



Home Office

# Removal, Storage and Disposal Vehicle Charges

## Government consultation

This consultation begins on 17 May 2021

This consultation ends on 6 August 2021

## About this consultation

- To:** Groups and/or individuals impacted or representing the interests of those impacted by the removal, storage and disposal vehicle recovery charges, including but not limited to: the public, representatives of victims, the police, vehicle recovery operators and associated bodies.
- Duration:** From 17/05/21 to 06/08/21
- Enquiries to:** Email: [Vehicle\\_Recovery@homeoffice.gov.uk](mailto:Vehicle_Recovery@homeoffice.gov.uk)
- How to respond:** Respond to the questions in this consultation online at: [Vehicle\\_Recovery@homeoffice.gov.uk](mailto:Vehicle_Recovery@homeoffice.gov.uk)
- Response Paper:** We aim to publish the Government response to this consultation as soon as possible.

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# Foreword by the Minister of State for Crime and Policing

This consultation document seeks views on new levels of charges applied to the removal, storage and disposal of vehicles in England and Wales. These charges will apply where the police have cause to remove or recover a vehicle in particular sets of circumstances. The physical tasks of removal, storage and subsequent disposal are carried out on behalf of the police by contracted recovery operators. This consultation document also seeks views on whether aspects of the regulations and legislation are adequate to provide a sustainable service for vehicle recovery.

Removals ordered by the police are necessary in a variety of situations including enforcing the law and to remove obstructions and potential dangers. In some cases, the police may need to remove a vehicle for forensic examination. The police may also need to remove vehicles in circumstances where vehicles have been abandoned or are parked in contravention of the law.

The charges were last subject of a review in 2008 and since this time there have been increased costs applied to this type of work. We feel it is now time to review the charges to ensure that they are fair both to those carrying out the recoveries and to those whose vehicles are being recovered.

This online consultation will allow adequate consideration to be given prior to regulations being laid before Parliament to introduce revised charges and amendments to specific requirements set in legislation. We look forward to hearing your views.



**Kit Malthouse MP**  
**Minister for Crime and Policing**

# Introduction

This consultation document seeks views on changes to the following regulations: -

- The Removal, Storage and Disposal of Vehicles (Prescribed Sums and Charges) Regulations 2008;
- The Police (Retention and Disposal of Motor Vehicles) (Amendment) Regulations 2008 and the Police (Retention and Disposal of Motor Vehicles) Regulations 2002;
- The Road Traffic Act 1988 (Retention and Disposal of Seized Motor Vehicles) (Amendment) Regulations 2008 and the Road Traffic Act 1988 (Retention and Disposal of Seized Motor Vehicles) Regulations 2005;
- The Police (Retention and Disposal of Vehicles) Regulations 1995.

The aim of these changes is to review the level of charges, the possible scenarios and the definitions of terminology used in the Regulations that would apply when the police invoke their legislative powers to remove, store or dispose of vehicles.

The consultation document sets out the background to the current legislation covering powers to remove, store and dispose of vehicles, and the charges, scenarios and terminology that are applicable when doing so.

The Road Traffic Regulation Act 1984 ("the 1984 Act") provides the police with the power to remove vehicles that are illegally, obstructively, or dangerously parked, abandoned or broken down. The Act gives the Secretary of State the powers to prescribe charges in respect of the removal, storage and disposal of those vehicles. These charges are prescribed in the Removal, Storage and Disposal of Vehicles (Prescribed Sums and Charges) Regulations 2008.

The Police Reform Act 2002 provides the police with the power to remove vehicles that are driven carelessly or inconsiderately on road or without authorisation off-road and in a manner causing, or likely to cause, alarm, distress or annoyance. The Act gives the Secretary of State the powers to prescribe charges in respect of the removal and storage of those vehicles. These charges are prescribed in the Police (Retention and Disposal of Motor Vehicles) (Amendment) Regulations 2008.

The Road Traffic Act 1988 provides the police with the power to remove vehicles if they have reasonable grounds to believe that it is being driven without appropriate licence or insurance. The Act gives the Secretary of State the powers to prescribe charges in respect of the removal and storage of those vehicles. These charges are prescribed in the Road Traffic Act 1988 (Retention and Disposal of Seized Motor Vehicles) (Amendment) Regulations 2008.

The Criminal Justice and Public Order Act 1994 provides the police with the power to remove vehicles if they are being used in unlawful trespass. The Act gives the Secretary of State the powers to prescribe charges in respect of the removal, storage and disposal of those vehicles. These charges are prescribed in the Police (Retention and Disposal of Vehicles) Regulations 1995.

Removals ordered by the police are necessary in order to enforce the law and to remove obstructions and potential dangers. They also help prevent theft of the vehicles, their use for criminal purposes, their becoming a focus for crime or environmental degradation and their being driven whilst in a dangerous condition (which may not be immediately apparent). In some cases, the police may need to remove a vehicle for forensic examination.

The physical tasks of removal, storage and subsequent disposal are carried out on behalf of the police by contracted recovery operators. The work that the recovery operator industry undertakes for the police is valued by both the police and Government, and the community at large receives its benefits.

The need for a review of the current charges has arisen from both the effects of inflation and changes to the operational environment. It has also been suggested that the matrix charges (for example <https://www.legislation.gov.uk/uksi/2008/2095/regulation/4/made>) applying in respect of all vehicles, in all situations, in all parts of the country, do not adequately reflect the different costs that may be incurred.

This consultation does not cover the way in which the police use their power to order vehicle removal, or the operation of recovery schemes and contracts. These are matters for the police, in consultation with interested parties as they consider appropriate.

# Background information on regulations

## Why carry out a review of statutory fees?

As explained above, there have been significant changes in costs since the regulations were last reviewed in 2008.

The Government takes the view that the charges should not be punitive or an income generator for the police but should be set at the right level to make removal operations viable. Some increase in charges is necessary because otherwise it is likely to become uneconomic for contractors to continue these operations. If contractors decided to stop work for the police, this would have a detrimental effect on the police's ability to enforce the law and remove obstructions or potential dangers. It would also impact on the police's ability to prevent;

- theft of the vehicles,
- vehicles being used for crime or becoming a focus for crime
- environmental degradation
- being driven in a dangerous condition.

The Government also wishes to make clear that the aim of the charges has never been to impose a penalty on vehicle drivers or owners. This remains the case. The need for removal of a vehicle does not necessarily result entirely, or at all, from a culpable action or neglect on the part of the owner or driver. Where a criminal offence might have been committed, it is for the police to deal with that as a separate matter.

