Vehicle Recovery Scheme Guidance

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1.0 INTRODUCTION

North Wales Police has appointed FMG Support Limited (FMG) to manage the recovery of vehicles on behalf of the Force.

In order for the scheme to operate effectively, it is essential that vehicles are not recovered without good reason, and if recovered, that they are released as soon as it is practical to do so. The Vehicle Recovery Officer will authorise the release of vehicles unless there is a clear instruction that the vehicle is to be retained.

Under no circumstances will officers commit the Force to any costs in relation to the scheme.

2.0 PROCEDURE

2.1 The Scheme

Vehicle Categories
The contractor, through a number of selected recovery operators, will (subject to certain conditions fully explained further on) be used to arrange for the removal and storage of vehicles in the following categories:

- Road traffic collisions
- Vehicles seized for no insurance/driving license
- Broken down vehicles
- Vehicles seized under the Sec 59 Police Reform Act
- Vehicles seized under DVLA devolved powers
- Vehicles causing an obstruction or danger on a road
- Stolen vehicles or suspected stolen vehicles
- Vehicles used in, or subject of, crime
- Burnt out vehicles involved in crime
- Prisoners’ vehicles

Contact via Joint Communications Centre (JCC)
The scheme will be accessed via either the JCC or the OIC at the scene by ringing FMG directly. On no account will the ARO be contacted directly by anyone other than FMG. This number is for police use only and should not be given to members of the public. The incident handler will be responsible for ensuring that an appropriate recovery operator responds to the incident. The authorised recovery operator will be expected to attend the scene within 45 minutes for light recovery and 45 minutes for heavy recovery of being contacted by the incident handler, unless there are exceptional circumstances e.g. adverse weather conditions. In relation to A55, A483, A550, A494 Dual carriageway sections, this will be 30 minutes.
for light recovery and 45 minutes for heavy recovery of being contacted by the incident handler.

**Authorised Recovery Operative Facilities**
Recovery operators will ensure that the day to day security arrangements are such that when a vehicle that is viewed as high risk by the police service it is kept in circumstance that would ensure that any access to the vehicle is minimised to maintain the highest integrity for the circumstances surrounding the seizure of the vehicle. It is the officer in charge of the investigation whose responsibility it is to ensure that recovery operators are made aware of any such requirements.

A requirement of the contract is that the recovery operators have under cover facilities for CSI, Collision Investigation examinations.

**Charges**
Officers must not commit the Force to payment of any costs or instruct the recovery operators to invoice the Force, nor offer advice to the operators or the person entitled to the possession of the vehicle with regard to any charges.

It should be noted that a request for the recovery of a vehicle from another Police Force is outside the terms of the contract. If the scheme is initiated, then it is a separate arrangement between the requesting Force and the nominated recovery operator. This must be explained to the requesting Force.

**Monitoring**
The scheme will be continually monitored and evaluated to ensure that the Force and members of the public receive the optimum service within the contractual agreement.

If comment or criticism of the recovery operator or the incident handler is necessary, a report should be submitted as soon as practical to the Vehicle Recovery Liaison Officer.

### 2.2 Road Traffic Collisions

**Under no circumstances will any North Wales Police personnel recommend a garage to an owner / keeper / driver or call out a recovery operator.**

In instances where the owner / driver has requested to make his or her own arrangements but the officer has reasonable concerns that the vehicle would not be removed safely and/or within 45 minutes for light recovery and 45 minutes for heavy recovery and it is causing an obstruction or danger to other road users, then the officer should use powers under the Removal and Disposal of Vehicle Regulations 1986 to override the wishes of the owner / driver.
In these circumstances the officer at the scene will request the JCC to contact FMG who will arrange a recovery operator to attend to remove any vehicle immediately to their premises.

However, in the more serious cases (e.g. fatal road collisions, potential fatal road collisions and serious collisions that will result in life threatening / changing injuries), the vehicle must always be recovered by one of the Recovery Operators on the contract scheme for examination at their premises. Thereafter the vehicle must not be released until after authority from the Senior Investigator via the Administration of Justice Department (AJD) has been sought (fatal road collisions, potential fatal road collisions and serious collisions that will result in life threatening / changing injuries).

Where a vehicle is abandoned following a road traffic collision, it must be dealt with as an abandoned, suspected stolen or stolen vehicle according to the circumstances. If removal is considered necessary, the appropriate authority must be obtained (refer to section 4.2 page 23).

If for any reason the vehicle cannot be released, the officer at the scene must inform the garage of that fact, and complete their VAD at the side of the road prior to vehicle removal.

2.3 Broken Down Vehicles

Under no circumstances will any North Wales Police personnel recommend a garage to an owner / driver.

It is imperative that vehicles causing a danger / and or obstruction are removed from the road as soon as possible. Under normal circumstances members of the public can make their own arrangements to have their vehicle recovered. On a motorway or dual carriageway subject to the national speed limit, ACPO Best Guidance sets out the Memorandum of Understanding that states that the vehicle should not be allowed to remain in excess of 45 minutes for light vehicles and 45 minutes for heavy vehicles. Officers should use their discretion appropriately when allowing an owner’s request. Following the expiry of 30 or 45 minutes (where applicable), if the nominated service has not responded, the original call should be cancelled and an Authorised Recovery Operator (ARO) deployed to remove the vehicle.

2.4 Vehicles Abandoned on the Road and Causing Obstruction or Danger

Powers for Police Officers to authorise the removal of vehicles are contained within Regulation 4 Removal and Disposal of Vehicles Regulations 1986.
If a vehicle has been abandoned on a road or other place where an obstruction is being caused or there is the likelihood of danger being caused to any person, then the vehicle should be removed using a contract garage. The scheme must not be used for abandoned ‘end of life’ vehicles. Local Authorities have procedures to deal with them and have a duty under existing legislation. They also have the power to remove vehicles immediately if necessary. Just because a vehicle is subsequently trashed after a 7 day order is put on it, it is still not sufficient reason to use the police recovery scheme.

In order to keep the Force’s involvement with abandoned vehicles to a minimum, officers should complete a form T314 (Notification to Council of an Abandoned Vehicle) in cases where the decision is made that the council should be responsible for removing the abandoned vehicle. The form should be faxed to the relevant Local Authority for their attention.

Vehicles that are apparently abandoned on fast trunk roads duel carriageways e.g. A55 483 and 550, must be removed as soon as practicable in the interests of Road Safety.

2.5 Vehicles Abandoned at Other Locations

Under no circumstances should North Wales Police employees recover abandoned vehicles which are parked on car parks, private land or Local Authority land, under the North Wales Police Vehicle Recovery Scheme.

2.6 Burnt Out Vehicles

This section deals with vehicles that have been stolen / abandoned and have been extensively damaged by fire not caused or resulting from a road traffic collision.

Burnt out vehicles found on a road or other public place or burnt out vehicles of police interest in any other place will be removed by an ARO to their premises. In all other cases it is the responsibility of the landowner or the Local Authority to remove the vehicles.

The identification of the burn out vehicle will be with the Force vehicle examiner at the ARO premises.

Officers who are called to deal with such incidents should be aware of the hazards presented by burnt out vehicles. They should not attempt to identify the vehicle by searching for engine and chassis numbers and thus moving ash. Any numbers readily visible without disturbing the vehicle (e.g. registration numbers) can be checked.
There is evidence to suggest that toxic fumes and other hazards can be present in fire-damaged vehicles and could be inhaled by persons disturbing the debris. *This type of examination must only be carried out by trained personnel using the correct equipment and safety measures.*

The JCC should be requested to arrange immediate removal of burnt out vehicles found on a road or other public place or burnt out vehicles of police interest in any other place will be removed by an ARO to their premises.

