



Legal Aid
Agency

Crown Court Means Testing

Motor Vehicle Order Scheme: Guidance for users

Version	Issue date	Last review date	Owned by
1.1	23 October 2014	22 September 2014	National Courts Core Team

Version History

Version	Date	Reason
1.0	30 July 2013	Initial Version
1.1	22 September 2014	Review for amendments

Contents

Overview	4
Part 1 – Clamping Orders	5
(a) General	5
(b) Making written representations to the magistrates’ court	6
(c) After the outcome of the application is known	9
Part 2 – Procedure if a vehicle has been wrongly clamped	12
Part 3 – Vehicle Sale Orders	13
(a) General:	13
(b) Making written representations to the magistrates’ court	14
(c) After the outcome of the application is known	16
(d) After the vehicle is sold	17
Part 4 – Charges	19

Overview

1. If you are granted criminal legal aid to fund your defence costs at the Crown Court, you may be liable to pay a contribution towards these costs. Subject to the outcome of the means assessment carried out under the Crown Court means testing (CCMT) scheme, you may be liable to pay a contribution from the income you earn as your case progresses through the Crown Court (this is known as an income contribution order). If you are convicted you may also be liable to pay any outstanding defence costs from capital assets that you hold (this is known as a capital contribution order).
2. Under the CCMT scheme, if you are granted criminal legal aid to fund your appeal to the Crown Court against your conviction or sentence at the magistrates' court, you may also be liable to pay a contribution towards those costs if your appeal is unsuccessful.
3. Provided you comply with the terms of your contribution order, the Legal Aid Agency (LAA) will take no further action against you.
4. However, if you do not make the payments required, the LAA can consider a range of collection and enforcement options to ensure that you do pay what you owe.
5. From 30 July 2013, the LAA has the power to apply to the magistrates' court to clamp your motor vehicle if you do not make payments as required under your contribution order. If you are convicted at the end of your case, and have still not paid the money you owe, the LAA also has the power to apply to the magistrates' court to sell your vehicle.
6. Full details of these powers are set out in the Criminal Legal Aid (Motor Vehicle Orders) Regulations 2013/No.1686. These regulations can be downloaded from the internet at:
<http://www.legislation.gov.uk/ukxi/2013/1686/contents/made>
7. The practical guidance contained in this document explains in more detail the operation of the new Motor Vehicle Orders scheme. This includes practical guidance on what to do if you are subject to an application for either a clamping order or vehicle sale order and wish to contest the application.
8. Whilst the guidance is most directly relevant to the person who is the subject of the criminal proceedings at the Crown Court, it may also be relevant to any other person who shares ownership of the vehicle (the regulations describe this as having '*an interest in the vehicle*'). The guidance may also be helpful to any person who relies on the vehicle for transport.
9. Alternative format versions of this guidance can be requested from the National Courts Team at the LAA in Nottingham:

Nottingham.NCT@legalaid.gsi.gov.uk

Part 1 – Clamping Orders

(a) General

1.1. When can an application for a clamping order be made?

If you do not make the payments required under your income contribution order, the LAA can make an application to the magistrates' court for a clamping order whilst criminal proceedings are still ongoing.

The LAA is also entitled to make an application for a clamping order following your conviction if you have not paid the amount owed under your capital contribution order or if you still have outstanding payments under your income contribution order.

If you do not pay a contribution order following an unsuccessful appeal at the Crown Court, the LAA may also apply to the magistrates' court for a clamping order in order to enforce payment.

1.2. How will I know about an application?

If the LAA has made an application to the magistrates' court, it must post a copy to the person named on the application at their last known address. In practice, this should always be the same person as the one who is facing criminal proceedings at the Crown Court and who has not made the required payments under their contribution order (if you believe there has possibly been a case of mistaken identity, please see paragraph 1.12(2) below).

The LAA must also post a copy of the application to any other person that the LAA is aware has a share in the vehicle (the regulations describe this as having '*an interest in the motor vehicle*').

1.3. Can I challenge the application?

As the person named on the application, you are entitled to make written representations to the magistrates' court to explain why you think a motor vehicle order should not be made. This includes giving details about the impact that seizure of the motor vehicle would have on you, as well as members of your family.

1.4. If I am not the person named on the application but I have been notified of the application because I have an interest in the vehicle, do I also have the right to make written representations to the court?