There will be occasions where the owner/driver of the vehicle can recover the vehicle using their own recovery agents. It does, however, have to be recognised that there needs to be a balance between the choice of the owner or driver to have their vehicle recovered and the duty on the police to investigate crime and ensure the road networks remain open and free from obstructions.

## Requirements on police contractors

There are obvious cases for increased costs such as employees' wages. There have also been increases to fuel and equipment costs over the last 12 years. We undertook a Vehicle Recovery Fee Increase Impact Assessment in 2019 to consider if it appropriate to change amend the charges so ensure recovery operations remain viable.

Police contracts require operators to deal with a range of different vehicles, provide a guaranteed speedy response, and to have specialist equipment, secure storage facilities, and an efficient administration department. Vehicles are often accident-damaged, do not free wheel, are difficult to access, have restrictions due to forensic requirements and must

be removed and stored with the highest standards of professionalism. Arguably, therefore, the costs to operators of carrying out statutory removal work under contract to the police are greater than the costs of operators working independently with individual customers and of other agencies, such as motoring clubs which remove vehicles on behalf of their members.



# Summary of current statutory charges

In England and Wales, there are four separate regulations currently in use by the police which contain statutory charges for the removal, storage and disposal of vehicles.

From 2008, three regulations follow the matrix table of charges outlined as follows: -

## TABLES OF CHARGES

As set in

- **The Removal, Storage and Disposal of Vehicles (Prescribed Sums and Charges) Regulations 2008**
  - (<https://www.legislation.gov.uk/uksi/2008/2095/contents/made>)
- **The Police (Retention and disposal of Motor Vehicles) (Amendment) Regulations 2008**
  - (<https://www.legislation.gov.uk/uksi/2008/2096/contents/made>)
- **The Road Traffic Act 1988 (Retention and Disposal of Seized Motor Vehicles) (Amendment) Regulations 2008**
  - (<https://www.legislation.gov.uk/uksi/2008/2097/made>)

## Removals

	1	2	3	4	5
1	<b>Vehicle position and condition</b>	<b>Vehicle equal to or less than 3.5 tonnes Maximum Authorised Mass (MAM)</b>	<b>Vehicle exceeding 3.5 tonnes MAM but equal to or less than 7.5 tonnes</b>	<b>Vehicle exceeding 7.5 tonnes MAM but equal to or less than 18 MAM</b>	<b>Vehicle exceeding 18 tonnes MAM</b>
2	Vehicle on road, upright and not substantially damaged or any two wheeled vehicle whatever its condition or position on or off the road	£150	£200	£350	£350
3	Vehicle, excluding a two wheeled vehicle, on road but either not upright or substantially damaged or both	£250	£650	Unladen-£2000 Laden-£3000	Unladen-£3000 Laden-£4500
4	Vehicle, excluding a two wheeled vehicle, off road, upright and not substantially damaged	£200	£400	Unladen-£1000 Laden-£1500	Unladen-£1500 Laden-£2000
5	Vehicle, excluding a two	£300	£850	Unladen-£3000	Unladen-

	1	2	3	4	5
1	<b>Vehicle position and condition</b>	<b>Vehicle equal to or less than 3.5 tonnes Maximum Authorised Mass (MAM)</b>	<b>Vehicle exceeding 3.5 tonnes MAM but equal to or less than 7.5 tonnes</b>	<b>Vehicle exceeding 7.5 tonnes MAM but equal to or less than 18 MAM</b>	<b>Vehicle exceeding 18 tonnes MAM</b>
	wheeled vehicle, off road but either not upright or substantially damaged or both				£4500
				Laden-£4500	Laden-£6000

Storage (for each period of 24 hours or part thereof)

	1	2	3	4	5
1	<b>Two wheeled vehicle</b>	<b>Vehicle, not including a two wheeled vehicle, equal to or less than 3.5 tonnes MAM</b>	<b>Vehicle exceeding 3.5 tonnes MAM but equal to or less than 7.5 tonnes MAM</b>	<b>Vehicle exceeding 7.5 tonnes MAM but equal to or less than 18 MAM</b>	<b>Vehicle exceeding 18 tonnes MAM</b>
2	£10	£20	£25	£30	£35

Disposal

(Only contained within The Removal, Storage and Disposal of Vehicles (Prescribed Sums and Charges) Regulations 2008)

	1	2	3	4	5
1	<b>Two wheeled vehicle</b>	<b>Vehicle, not including a two wheeled vehicle, equal to or less than 3.5 tonnes MAM</b>	<b>Vehicle exceeding 3.5 tonnes MAM but equal to or less than 7.5 tonnes MAM</b>	<b>Vehicle exceeding 7.5 tonnes MAM but equal to or less than 18 MAM</b>	<b>Vehicle exceeding 18 tonnes MAM</b>
2	£50	£75	£100	£125	£150

From 1995, the Police (Retention and Disposal of Vehicles) Regulations 1995 (<https://www.legislation.gov.uk/ukSI/1995/723/made>) set out fees as follows: -

Removals            £105  
Storage                £12 per day

# The proposals

We would welcome responses to the following questions set out in this consultation paper.

**Q1a. To what extent to you agree or disagree with proposal 1 as described below?**

<b>Strongly agree</b>	<b>Agree</b>	<b>Neither agree nor disagree</b>	<b>Disagree</b>	<b>Strongly disagree</b>

**Proposal 1: (Do-nothing) maintaining fees at current levels.** Although the revenue from the current fees offset the costs for individual vehicle recoveries, there is considerable shortfall in fees recovered, due to vehicles that are not reclaimed (mostly vehicles used for crime). By maintaining the current level of fees this shortfall will continue to be incurred with nothing being done to offset any of the losses.

**Q1b. If you agree or disagree with proposal 1, please give reasons.**

**Q2a. To what extent to you agree or disagree with proposal 2 as described below?**

Strongly agree	Agree	Neither agree nor disagree	Disagree	Strongly disagree

**Proposal 2: Increase current charges according to the rate of inflation from 2008.** As the statutory fees have not been increased since 2008, inflation over this period has not been taken into account. This option accounts for this by increasing the current fees in line with the rate of inflation since 2008. This option would cover the cost of the service for recovering vehicles in England and Wales, however, it does not address the higher costs in London.