Under normal circumstances the recovery operator will attend within **45 minutes for light recovery and 45 minutes for heavy recovery** to remove the vehicle. However, if the vehicle comes to police notice during the hours of darkness and outside normal working hours, a delayed removal may be arranged. This would apply if the vehicle in question was found to be in a remote and isolated location and where there is no immediate danger or risk to the public. In these circumstances, the recovery operator would be advised of the removal requirement at the commencement of the following working day.

The Reporting Officer must ensure that the owner of the vehicle is informed of the situation or the necessary PNC report is created e.g. Found or Abandoned

Where a burnt out vehicle’s identity has become known then that vehicle should be removed by the Local Authority who have a **DUTY** to do so.

### 2.7 Prisoners’ Vehicles

A prisoner’s own vehicle will not be routinely recovered; however, where it is necessary to recover the prisoner’s vehicle i.e. on fast trunk roads, dual carriageways e.g. A55 483 and 550, it must be removed as soon as practicable in the interests of road safety. A contract garage may be used to affect the recovery. This will be at the prisoner’s expense and must be explained to him / her prior to the recovery.

Where the vehicle is causing a danger or obstruction then it will be removed in accordance with paragraph 3.4 above.

**As soon as the vehicle can be released, the I/CAD system must be updated and the Vehicle Recovery Officer notified by e-mail providing the current owner details for release. This is the responsibility of the officer in the case.**

### 2.8 Stolen Vehicles

When a stolen vehicle is found, the OIC will take appropriate steps to trace the owner. A PNC report should be updated /created to cover the recovery. The owner should be informed where the vehicle is located, the condition of the vehicle etc. i.e. burnt out or abandoned.
It is recommended that when the owner/keeper of a stolen vehicle is notified the following form of words should be considered:

“Your vehicle has been found and arrangements will be made by the police for it to be recovered to a local recovery agent’s yard. This is to safeguard your property from the possibility of being subjected to further crime and it may be subject to forensic examination. You will be advised of its whereabouts in order to make the necessary arrangements for collection. A fee will be payable to the agent. A letter detailing all of this will be sent to you immediately”.

A letter expanding upon the Force policy will be sent by the Investigation Support Team to the owners of all stolen vehicles (see Appendix C).

Where a decision is made to recover the vehicle, it must be understood that any charges incurred will be levied against the owner, This is in accordance with Service Motor Policies at Lloyds v City Recovery Ltd Unreported July 9, 1997 CA (Civ Div), where the judge stated that where the police exercised their powers to recover a stolen vehicle, then if the owner / insurer wanted the vehicle back, they (the owner / insurer) would be liable for any charges. The judge added “There is no such thing as a free recovery”.

Under NO CIRCUMSTANCES must any officer tell the owner of a stolen vehicle that the police will pay for the recovery. If the vehicle is examined by the Crime Scene Investigator (CSI), this will be incidental to rather than the reason for recovery.

It is essential that persons who report their vehicles stolen are informed of the following:

- If a stolen vehicle is found abandoned the police will arrange recovery by an ARO.
- When vehicles are recovered, by law the owner / keeper will be responsible for the statutory fee, which may be reclaimed from a relevant Insurance Policy.
- The ARO will make a charge payable by the owner / keeper, in accordance with the statutory recovery fee including associated costs agreed with the Association of British Insurers.
- While some owners / keepers may not want their stolen vehicle recovered, it is essential to explain that the police are empowered to remove, and will recover stolen vehicles which have been found abandoned to ensure the safety and the integrity of the vehicle. Experience demonstrates that an increasing number of abandoned stolen vehicles are re-stolen, vandalised or burnt out when not promptly removed.
Where a stolen vehicle is recovered outside the NWP Police area, the foreign Force will recover the vehicle to prevent subsequent vandalism or theft. It will be the responsibility of the area dealing with the original stolen report to inform the owner of the vehicle’s location and any other relevant information. In these circumstances, the examination of stolen vehicles is incidental to, rather than the reason for recovery. Therefore, North Wales Police will not be responsible for any costs. The R.O needs to check their foreign force recovery scheme conditions immediately to avoid NWP incurring any costs.

**Appendix D** sets out some replies to questions frequently asked by the owners of stolen vehicles.

**2.9 Vehicles Used in or the Subject of Crime**

Such vehicles will only be recovered at the discretion and authorisation of the Duty Response Sergeant following consultation with the Officer in the Case if possible.

All ARO have facilities for crime scene investigation and stolen vehicle examinations to be undertaken on their premises. If an examination of the vehicle by a Crime Scene Investigator (CSI) is required, the request should be made as soon as practicable to the JCC. The recovery operator must be informed prior to the recovery being undertaken so that anything of evidential value can be preserved. Recovery operators are aware of the steps necessary to preserve evidence.

In exceptional circumstances it may be necessary for the vehicle to be recovered to premises other than the recovery operators. In these circumstances the Officer in the Case will arrange via the JCC for the removal of the vehicle by a Recovery Operator to those premises for storage until the OIC gives authority to release.

It is the responsibility of the OIC to return the vehicle to the lawful owner as soon as possible in order to ensure that storage costs are kept to the minimum.

*When a subject of crime vehicle is recovered at the request of a Reporting Officer for the purpose of crime scene examination, the cost of recovery will be met by North Wales Police.*

If there are any problems regarding legal ownership, advice should be sought from the Force Legal Services Department.

Guidance on the seizure, retention and disposal of Uninsured motor vehicles/motor vehicles driven by unlicensed drivers
The Law – Section 152 Serious Organised Crime Act 2005

To seize a vehicle any of following conditions must be satisfied:
(a) A constable in uniform requires, under section 164, a person to produce his licence and its counterpart for examination
(b) The person fails to produce them, and
(c) The constable has reasonable grounds for believing that a motor vehicle is or was being driven by the person in contravention of section 87(1).

The second condition is that:
(a) A constable in uniform requires, under section 165, a person to produce evidence that a motor vehicle is not or was not being driven in contravention of section 143
(b) The person fails to produce such evidence, and
(c) A constable has reasonable grounds for believing that the vehicle is or was being so driven.

The third condition is that:
(a) A constable in uniform requires, under section 163, a person driving a motor vehicle to stop the vehicle
(b) The person fails to stop the vehicle, or to stop the vehicle long enough, for the constable to make such lawful enquiries as he considers appropriate, and
(c) A constable has reasonable grounds for believing that the vehicle is or was being driven in contravention of section 87(1) or section 143.

Section 87(1) relates to driving a motor vehicle on a road other than in accordance with a driving licence for that class of vehicle.

Section 143 relates to driving a motor vehicle without a valid certificate of Insurance to cover its use.

Both sections are from the RTA 1988.

A constable in uniform may seize the vehicle and have it removed. The power may be exercised anywhere other than a private dwelling and if necessary reasonable force can be used. If the constable is unable to seize the motor vehicle immediately as the person failed to stop. He may seize the vehicle at any time within 24hrs.

2.10 Operational Guidance

2.10.1 Safe Keeping of Motor Vehicles

Once a vehicle has been seized by police, it will remain in their possession, or the possession of an authorised person (the ‘Authority’) until it has been released into the possession of the registered keeper, the owner, he owners nominee or has been disposed of under the Regulation.
The driver/registered keeper/owner should be encouraged to remove and retain personal property from the vehicle prior to removal by the authorised person. Officers should consider making a note in their PNB and obtaining a signature from the driver/registered keeper/owner stating the vehicle does not contain any valuable property.

After seizure the “Authority” shall be under a duty to take all reasonable steps to keep the motor vehicle safe.

2.10.2 Seizure

Once a vehicle has been seized a constable must give a “seizure notice” together where appropriate with a HORT/1 to the driver of the vehicle.

It naturally follows that where there are reasonable grounds to seize a vehicle under these regulations the offending driver/registered keeper/owner will be subject of a prosecution file for no insurance/ no driving licence or alternatively be issued with a FPN for no insurance.

The “Authority” shall as soon as possible after taking possession the vehicle give a seizure notice to the person who is the registered keeper and to the owner, if it is someone different; except where (a) the notice has already been given or (b) the vehicle has been released from their possession.

