

Removal, Storage and Disposal Vehicle Charges

Government response

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Introduction and contact details

This document is the Government's response to the consultation paper, Removal, Storage and Disposal Vehicle Charges.

It will cover:

- The background to the consultation
- Background information on regulations
- A summary of the current statutory charges
- A summary of the consultation responses
- A detailed response to the specific questions raised in the consultation; and
- The next steps following the consultation.

The consultation paper:



2021 Vehicle
Recovery Consultation

Alternatively, copies of this report and the consultation paper can be obtained by contacting the Police Powers Unit at the address below:

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

Email: Vehicle_Recovery@homeoffice.gov.uk

Complaints or comments

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

Background

1. 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 in certain circumstances. 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.
2. 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.
3. 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 an 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.
4. 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.
5. This consultation sought views on new levels of charges applied to the removal, storage and disposal of vehicles in England and Wales. These charges 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 also sought views on whether aspects of the regulations and legislation remain adequate to provide a sustainable service for vehicle recovery.

6. Removals ordered by the police are necessary in a variety of situations including when enforcing the law and when removing 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.
7. The charges were last subject to a review in 2008 and since this time there have been increased costs applied to this type of work. We felt it was 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.
8. This consultation sought 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.
9. The aim of these changes was 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.
10. The need for a review of the current charges has arisen from both the rising costs and changes to the operational environment.
11. This consultation did not cover the way in which the police use their power to order vehicle removal, or the operation of recovery schemes and contracts. These issues are matters for the police, in consultation with interested parties as they consider appropriate.

Background information on regulations

1. 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 the charges is necessary because otherwise it is likely to become uneconomic for contractors to continue these operations. If contractors decided to stop working 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
 - vehicles being driven in a dangerous condition.
2. 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 the 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.
3. There will be occasions where the owner or driver of the vehicle can recover the vehicle using their own recovery agent. 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 of the police to investigate crime and ensure the road networks remain open and free from obstructions.
4. The vehicle recovery operators have encountered higher operating costs for fuel, parts and wages over the last 14 years and argue that the vehicle recovery fees need to increase so that they can provide a sustainable service. We undertook a Vehicle Recovery Fee Increase Impact Assessment in 2019 and 2021 to consider if it was appropriate to change or amend the charges to ensure that recovery operations remain viable.
5. 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 freewheel, are difficult to access, have

restrictions due to forensic requirements and must be removed and stored with the highest standards of professionalism.

Summary of the 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 below: -

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	Vehicle position and condition	Vehicle equal to or less than 3.5 tonnes Maximum Authorised Mass (MAM)	Vehicle exceeding 3.5 tonnes MAM but equal to or less than 7.5 tonnes	Vehicle exceeding 7.5 tonnes MAM but equal to or less than 18 MAM	Vehicle exceeding 18 tonnes MAM
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

	1	2	3	4	5
1	Vehicle position and condition	Vehicle equal to or less than 3.5 tonnes Maximum Authorised Mass (MAM)	Vehicle exceeding 3.5 tonnes MAM but equal to or less than 7.5 tonnes	Vehicle exceeding 7.5 tonnes MAM but equal to or less than 18 MAM	Vehicle exceeding 18 tonnes MAM
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 wheeled vehicle, off road but either not upright or substantially damaged or both	£300	£850	Unladen-£3000 Laden-£4500	Unladen-£4500 Laden-£6000

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

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

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

Removals £105
Storage £12 per day

Summary of Responses

Respondents

The Home Office received 30 responses to the consultation on Removal, Storage and Disposal Vehicle Charges, including 28 by email and two responses by post. Of these responses, the largest group (16) consisted of a joint response by an association of vehicle recovery operators. There was a single response from the National Policing leads for Vehicle Recovery which incorporated 17 responses from 22 forces. The consultation did not extend to Northern Ireland or Scotland.

Free Text Responses

There were several additional comments that highlighted various issues/concerns which did not form part of the consultation.

- The delay since the statutory fees were last amended in 2008
- Differing challenges and costs in recovering vehicles in rural and urban areas
- Understanding of the fact that the difficulty of recovery is not just dependant on the amount of damage to the vehicle
- Difference between motorcycle size 125cc unit to 1600cc unit
- Management agent fees
- Electric vehicles – the emerging need for different requirements and training to handle removal and storage issues
- Accord Dangereux Routier (ADR) loads, abnormal loads and dangerous and difficult conditions.