**Proposal 2 – Inflationary increase**

Removals

	1	2	3	4	5
1	<b>Vehicle position and condition</b>	<b>Vehicle equal to or less than 3.5 tonnes Maximum Authorised Mass (MAM)</b>	<b>Vehicle exceeding 3.5 tonnes MAM but equal to or less than 7.5 tonnes</b>	<b>Vehicle exceeding 7.5 tonnes MAM but equal to or less than 18 MAM</b>	<b>Vehicle exceeding 18 tonnes MAM</b>
2	Vehicle on road, upright and not substantially damaged or any two wheeled vehicle whatever its condition or position on or off the road	£184	£245	£429	£429
3	Vehicle, excluding a two wheeled vehicle, on road but either not upright or substantially damaged or both	£306	£796	Unladen - £2449	Unladen -£3674
				Laden-£3674	Laden-£5510
4	Vehicle, excluding a two wheeled vehicle, off road, upright and not substantially damaged	£245	£490	Unladen-£1225	Unladen-£1837
				Laden-£1837	Laden-£2449
5	Vehicle, excluding a two wheeled vehicle, off road but either not upright or substantially damaged or both	£367	£1041	Unladen-£3674	Unladen-£5510
				Laden-£5510	Laden-£7347

Storage (for each period of 24 hours or part thereof)

	1	2	3	4	5
1	<b>Two wheeled vehicle</b>	<b>Vehicle, not including a two wheeled vehicle, equal to or less than 3.5 tonnes MAM</b>	<b>Vehicle exceeding 3.5 tonnes MAM but equal to or less than 7.5 tonnes MAM</b>	<b>Vehicle exceeding 7.5 tonnes MAM but equal to or less than 18 MAM</b>	<b>Vehicle exceeding 18 tonnes MAM</b>
2	£12	£24	£31	£37	£43

Disposal

	<b>1</b>	<b>2</b>	<b>3</b>	<b>4</b>	<b>5</b>
<b>1</b>	<b>Two wheeled vehicle</b>	<b>Vehicle, not including a two wheeled vehicle, equal to or less than 3.5 tonnes MAM</b>	<b>Vehicle exceeding 3.5 tonnes MAM but equal to or less than 7.5 tonnes MAM</b>	<b>Vehicle exceeding 7.5 tonnes MAM but equal to or less than 18 MAM</b>	<b>Vehicle exceeding 18 tonnes MAM</b>
<b>2</b>	<b>£61</b>	<b>£92</b>	<b>£122</b>	<b>£153</b>	<b>£184</b>

**Q2b. If you agree or disagree with proposal 2, please give reasons.**

**Q3a. To what extent to you agree or disagree with proposal 3 as described below?**

Strongly agree	Agree	Neither agree nor disagree	Disagree	Strongly disagree

**Proposal 3: Full cost recovery.** Assuming that the current fees cover the costs of each individual vehicle recovery, this option estimates the price fees would need to be to offset all the losses in uncollected fees.

Proposal 3 – Full cost recovery.

Removals

	1	2	3	4	5
1	<b>Vehicle position and condition</b>	<b>Vehicle equal to or less than 3.5 tonnes Maximum Authorised Mass (MAM)</b>	<b>Vehicle exceeding 3.5 tonnes MAM but equal to or less than 7.5 tonnes</b>	<b>Vehicle exceeding 7.5 tonnes MAM but equal to or less than 18 MAM</b>	<b>Vehicle exceeding 18 tonnes MAM</b>
2	Vehicle on road, upright and not substantially damaged or any two wheeled vehicle whatever its condition or position on or off the road	£225	£299	£524	£524
3	Vehicle, excluding a two wheeled vehicle, on road but either not upright or substantially damaged or both	£374	£973	Unladen - £2995	Unladen -£4492
				Laden-£4492	Laden-£6738
4	Vehicle, excluding a two wheeled vehicle, off road, upright and not substantially damaged	£299	£599	Unladen-£1497	Unladen-£2246
				Laden-£2246	Laden-£2995
5	Vehicle, excluding a two wheeled vehicle, off road but either not upright or substantially damaged or both	£449	£1273	Unladen-£4492	Unladen-£6738
				Laden-£6738	Laden-£8984

Storage (for each period of 24 hours or part thereof)

	1	2	3	4	5
1	<b>Two wheeled vehicle</b>	<b>Vehicle, not including a two wheeled vehicle, equal to or less than 3.5 tonnes MAM</b>	<b>Vehicle exceeding 3.5 tonnes MAM but equal to or less than 7.5 tonnes MAM</b>	<b>Vehicle exceeding 7.5 tonnes MAM but equal to or less than 18 MAM</b>	<b>Vehicle exceeding 18 tonnes MAM</b>
2	£15	£30	£37	£45	£52

Disposal

	1	2	3	4	5
1	<b>Two wheeled vehicle</b>	<b>Vehicle, not including a two wheeled vehicle, equal to or less than 3.5 tonnes MAM</b>	<b>Vehicle exceeding 3.5 tonnes MAM but equal to or less than 7.5 tonnes MAM</b>	<b>Vehicle exceeding 7.5 tonnes MAM but equal to or less than 18 MAM</b>	<b>Vehicle exceeding 18 tonnes MAM</b>
2	£75	£112	£150	£187	£225

**Q3b. If you agree or disagree with proposal 3, please give reasons.**



**Q4a. To what extent to you agree or disagree with proposal 4?**

Strongly agree	Agree	Neither agree nor disagree	Disagree	Strongly disagree

**Proposal 4: Increase current charges according to the rate of inflation from 2008 and apply London uplift.** This option aims to account for the higher costs in London for removals, storage and disposals compared to the costs in other areas. It applies an inflationary increase plus a 30 per cent London factor for vehicle recoveries and a 48 per cent London property storage rate of per day which will bring it in line with Transport for London removal and storage charges.

**Proposal 4 – Inflationary increase and London Uplift**

Removals

	1	2	3	4	5
1	<b>Vehicle position and condition</b>	<b>Vehicle equal to or less than 3.5 tonnes Maximum Authorised Mass (MAM)</b>	<b>Vehicle exceeding 3.5 tonnes MAM but equal to or less than 7.5 tonnes</b>	<b>Vehicle exceeding 7.5 tonnes MAM but equal to or less than 18 MAM</b>	<b>Vehicle exceeding 18 tonnes MAM</b>
2	Vehicle on road, upright and not substantially damaged or any two wheeled vehicle whatever its condition or position on or off the road	£239	£318	£557	£557
3	Vehicle, excluding a two wheeled vehicle, on road but either not upright or substantially damaged or both	£398	£1035	Unladen - £3184 Laden-£4776	Unladen -£4776 Laden-£7164
4	Vehicle, excluding a two wheeled vehicle, off road, upright and not substantially damaged	£318	£637	Unladen-£1592 Laden-£2388	Unladen-£2388 Laden-£3184
5	Vehicle, excluding a two wheeled vehicle, off road but either not upright or substantially damaged or both	£478	£1353	Unladen-£4776 Laden-£7164	Unladen-£7164 Laden-£9551