Yes. However, in making those written representations you will need to explain the nature of your share ('*interest*') in the vehicle and to support this with evidence.

1.5. Is there a hearing at the magistrates' court I can attend?

There is no oral hearing to consider the application. Instead, a district judge or magistrate will consider the application in chambers rather than in open court.

1.6. If I wish to write to the magistrates' court about the application, how much time do I have to do this?

You must write to the court within 14 days of the date on the letter telling you about the application for the motor vehicle order.

1.7. Is it possible to extend the 14 day period?

If you do not think that it will be possible for you to respond within this period, you may write to the magistrates' court asking for an extension of the 14 day deadline. Your request for extension must be submitted within the initial 14 days otherwise it cannot be considered.

This might arise if, for example, you have been remanded into custody by the court and need longer to make arrangements for someone to collect any relevant documentation from your home address.

1.8. Where do I address correspondence in relation to the application?

Whether you are writing to seek an extension to the 14 day period or submitting your own comments in relation to the application, these should be addressed to the magistrates' court dealing with the application (this will be listed on the letter notifying you of the application).

Please ensure that any correspondence you address to the court includes:

- Your full name;
- Your latest address details and telephone number; and
- The application/case reference number (you can take this from the letter notifying you of the application).

1.9. Can I apply for legal aid to help me in preparing any information and evidence I wish to prepare for the magistrates' court?

Legal aid is not available to pay for assistance from a solicitor in either advising you in how to respond to the application or preparing any written correspondence for this purpose.

1.10. Do I have to pay a court fee if I wish to submit information and evidence to the relevant magistrates' court?

No. Any fees in relation to the application must be paid by the LAA.

However, if the application for a clamping order is granted by the magistrates' court, the LAA may seek to recover the court fee from you along with the outstanding amount that you owe under your income or capital contribution order.

(b) Making written representations to the magistrates' court

1.11. What should I do if I wish to challenge the application?

Once you are notified about the application, you are entitled to make '*written representations*' to the magistrates' court. This is your opportunity to explain the impact that the clamping of your motor vehicle would have on you and members of your family. In making your case, you will need to support it with relevant information and documentary evidence.

1.12. What factors will the court take into account before reaching its decision?

The court will take into account the LAA's application and any written response provided by the person named on the application as well as any response from any other person notified about the application because they have a share in the vehicle.

The court must then consider whether it is appropriate in all the circumstances to make a clamping order. In reaching this decision, the court will consider any matters it considers relevant. In particular, the court must take into account:

- whether you, or any other person, would be likely to be unduly prejudiced by the making of the order; and
- the practicability of alternative means of transport if an order were to be made.

If the court decides to make an order, it must be satisfied that:

- you are the individual liable to pay the amount owed;
- you are the owner of the vehicle referred to in the application;
- your failure to pay the amount owed stems from your '*wilful refusal or culpable neglect*;' and
- the value of the vehicle included in the clamping order would, if sold, be likely to be for an amount greater than half of '*the estimated recoverable amount*.'

It is worth bearing these issues in mind when you are preparing your written representations to send to the court as it can help you to present your arguments in a more structured fashion. **Please remember that your written representations must be supported by relevant information and documentary evidence.**

The following section of the guidance looks at these issues in more detail:

(1) Whether you, or any other person, would be likely to be unduly prejudiced by the making of the order and the practicability of alternative means of transport if an order were to be made.

If you believe that a clamping order would have an unduly prejudicial impact on you, or anybody else, you can set this out in your 'written representations'. The following examples illustrate how this might arise, although this is not intended to be an exhaustive list:

Clamping of the vehicle may affect you, your partner or a dependent family member in either being able to work or get to your place of work;

If this applies in your case, you need to give details of your employment or business, job title and work address. For example, as an employee, you can support this with a pay slip or letter of appointment.

You will also need to give details of alternative means of transport so that the court may consider the impact that the clamping order would have on your ability to work. Details of public transport options can generally be downloaded from the relevant website.

If you live in a rural area where public transport options are limited, you need to make this clear.

In some towns and cities, it may be that a short commute by car could be done by public transport but that it would take considerably longer and perhaps require one or more changes (for example, you may need to take a combination of bus and train services). If this is the case, you need to provide these details.

It will also generally be helpful to give details of the distance from your home address and your usual workplace.