Consultation – Results

Q1. To what extent to you agree or disagree with proposal 1 as described below?

Proposal 1: (Do-nothing) maintain fees at current levels. Although the revenue from the current fees offsets the costs for individual vehicle recoveries, there is considerable shortfall in fees recovered due to unclaimed vehicles (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.

Responses

Answers	Responses	Percentage
Strongly agree	0	0%
Agree	0	0%
Neither agree nor disagree	0	0%
Disagree	2	6.7%
Strongly disagree	23	76.7%
No Theme Completed	5	16.7%
TOTAL	30	100.0%

No respondents were supportive of maintaining the fees at current levels. 83.3% of respondents said that it was financially unsustainable for recovery operators to continue with the current level of fees and maintain a viable recovery service. These respondents highlighted a risk that unchanged fees would result in a collapse of the recovery service as operators would withdraw.

A large number of responses also highlighted concerns about the additional cost of running vehicles, investing in equipment, staff wages, staff training and administration costs.

Seventeen responses also noted that the vehicle recovery operators may only receive a percentage of the statutory fee, as National Highways and the police may award contracts to management agents who then sub-contract to the operators.

Q2. To what extent do you agree or disagree with proposal 2 as described below?

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	Vehicle position and condition	Vehicle equal to or less than 3.5 tonnes Maximum Authorised Mass (MAM)	Vehicle exceeding 3.5 tonnes MAM but equal to or less than 7.5 tonnes	Vehicle exceeding 7.5 tonnes MAM but equal to or less than 18 MAM	Vehicle exceeding 18 tonnes MAM
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	Two wheeled vehicle	Vehicle, not including a two wheeled vehicle, equal to or less than 3.5 tonnes MAM	Vehicle exceeding 3.5 tonnes MAM but equal to or less than 7.5 tonnes MAM	Vehicle exceeding 7.5 tonnes MAM but equal to or less than 18 MAM	Vehicle exceeding 18 tonnes MAM
2	£12	£24	£31	£37	£43

Disposal

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

Responses

Answers	Responses	Percentage
Strongly agree	1	3.33%
Agree	3	10%
Neither agree nor disagree	0	0%
Disagree	1	3.33%
Strongly disagree	20	66.67%
No Theme Completed	5	16.7%
TOTAL	30	100.0%

70% of the respondents felt that an inflationary increase was too low as an average increase of 22% did not take account of vehicle running costs or reflect other financial pressures in the industry.

13% supported an inflationary increase as this would be a fair and transparent way to reflect increased costs and to achieve fairness for recovery operators there should be caps on the level of administrative fees.

There was also a suggestion for a legislated mechanism for annual RPI (Retail Price Index) increases to prevent another 13 years between reviews. The Home Office has considered this suggestion but found it to be inappropriate given the requirements for a consultation prior to any increase in fees.

Q3. To what extent do you agree or disagree with proposal 3 as described below?

Proposal 3: Full cost recovery. Assuming that the current fees cover the costs of each individual vehicle recovery, this option estimates what 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	Vehicle position and condition	Vehicle equal to or less than 3.5 tonnes Maximum Authorised Mass (MAM)	Vehicle exceeding 3.5 tonnes MAM but equal to or less than 7.5 tonnes	Vehicle exceeding 7.5 tonnes MAM but equal to or less than 18 MAM	Vehicle exceeding 18 tonnes MAM
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 Laden-£4492	Unladen -£4492 Laden-£6738
4	Vehicle, excluding a two wheeled vehicle, off road, upright and not substantially damaged	£299	£599	Unladen-£1497 Laden-£2246	Unladen-£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 Laden-£6738	Unladen-£6738 Laden-£8984

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

	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	£15	£30	£37	£45	£52

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	£75	£112	£150	£187	£225

Responses

Answers	Responses	Percentage
Strongly agree	18	60%
Agree	2	6.7%
Neither agree nor disagree	2	6.7%
Disagree	2	6.7%
Strongly disagree	1	3.3%
No Theme Completed	5	16.6%
TOTAL	30	100%

67% of respondents strongly supported a full cost recovery proposal and disagreed with an inflationary increase. These respondents said that the average increase of 50% would reflect a realistic increase in vehicle recovery costs.