Storage (for each period of 24 hours or part thereof)

	1	2	3	4	5
1	<b>Two wheeled vehicle</b>	<b>Vehicle, not including a two wheeled vehicle, equal to or less than 3.5 tonnes MAM</b>	<b>Vehicle exceeding 3.5 tonnes MAM but equal to or less than 7.5 tonnes MAM</b>	<b>Vehicle exceeding 7.5 tonnes MAM but equal to or less than 18 MAM</b>	<b>Vehicle exceeding 18 tonnes MAM</b>
2	£18	£36	£45	£54	£63



Disposal

	1	2	3	4	5
1	<i>Two wheeled vehicle</i>	<i>Vehicle, not including a two wheeled vehicle, equal to or less than 3.5 tonnes MAM</i>	<i>Vehicle exceeding 3.5 tonnes MAM but equal to or less than 7.5 tonnes MAM</i>	<i>Vehicle exceeding 7.5 tonnes MAM but equal to or less than 18 MAM</i>	<i>Vehicle exceeding 18 tonnes MAM</i>
2	£80	£119	£159	£199	£239

**Q4b. If you agree or disagree with proposal 4, please give reasons.**

**Q5a. To what extent to you agree or disagree that the Criminal Justice and Public Order Act 1994 fees should be kept parallel to the matrix tables of charges under review?**

<b>Strongly agree</b>	<b>Agree</b>	<b>Neither agree nor disagree</b>	<b>Disagree</b>	<b>Strongly disagree</b>

The new charging regime introduced in 2008 moved from having one flat rate to a matrix table of charges in respect of vehicles removed under Road Traffic Regulation Act (R.T.R.A.) 1984 powers (vehicles illegally, dangerously or obstructively parked or broken down or abandoned). The then Home Secretary decided it would be logical at the same time to address other charges too. These were the charges for vehicles removed under s.59 Police Reform Act 2002 powers (vehicles driven anti-socially) and s. 165A Road Traffic Act 1988 (as amended) powers (vehicles driven without appropriate licence or insurance), as they had originally been set in parallel with the R.T.R.A. charges and were kept parallel.

The police also rely on the powers granted by the Criminal Justice and Public Order Act 1994 for the seizure and removal of vehicles from illegal 'raves' and to remove vehicles from trespassers on land.

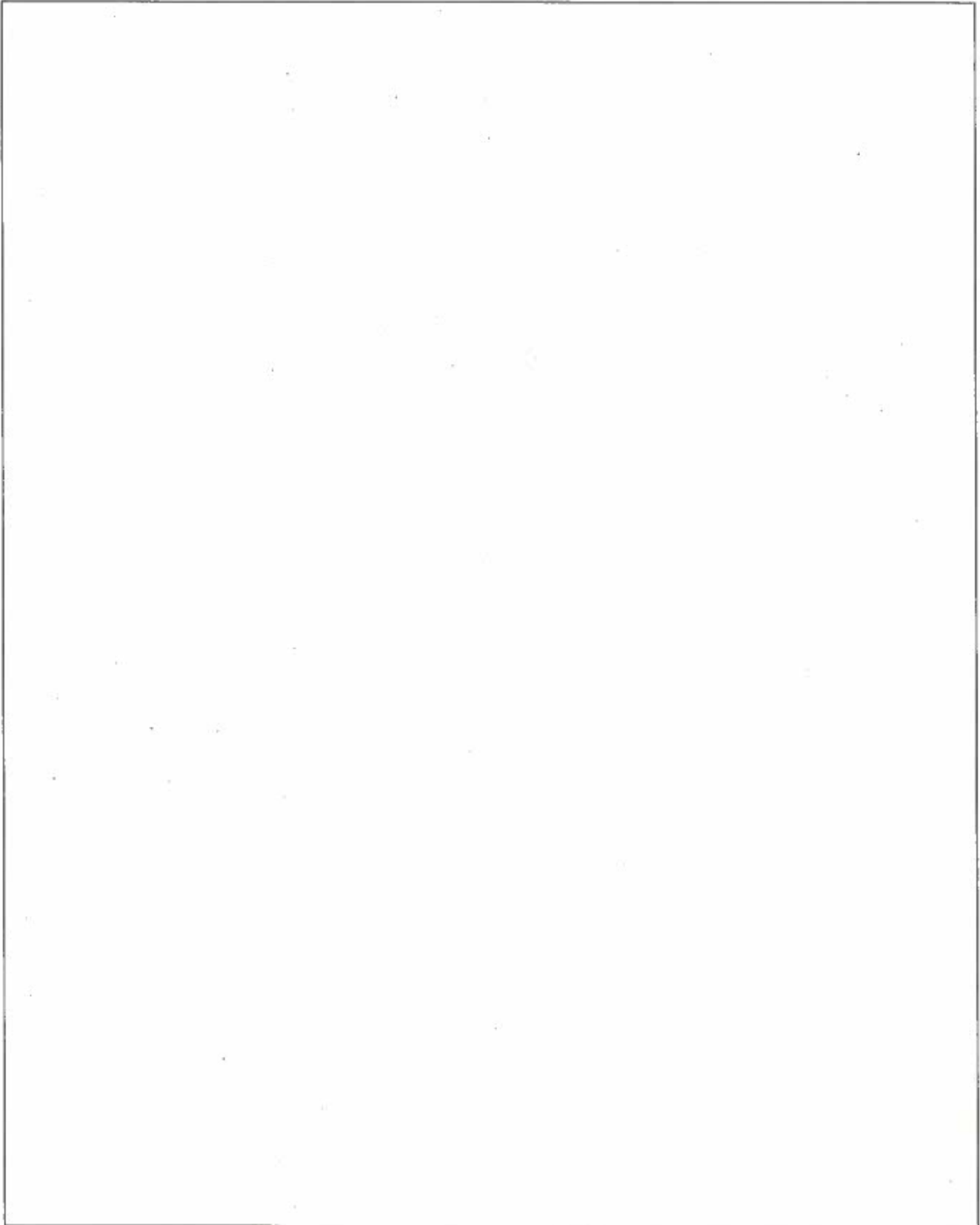
The costs of such removals are borne by the persons from whom the vehicle was seized and removed, in accordance with the Police (Retention & Disposal of Vehicles) Regs 1995. The charges are set at £105 for removal, £12 storage and £50 disposal and have never been updated.

If Chief Officers wish to remove vehicles from illegal sites, it appears that the only appropriate charges are those set 25 years ago and as such a recovery operator acting on behalf of the police, to attend a site, off road, out of hours and for a heavy commercial vehicle for £105. We would not wish to instigate any retrospective charging for these removals as this may be burdensome and impractical for the police and recovery operators.

