces and other interested parties to the new Regulations via the National Police Chiefs' Council following their commencement.

Part Two: Impact and the Better Regulation Framework

9. Impact Assessment

9.1 A full Impact Assessment has not been prepared for this instrument because the equivalent annual net direct cost to business is calculated to be below -/+£10 million. An Economic Note will be prepared and will be published alongside the Explanatory Memorandum on the legislation.gov.uk website when the legislation is laid.

9.2 The only monetised impact is the cost of police familiarisation which is estimated to be between £0.05 million and £0.34 million with a central estimate of £0.11 million. There are no monetised benefits

9.3 There is a non-monetised impact of reduced storage days and increased disposals. The impact of reduced storage days is expected to be larger than the impact of increased disposals however, this could not be monetised due to a lack of volumes data

- Increased disposals could lead to an increase in costs to the police and businesses from additional activity in disposing more vehicle. It will increase the costs to individuals in fees. This is a transfer to the police and businesses who receive this as additional income.
- Reduced storage days could lead to cost savings to the police and businesses from storing vehicles for less time. It will reduce the costs to individuals in fees. This is a transfer to the police and businesses who receive this as lower income.

9.4 There are also non-monetised benefits of reducing the timeframes for reclaiming vehicles.by deterring illegal vehicle use by making it harder for repeat offenders to reclaim their vehicles and reoffend

9.5 There is a small negative net present social value (NPSV) all scenarios, estimated to be between -£0.05 million and -£0.34 million with a central estimate of -£0.11

million. However, the majority of benefits are non-monetised, therefore the preferred option is expected to deliver value for money.

Impact on businesses, charities and voluntary bodies

9.6 There is no significant impact on business, charities or voluntary bodies because the impact of changes is calculated to be below £10 million.

9.7 The legislation may impact small or micro businesses. However, it is expected that the marginal impact on business revenues would be low. This is uncertain as there is not data available to assess this.

9.8 No exemption has been made for small and micro businesses as the marginal impact on revenue is low and may lead to cost savings from storing vehicles for less time.

10. Monitoring and review

What is the approach to monitoring and reviewing this legislation?

10.1 The Home Office will liaise closely with policing stakeholders to monitor the impact. The instrument does not include a statutory review clause.

Part Three: Statements and Matters of Particular Interest to Parliament

11. Matters of special interest to Parliament

11.1 None.

12. European Convention on Human Rights

12.1 As the instrument is subject to negative procedure and does not amend primary legislation no statement is required.

13. The Relevant European Union Acts

13.1 This instrument is not made under the European Union (Withdrawal) Act 2018, the European Union (Future Relationship) Act 2020 or the Retained EU Law (Revocation and Reform) Act 2023 ("relevant European Union Acts").