Other respondents said that this would also reflect and account for the costs of vehicle insurance and replacement, general vehicle running, employment costs and overhead costs.

Some respondents supported this proposal, citing concerns that recovery operators only receive a percentage of the statutory fees with the remaining percentage of the fee absorbed by police costs or the management agents acting on behalf of the police and National Highways.

10% felt that this proposal was not suitable as they were concerned it could be unfair against those who paid to recover their vehicles to wholly subsidise the costs of those who fail to recover their vehicle. Outstanding charges can be collected as a civil debt within the current RTRA legislation. Those respondents said that civil debt recovery provisions should be utilised within existing legislation to recoup the losses rather than passing the charge onto those who pay to reclaim their vehicles. These respondents said that this proposal could be used unfairly to offset losses resulting from unclaimed vehicles, and that this could become an issue for insurers and the finance industry who reclaim a large proportion of costs for removed vehicles. Conversely, some respondents said that this proposal could lead to an increase in unclaimed vehicles.

We would wish to avoid any unintended consequences that this proposal might produce.

Q4. To what extent do you agree or disagree with proposal 4?

Proposal 4: Increase current charges according to the rate of inflation from 2008 and apply a 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 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	Vehicle position and condition	Vehicle equal to or less than 3.5 tonnes Maximum Authorised Mass (MAM)	Vehicle exceeding 3.5 tonnes MAM but equal to or less than 7.5 tonnes	Vehicle exceeding 7.5 tonnes MAM but equal to or less than 18 MAM	Vehicle exceeding 18 tonnes MAM
2	Vehicle on road, upright and not substantially damaged or any two	£239	£318	£557	£557

	1	2	3	4	5
1	Vehicle position and condition	Vehicle equal to or less than 3.5 tonnes Maximum Authorised Mass (MAM)	Vehicle exceeding 3.5 tonnes MAM but equal to or less than 7.5 tonnes	Vehicle exceeding 7.5 tonnes MAM but equal to or less than 18 MAM	Vehicle exceeding 18 tonnes MAM
	wheeled vehicle whatever its condition or position on or off the road				
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	Two wheeled vehicle	Vehicle, not including a two wheeled vehicle, equal to or less than 3.5 tonnes MAM	Vehicle exceeding 3.5 tonnes MAM but equal to or less than 7.5 tonnes MAM	Vehicle exceeding 7.5 tonnes MAM but equal to or less than 18 MAM	Vehicle exceeding 18 tonnes MAM
2	£18	£36	£45	£54	£63

Disposal

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

Responses

Answers	Responses	Percentage
Strongly agree	17	56.7%
Agree	1	3.3%
Neither agree nor disagree	4	13.3%

Disagree	1	3.3%
Strongly disagree	0	0%
No Theme Completed	7	23.3%
TOTAL	30	100.0%

60% of respondents were strongly supportive of this proposal as it was felt that this would be in line with increased costs that operators have experienced in London. Respondents said that there was a need for London weighting due to the higher costs associated within the London area including for those arising from the congestion charging and clean air zones (ULEZ).

Some respondents highlighted that these costs will soon exist in other Metropolitan areas (i.e. Birmingham and Manchester). Other respondents either had no opinion, did not comment or declined to comment as it was not relevant to their individual circumstances.

There was also a repeat of the suggestion in proposal 2 for an annual increase but by CPI (Consumer Price Index) but, as indicated above, this would be difficult to introduce given the requirements to consult prior to raising fees.

Q5. To what extent do 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?

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 (RTRA) 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) Regulations 1995. The charges are set at £105 for removal, £12 for storage and £50 for disposal and have never been updated.

We considered 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.

Responses

Answers	Responses	Percentage
Strongly agree	22	73.3%
Agree	3	10%
Neither agree nor disagree	0	0%
Disagree	0	0%
Strongly disagree	0	0%
No Theme Completed	5	16.7%
TOTAL	30	100.0%

Out of all the respondents who commented, 83% were supportive of this proposal as they said that a reasonable and consistent fee should be charged for removals. Some respondents also suggested harmonisation with other legislation as set out below, but this fell outside the remit of this consultation.