Immediately a vehicle is seized it is imperative that forces ensure PNC entries relating to the vehicle are accurately updated in a timely manner as a Police Interest Report.

It is appropriate to remind all officers to maintain a consistent approach to vehicle seizures particularly for no insurance offences. Nevertheless, there may be those occasions where officers will use their discretion wisely and consider that it would be proportionate, if possible to allow the driver to take out insurance at the roadside. This may occur were seizing the vehicle would adversely impact on the welfare of the occupant e.g. vulnerable adults or young children.

Before any vehicle is released at the roadside the officer must have positive confirmation that a policy of insurance for the driver to drive that vehicle is in place.
2.10.3 **Seizure Notices**

The Notice must include the following information:

a) The place where the vehicle was seized

b) The place where the vehicle is stored

c) That the registered keeper or the owner of the vehicle is required to claim the vehicle from the “Authority” on or before the date specified on the notice, being a date not less than 7 working days (excluding Saturdays Sundays Bank Holidays) from when the notice was given to the registered keeper or owner. For clarification recovery operators can charge storage fees for Saturday and Sunday. Regulation 6 RTA 1988 (Retention and Disposal of Seized Motor Vehicles 2005 as amended 2008 Matrix Billing) see P.39, provides that the charge relates to each period of 24 hrs or part thereof that a vehicle is held, calculating from noon on the first day after seizure during which the **business is open** before noon for the vehicle to be reclaimed. So, if someone claims on Monday afternoon, from an operator who is open at the weekend, a vehicle seized on the proceeding Friday, he would have to pay for the 24 hours from noon Saturday, for the 24 hours from noon Sunday and for the part of 24 hours from noon Monday until he made his claim.

d) That unless the vehicle is claimed on or before that date the “Authority” intends to dispose of it

e) That all charges in relation to the seizure and retention must be paid

f) That the registered keeper or owner of the vehicle must produce at a specified Police Station:

   (i) A valid certificate of insurance covering his/her use of that vehicle and a valid licence authorising him to drive that vehicle

   Or

   (ii) Nominate a third person who is able to produce at a specified Police Station a valid certificate of insurance covering that nominee’s use of that vehicle and a valid licence authorising that nominated person to drive that vehicle.

The vehicle may be retained until these requirements are satisfied.
2.10.4 **Seizure Notice Procedure – driver not the register keeper/owner**

The seizure notice shall also be given to the registered keeper/owner if this is not the driver. This can be achieved by sending it by **special delivery/recorded delivery** to:

(a) The last known address of the registered keeper or
(b) The address on the vehicle register, or in the case of the owner, if this is different, at their usual or last known address. The notice can also be left at either of the above addresses
(c) Where the vehicle is registered to a business, to the secretary or the clerk at its registered or principal office.

2.10.5 **Disclaimer**

In appropriate cases there is nothing in the Regulations that precludes a police constable, at the time of seizure or at the time of release of the vehicle, from seeking the driver’s agreement against signature on a disclaimer form to dispose of the vehicle, provided they are also the registered keeper/owner. It needs to be understood that the vehicle has to be retained for a minimum of **14 days** and the owner is made aware of this fact.

2.10.6 **Release of Vehicles**

Before the ‘Authority’ releases a seized motor vehicle, the driver/registered keeper/owner must:

a) Prove they are the registered keeper/owner of the vehicle
b) Pay all charges for the removal and retention
c) Produce at the police station specified on the notice a valid certificate of insurance covering their use of the vehicle and a valid licence authorising them to drive it.

Occasionally the driver of a vehicle will be unable to satisfy the document requirements i.e. they will not have a valid licence or certificate of insurance. Provided they can prove they are the registered keeper/owner and have paid the relevant fees they can nominate a third person to remove the vehicle.

The third person must have a valid driving licence and a certificate of insurance covering that person to use that vehicle.

When the driver nominates a third person to collect their vehicle having satisfied the payment and ownership requirement. It would be useful for the Officer/Police Staff to whom the driving documents are produced to ask the following:
Does:

This certificate / cover note of insurance/ driving licence cover
This person to drive
This vehicle for
This purpose on
This day?

Each of these elements is considered in turn.

Primary proof of ownership will be the production of the V5 vehicle log for the motor vehicle seized by police. However, there maybe occasions when this is not readily available and the driver/registered keeper/ owner may rely on other satisfactory documentary proof.

It is a matter for each individual force to put in place a procedure that allows for ease of release of the vehicle from police possession. Some force will devolve this responsibility to their agents whilst some may decide to operate the scheme “in house” It is suggested that consideration be given to a simplistic system based on a comparison of signature on the seizure notice with a signature obtained from the recipient taking possession of the motor vehicle.

2.10.7 Liability

A person who would otherwise be liable to pay retention and removal fees shall not be liable if:

a) They were not driving the vehicle at the time it was seized

   and

b) Did not know that the vehicle was being driven at the time at which it was seized and could not by taking reasonable steps prevent it from being driven.

2.10.8 Charges

The fees for vehicle removal will be £150.00. The fees for retention of the vehicle over a twenty-four hour period or part thereof will be £20.00/day. For clarification recovery operators can charge storage fees for Saturday and Sunday. Regulation 6 RTA 1988 (Retention and Disposal of Seized Motor Vehicles 2005 as amended 2008) provides that the charge relates to each period of 24 hrs or part thereof that a vehicle is held, calculating from noon on the first day after seizure during which the business is open before noon for the vehicle to be reclaimed. So, if someone claims on Monday afternoon, from an operator who is open at the weekend, a vehicle seized on the proceeding Friday, he would have to pay for the 24 hours from noon Saturday, for the 24 hours from noon Sunday and for the part of 24 hours from noon Monday until he made his claim.
Home Office in the interest of consistency have decided on the fees remaining at the same level as other removal legislation for the present. We are given to understand that a review of these charges by the Home Office is ongoing.

2.10.9 Disposal of Seized Vehicles

Where the registered keeper/owner fails to comply with the seizure notice the ‘Authority’ may, after having taken all reasonable steps to serve a seizure notice on the registered keeper or owner, dispose of the vehicle subject to the following:

(a) The ‘Authority’ may not dispose of the vehicle during the first 14 days from the date when the vehicle was seized. There may be occasions when having claimed the vehicle the driver cannot meet the requirements of the Regulations, if this is the case the vehicle cannot be disposed of for a further seven days from this date.

If at the time when the vehicle is seized the driver is not the registered keeper or the owner then the vehicle cannot be disposed of. The earliest date for disposal will be 14 days from the date when the registered keeper/owner was informed and in rare exceptional circumstances this could be a maximum of 28 days.

When a vehicle has been disposed of either by resale or by being scrapped, the DVLA must be informed immediately by the ‘Authority’ of the circumstances on form V28. The police interest notice on PNC should also be updated immediately.

2.10.10 Proceeds of Sale

If a vehicle is disposed of, any net proceeds from the sale shall be paid to the registered keeper/owner of the vehicle providing they can satisfy the “Authority” that he/she is the owner. This has to be complied with within 12 months of the date of the sale. If more than one person claims ownership, the “Authority” shall decide the owner for the purpose of payment. Net proceeds of sales means any profits from the sale after the costs of removal, retention and sale have been deducted.

2.10.11 Forms

Every operational Police base will have a supply of the appropriate notice of seizure and disclaimer forms.
2.11 Seizure of motor Vehicles with no current V.E.L

The power to seize unlicensed vehicles derives from the Vehicle Excise and Registration Act 1994 Schedule 2A Immobilisation, Removal and Disposal of Vehicles. The purpose of using these powers is to:

- Remove unlicensed vehicles from the road before they become abandoned vehicles
- Remove pool cars from criminals and disrupt criminal activity (see also 4.14)
- Remove potentially dangerous and un roadworthy vehicles from the road
- Improve accuracy of DVLA databases to assist policing purposes and recover revenue using the form V79 for the DVLA

The procedures are that if an unlicensed vehicle is found on a road repairable at the public expense (new legislation also allows for removals from certain off road locations), confirmation is needed from DVLA that the vehicle can be seized. The DVLA office only operates 09:00 to 15:00 Monday to Friday. Out of hours it will depend on DVLA website checks and PNC-VEL Expired markers – The VEL must be at least 2 Months and 1 day out of date before a vehicle is removed.