If the police are to be able to rely upon recovery contractors to perform this work, Chief Officers need to provide adequate remuneration in order to be confident of securing their services.

We consider that this charging regime should now be reviewed in parallel with the other charging regimes so that we harmonise under one charging table of fees. This will ensure that reviews are completed in parallel and meet police operational requirements.

**Q5b. If you agree or disagree, please give reasons.**

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**Q6a. To what extent to you agree or disagree with increased fairness - reviewing £350 charge for vehicles exceeding 18 Tonnes MAM**

Strongly agree	Agree	Neither agree nor disagree	Disagree	Strongly disagree

	1	2	3	4	5
1	<b>Vehicle position and condition</b>	<b>Vehicle equal to or less than 3.5 tonnes Maximum Authorised Mass (MAM)</b>	<b>Vehicle exceeding 3.5 tonnes MAM but equal to or less than 7.5 tonnes</b>	<b>Vehicle exceeding 7.5 tonnes MAM but equal to or less than 18 MAM</b>	<b>Vehicle exceeding 18 tonnes MAM</b>
2	Vehicle on road, upright and not substantially damaged or any two wheeled vehicle whatever its condition or position on or off the road	£150	£200	£350	£350
3	Vehicle, excluding a two wheeled vehicle, on road but either not upright or substantially damaged or both	£250	£650	Unladen-£2000	Unladen-£3000
				Laden-£3000	Laden-£4500

There is a case for reviewing the £350 charge currently set in the regulations for Vehicles exceeding 18 Tonnes MAM.

This could make the system fairer as there is sometimes an operational requirement to charge the higher rate (currently £3000) to recoup the higher operating costs inherent with recovering large vehicles.

Marginally raising the £350 limit in the first category could help prevent this and reduce the overall cost to the motorist.

Should we increase the current £350 charge to mitigate against charging £3000 in the higher rate? What would be a fairer amount?

**Q6b. If you agree or disagree, please give reasons.**

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**Q7a. To what extent to you agree or disagree with increased fairness - change definition of “substantially damaged” to “difficult to recover”**

Strongly agree	Agree	Neither agree nor disagree	Disagree	Strongly disagree

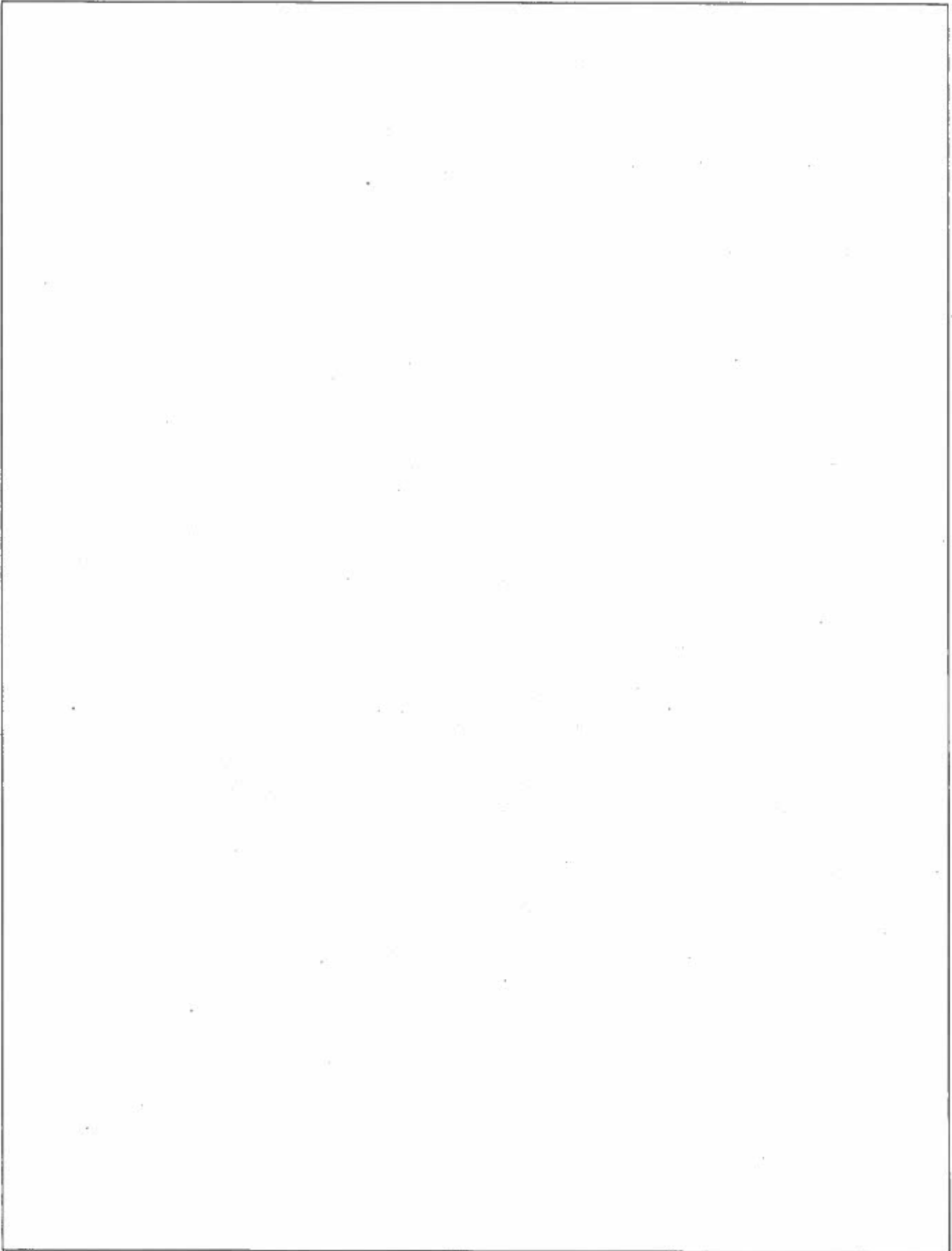
	1	2	3	4	5
<b>1</b>	<b>Vehicle position and condition</b>	<b>Vehicle equal to or less than 3.5 tonnes Maximum Authorised Mass (MAM)</b>	<b>Vehicle exceeding 3.5 tonnes MAM but equal to or less than 7.5 tonnes</b>	<b>Vehicle exceeding 7.5 tonnes MAM but equal to or less than 18 MAM</b>	<b>Vehicle exceeding 18 tonnes MAM</b>
<b>2</b>	Vehicle on road, upright and not substantially damaged or any two wheeled vehicle whatever its condition or position on or off the road	£150	£200	£350	£350
<b>3</b>	Vehicle, excluding a two wheeled vehicle, on road but either not upright or substantially damaged or both	£250	£650	Unladen-£2000 Laden-£3000	Unladen-£3000 Laden-£4500
<b>4</b>	Vehicle, excluding a two wheeled vehicle, off road, upright and not substantially damaged	£200	£400	Unladen-£1000 Laden-£1500	Unladen-£1500 Laden-£2000
<b>5</b>	Vehicle, excluding a two wheeled vehicle, off road but either not upright or substantially damaged or both	£300	£850	Unladen-£3000 Laden-£4500	Unladen-£4500 Laden-£6000

Changing the definitions in the charging table from “substantially damaged” to “difficult to recover” could also make the system fairer to motorists as vehicle damage is not necessarily proportionate to the level of difficulty involved in recovery.