- Schedule 4 Road Safety Act 2006;
- The Road Safety (Immobilisation, Removal and Disposal of Vehicles) Regulations 2009;

- The Vehicle Excise Duty (Immobilisation, Removal and Disposal of Vehicles) (Amendment) Regulations 2008;
- Section 57(1), (2) and (3) of, and Schedule 2A to the Vehicle Excise and Registration Act 1994

Q6. To what extent do you agree or disagree with increased fairness - reviewing £350 charge for vehicles exceeding 18 Tonnes MAM (Maximum Authorised Mass)? Should we increase the current £350 charge to mitigate against charging £3000 in the higher rate? If yes, what would be a fairer amount?

	1	2	3	4	5
1	<i>Vehicle position and condition</i>	<i>Vehicle equal to or less than 3.5 tonnes Maximum Authorised Mass (MAM)</i>	<i>Vehicle exceeding 3.5 tonnes MAM but equal to or less than 7.5 tonnes</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	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

Responses

Answers	Responses	Percentage
Strongly agree	19	63.3%
Agree	5	16.7%
Neither agree nor disagree	1	3.3%
Disagree	0	0%
Strongly disagree	0	0%
No Theme	5	16.7%

Completed		
TOTAL	30	100.0%

80% of respondents agreed that this charge should be increased. The amounts suggested by the respondents consisted of figures ranging from £750 to £1500. We do not have sufficient evidence to suggest that a fee at that level is required so we will increase the existing £350 charge in line with the inflation to avoid a large unevidenced increase.

Q7. To what extent do you agree or disagree with increased fairness - change definition of “substantially damaged” to “difficult to recover”
 Changing the definitions in the charging table from “substantially damaged” to “difficult to recover” could make the system fairer to motorists as vehicle damage is not necessarily proportionate to the level of difficulty involved in recovery.

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

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

Responses

50% of the respondents strongly disagreed with this proposal, suggesting that “difficult to recover” only took account of a small fraction of recoveries. Instead, those respondents felt that the definition of substantively damage should be retained.

33% of the respondents supported a change but felt properly defining “difficult to recover” would be subjective and challenging as the correlation between the amount of damage and how difficult the vehicle is to recover is not straightforward.

The underlying principle in determining the different charges is that they should relate to different levels of difficulty in effecting a removal. The original view was that a vehicle that could be described as substantially damaged would be more difficult to remove and should therefore incur a higher charge.

“Substantially damaged” is however a subjective description. We have considered whether it would be possible to redefine “substantially damaged” or replace it by a reference to aspects of a vehicle’s condition that significantly affect the ability to remove it, for example by requiring the use of specialist equipment. This would, however, remain open to dispute. We will therefore retain the term “substantially damaged” in the regulations, with the current definition.

Answers	Responses	Percentage
Strongly agree	6	20%
Agree	4	13.3%
Neither agree nor disagree	0	0%
Disagree	0	0%
Strongly disagree	15	50%
No Theme Completed	5	16.7%
TOTAL	30	100.0%

Q8. 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 so that the person seeking the vehicle release was responsible for its use at the time it was seized?

Regulation 5(1)(a) 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;

We suggested that the following change be made to Regulation 5(1)(a) to become

(a) ‘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’.

This would strengthen the process and could result in drivers who were driving without a driving licence or insurance losing their vehicle.

Responses

Answers	Responses	Percentage
Strongly agree	4	13.3%
Agree	3	10%
Neither agree nor disagree	18	60%
Disagree	0	0%
Strongly disagree	0	0%
No Theme Completed	5	16.7%

TOTAL	30	100.0%
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23% of respondents said that this was a sensible and beneficial change that would assist both the police and National Highways with the process of reclaiming vehicles.

60% of respondents were neither for nor against this change as it would have no impact on recovery operators.

Q9. To what extent to you agree or disagree that we introduce an electronic seizure form alongside a paper seizure form?

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 with many benefits on costs, accuracy, form management and updating.

Should an electronic seizure notice be introduced? Would there be a need for paper seizure notices to remain as a default option i.e. to assist motorists who couldn’t access email?

Responses

Answers	Responses	Percentage
Strongly agree	17	56.7%
Agree	6	20%
Neither agree nor disagree	2	6.7%
Disagree	0	0%
Strongly disagree	0	0%
No Theme	5	16.7%

Completed		
TOTAL	30	100.0%

77% of respondents said that the introduction of an electronic seizure form alongside the existing paper seizure form would improve the method of issuing forms. It would be helpful in taking into account which method, paper or electronic was viable. This could also enable automatic adjustments and updates.