Once confirmed from DVLA or PNC that the vehicle can be seized, the JCC will contact the contractor to arrange recovery. It must be made clear to the contractor that the seizure is under the powers devolved by DVLA to North Wales Police. Officers must also complete the CLE2/6. Officers may also access www.taxdisc.direct.gov.uk.

Where a vehicle is parked up on a road and is shown on PNC (with a no VEL marker) and does not have a valid VEL displayed or you have authorisation from DVLA "authorised to lift", then having made diligent enquires to trace the owner/keeper, if this is to no avail, authorization must be sought from of the local Response/CBM Sgt.

No longer will RPU officers be required to answer the below questions, however all other Divisions will still be required to satisfy FMG that the bases are covered (see Appendix G).

The keeper driver has two options once a vehicle has been authorised under the devolved powers to be removed: one, to pay a surety at the roadside or two the vehicle will be recovered to an authorised garage for retention pending the authorised person attending at the garage with the correct documentation and a valid VEL for the seized motor vehicle. The other option is for the registered keeper to keeper/driver to disclaim any rights to the vehicle by signing the appropriate form to that effect.

It is essential that officers are aware of the exemptions under this Act. Vehicles cannot be seized when they are:
• Displaying a current disabled person’s badge
• Exempt and displaying a licence stating NIL in the place for the amount due

• Displaying a British Medical Association car badge (for doctors on call)
• Appear to be abandoned
• Public Service Vehicles carrying passengers
• Being used for work to install, repair, maintain etc. any public utilities (gas, electricity, water, telephones) roads, traffic signs and vehicles being used to clear traffic obstructions
• Clearly marked vehicles of a universal service provider within the meaning of the Postal Services Act 2000
• A vehicle that has been clamped under these regulations within the previous 24 hours
• Vehicle displaying a valid VEL

These powers must not be used to immediately remove abandoned vehicles. This Act clearly exempts abandoned vehicles.

The Local Authority must always be contacted to arrange the removal of abandoned vehicles.

2.12 Anti Social Behaviour Seizure

Section 59 of the Police Reform Act 2002 gives the police powers to combat anti-social driving which is an ever growing concern across the country.

Vehicles used in manner causing alarm, distress or annoyance

(1) Where a constable in uniform has reasonable grounds for believing that a motor vehicle is being used on any occasion in a manner which:

(a) Contravenes section 3 or 34 of the Road Traffic Act 1988 (careless and inconsiderate driving and prohibition of off-road driving)

AND

(b) is causing, or is likely to cause, alarm, distress or annoyance to members of the public, he shall have the powers set out in subsection (3).

(2) A constable in uniform shall also have the powers set out in subsection (3) where he has reasonable grounds for believing that a motor vehicle has been used on any occasion in a manner falling within subsection (1).

A person committing the offence receives one warning which stands for 12 months. On the second warning the vehicle is seized.
With the ability for all warnings to now be placed on PNC, the difficulty in managing databases has been circumvented.

The offence of careless driving or driving a motor vehicle off road (section 3 or 34 RTA 1988) **MUST** be committed. This can be witnessed by a Police Officer or member of the public.

There are several options on how to record the evidence: -

- Pocket notebook
- The ticket booklet (rear of ticket)
- I/CAD
- Statement

If it is witnessed by a member of the public then best practice would be to record a brief statement or signed Pocket Notebook entry to negate civil claims.

The vehicle should be stopped, and a warning should be issued using the Notice of Seizure of Motor Vehicle ticket book (form T323) to the driver. The PNC database must be checked for previous warnings. If a previous warning has been issued, then a seizure notice (bottom half of ticket) should be issued, and the vehicle removed under the contract scheme by contacting the JCC.

2.12.1 **The Warning**

- Is the exact wording as set out in the legislation which is on the ticket and should be read to the driver
- Relates to the driver of the vehicle (not the vehicle)
- Stands for twelve months
- **The warning must always be completed even if the vehicle is being seized**
- The ticket must be legible (consider writing in capitals)
- A vehicle registration must, if possible, be included. If there is no registration then chassis, engine or frame no. will suffice
- On the second warning the vehicle is seized
- Costs to be paid by the owner/driver to the recovery firm before vehicle can be claimed at the appropriate nationally agreed fee
- If not claimed before 14 days then the vehicle is disposed of
• The second warning restarts another 12 month period

Warning or seizure does not have to take place at the time of offence as the legislation states that the person to be warned should be the person who appears to have committed the offence.

Power of entry onto any land and premises to seize vehicle (excludes the dwelling itself) also includes a power of using reasonable force.

2.13 Forfeiture Orders

Where vehicles are to be retained because a forfeiture order is to be sought, then the garage must be made aware of this fact at an early stage.

The Reporting Officer must inform the Vehicle Recover Officer and the Financial Investigation Unit via e-mail within 24 hours with the reason for seizure, location of the vehicle and where the keys are located.

Wherever possible, officers should ensure that the keys are kept with the vehicles. If this is not possible, the keys must be entered into Seized Property and retained.

2.14 Property

In cases where neither an owner nor their representative is available, (for example, road traffic collisions), the police have a responsibility to ensure the security and safe custody of vehicles and property contained therein.

If a recovery operator attends to recover a vehicle in such circumstances, the officer dealing with the incident will check the vehicle at the scene in the presence of the operator. Items found which give rise to suspicion, possible criminal proceedings or further investigation or which require adequate protection because of their value or nature, will be removed and dealt with by the Police Officer in accordance with existing Force procedures. The Recovery Operator should take charge of all other property other than that which is not legal for them to retain. The Police Officer will supply the Recovery Operator with a full list of property removed.

Officers are responsible for the safeguarding of property at the scene of any incident, and should take appropriate steps to safeguard that property until such time that the recovery operator is in a position to take possession of that property.

If property is found after the vehicle has been removed which should be retained by the police, it will be collected from the recovery operator by the police and dealt with as either found or seized property.
Vehicles will be disposed of by the recovery operator in accordance with the guidance contained in their Operators Instruction Manual. The police will control the release and disposal of all vehicles that are recovered through the Contract Vehicle Recovery Scheme in liaison with the recovery operator.

2.15 **Vehicle Audit Document (VAD)**

When a recovery operator attends an incident scene, they should be in possession of a card entitled Vehicle Audit Document (VAD). A copy of the VAD has been attached at Appendix B page 27/28. The officer who requested for the scheme to be initiated will tick the appropriate boxes in the section entitled “Reason for Recovery / Request” which is on the front page. This will ensure, for example, that the recovery operator preserves the vehicle for collision investigation, if appropriate.

Whenever practicable, the officer should also state if the vehicle can be released after its recovery. They should provide owner / registered keeper details to the recovery operator as previously described. The officer will endorse the VAD as to whether or not the vehicle can be released by the recovery operator.

The officer in the case will also ensure that the I/CAD (Command and Control System) log is updated as to whether the vehicle can be released or must be retained. The reason for retention must be specified. Reporting Officers must ensure that I/CAD is updated with current keeper details.

**Unless the Vehicle Recovery Officer has been otherwise informed, all vehicles will be released.**

2.16 **Police Vehicles**

Under the terms of the contract, recovery operators are required to remove police owned / leased vehicles when requested and deliver them to nominated premises under the direction of the North Wales Police. The Force will then be liable to pay for the recovery at a force-negotiated rate.

2.17 **Complaints**

If the owner / driver of the vehicle wishes to complain about the charges levied, then they should be asked to write or email Eryl Williams (eryllellis.williams@nthwales.pnn.police.uk), the Vehicle Recovery Liaison Officer, who will notify FMG.