If there are other reasons why public transport would be impractical, you also need to detail them. For example, if you have to carry heavy power tools with you to work, it may not be feasible to take these on public transport.

Clamping of the vehicle may prevent you taking your partner or a dependent family member to attend regular medical appointments;

If you require the vehicle to transport your partner or dependent family member for regular medical appointments, you should give details (for example, your partner may be pregnant and attending a local clinic or hospital for regular check-ups).

You can support this with a current hospital or medical appointment letter.

You should also give an explanation why public transport would be impractical and whether patient transport services offered by local hospitals could offer an alternative.

Clamping of the vehicle may mean you are unable to take your children to school;

If you require the vehicle to take your children to school, you should give details of this. It will be helpful to include details of the distance of the school from your home address.

You should also explain why public transport would be impractical as well as considering other school travel arrangements that may be provided by your local authority.

Details of public transport arrangements can generally be downloaded from the relevant website.

(2) You are the individual liable to pay the amount owed and are also the owner of the vehicle referred to in the application

Before the court can make a clamping order, it must be satisfied that you are both the person who is liable for the amount owed as well as the owner of the vehicle listed in the application.

If you believe that either of these are in doubt, or that there may have been a case of mistaken identity, you can use your written representations to explain the correct position.

If you have details of the person who you believe is the owner of the vehicle, it would be helpful to provide these supported with evidence; for example, a copy of the relevant vehicle registration certificate giving details of the registered keeper of the vehicle.

If anyone else with an interest in the vehicle (other than the person named on the application) has been notified of the application by the LAA, they will have the opportunity to make their own written representations to the court (see paragraphs 1.4 to 1.10).

(3) Your failure to pay the amount owed stems from your '*wilful refusal or culpable neglect*'

In all cases where an application for a clamping order is made, the court may only grant an order if it is satisfied that your non-payment is a result of your wilful refusal or culpable neglect.

Before making an application, the LAA will always try and contact you to remind you of your outstanding payment. The LAA may choose to write to you, contact you by telephone or by text message, or use a combination of all of these. Details of the steps taken by the LAA to encourage your payment will be set out in the application for the clamping order.

If you believe you have a valid reason to explain why you have been unable to pay the amount owed and to show that you have not avoided payment deliberately, you should set this out in your written representations.

For example, this could arise if you have been hospitalised and have not yet been able to return to your home address.

(4) The value of the vehicle included in the clamping order would, if sold, be likely to be for an amount greater than half of ‘the estimated recoverable amount.’

The magistrates’ court can only make a clamping order if it is satisfied that the resale value of your vehicle is likely to be more than half of ‘the estimated recoverable amount’ you owe. This is made up of the total of your overdue amount under the contribution order as well as any charges that are likely to be added to this amount as a result of your vehicle being clamped (details of charges that may be payable under the scheme are set out at part 4).

If you believe that the LAA is mistaken as to the true resale value of the vehicle, you can use your written representations to raise this. You will need to give evidence to support any valuation you may have for your vehicle. For this purpose, you may find trade magazines used by the motoring industry to be helpful.

1.13. What if my vehicle is required to transport someone who is disabled?

Please note that under the legislation governing the new scheme, a clamp must not be fitted to a vehicle displaying a current disabled person’s badge or other recognised badge. It is also not possible for a vehicle to be clamped if there are reasonable grounds for believing that the vehicle is used to transport someone who is disabled.

If you believe that the LAA is unaware that either of these applies in your case, you can use your written representations to provide details to the court to clarify the position.

1.14. What if I’ve applied for a review or reassessment of my liability under my contribution order but there has not yet been a decision taken?

You should include details of this in your written representations. In reaching its decision, the court will take into account any other matters it considers relevant.

You should also ensure that if the LAA is waiting for you to provide further information or evidence that you do so as soon as possible.

1.15. What if there are other factors I wish the court to take into account in reaching its decision?

You are entitled to include details of any such factors in your written representations. As already noted, in reaching its decision, the court may take into account any matters it considers relevant.

(c) After the outcome of the application is known

1.16. What happens if the court declines to make a clamping order?

If the court does not issue a clamping order, you still remain liable for the overdue amount set out in the clamping order and you should take steps to pay it. If you do not, the LAA will consider alternative ways to enforce collection of the overdue amount from you.