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

Respondents have highlighted that the increasing number of electric, hybrid and alternative fuelled vehicles has created extra challenges. This is due to the extra weight and additional requirements for safely storing these vehicles and is creating additional costs for vehicle recovery operations.

Stakeholders highlighted concerns with the previous long interval between the consultations on statutory fees. Stakeholders are concerned that another significant delay will not allow for a timely consideration of the issues presented by electric vehicles and development of fees and new provisions to meet the target of a 2030 net zero transport system.

Conclusion and next steps

1. We have considered the responses to the targeted stakeholder consultation on the most appropriate increase for removal, storage and, in particular cases, disposal fees to the existing 2008 set of charges. The consultation also included proposals on changes to parts of the operational provisions.
2. There were 30 responses to the consultation paper from bodies with a professional, commercial or official interest.
3. The Home Office was aware that many of our vehicle recovery stakeholders believed the current charges were overdue for review and needed a significant increase. Most respondents welcomed the consultation. Much of the information was put forward by individual operators or their representative bodies and therefore naturally selective. Some wanted us to widen the consultation to cover the way that the police run their vehicle recovery contracts. However, this is an operational matter and the responsibility of the Chief Officer for the relevant police force.
4. There was an overwhelming support for an increase in the charges. In setting the charges the Government took account of suggestions made during the review.
5. The Government will prescribe new charges based upon proposal 2 – which looked at how much the fees should have risen since the previous review in 2008. This is the best evidenced and fairest proposal. The Government assesses that the statutory fee increase will have a net benefit to small businesses with an estimated small cost to the insurance industry.
6. In the case of stolen vehicles, it is possible in some instances that the increased fee may be borne by vehicle owners, though the degree to which this occurs is expected to be small. When a vehicle owner has their vehicle stolen and then recovered, they can either decide to pay the recovery fee themselves, pass the recovery fee onto their insurance provider, or choose not to have their vehicle returned to them.

7. If vehicle owners choose to avoid paying an insurance excess by paying the recovery fee themselves when their vehicles are stolen, the increase in the recovery fee will fall on the vehicle owners, rather than businesses.

8. To quantify the potential impact on vehicle owners of the recovery fee increase, the following calculation is made, under the assumptions that i) businesses pass on the increase in recovery fee for stolen vehicles to vehicle owners through higher insurance premiums, ii) vehicle owners who have their car stolen pass the recovery fee to their insurance provider and iii) 100% of the recovery fees are passed on to insurance companies:

9. 116,800 vehicles were stolen in England and Wales in the 12 months to June 2022. An estimated 28% of stolen vehicles are recovered and returned to their owners. From these figures, it is calculated that 32,700 vehicles are stolen and recovered every year and multiplying this by the £40 increase in the vehicle recovery fee, the total annual cost of the increase in the recovery fee is £1,307,600. There are 35,593,800 licensed vehicles in England and Wales. It is assumed the total cost of the recovery fee increase is passed on to vehicle owners through higher insurance premiums. Therefore, the total annual cost of the recovery fee increase is divided by the number of licensed vehicle owners to estimate the cost to vehicle owners of the recovery fee increase. This calculation leads to an estimate of an increase in the insurance premium of £0.04 for every vehicle owner. We consider this to be a negligible amount and offset by the broader public interest in ensuring there is a sustainable service for vehicle recovery.

10. The Consultation included an average fee increase of 22% which had been calculated before the launch of our consultation. To ensure that a sustainable uprating of the fees will be introduced and reflecting concerns that the average increase of 22% was too low, we have recalculated that the required increase is 28% (shown in Annex A).

11. The Government will harmonise the fees prescribed under Criminal Justice and Public Order Act 1994 so that the fees charged are consistent with the fees charged under the other legislation and provided for in one matrix table.