Any complaints received from members of the public regarding this scheme should be forwarded to the Force Vehicle Recovery Liaison Officer.
This post holder will be responsible for monitoring the performance of the FMG contract to ensure that members of the public and the Force receive a quality service.

2.18 Administrative Processes

It is imperative that the correct information concerning the type of recovery required is passed to the recovery operator. JCC operators should ensure that they have all the relevant information before contacting FMG.

If the keeper/driver is not present when the vehicle is removed, the officer dealing with the incident should ensure that a PNC found report is created and the driver or some other appropriate person (e.g. a relative) is informed of the location of the vehicle.

Once at the scene the recovery operator, where necessary, will liaise with the officer in charge. If any specialist equipment or back-up is required, they will arrange this and also deal with the welfare of all passengers and their property. However, in the event of a collision whereby the driver/occupants are either not at the scene or have been conveyed to hospital and the vehicle is the subject of a criminal investigation. Police should take responsibility for the property as per the force policy on seized property.

As part of a Service Level Agreement, CSI or a vehicle examiner should examine a vehicle that is required for CSI and/or Collision Investigation within 72 hours of the vehicle having been recovered.

The Officer in the Case will update the recovery operator regularly on the progress of any vehicle that is subject of collision investigation and/or vehicle examination work. This officer will notify the garage or the Force Liaison Officer when the vehicle can be released. It is vital that this is done as soon as possible to prevent unnecessary charges being levied (where applicable) against any of the following:

- The person entitled to possession of the vehicle
- The keeper
- The person responsible for placing the vehicle in the location from where it was removed
2.19 **Authority for Removal - Guidelines**

Authority for removal of all vehicles referred to hereafter must be obtained from the Duty Supervisor or appropriate Detective Inspector or, if none of these officers are readily available, the JCC Supervisor. If there is any query relating to the propriety of removing any vehicle then the JCC Supervisor’s decision will be sought.

Prior to granting such authority, they should consider the following questions:

- Is it essential that the vehicle be recovered?
- Must the vehicle be retained or can advantage be taken of PACE where photographs can be submitted as opposed to keeping the actual vehicle? A vehicle will only be photographed as an alternative to the retention if the photographs of the vehicle provide the necessary evidence (PACE Codes of Practice Code B paragraphs 64 and 67).
- Where there is disputed ownership, can the person from whom the vehicle has been taken retain the vehicle on the condition that he or she does not sell or otherwise part with the vehicle until the matter is resolved? (PACE Codes of Practice Code B paragraph 63).

Always bear in mind the fact that a vehicle quickly depreciates in value and condition and it takes time to put a case before court to resolve ownership.

Where authorisation has been given by a supervisor that a vehicle does require recovery by a recovery operator, the request must be made by staff from the JCC who will have direct contact with FMG.

**All paperwork in connection with the recovery and release of vehicles will be retained by the North Wales Police for a period of 12 months. If problems exist with a particular vehicle and the records need to be retained, contact must be made with the Force Liaison Officer.**

2.20 **Action at JCC**

On receipt of a request for the removal of a vehicle under the scheme, an incident will be created on the I/CAD (if not already in existence) and the following information must be obtained and recorded on the incident log before the request is passed to FMG:

- Force number, name and station of officer requesting removal and the reason for the removal of the vehicle. If police powers have been used to remove this vehicle, then that information should also be obtained.
Vehicle details to include the make, model, manual or automatic gearbox, colour, registration number and, in the case of goods vehicles, the present total weight (including load), number of axles and driver's name.

- **Exact location** of vehicle to the nearest junction
- What type of lift the authorized operator will need.
- If passenger transport is required, and if so, for how many (not S165 or seized vehicles).

JCC operators should familiarize themselves with the North Wales Police Vehicle Recovery Briefing Guide, a copy of which is held the JCC. The information contained in this document will assist them in providing the correct information to the incident handler – FMG.

The operator at the JCC will use the FMG telephone number to advise the incident handler at the FMG Operations Centre of the above details together with the Police I/CAD number. A unique North Wales Police scheme number will then be obtained from the incident handler and entered on the incident log.

Immediately, FMG identifies the nominated recovery operator, the incident log will be endorsed.

The JCC operator dealing with the incident will ensure that PNC entries are made in appropriate cases.

JCC operators may, on occasion, receive requests from recovery operators for the release of vehicles. In the absence of the Force Liaison Officer, this request should be passed to either the Officer in the Case or a Response Supervisor for that decision to be made. Details of the present keeper may be disclosed to the recovery operator but no printouts from the PNC must be faxed to them. Previous keeper details can also be disclosed where it is known that this data is accurate. The recovery operator must be informed that this information relates to the previous keeper. This is to ensure that the recovery operator exercises care in their approach to the previous keeper, i.e. they make it apparent that they are acting on behalf of the Chief Constable and that they simply wish to locate the current vehicle keeper for the purpose of returning the vehicle to them.
3.0 RESPONSIBILITIES

The following Post Holders have specific responsibilities created by this procedure:

3.1 All officers - should acquaint themselves with the contents of this document

3.2 Response Supervisors – should acquaint themselves with their specific responsibilities in relation to implementation, where appropriate, of the scheme.

3.3 Force Vehicle Recovery Liaison Officer – to maintain a liaison with the FMG Scheme Manager, all VRO’s, and the Administration of the scheme

4.0 DEFINITIONS

ACPO Association of Chief Police Officers
VAD Vehicle Audit Document
I/CAD Integraph / Computer Aided Despatch

5.0 ASSOCIATED DOCUMENTS

- Motoring Organisation Memorandum of Understanding
- PACE Codes of Practice
- Removal and Disposal of Vehicle Regulations 1986
- North Wales Police Vehicle Recovery Briefing Guide
- T314 – Notification to Council of an abandoned vehicle
- Forfeiture Orders – Vehicle Inspection Form
- ACPO Guidance on the Seizure, Retention and Disposal of Uninsured Motor Vehicles/Motor Vehicles driven by Unlicensed Driver.
APPENDIX A – ACPO MEMORANDUM OF UNDERSTANDING

ACPO (T) VEHICLE RECOVERY GROUP AND THE
MOTORING ORGANISATIONS

1. ROAD TRAFFIC COLLISIONS

All parties recognise the need to clear all roads of accident-damaged vehicles as quickly as possible.

All parties recognize that any disabled vehicle with visible accident damage on a motorway or a dual carriageway subject to the national speed limit will be removed by a police contracted garage using police powers.

Disabled vehicles with visible accident damage on other roads will be assessed and dealt with on the individual circumstances of each incident and may be recovered by a motoring organization at the discretion of the police officer at the scene.

The increase in the use of mobile phones is now causing problems for the police in that motorists are arranging their own recovery, which hinders the overall scene management. In order to alleviate these problems the motoring organizations will take the following action on receipt of a member’s request for accident recovery: -

- Ask the question ‘Are the police in attendance at the scene of the accident?’
- If the police are not in attendance then ask the question ‘Have the police been summoned by any of the parties involved?’
- If the police are in attendance or have been summoned then the motoring organization will not action the member’s request until authorized by the police.
- If the police are not in attendance and have not been summoned then the motoring organisation will action the member’s request.

BREAKDOWNS

- All parties recognise the dangers presented by broken down vehicles on motorway hard shoulders and dual carriageways subject to the national speed limit.
- The motoring organisations will aim to attend the scene of such breakdowns within 45 minutes of their notification by the police.
- The police will advise the motorist to re-contact them after 45 minutes if the motoring organisation has not attended.

- If the motoring organisation has not attended within the 30 minute timescale the police may turn out a contract garage and will notify the motoring organisation if they do so.

- All parties recognise the dangers of effecting repairs on the hard shoulder of a motorway and will apply the principle 'If it is quicker to repair than remove, then repair; if not, remove.'