1.17. What happens if the clamping order is issued by the magistrates’ court?

If a clamping order is made, a copy of the order will be sent to you by the court to your last known address. The clamping order will provide details of how the overdue amount can be paid. The clamping order will also specify the earliest date on which the vehicle may be clamped if the amount is not paid in full.

1.18. What happens if my vehicle is clamped?

If your vehicle is clamped following the making of a clamping order, an immobilisation notice will be fixed to it. This will confirm the overdue amount you owe to the LAA and give details of the steps you need to take to both pay this amount and secure release of the vehicle.

1.19. When can the vehicle be removed?

A minimum period of 24 hours must pass from the time at which the vehicle is clamped before it may be removed to storage if you still do not pay the overdue amount in full.

If the vehicle is removed to storage, a written notice confirming this will be sent to your last known address. The notice will set out the steps you need to take both to pay the overdue amount and secure release of the vehicle from storage.

1.20. Do I have to pay a charge for the time that my vehicle is held in storage?

If your vehicle is removed to storage, you will be liable to pay a daily storage charge of £16. Details of other charges applied under the scheme are included at Part 4.

1.21. What happens if the amount I owe changes after the clamping order has been issued by the court?

In some cases, a defendant may seek a reassessment or review of the amount owed under their contribution order after a clamping order has been issued. Subject to the outcome of the reassessment, the implications will vary:

If the outcome of the reassessment is that you must pay a higher contribution, the clamping order is still valid. However, it can only be used to enforce collection of the overdue amount stated in the original application;

If the outcome of the reassessment is that you are not liable to pay towards your legal aid costs, your vehicle will be released as soon as is practicable during office hours; and

If the outcome of the reassessment is that you must still pay towards your legal aid costs but that your contribution has been reduced, the LAA has 14 days from the date of the change in your liability to decide to either:

- release your vehicle, or
- make a new application to the court to reflect the reduced amount you still have to pay.

If the LAA decides to make a new application, you will be notified of the application (as at paragraph 1.2 above) and you will have the same opportunity to make written representations to the court (as at part 1(b) above).

For safe keeping, the LAA may decide to put the vehicle in storage until the outcome of the new application is known (if this happens, you will be sent a removal notice confirming this). If the vehicle is taken into storage, any charges that would otherwise apply (e.g. storage charges) will be waived between the date of the change in liability and the date of the outcome of the new application.

1.22. What happens if a new clamping order is made by the court?

If your vehicle has already been put in storage, you will be sent a new written notice. This will set out the steps you need to take both to pay the overdue amount and secure release of the vehicle from storage.

If your vehicle has remained in the place where it was clamped, a new immobilisation notice will be fixed to the vehicle.

1.23. What happens if the court declines to make a new clamping order?

If the court does not issue a clamping order and orders the release of the vehicle, the LAA must comply with the order as soon as is practicable.

1.24. If the court does not make a new clamping order, am I still liable for the amount I owe under my contribution order?

Yes – just because the court declines to make an order does not cancel the amount you owe and you should take steps to pay it. If you do not; the LAA will consider alternative ways to ensure that you pay the overdue amount you owe.

Part 2 – Procedure if a vehicle has been wrongly clamped

2.1. What can I do if my vehicle has been wrongly clamped?

If you believe your vehicle has been incorrectly clamped (for example, if you are unconnected with the defendant and have nothing to do with the criminal proceedings), you may apply to the LAA to release the vehicle.

Within 10 days of receipt of the application, the LAA must send you a written notice confirming its decision. If the LAA decides to release your vehicle, it will make arrangements for this as soon as is practicable during office hours. If the LAA declines to release your vehicle, the written notice will set out the reasons for this.

2.2. What if the LAA does not agree to release my vehicle?

If you do not receive a written notice within 10 days or if the LAA refuses to release the vehicle, you may apply to the magistrates' court for release of the vehicle.

Your application must be submitted to the court within 14 days of your receipt of the written notice or 14 days from the day after the date by which you should have received written notice from the LAA confirming its decision. If the 14 day period is not sufficient for you to prepare your application, you may write to the court asking for an extension of this period. Your request for extension must be submitted within the initial 14 days otherwise it cannot be considered.

2.3. What happens once I have submitted my application?

The court will do its best to arrange for a hearing as quickly as possible to consider your application. The court will notify you of the date, time and place of the hearing.

