

Abandoned Vehicles Procedure

Introduction

North West Leicestershire District Council has a duty (under sections 3 and 4 of the Refuse Disposal (Amenity) Act 1978) to remove motor vehicles unlawfully abandoned on **any** land in the open air and deliver it to the Leicestershire County Council.

The county council can recover charges from the owner (unless he/she can show they did not know it had been abandoned) or from the person who abandoned it.

If the cost of removing an abandoned vehicle is unreasonably high, this duty is removed. This is decided on a case by case basis.

What is classed as a motor vehicle?

A 'motor vehicle' is any a mechanically propelled vehicle intended or adapted for use on roads, whether or not it is in a fit state for such use. The definition includes any trailer intended or adapted for use as an attachment to a vehicle, any chassis or body, with or without wheels, appearing to have formed part of a vehicle or trailer and anything attached to a vehicle or trailer.

Is it abandoned?

There is no legal definition of 'abandoned' and our officers have the freedom to use their discretion when making decisions on abandonment.

We always consider surrounding circumstances and additional evidence, including Defra guidance. For example, we look at:

- If the vehicle is untaxed
- If it has no current keeper
- If it has been stationary for a significant amount of time
- Whether it is significantly damaged, run down or unroadworthy
- If it is burnt out
- If one or more of its number plates is missing
- If it contains waste
- Whether the vehicle has been vandalised
- Whether the tyres are deflated
- Whether it is locked
- If any windows are broken
- If there is mould growing inside or outside of the vehicle.

A vehicle can be considered abandoned even if it has current road tax or has been declared off road (SORN).

This is not an exhaustive list and a vehicle does not have to display the full list to be considered abandoned. However a vehicle will not be considered abandoned solely on the grounds that there is no valid excise duty in place (tax expired).

It should be noted that a vehicle is not abandoned until NWLDC is satisfied of that fact and need not act simply because someone claims it is abandoned.

Removal

If they have been classified as abandoned, vehicles on a road can be removed immediately. No notice is required where a vehicle has been classified as abandoned on a road (under the Clean Neighbourhoods and Environment Act 2005 amended section 3 of the Road (Amenity) Act 1978).

The only remaining notice is a 15 day notice of removal, which should be sent to the occupier of land if the vehicle is abandoned on that land that appears occupied. The occupier can waive this notice by giving permission prior to a notice or any time after a notice has been served.

The Offence of Abandonment

It is a criminal offence to abandon a motor vehicle or anything that has formed part of a motor vehicle on any land in the open air or on any other land forming part of a highway (under Section 2 of the Refuse Disposal (Amenity) Act 1978).

Anyone found guilty of this offence may receive:

- A fine of up to £2,500
- A term of imprisonment not exceeding three months
- Both of the above
- A Fixed Penalty Notice may be issued as an alternative to prosecution for the sum of £200

It should be noted that the person guilty of this offence is the person who abandoned it, so may not be the registered keeper. There would need to be evidence to identify the person responsible for the abandonment to pursue a prosecution.

If the vehicle is left in situ and the registered keeper is informed and required to remove the vehicle and then fails to do so, the keeper could also be guilty of abandonment and the fixed penalty notice could be issued. This action should be considered on a case by case basis.

Procedure regarding reports of abandoned vehicles

It should be noted that NWLDC does not have enforcement powers to deal with vehicles that have:

- No vehicle excise duty (vehicle tax).

This can be reported by the public via the internet www.gov.uk/report-untaxed-vehicle or by writing to

Enforcement Section, W070/DIZ

DVLA

Longview Road,

Swansea.

SA7 0XZ

- No valid test certificate

Police matter

- No insurance

Police matter

- Vehicles causing an obstruction

Police matter

The initial contact from a member of the public should establish how long the vehicle has been in situ. A minimum period of two months is required before a report is taken, unless the vehicle concerned is:

- Burnt out
- Seriously damaged.

A report on the Uniform system is then generated and an officer will look to inspect the vehicle within five working days (burnt out vehicles within 24 hours if possible).

If the officer decides it is abandoned, photographs will be taken and then a request sent to the DVLA to identify the registered keeper.

Whilst it is noted that vehicles can be removed immediately, it is best practise to send a seven day letter to the registered keeper requesting they remove the vehicle within the stated time period.

Once the seven days has expired, consideration should be given to affixing a seven day notice to the vehicle. (This is not a legal requirement but is effective in alerting the owner who may be unaware of the situation).

At the end of this time period, the vehicle can be removed by the authorised contractor and dealt with as per the contract with Leicestershire County Council.

Consideration should then be given to issuing the registered keeper with a fixed penalty notice.

Note: If removing vehicles immediately, the contractor should be advised to store it for seven days unless it is a burnout or a 'wreck'.

In special circumstances vehicles can be stored longer with the agreement of the Leicestershire County Council.

Any recovered vehicle that may be of significant value should be brought to the attention of the County Council for a decision on disposal/sale.

Abandoned Vehicle Reports

Is there evidence that the vehicle has been in situ for TWO MONTHS or more?

Is the vehicle burnt out?

Is the vehicle seriously damaged?