- Where a vehicle is removed by the motoring organisation then straight bar towing will only be used to effect a removal to the next motorway interchange or nearest place of safety.

- All motorway breakdowns notified to the motoring organisations by mobile phone will in turn be notified to the relevant police force.

**GENERAL – POLICE POWERS**

This document establishes a framework within which a police officer’s powers to effect vehicle recovery will normally be exercised but the police retain the right, in the case of both collisions and breakdowns, to use those powers at any stage in the interests of public safety should circumstances so dictate.
# APPENDIX B – VEHICLE RECOVERY SERVICE (VAD)

## Vehicle Audit Document

<table>
<thead>
<tr>
<th>Vehicle Details</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>FMG Support Ref:</strong></td>
<td><strong>Date/Time Notified:</strong></td>
</tr>
<tr>
<td><strong>Vehicle Make/Model:</strong></td>
<td><strong>Vehicle Index Number:</strong></td>
</tr>
<tr>
<td><strong>Officer in Charge:</strong></td>
<td><strong>Accepted by (VRO):</strong></td>
</tr>
<tr>
<td><strong>Incident Location:</strong></td>
<td></td>
</tr>
<tr>
<td><strong>Time On Scene:</strong></td>
<td></td>
</tr>
</tbody>
</table>

## Reason For Recovery

- [ ] Abandoned
- [ ] Obstruction/Dangerous Posn
- [ ] Stolen
- [ ] RTC
- [ ] Other:

## Information to be Completed at Scene

<table>
<thead>
<tr>
<th>Field</th>
<th>Response</th>
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<tbody>
<tr>
<td><strong>Police Officer:</strong></td>
<td></td>
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<tr>
<td><strong>Police Station:</strong></td>
<td></td>
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<tr>
<td><strong>Forensic Examination:</strong></td>
<td><strong>YES</strong></td>
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<tr>
<td><strong>Mechanical Examination:</strong></td>
<td><strong>YES</strong></td>
</tr>
<tr>
<td><strong>Auto Crime Examination:</strong></td>
<td><strong>YES</strong></td>
</tr>
<tr>
<td><strong>Release After Examination:</strong></td>
<td><strong>YES</strong></td>
</tr>
</tbody>
</table>

## Details of Owner/Driver/Person to whom the vehicle can be released

- **Name:**
- **Address:**
  - (including Postcode)
- **Telephone No**
  - **Home:**
  - **Work:**
- **Additional Comments:**
<table>
<thead>
<tr>
<th>Date/Time</th>
<th>Details of Activity</th>
<th>Name/Signature</th>
</tr>
</thead>
<tbody>
<tr>
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</table>
### Additional Vehicle Details

<table>
<thead>
<tr>
<th>Keys:</th>
<th>YES</th>
<th>NO</th>
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</thead>
<tbody>
<tr>
<td>Tax Disc:</td>
<td>YES</td>
<td>NO</td>
</tr>
<tr>
<td>Tax Disc Expiry Date:</td>
<td>6 Months / 12 Months</td>
<td></td>
</tr>
<tr>
<td>Vehicle Mileage:</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Additional Comments:</td>
<td></td>
<td></td>
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</tbody>
</table>

### Keeper Details (Supplied by Police)

<table>
<thead>
<tr>
<th>Date Received</th>
</tr>
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<tbody>
<tr>
<td>Name:</td>
</tr>
<tr>
<td>Postcode:</td>
</tr>
<tr>
<td>Contact Number (Home):</td>
</tr>
<tr>
<td>Contact Number (Work):</td>
</tr>
<tr>
<td>Additional Information</td>
</tr>
</tbody>
</table>

### Property Details

<table>
<thead>
<tr>
<th>Vehicle Examined for Property</th>
<th>YES</th>
<th>NO</th>
</tr>
</thead>
<tbody>
<tr>
<td>Examined By:</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Witness:</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Property Ledger Reference Number</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Seal Number</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Placed in Store (Name):</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Placed in Store (Date):</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
## Vehicle Recovery & Storage Charges

<table>
<thead>
<tr>
<th>Vehicle Recovery Charge</th>
<th>Storage Charge</th>
<th>£ ______</th>
<th>Per Day</th>
</tr>
</thead>
<tbody>
<tr>
<td>Additional Charges:</td>
<td>£ ______</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Reason for Additional Charges:</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>V.A.T.</td>
<td>£ ______</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Total Invoice Value:</td>
<td>£ ______</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

## Vehicle Release Details

- **Police Release Note Received:**
  - YES [ ]
  - NO [ ]
  - NOT REC'D [ ]

- **Date Received:**

- **Name of Person Collecting:**

- **On Behalf Of:**
  - Police [ ]
  - Owner [ ]
  - Insurance [ ]
  - Finance [ ]
  - Hire Co [ ]

- **Identification Shown:**
  - ID No. [ ]

- **Release Date:**

- **Signature (Person Collecting):**

- **Witness Signature:**

- **Owner Paid Charges:**
  - YES [ ]
  - NO [ ]
  - Charges to Police/Insurance/Other [ ]
  - YES [ ]
  - NO [ ]

- **Additional Comments:**

## Owner Disclaimer

I, am entitled to, and hereby transfer ownership of the vehicle listed on this document to the Chief Constable and confirm that the vehicle is free from any legal or financial encumbrance. I also confirm that I indemnify the Chief Constable, his Officers, appointed agents, and all successors against any claims made against them however arising relating to the transfer of this ownership.

**Signed:**

**Date:**

**Print Name:**

## Vehicle Disposal

I hereby certify that the vehicle listed on this document has been disposed of in accordance with the terms and conditions of the scheme or special instructions received. I further certify that where applicable, all identifying marks have been removed prior to the vehicle being disposed of.

- **Method of Disposal:**
  - Sold [ ]
  - Destroyed [ ]
  - Disposed of [ ]

**Signed:**

**Date:**

**Print Name:**

**V28 Sent to DVLA:**

- YES [ ]
- NO [ ]
- Date [ ]
APPENDIX C – LETTER TO OWNER OF STOLEN VEHICLE

Your Ref:

Our Ref:

Date:

For The Attention Of

Dear ________________

You have reported your vehicle as stolen. The police will make every effort to get it back for you. This letter is to tell you what will happen when we have found it.

Immediately on discovery of your vehicle, we will make arrangements for our contracted recovery operator to remove it to safe keeping. All police contracted recovery operators are required to have appropriate expertise and equipment and to meet specified performance targets, including speed of attendance. The removal is important to protect the vehicle from further theft or vandalism, to ensure it cannot be used for other criminal purposes and to prevent it from being an obstruction or danger to members of the public and from being driven whilst in a possibly dangerous condition. Safe removal also means that we can subject it to a forensic examination in an effort to identify the person who took it.

Police powers to arrange for the removal of vehicles from public roads are contained in Section 99 of the Road Traffic Regulation Act 1984 and the Removal and Disposal of Vehicles Regulations 1986 as amended.

As soon as your vehicle has been recovered, we will tell you where it is being kept. To collect it, you or your insurer (depending on your policy) will have to pay prescribed charges to the recovery operator as our agent. This is to meet the costs of removal and storage. At present [date] these charges are £150 for the removal and £20 per day for storage. The period for which a storage charge is payable begins the day after that on which you are informed the vehicle is available for collection. The charges are set by the Removal, Storage and Disposal of Vehicles (Prescribed Sums and Charges etc) (Amendment) Regulations 2008. An up to date Matrix charge is available on www.homeoffice.gov.uk or www.opsi.gov.uk – See Appendix F Page 37.

If, before we find and remove your vehicle, you locate it yourself and arrange its removal, you must do so at your own risk. You could be liable if it is unsafe or un-roadworthy. We therefore recommend that you leave the vehicle where it is and inform us without delay. If you do take charge of it, you should arrange a comprehensive check by a garage of your choice before it is driven. Once you have taken charge of the vehicle, the [name of Police Force] accepts no further responsibility for it or its contents and will be unable to take further action to identify the person who took it.
Further information on our policy and practice as regards stolen vehicles is available on the Force website [details].
APPENDIX D – Stolen Vehicles – Frequently Asked Questions

My vehicle is missing and I think it has been stolen. What should I do?