2.4. Do I have to attend the hearing?

No, but you can attend if you want to. You may also make written representations to the court. This might arise, for example, if you believe that there is additional information of which the court should be aware other than that contained in your application.

2.5. What decision can the court reach?

The court will either order the release of your vehicle or dismiss your application.

Part 3 – Vehicle Sale Orders

(a) General:

3.1. When might the LAA apply for a vehicle sale order?

If you still do not pay the overdue amount and are then convicted, the LAA may apply to the court for an order to sell your vehicle. Whilst an application for a vehicle sale order can be made as soon as you are convicted, the court cannot make a decision about whether to grant the order until 28 days after the date of your conviction.

In cases where an application for a clamping order is not made until after you have been convicted, the court cannot then make a vehicle sale order until 28 days after the date on which the clamping order is made.

3.2. How will I know about an application for a vehicle sale order?

If the LAA has made an application for a vehicle sale order to the magistrates' court, it must post a copy to the person named on the application at their last known address. In practice, this should always be the same person as the one who has been convicted at the Crown Court and who has not made the required payments under their contribution order (if you believe there has possibly been a case of mistaken identity, please see paragraph 1.12 above).

The LAA must also post a copy of the application to any other person that the LAA is aware has a share in the vehicle (the regulations describe this as having '*an interest in the motor vehicle*').

3.3. Can I challenge the application?

As the person named on the application, you are entitled to make written representations to the magistrates' court. This allows you to explain why you believe a vehicle sale order should not be granted (see part 3(b) for more details). This includes giving details about the impact that sale of the motor vehicle would have on you, as well as members of your family.

3.4. If I am not the person named on the application but I have been notified of the application because I have an interest in the vehicle, do I also have the right to make written representations to the court?

Yes. However, in making those written representations you will need to give details of your interest in the vehicle, including the financial value of your share in the vehicle. These details must be supported with evidence.

3.5. Is there a hearing at the magistrates' court I can attend?

No. There is no oral hearing to consider the application. Instead, a district judge or magistrate will consider the application in chambers rather than in open court.

3.6. If I wish to write to the magistrates' court about the application for the vehicle sale order, how much time do I have to do this?

You must write to the court within 14 days of the date on the letter telling you about the application.

3.7. Is it possible to extend the 14 day period?

If you do not think that it will be possible for you to respond within this period, you may write to the magistrates' court asking for an extension of the 14 day deadline. Your request for extension must be submitted within the initial 14 days otherwise it cannot be considered.

This might arise if, for example, you have been remanded in custody by the court and need longer to make arrangements for someone to collect any relevant documentation from your home address.

3.8. Where do I address correspondence in relation to the application?

Whether you are writing to seek an extension to the 14 day period or submitting your own comments in relation to the application, these should be addressed to the magistrates' court dealing with the application (this will be listed on the letter notifying you of the application).

Please ensure that any correspondence you address to the court includes:

- Your full name;
- Your latest address and telephone number details; and
- The application/case reference number (you can take this from the letter notifying you of the application)

3.9. Can I apply for legal aid to help me in preparing any information and evidence I wish to prepare for the magistrates' court?

Legal aid is not available to cover assistance from a solicitor in either advising you in how to respond to the application or preparing any written correspondence for this purpose.

3.10. Do I have to pay a court fee if I wish to submit information and evidence to the relevant magistrates' court?

No. Any fees in relation to the application must be paid by the LAA. However, if the application for a vehicle sale order is granted by the magistrates' court, the LAA may seek to recover the court fee from you along with the outstanding amount that you owe under your income or capital contribution order.

(b) Making written representations to the magistrates' court

3.11. What should I do if I wish to challenge the application?

Once you are notified about the application, you are entitled to make '*written representations*' to the magistrates' court. This is your opportunity to explain the impact that the clamping of your motor vehicle would have on you and members of your family. In making your case, you will need to support it with relevant information and documentary evidence.

3.12. What factors will the court take into account before reaching its decision?

The court will take into account the LAA's application and any written response provided by the person named on the application as well as any response from any other person notified about the application because they have a share in the vehicle.

The court must then consider whether it is appropriate in all the circumstances to make a vehicle sale order. As with an application for a clamping order, in reaching its decision on whether to make a vehicle sale order, the court will consider any other matters it considers relevant. In particular, the court must take into account:

- whether you, or any other person, would be likely to be unduly prejudiced by the making of the order; and

- the practicability of alternative means of transport if an order were to be made.