For example, a badly damaged vehicle that has been involved in a collision may be easy to push up a ramp on to a recovery vehicle, whereas an undamaged vehicle parked against a kerb between other vehicles may require specialist lifting equipment to safely recover it. This would be more equitable to motorists.

Should we change the definition from “substantially damaged” to “difficult to recover” to better reflect the actual costs incurred by contractors when recovering vehicles?

**Q7b. If you agree or disagree, please give reasons.**

A large, empty rectangular box with a thin black border, intended for the respondent to provide reasons for their agreement or disagreement with the statement above. The box is currently blank.

**Q8a. To what extent do you agree or disagree that a change be made to Regulation 5(1)(a) of the Road Traffic Act 1988 (Retention and Disposal of Seized Motor Vehicles) Regulations 2005 to strengthen the process so that the person seeking the vehicle release was someone who was responsible for its use at the time it was seized.**

Strongly agree	Agree	Neither agree nor disagree	Disagree	Strongly disagree

Regulation 5(1) of the Road Traffic Act 1988 (Retention and Disposal of Seized Motor Vehicles) Regulations 2005 states

*5(1) Subject to the provisions of these Regulations, if, before a relevant motor vehicle is disposed of by an authorised person, a person -*

(a) satisfies the authorised person that he is the registered keeper or the owner of that vehicle;

(b) pays to the authorised person such a charge in respect of its seizure and retention as is provided for in regulation 6; and

(c) produces at a police station specified in the seizure notice a valid certificate of insurance covering his use of that vehicle and a valid licence authorising him to drive the vehicle,

the authorised person shall permit him to remove the vehicle from his custody.

The existing Regulation 5(1)(a) requires the release of the vehicle providing the other conditions are met.

At present, police forces have a robust verification system whereby specific documents are required to prove ownership. Required documents can include driving licenses or insurance documents.

However, difficulty arises if the person claiming the vehicle has made themselves the registered keeper after the event of seizure, which can be done almost instantaneously via the DVLA website. In this situation, the person will not have been the registered keeper or have applied to be the keeper when the vehicle was seized but will be at the time that they are making the claim.

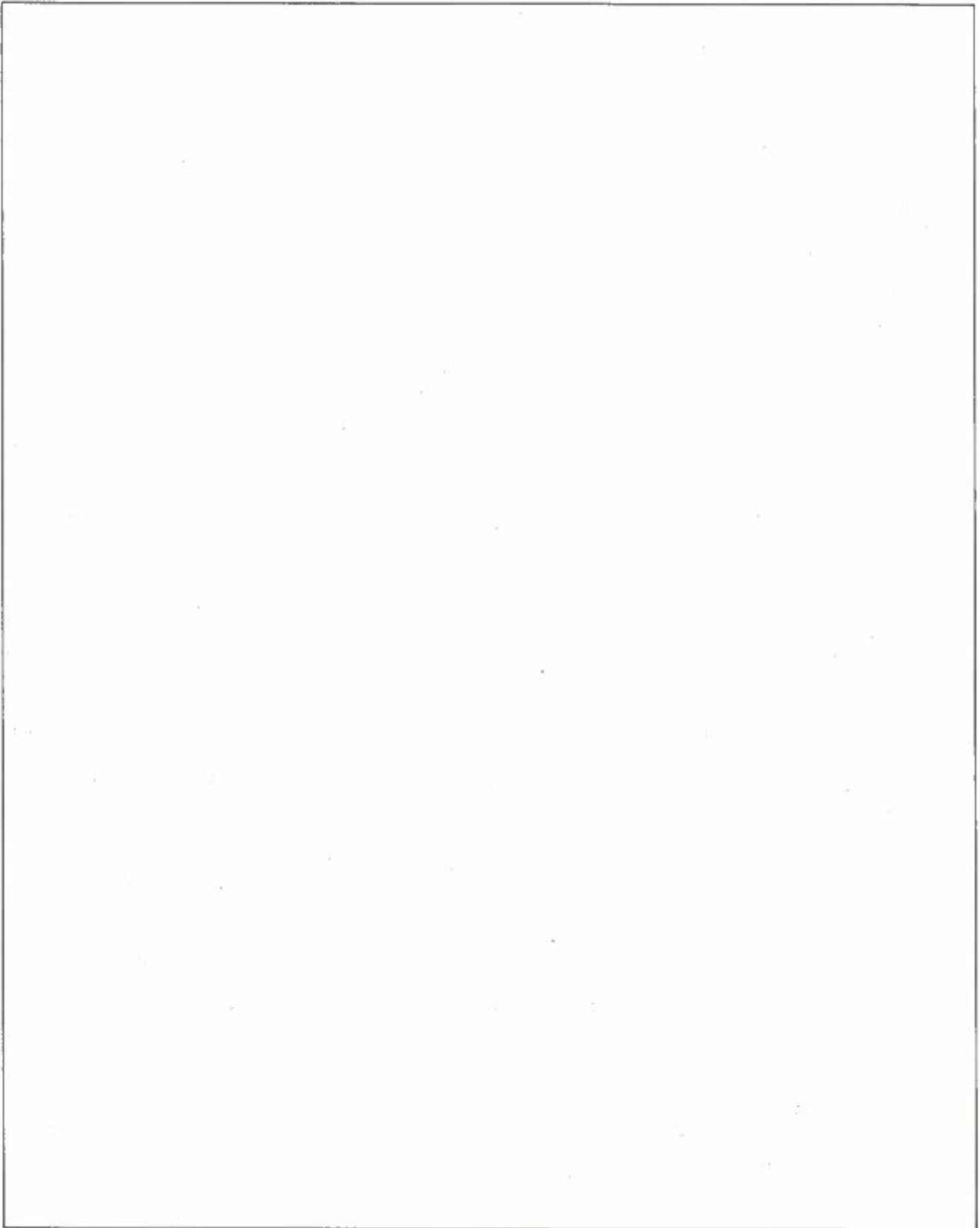
Most police forces have taken the view that the claimant must have been the keeper at the time of seizure or at least show that they had applied to be so, otherwise they will have to provide satisfactory proof of ownership. We propose to make an amendment clarifying that a claimant must have been the registered keeper/owner at vehicle seizure to help the process in verifying ownership and responsibility for a vehicle.