12. We will amend the £350 charge for vehicles exceeding 18 tonnes MAM (Maximum Authorised Mass) in line with proposal 2 as there is insufficient evidence to justify a large increase in fee from this review.
13. The term “substantially damaged” should remain in the regulations, with the current definition.
14. We will make amendments to aspects of Regulation 5 that will have the same outcome proposed in the Consultation. The result will assist the police and National Highways process when dealing with the release of vehicles involving a change of registered keeper or owner of that vehicle.
15. Change regulations that refer to “Giving of seizure notice” or “Service of seizure notice” to allow for options with either an electronic or a paper seizure notice. This will require an update to the current seizure notice regulations found at: -
 - Regulation 4 of the Police (Retention and Disposal of Motor Vehicles) Regulations 2002;
 - Regulation 4 of the Road Traffic Act 1988 (Retention and Disposal of Seized Motor Vehicles) Regulations 2005;
 - Regulation 4 of the Police (Retention and Disposal of Vehicles) Regulations 1995

Next Steps

16. The Government will make statutory provision to increase vehicle recovery charges in Road Traffic Regulation Act 1984; Police Reform Act 2002; Road Traffic Act 1988 and Criminal Justice and Public Order Act 1994 to reflect the increases outlined in proposal 2 and at Annex A.
17. This also include amendment to Regulation 5(1)(a) of the Road Traffic Act 1988 (Retention and Disposal of Seized Motor Vehicles) Regulations 2005 and include electronic seizure forms in Regulation 4 of the Police (Retention and Disposal of Motor Vehicles) Regulations 2002; Road Traffic Act 1988 (Retention and Disposal of Seized Motor Vehicles) Regulations 2005 and Regulation 4 of the Police (Retention and Disposal of Vehicles) Regulations 1995.
18. The Home Office will work with Department for Transport, police and industry to collect evidence on the appropriate level of charging for

electric vehicle in our next review of charges. This will allow the Government to undertake the necessary policy development and further engagement with stakeholders to address these issues with the aim of a further review of the statutory fees by 2025.

List of Organisations Responding

AAA Road Rescue
All-Party Parliamentary Group (APPG)
Auto Rescue 1990 Ltd
Association of Vehicle Recovery Operators
Boarhunt
Bus & Coach Repairs Ltd
Cowan Recovery Limited t/a CMG
D&G Assist
Department for Transport
Fillongey Garage
Furness Cars & Commercials Ltd
Gravity Assist
GRG Public Resources Ltd
Grs Recovery
National Highways
LAR Traffic Services
LJ Transportation
Logistics UK
Mendem Motors
Midhurst Engineering & Motor Co. Ltd
Norfolk Recovery Services
National Police Chief Constable Vehicle Recovery Lead
Puleston Recovery
RAC
Stoneywood
The IVR Group
TLC Garage Services & Recovery
Wards of Burnley Ltd
Welsh Government
Weston Recovery Services

Removals

	1	2	3	4	5
1	Vehicle position and condition	Vehicle equal to or less than 3.5 tonnes Maximum Authorised Mass (MAM)	Vehicle exceeding 3.5 tonnes MAM but equal to or less than 7.5 tonnes	Vehicle exceeding 7.5 tonnes MAM but equal to or less than 18 MAM	Vehicle exceeding 18 tonnes MAM
2	Vehicle on road, upright and not substantially damaged or any two wheeled vehicle whatever its condition or position on or off the road	£192	£256	£448	£448
3	Vehicle, excluding a two wheeled vehicle, on road but either not upright or substantially damaged or both	£320	£832	Unladen-£2561	Unladen-£3842
				Laden-£3842	Laden-£5763
4	Vehicle, excluding a two wheeled vehicle, off road, upright and not substantially damaged	£256	£512	Unladen-£1281	Unladen-£1921
				Laden-£1921	Laden-£2561
5	Vehicle, excluding a two wheeled vehicle, off road but either not upright or substantially damaged or both	£384	£1089	Unladen-£3842	Unladen-£5763
				Laden-£5763	Laden-£7684

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

	1	2	3	4	5
1	Two wheeled vehicle	Vehicle, not including a two wheeled vehicle, equal to or less than 3.5 tonnes MAM	Vehicle exceeding 3.5 tonnes MAM but equal to or less than 7.5 tonnes MAM	Vehicle exceeding 7.5 tonnes MAM but equal to or less than 18 MAM	Vehicle exceeding 18 tonnes MAM
2	£13	£26	£32	£38	£45

Disposal

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

1	2	3	4	5	
1	Two wheeled vehicle	Vehicle, not including a two wheeled vehicle, equal to or less than 3.5 tonnes MAM	Vehicle exceeding 3.5 tonnes MAM but equal to or less than 7.5 tonnes MAM	Vehicle exceeding 7.5 tonnes MAM but equal to or less than 18 MAM	Vehicle exceeding 18 tonnes MAM
2	£64	£96	£128	£160	£192