In making a clamping order, the court will have already been satisfied that:

- you are the individual liable to pay the amount owed;
- you are the owner of the vehicle referred to in the application;
- your failure to pay the amount owed stemmed from your '*wilful refusal or culpable neglect*;' and
- the value of the vehicle included in the clamping order would, if sold, be likely to be for an amount greater than half of '*the estimated recoverable amount*.'

For this reason, the court does not expressly have to consider these issues again before making a decision about whether or not to grant a vehicle sale order.

Those earlier sections of this guidance that would also be relevant to preparation of written representations in response to an application for a vehicle sale order have been reproduced below.

Please remember that your written representations must be supported by relevant information and documentary evidence.

Whether you, or any other person, would be likely to be unduly prejudiced by the making of the vehicle sale order and the practicability of alternative means of transport if an order were to be made.

If you believe that a vehicle sale order would have an unduly prejudicial impact on you, or anybody else, you can set this out in your 'written representations'. The following examples illustrate how this might arise, although this is not intended to be an exhaustive list:

Sale of the vehicle may affect you, your partner or a dependent family member in either being able to work or get to your place of work;

If this applies, you need to give details of your employment or business, job title and work address. For example, as an employee, you can support this with a pay slip or letter of appointment.

You will also need to give details of alternative means of transport so that the court may consider the impact that the clamping order would have on your ability to work. Details of public transport options can generally be downloaded from the relevant website.

If you live in a rural area where public transport options are limited, you need to make this clear.

In some towns and cities, it may be that a short commute by car could be done by public transport but that it would take considerably longer and perhaps require one or more changes (for example, you may need to take a combination of bus and train services). If this is the case, you need to provide these details.

It will also generally be helpful to give details of the distance from your home address and your usual workplace.

If there are other practical reasons why public transport would be impractical, you also need to detail them. For example, if you have to carry heavy power tools with you to work, it may not be feasible to take these on public transport.

Sale of the vehicle may prevent you taking your partner or a dependent family member to attend regular medical appointments;

If you require the vehicle to transport your partner or dependent family member for regular medical appointments, you should give details (for example, your partner may be pregnant and attending a local

clinic or hospital for regular check-ups). You can generally support this with a current hospital or medical appointment letter.

You should also give an explanation why public transport would be impractical and whether patient transport services offered by local hospitals could offer an alternative.

Sale of the vehicle may mean you are unable to take your children to school;

If you require the vehicle to take your children to school, you should give details of this. It will be helpful to include details of the distance of the school from your home address. You should also explain why public transport would be impractical as well as considering other school travel arrangements that may be provided by local authority. Details of public transport arrangements can generally be downloaded from the relevant website.

3.13. What if I've applied for a review or reassessment of my liability under my contribution order but there has not yet been a decision taken?

You should include details of this in your written representations. In reaching its decision, the court will take into account any matters it considers relevant.

3.14. What if I've appealed against my conviction but the appeal hearing has not yet taken place?

Just because you have appealed against your conviction and are waiting for the appeal to be heard does not prevent the LAA from applying to the court for a vehicle sale order. However, you should include full details of your appeal application in your written representations to the court. It is for the court to decide whether this is a relevant issue that it should take into account in reaching a decision about whether to grant the application for a vehicle sale order.

3.15. What if there are other factors I wish the court to take into account in reaching its decision?

You are entitled to include details of any such factors in your written representations. In reaching its decision, the court is able to take into account any matters it considers relevant.

(c) After the outcome of the application is known

3.16. What happens if the court doesn't issue the vehicle sale order?

If the court does not make the vehicle sale order, it will order the release of the vehicle. However, you still remain liable for the overdue amount set out in the clamping order.

You also remain liable for any charges incurred following the clamping of your vehicle (see part 4 below). You should take steps to pay this. If you do not, the LAA will consider alternative enforcement options.

3.17. What happens if the court issues the vehicle sale order?

As the individual convicted at the Crown Court, the court will send you a copy of the order. A copy will also be sent to any individual who made representations to the court in relation to the application. The LAA will then make arrangements for the sale of the motor vehicle.

3.18. What happens if the amount I owe changes after the vehicle sale order has been issued by the court but before the vehicle has been sold?

