

## **Police (Retention and Disposal of Motor Vehicles) Regulations 2002**

Under section 59 of the Police Reform Act 2002 (motor vehicles used in a manner which constitutes a specified offence and which causes, or is likely to cause, alarm, distress or annoyance to members of the public), the police have certain powers to seize and remove motor vehicles.

Section 60 empowers the Secretary of State to make regulations in respect of these powers. Both section 59 and The Police (Retention and Disposal of Motor Vehicles) Regulations 2002, made under section 60, came into force on January 1 2003. The Regulations 2002 were amended by The Police (Retention and Disposal of Motor Vehicles) (Amendment) Regulations 2005, coming into force on November 1 2005.

Under regulation 4, the authority having custody of the vehicle is obliged to take steps to give a notice to the person who owns the vehicle requiring him to claim the vehicle on or before the specified date in the notice (being a date not less than 7 working days. [According to the amendments introduced by The Police (Retention and Disposal of Motor Vehicles) (Amendment) Regulations 2005, for a vehicle seized before November 1 2005, the applicable period of time shall be 21 days]. The notice must indicate that charges may be payable by that person and that the vehicle may be retained until these charges are paid. The level of the charges is prescribed in regulation 6.

5(1) Subject to the provisions of these Regulations, if, before a relevant motor vehicle is disposed of by an authority, a person satisfies the authority that he is the owner of that vehicle and pays to the authority such a charge in respect of its removal and retention as is provided for in regulation 6, the authority shall permit him to remove the vehicle from their custody.

Where the authority are unable to serve a notice to the owner of the vehicle, or that person fails to remove the vehicle from their custody, the authority must take further steps to identify the owner. If they are unsuccessful, or the owner fails to remove the vehicle, they may

dispose of it in accordance with the requirements established by regulation 7.

Regulation 7 establishes the cases and requirements according to which the authority may dispose of a vehicle.

(1) Subject to paragraph (2), the authority may, in such manner as they think fit, dispose of the vehicle at any time if -

(a) the person appearing to be the owner of the vehicle to whom a seizure notice is given under regulation 4(1) fails to comply with any requirement in that seizure notice; or

(b) the authority were not able, having taken such steps as were reasonably practicable, to give a seizure notice to the person appearing to be the owner of the vehicle.

7(2) The authorised person may not dispose of the vehicle under this regulation -

(a) during the period of 14 days starting with the date on which the vehicle was seized;

(b) if the period in sub-paragraph (a) has expired, until after the date specified in the seizure notice in accordance with regulation 4(3)(c); or

(c) if not otherwise covered by sub-paragraph (a) or (b), during the period of 7 working days starting with the date on which the vehicle is claimed under regulation 5.

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