We suggest that the following change be made to Regulation 5(1)(a) with '*satisfies the authorised person that at the time of the seizure of the vehicle he was the registered*



keeper or the owner of that vehicle' would strengthen the process and any discrepancy with those driving without a driving licence or without insurance may lose their vehicle.

**Q8b. If you agree or disagree, please give reasons.**

A large, empty rectangular box with a thin black border, intended for the respondent to provide reasons for their agreement or disagreement with the statement above.

**Q9a. To what extent to you agree or disagree that we introduce an electronic seizure form alongside a paper seizure form?**

Strongly agree	Agree	Neither agree nor disagree	Disagree	Strongly disagree

Currently a paper seizure form is completed (with the vehicle information, the drivers and registered keepers' information) when seizing vehicles. A copy of this seizure form is given to the driver (with information on how to retrieve the vehicle) and a second copy accompanies the vehicle to the impound.

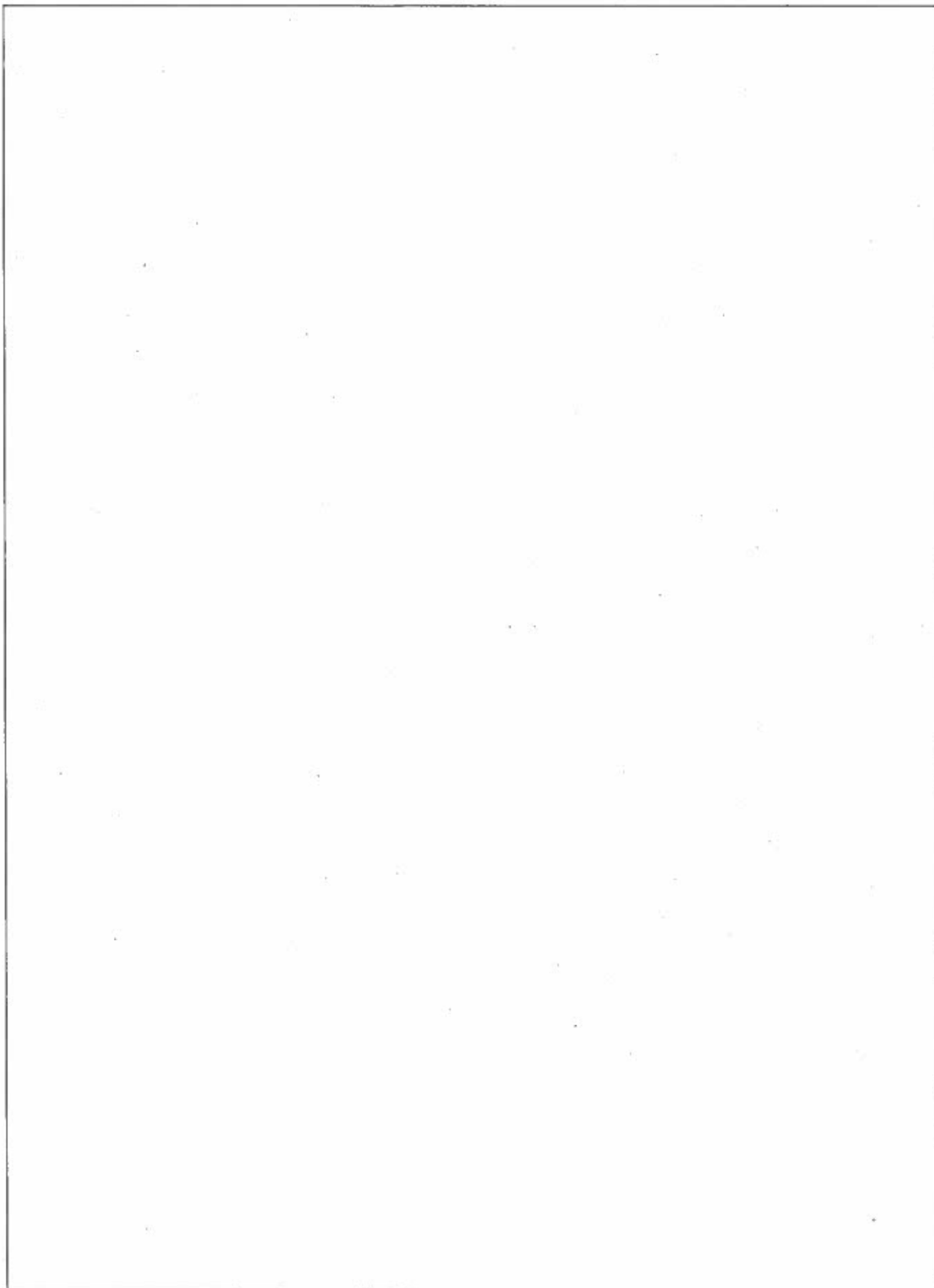
Changes in IT capabilities have made it possible to introduce an electronic seizure notice.

The benefits an electronic seizure form could bring are:

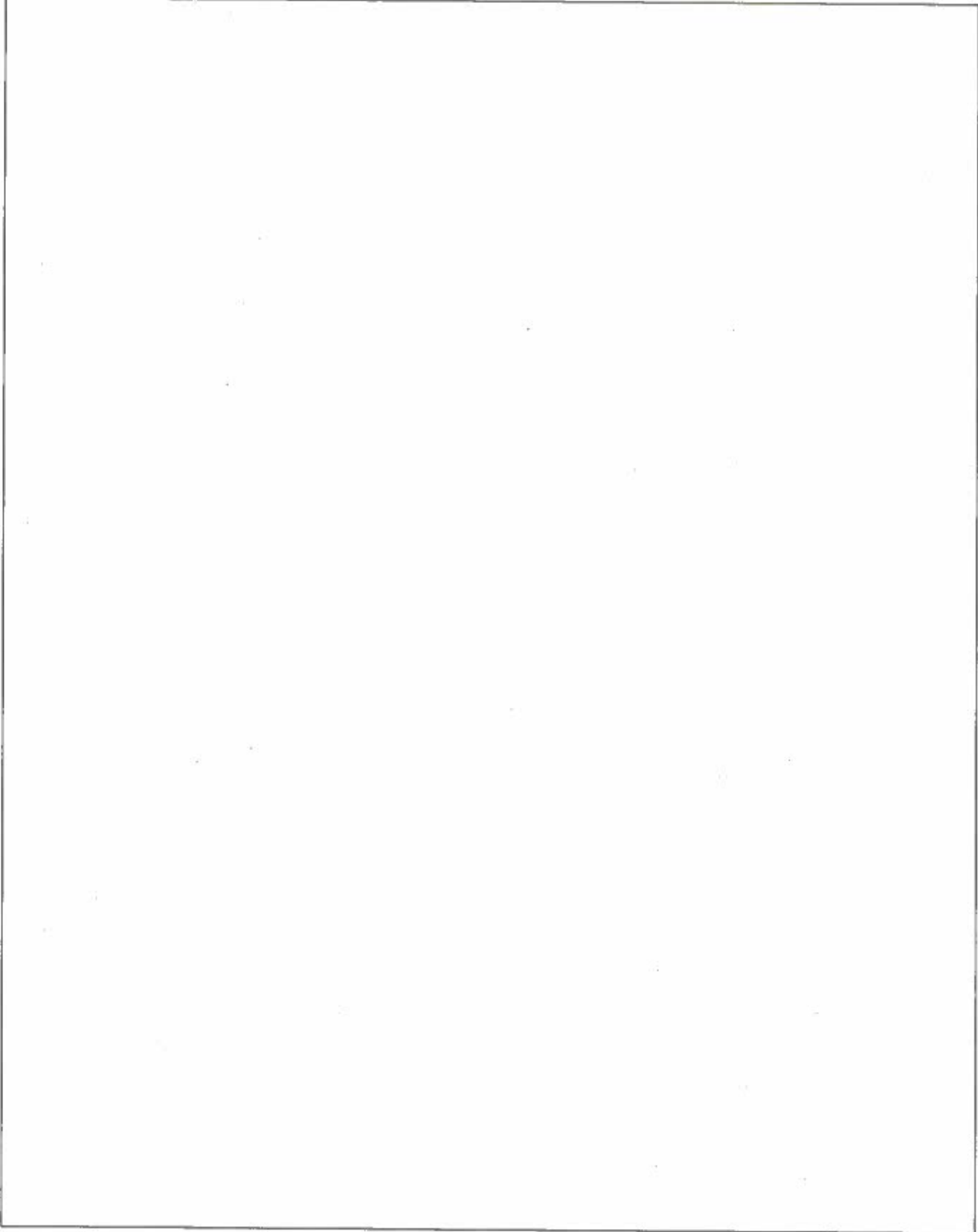
- Significant savings on printing costs for seizure forms
- Completion of a seizure form on a handheld device such as a mobile phone or a tablet by the Police Officer.
  - The information recorded would be clear, easy to read and will not be handwritten.
  - Information could be electronically extracted and automatically updated into a secure vehicle management database instead of relying on manual updates.
- Once a vehicle seizure is processed, the electronic seizure form would be emailed to the driver / member of public.
  - This will ensure they have a copy of the seizure form and the relevant information immediately
  - There would be no claims for lost paper seizure forms or instructions for retrieving the vehicles
  - The requirement to send a letter by recorded delivery could be removed as the Police Officer would have emailed the seizure form to the driver / member of public as soon as the vehicle was seized. This in turn would significantly reduce the postage costs for sending letters to members of the public.
- The seizure notice provides the member of public information on how the vehicle could be released, fees to pay, where they need to make representation to claim the vehicle and the complaints process. Any changes to this information can be implemented and circulated where an electronic form is used. With paper forms, the older copies need to be removed from circulation, new forms printed and re-issued. All the older forms are no longer valid and are disposed of meaning wasted printing costs.
- Reduction in pollution caused by printing and secure disposal of seizure forms.

Should an electronic seizure notice be introduced? Would there be a need for paper seizure notices to remain as a default option i.e. some motorists could have no email access?

**Q9b. If you agree or disagree, please give reasons.**



**Q10. Do you think there any unintended consequences of these proposals or other factors not currently taken into account?**



# Impact of Proposals

## Equalities Statement

Section 149 of the Equality Act 2010 places a duty on Ministers and Departments, when exercising their functions, to have 'due regard' to the need to eliminate conduct which is unlawful under the 2010 Act, advance equality of opportunity between different groups and foster good relationships between different groups. We will undertake a full assessment of the impact of each of our proposals to ensure compliance.

# About you

Please use this section to tell us about yourself. Please note you are completing this section voluntarily; your details will be held securely according to the Data Protection Act 2018. We have not asked you for any personal data, however your opinions may constitute personal data and by responding electronically we will have your IP address and/or your email address. These personal data will be deleted one month after the findings of the consultation have been published. We will publish details of who has responded where we have this information.

<p><b>Job title or capacity</b> in which you are responding to this consultation (for example: police officer, member of the public)</p>	
<p><b>Company name/organisation</b> (if applicable)</p>	

# Contact details and how to respond

You may respond to the questions in this consultation online at:

[Vehicle\\_Recovery@homeoffice.gov.uk](mailto:Vehicle_Recovery@homeoffice.gov.uk)

Alternatively, you can send in responses to:

Vehicle Recovery Consultation  
Police Powers Unit  
Policing Policy Directorate  
Public Safety Group  
Home Office  
6th Floor Fry Building,  
2 Marsham Street,  
London,  
SW1P 4DF

## Complaints or comments

If you have any complaints or comments about the consultation process you should contact us at the address above.

## Extra copies

Alternative format versions of this publication can be requested from the Home Office at the above address.

## Publication of response

We aim to publish the Government response to this consultation as soon as possible.

## Representative groups

Representative groups are asked to give a summary of the people and organisations they represent when they respond.

## Confidentiality

Information provided in response to this consultation, including personal information, may be published or disclosed in accordance with the access to information regimes (these are primarily the Freedom of Information Act 2000 (FOIA), the Data Protection Act 2018 (DPA) and the Environmental Information Regulations 2004).

If you want the information you provide to be treated as confidential, please be aware that, under the FOIA, there is a statutory Code of Practice with which public authorities must comply and which deals, amongst other things, with obligations of confidence. In view of this it would be helpful if you could explain to us why you regard the information you have provided as confidential. If we receive a request for disclosure of the information, we will

take full account of your explanation, but we cannot give an assurance that confidentiality can be maintained in all circumstances. An automatic confidentiality disclaimer generated by your IT system will not, of itself, be regarded as binding on the Home Office.

The Home Office will process your personal data in accordance with the DPA and in most circumstances, this will mean that your personal data will not be disclosed to third parties.





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