In some cases, a defendant may seek a reassessment or review of the amount owed under their contribution order after a clamping order has been issued. Subject to the outcome of the reassessment, the implications will vary:

If the outcome of the reassessment is that you must pay a higher contribution, the vehicle sale order is still valid. However, it can only be used to recover the overdue amount stated in the original application;

If the outcome of the reassessment is that you are not liable to pay towards your legal aid costs, your vehicle will be released from storage; and

If the outcome of the reassessment is that you must still pay towards your legal aid costs but that your contribution has been reduced, the LAA has 14 days from the date of the change in your liability to decide to either:

- release your vehicle, or
- make a new application to the court to reflect the reduced amount you still have to pay.

If the LAA decides to make a new application, you will be notified of the application and you will have the same opportunity to make written representations to the court.

From the date of the change of your liability to the date on which the court decides the outcome of your new application, the LAA is not allowed to sell your vehicle. Any charges that would otherwise apply during this period (for example, storage charges) will also be waived.

3.19. What happens if a new vehicle sale order is made by the court?

As the individual convicted at the Crown Court, the court will send you a copy of the new order. A copy will also be sent to any individual who made representations to the court in relation to the application. The LAA will then make arrangements for the sale of the motor vehicle.

3.20. What happens if the court declines to make a new vehicle sale order?

If the court does not issue a vehicle sale order and orders the release of the vehicle, the LAA must release the vehicle from storage as soon as is practicable.

3.21. What happens if after the vehicle sale order has been issued by the court but before the vehicle has been sold my appeal against conviction is successful?

If this should happen, your vehicle will be released from storage. However, you will remain liable to any charges that you may have incurred under the scheme. You should take steps to pay this. If you do not, the LAA will seek alternative enforcement options.

(d) After the vehicle is sold

3.22. What happens once my vehicle is sold?

If the vehicle is sold, the proceeds of sale will be dealt with in the following order:

- If the vehicle sale order identifies another person with a share in the vehicle, the proceeds must first be used to pay that person the value of their share;
- The net proceeds of sale will then be used to pay any charges due as well as any overdue enforcement costs; and
- Finally, they will be used to pay off any overdue amount specified in the vehicle sale order. If this is not sufficient to pay off the overdue amount in full, you still remain liable for the balance and should take steps to pay this. If you do not, the LAA will consider alternative enforcement options.

Any remaining proceeds of sale will be sent to you within 14 days of the date of sale. You will also receive a full statement of account.

3.23. Are there circumstances in which the LAA may have to repay the proceeds of sale?

This may potentially arise in the following situations:

Your vehicle has been sold and the proceeds of sale shared out but your appeal against conviction is then successful. If this happens, you will be repaid any proceeds of sale put towards payment of the overdue amount specified in the vehicle sale order;

However:

- you will not be entitled to recover any proceeds of sale put towards charges or enforcement costs that you incurred; and
- you will not receive any share of the proceeds of sale that have been used to pay any other person for their share in the vehicle.

Your vehicle has been sold and the proceeds of sale shared out but following a reassessment or review of your liability under your contribution order you are found not to be liable to pay anything. If this happens, you will be repaid any proceeds of sale put towards payment of the overdue amount specified in the vehicle sale order. You will also be repaid any share of the proceeds of sale put towards charges or enforcement costs that you previously incurred;

However:

- you will not receive any share of the proceeds of sale that have been used to pay any other person for their share in the vehicle.

Your vehicle has been sold and the proceeds of sale shared out but following a reassessment or review of your liability under your contribution order you are told that the amount you owe has been reduced;

if this happens, you will be repaid the difference between (i) any proceeds of sale put towards payment of the overdue amount specified in the vehicle sale order, and (ii) the revised lower amount now due; and you will also be repaid any share of the proceeds of sale put towards charges that you previously incurred under the MVO scheme.

However:

- You will not receive any share of the proceeds of sale put towards enforcement costs you previously incurred; and
- You will not receive any share of the proceeds of sale that have been used to pay any other person for their share in the vehicle.

Part 4 – Charges

4.1. What charges may be applied under the MVO scheme?

The following charges may be applied under the scheme:

- (1) The clamping of a motor vehicle - £100
- (2) The removal of a motor vehicle - £125
- (3) Daily storage rate for a motor vehicle - £16
- (4) The release of a motor vehicle from an immobilisation device - £100
- (5) The release of a motor vehicle from storage - £100