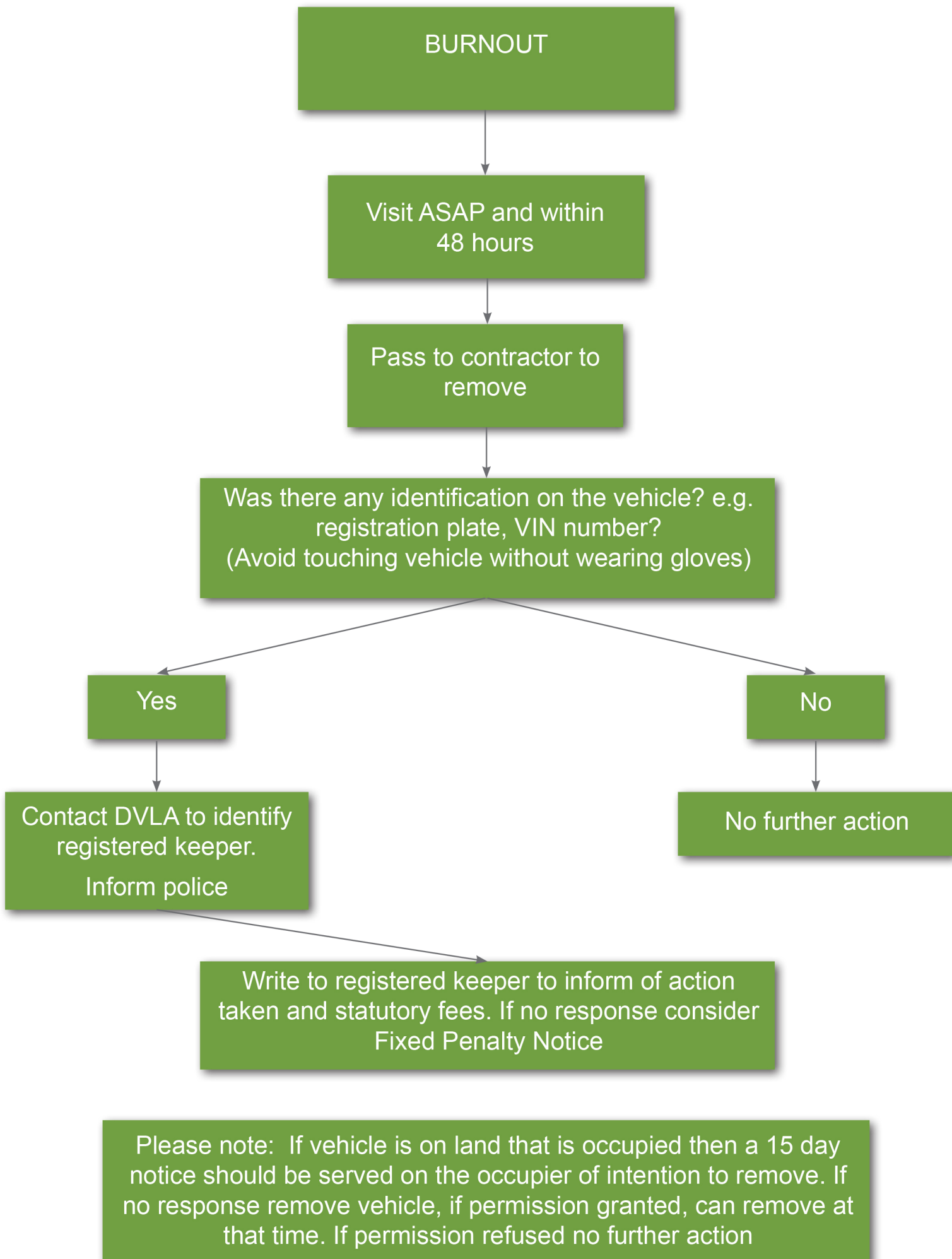
Yes

No

Complete uniform report under the code SSAVE. Details required include full vehicle information particularly registration number and exact location. Customer to be advised that Vehicle will be assessed by an officer who is authorised to make decision on abandonment.

No report required.
Advise customer it would not be classed as abandoned at this time. If car tax expired they can be directed to DVLA/if an obstruction to the Police

Investigation of Abandoned Vehicle Reports



SERIOUSLY DAMAGED VEHICLE

Inspect vehicle – does it require removing immediately?

Yes

No

Instruct contractor to remove. Can be disposed of or retain for seven days

DVLA enquiry
Inform police

Send seven day notice to registered keeper

Seven day notice to keeper

Is vehicle still in situ after seven days

If no response, consider Fixed Penalty Notice

If keeper responds, can collect vehicle once statutory fees paid. Consider Fixed Penalty Notice

No

Yes

No further action

Consider attaching seven day notice to vehicle. (Not a legal requirement)

or

Instruct contractor to remove.

Consider Fixed Penalty Notice to registered keeper

Vehicle in situ for two months or more

Inspect vehicle.
Is it abandoned?

Yes

No

DVLA enquiry
Inform police

Send seven day notice to
registered keeper

After seven days has
vehicle been removed?

Yes

No

No further
action

Consider attaching a seven
day notice to vehicle.
(This is not a legal

Instruct contractor to remove
vehicle. Consider fixed Penalty
Notice to registered keeper
requirement)