

2005 No. 486

ROAD TRAFFIC

The Removal, Storage and Disposal of Vehicles (Prescribed Sums and Charges etc.) Amendment (Scotland) Regulations 2005

<i>Made</i>	<i>3rd October 2005</i>
<i>Laid before the Scottish Parliament</i>	<i>4th October 2005</i>
<i>Coming into force</i>	<i>10th November 2005</i>

The Scottish Ministers, in exercise of the powers conferred by sections 4(5) and (6) and 5(1) of the Refuse Disposal (Amenity) Act 1978^[1] and sections 101(4) and (5) and 102(2) of the Road Traffic Regulation Act 1984^[2] ("the 1984 Act") and of all other powers enabling them in that behalf, and after consulting with such representative organisations as they think fit in accordance with section 134(2) of the 1984 Act, hereby make the following Regulations:

Citation, commencement and extent

1. —(1) These Regulations may be cited as the Removal, Storage and Disposal of Vehicles (Prescribed Sums and Charges etc.) Amendment (Scotland) Regulations 2005 and shall come into force on 10th November 2005.

(2) These Regulations extend to Scotland only.

Amendment of the Removal, Storage and Disposal of Vehicles (Prescribed Sums and Charges etc.) Regulations 1989

2. The Removal, Storage and Disposal of Vehicles (Prescribed Sums and Charges etc.) Regulations 1989^[3] are amended as follows:—

(a) in regulation 3(1)(a) (otherwise than in relation to section 101(4A)(b)(ii) of the 1984 Act), 3(2)(a) (otherwise than in relation to section 101(5A)(b)(ii) of the 1984 Act) and 3(3), for "£105", in each place it occurs, substitute "£150";

(b) in regulation 3(1)(b) (otherwise than in relation to section 101(4A)(b)(ii) of the 1984 Act), 3(2)(b) (otherwise than in relation to section 101(5A)(b)(ii) of the 1984 Act) and 3(4) for "£12", in each place it occurs, substitute "£20"; and

(c) in regulation 3(2)(c) (otherwise than in relation to section

101(5A)(b)(ii) of the 1984 Act) and 3(5), for "£50", in each place it occurs, substitute "£150".

ROSS FINNIE

A member of the Scottish Executive

St Andrew's House, Edinburgh

3rd October 2005

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations prescribe new sums and charges in respect of the removal, storage and disposal of vehicles by the police and local authorities.

The prescribed sum for the purposes of section 4(5) of the Refuse Disposal (Amenity) Act 1978 (c.3) ("the 1978 Act") and section 101(4) of the Road Traffic Regulation Act 1984 (c.27) ("the 1984 Act") is, in respect of:—

- (a) removal, increased from £105 to £150; and
- (b) storage, increased from £12 to £20 for each period of 24 hours (or a part thereof) during which the vehicle is in the custody of the authority.

The prescribed sum for the purposes of section 4(6) of the 1978 Act and section 101(5) of the 1984 Act is, in respect of:—

- (a) removal, increased from £105 to £150;
- (b) storage, increased from £12 to £20 for each period of 24 hours (or a part thereof) during which the vehicle is in the custody of the authority; and
- (c) disposal, increased from £50 to £150.

The prescribed charge for the purposes of section 5(1)(a) of the 1978 Act and section 102(2)(a) of the 1984 Act is, in respect of removal, increased from £105 to £150.

The prescribed scale by reference to which charges shall be ascertained in respect of storage for the purposes of section 5(1)(b) of the 1978 Act and section 102(2)(b) of the 1984 Act is increased from £12 to £20 for

each period of 24 hours (or a part thereof) during which the vehicle is in the custody of the chief officer of a police force or the authority as the case may be.

The prescribed manner for determining the charges recoverable in respect of disposal for the purposes of section 5(1)(c) of the 1978 Act and section 102(2)(c) of the 1984 Act is by reference to a single charge, which charge is increased from £50 to £150.

Notes:

[1] 1978 c.3; sections 4 and 5 were amended by the National Parks (Scotland) Act 2000, asp 10, Schedule 5, paragraph 6; "prescribed" is defined in section 11(1). The functions of the Secretary of State were transferred to the Scottish Ministers by virtue of section 53 of the Scotland Act 1998 (c.46).

[2] 1984 c.27; "prescribed" is defined in section 142. The functions of the Secretary of State were transferred to the Scottish Ministers by virtue of section 53 of the Scotland Act 1998 (c.46).

[3] S.I. 1989/744 as amended by S.I. 1991/336, 1992/385, 1993/550 and 1415.

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