Telephone your local police station or Force Headquarters [telephone number].

DO NOT CALL 999 unless you actually see someone driving your car who should not be.

What will happen when I report an apparent theft of my vehicle?

We will do all that we can to get it back for you. As soon as we have found it, we will make arrangements for our contracted recovery operator to remove it to safe keeping.

Who is your recovery operator and what is the address?

[Give details]

Why will the Police remove my car when they find it?

If your vehicle is not removed immediately, it may be stolen again.

It may be used to help commit some other crime.

Thieves often set fire to vehicles they have stolen. The Fire Service has to respond to these vehicle fires because there might be someone in the vehicle. Other members of the public might also be caught in the fire or the fire might spread. A fire tender dealing with such a fire may be diverted from a more serious fire. The burnt-out wreck of a car remains a public nuisance and danger.

The vehicle may have been damaged, even if it does not appear damaged. Anyone driving it may be a danger to himself and to others.

The vehicle may have been left in a dangerous or obstructing position.

Safe removal means that the police can subject the vehicle to a forensic examination to help catch the thief.

What powers do the Police have to remove stolen vehicles from where they find them?

Section 99 of the Road Traffic Regulation Act 1984 authorises the police to remove vehicles that are illegally, dangerously or obstructively parked or abandoned or broken down, whether or not they have been stolen.
Can anyone else remove vehicles?

Traffic Wardens and Police Community Support Officers have the same power as the Police; persons accredited under the Police Reform Act 2002 have the power if their accreditation specifically gives it to them. The Local Authority has a duty to remove abandoned vehicles that are not of interest to the Police.

Why, once they have found my stolen vehicle, will the police not allow me to make my own arrangements for its recovery?

Police Officers who discover a stolen vehicle will normally try to stay with it until it is recovered. This prevents it from being stolen again or vandalised or used for other criminal purposes or being a danger. Officers do, however, have other duties and may be needed urgently elsewhere; they cannot stay with the vehicle indefinitely. Owners are not always immediately available and may not be able or willing to attend at once.

The vehicle may not be safe just to drive away. Car thieves may drive stolen cars very dangerously and cause them damage. This is not always obvious, especially when it affects the wheels, tyres, suspension or steering. These need to be examined expertly before the vehicle is driven again. Damage to the steering lock is also potentially extremely dangerous whether the car is being driven or given a conventional tow. It is a serious offence to drive a vehicle when it is in a dangerous condition.

Police contracted operators have to meet specified standards as to their speed of attendance, provision of appropriate equipment, training and expertise. Even if the owner belongs to a breakdown club, they may not be able to provide a guaranteed speed of service and safe removal.

Will I have to pay if the Police recover my stolen car and if so, how much?

There are statutory fees that you are legally required to pay. These are set by the Government in the form of statutory regulations which they make under section 102(2) of the Road Traffic Regulation Act 1984. The fees are currently £150 for the removal and £20 for each storage period of 24 hours. The storage period begins at noon on the first day after your vehicle’s removal on which the storage location is open before noon for your vehicle to be collected (so, if your vehicle is removed on a Saturday but the recovery operator’s premises are not open for you to collect your vehicle until the Monday, the period will begin at noon on the Monday). No VAT is payable on these fees.
Whom do I have to pay?

The fees are due to the Police. You will pay the recovery operator acting as our agent.

How much profit do the Police make out of the recovery scheme?

None: the fees are intended only to meet the costs of removal and storage.

How soon will I know that the Police have recovered my stolen vehicle?

The recovery operator will attempt to contact you, by telephone, within 24 hours of recovery. If they are unable to do so, they will send you a letter informing you that it has been recovered.

Will my insurance always cover the costs I have to meet and will any claim affect my no claims discount?

That depends on the particular insurance policy you have chosen.

Can the recovery operator charge more than the statutory fees?

Under Section 101 of the Road Traffic Regulation Act 1988, the Police must release any vehicle they have removed on payment of the prescribed fees.

If payment of the fees is covered by your insurance, your insurer may agree to pay more if the removal was particularly difficult or involved specialist equipment.

Do I have to pay for my vehicle to be recovered even if the Police recover it solely as evidence?

If the Police recover your vehicle solely as evidence then you will not have to pay for its recovery or storage. If the Police use their powers to recover your vehicle because it is illegally, dangerously or obstructively parked or abandoned or broken down, you will have to pay. If however the Police do also require it as evidence, then although you will have to pay the removal fee, you will not have to pay the storage fee provided that you collect it within 24 hours of its release by the Police. If you do not collect it within that period, you will have to pay for any additional storage.

What happens if I do not contact the recovery operator?

If the Police use their powers to recover a vehicle and there is no contact from its owner or last known keeper within seven days of his being notified of its recovery, the Police will normally authorise the recovery operator to dispose of it. This can be by sale or by scrapping it. Any profit from the sale is payable to the owner if claimed within a year. A full audit trail for each vehicle recovered is maintained.
I do not want to reclaim my vehicle. Do I still have to pay?

If the Police used their powers under the Road Traffic Regulation Act to remove your vehicle, they are entitled to recover the statutory fees.

If you do not reclaim your vehicle, you may lose your claim to its load, that is any items you had in it, on it, or attached to it. The only items from the load that you can always have back, without payment, are the "essentials of life". These are:

- any medicines and medical equipment
- financial items such as cash, credit cards, cheque books, pension or benefit books
- keys, such as house or shop keys
- immediately required outer clothing such as a raincoat or jumper

High value items which you may have had in your vehicle are not included.

How can I prevent my vehicle being stolen? Are the measures I might take worth the cost?

Only you can decide on questions of cost. You may want to consider, however, the cost and inconvenience of having to replace your vehicle and perhaps have it repaired, or the removal and storage costs you may have to pay, or the contents of your vehicle that you might lose too. These might be of value for different reasons, e.g. expensive goods, business documents, work tools, educational course work, items of sentimental worth.

Advice on measures to reduce theft of and from vehicles is given on the Home Office’s website at [www.homeoffice.gov.uk/crime/vehiclecrime/crime_reduction.html](http://www.homeoffice.gov.uk/crime/vehiclecrime/crime_reduction.html):

Vehicle Crime Reduction Advice

Drive down vehicle crime!

Safety tips | Secure your car |
Secure your bicycle | Secure your motorbike and scooter

Safety tips

- Rule number 1: Always keep your car locked. This includes closing the sunroof and windows, even if you only leave it for a few seconds. That’s all it takes for a criminal to steal your car or belongings.
- Rule number 2: Don’t leave anything in your car, particularly when it’s parked overnight. 63% of thefts of and from vehicles happen when they are parked outside the home.
• Rule number 3: Park with care. Park in busy or well-lit areas near CCTV cameras or in Police approved car parks (look out for ‘ParkMarkTM’ on signs), if possible. You can find out which car parks are approved at www.saferparking.com.

• Always chain bikes, motorbikes and scooters to something fixed like security rails and ground anchors.

Secure your car

Fact!
You’re more than twice as likely to have your vehicle broken into than stolen. On average, that means paying out £100 – just for the repairs.

