

Road Traffic (Removal and Immobilisation of Vehicles) Rules 1997

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No. S 109

ROAD TRAFFIC ACT (CHAPTER 276)

ROAD TRAFFIC (REMOVAL AND IMMOBILISATION OF VEHICLES) RULES 1997

In exercise of the powers conferred by section 123 of the Road Traffic Act, the Minister for Home Affairs hereby makes the following Rules:

PART I

PRELIMINARY

Citation and commencement

1. These Rules may be cited as the Road Traffic (Removal and Immobilisation of Vehicles) Rules 1997 and shall come into operation on 1st April 1997.

Definitions

2. In these Rules —

“immobilisation device” has the same meaning as in section 123 of the Act;

“relevant provision” means any of the provisions of the Act or of any rules made thereunder as specified in the First Schedule;

“vehicle” includes any trailer drawn or any load carried thereby.

PART II

REMOVAL OF VEHICLES

Police officer may require owner, driver, etc., to remove vehicle in certain circumstances

3. Where a vehicle —

- (a) has broken down, or has been parked or permitted to stand, on a road in such a position or in such condition or in such circumstances as to cause obstruction to other persons using the road or as to be likely to cause danger to such other persons; or
- (b) has been parked or permitted to stand on a road in contravention of any relevant provision,

a police officer may require the owner, driver or other person in control or in charge of the vehicle to remove the vehicle or cause the vehicle to be removed.

Powers of police officer to remove vehicle in certain circumstances

4.—(1) Where it appears to a police officer that a vehicle —

- (a) has broken down, or has been parked or permitted to stand, on a road in such a position or in such condition or in such circumstances as to cause obstruction to other persons using the road or as to be likely to cause danger to such other persons;
- (b) has been parked or permitted to stand on a road in contravention of any relevant provision; or
- (c) has been abandoned on a road,

the police officer may, subject to paragraph (2), take all reasonable steps to remove the vehicle or arrange for the vehicle to be removed by another person under the direction of the police officer, and where necessary may provide for the detention and safe custody of the vehicle.

(2) The powers conferred on a police officer by paragraph (1) shall not be exercised in the case of any vehicle by reason only of its being a vehicle which is causing obstruction unless the police officer is of the opinion that, having regard to all the circumstances and the extent of the obstruction which the vehicle is causing, the vehicle ought not to remain where it is.

Removal of vehicle in road tunnel

5.—(1) Where a vehicle —

- (a) has broken down, or has been parked or permitted to stand, in a road tunnel