• Never leave the keys in the ignition, not even in a garage when you are paying for petrol.
• Don’t leave anything on display (even when you are parked in your driveway). That includes a jacket on the back seat, loose change in the ashtray, a chequebook in the glove compartment or mail with your address on it under the seat. Remember: thieves know all the usual hiding places!
• Fit a stereo with a removable front panel (also known as a fascia) – and take it with you when you leave the car.
• Never leave car documents or spare keys inside the car. Hide them at home, but not by the door. Thieves will use a hook and cane through the letterbox to steal car keys from hall tables.
• Get a professionally fitted car alarm or a Thatcham-approved electronic immobiliser (you can find an approved installer through the Vehicle Systems Installation Board at www.vsib.co.uk), or you can use a steering lock on older cars. You can find information on products that have been tested by Thatcham on www.thatcham.org (phone 01635 868855) or by Sold Secure on www.soldsecure.com (phone 01327 264687).
• Have your car’s registration number etched onto all glass surfaces, including the windscreen and headlamps.
• When you’re driving, keep doors locked and windows up, especially in slow traffic. Keep bags and mobile phones out of view. A thief can lean in and steal what’s on your passenger seat in the time it takes for a red light to turn green.
• If you’re leaving your car, put your shopping or anything else in the boot if you can’t take it with you.

Secure your bicycle

Fact!

• Over 100,000 bikes are stolen every year.
• Buy a good quality lock because chains can be easily cut. D-locks or combination locks are best but a good bicycle shop or DIY store can advise you. You could even use two locks for extra security (and to make thieves think it’s not worth trying to steal your bike).
Always lock both wheels and keep the lock off the ground. This makes it harder to break.
• Take away any extras, like lights and helmets.
• Have your bike frame security-marked with your name and postcode.

Secure your motorbike and scooter

Fact!

• Motorbikes are popular targets for thieves because they can be sold easily or broken up for parts, which are harder to trace.
• Put a steering lock on and use a strong steel cable or D-lock to attach your bike to security rails or ground anchors.
• Get a professionally fitted combined alarm and immobiliser (you can find an approved installer through the Vehicle Systems Installation Board at www.vsib.co.uk). Thatcham and Sold Secure can advise you on the best products.
• If you've got a garage, use it. Or, cover your motorbike or scooter when you're not using it.

Who do I complain to if I disagree with the removal of my vehicle and the recovery charge?

You should in the first instance contact [give Force details].
Please fax a copy of this form to Vehicle Recovery Liaison Officer as soon as the vehicle has been collected.

The information contained in this communication is confidential. It may be legally privileged. It is intended solely for the person and organisation to which it is addressed. If you are not the named recipient you may not copy it, make use of it or any information contained in it for purpose, or disclose its contents to any other person. To do so may be unlawful. If you have received this message in error, please contact us at once.

RECOVERY OPERATORS FAX NUMBERS

Gwalia Garage, Nr. Caernarfon 01286 671178
24 - 7, Deeside 01244 532774
H K Motors, Wrexham 01978 720024
North Wales Recovery, Llandudno Junction 01492 572308
Hardys, Pwllheli 01758 614171
Hesletons Garage, Tywyn 01654 710777
Kendrick Motors 01978 860838
Moduron Maethlu Motors 01407 730044
Roberts & Thomas 01490 460688
APPENDIX E – Station Assistant Guidelines

SECTION 165A ROAD TRAFFIC ACT 1988

- Constable in uniform
- Reasonable grounds to suspect
- A motor vehicle is or was being driven with either no licence or insurance
  Or
- Has failed to stop and there are reasonable grounds to suspect the above
- Then the vehicle is seized

PROCEDURE

- The offender will be warned of the suspected offences
- The Sec 165 Seizure form will be issued
- The offender can be reported or ticketed for the offences
- The vehicle is seized

The Seizure form is attached to Appendix E of this policy.

PLEASE NOTE

- The driver / owner / registered keeper / nominee must produce a valid driving licence and insurance for the seized vehicle.

- Due to an increase in the number of insurance policies being cancelled after a hard copy certificate of insurance is issued, enquiries should be made with the Motor Insurer’s Bureau as to the current status of the policy. If it has been cancelled the documentation should not be returned to the person producing it.

- These must be produced at a Police Station listed on the form and no others.

- There is a 14 day time limit. If documents are produced after this it is to late and the vehicle will be disposed of.

- If the driver at the time of seizure is not the owner then the form on the next page will be sent out to the registered keeper.

- This is essentially the same as the form issued at the time of seizure and is to be treated the same way.
Your Role

- To allow release of the seized vehicle the driver at the time must produce to you a valid driving licence and insurance for that vehicle.
- These documents do not have to be valid at the time of the offence but valid at the time they are produced so the vehicle is road legal when released.
- The driver can nominate a third party to produce documents to get their vehicle back.
- The owner or registered keeper can also produce the documents.
- Record the documents produced on a HORT/2 form with the name of the person producing those documents.
- Photocopy the seizure form, attach it to the HORT/2 and forward to AJD.
- If the documents are in order then complete the pro forma release fax (these will be distributed to you by e-mail).
- Send the fax to the recovery firm named on the seizure form (the fax numbers will be distributed to you by e-mail).
- To ensure that the cover note/insurance certificate covers the individual to drive the seized vehicle on the road.
# APPENDIX F – Charges Detail: Statutory Storage Charges – Removal, Storage and Disposal For Vehicles Removed from 1 October 2008

<table>
<thead>
<tr>
<th>Vehicle position and condition</th>
<th>1</th>
<th>2</th>
<th>3</th>
<th>4</th>
<th>5</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>A</strong> Vehicle on road, upright and <em>not substantially damaged</em> or any two wheeled vehicle whatever its condition or position on or off the road</td>
<td>£150</td>
<td>£150</td>
<td>£200</td>
<td>£350</td>
<td>£350</td>
</tr>
<tr>
<td><strong>B</strong> Vehicle, excluding a two wheeled vehicle, on road but <em>either not upright or substantially damaged or both</em></td>
<td>N/A</td>
<td>£250</td>
<td>£650</td>
<td>Unladen– £2000</td>
<td>Unladen– £3000</td>
</tr>
<tr>
<td><strong>C</strong> Vehicle, excluding a two wheeled vehicle, off road, <em>upright and not substantially damaged</em></td>
<td>N/A</td>
<td>£200</td>
<td>£400</td>
<td>Unladen– £1000</td>
<td>Unladen– £1500</td>
</tr>
<tr>
<td><strong>D</strong> Vehicle, excluding a two wheeled vehicle, off road <em>but either not upright or substantially damaged or both</em></td>
<td>N/A</td>
<td>£300</td>
<td>£850</td>
<td>Unladen– £3000</td>
<td>Unladen– £4500</td>
</tr>
</tbody>
</table>

**Other Charges**

<table>
<thead>
<tr>
<th></th>
<th>1</th>
<th>2</th>
<th>3</th>
<th>4</th>
<th>5</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>E</strong> Storage per day</td>
<td>£10</td>
<td>£20</td>
<td>£25</td>
<td>£30</td>
<td>£35</td>
</tr>
<tr>
<td><strong>F</strong> Disposal</td>
<td>£50</td>
<td>£75</td>
<td>£100</td>
<td>£125</td>
<td>£150</td>
</tr>
</tbody>
</table>

MAM = Maximum Authorised Mass
APPENDIX G – Operation Deplore Details

NORTH WALES POLICE ONLY

OPERATION DEPLORE - DVLA Removal of an Untaxed Vehicles ONLY

INSTRUCTION TO FMG CONTROL ROOM

The FIRST question is:
Is the attending Officer a member of RPU or OSS, if the answer is YES then ignore the questions below and deploy the removal.

The above can be RPU, ANPR, CMU or Dog Section.

If the answer is NO, are the attending Officers?

Response Officers, Community Beat Managers CBM, Special Constable SC or Police Community Support Officer PCSO

If the answer is YES to the above ask the following questions.

Is the vehicle on the PUBLIC highway or on a road repairable a public expense?
Has DVLA authorised this REMOVAL or does DVLA website and PNC show No Excise License Marker for the vehicle?
Does PNC show a current keeper?

Does the officer have details to submit a V79 to DVLA?
Is the officer remaining with the vehicle?

If the answer is NO to any of the 5 questions above please advise the North Wales Police that the removal does not fall within the DVLA Code of Practice using this power and decline the request politely.