



**REVIEW OF  
STATUTORY CHARGES FOR THE REMOVAL,  
STORAGE AND DISPOSAL OF VEHICLES**

**SUMMARY OF RESPONSES TO THE PUBLIC CONSULTATION  
(8 MAY – 31 JULY 2007)**

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## 1. INTRODUCTION

- 1.1 On 8 May 2007 the Home Office published a consultation paper seeking views on proposals to update **The Removal, Storage and Disposal of Vehicles (Prescribed Sums and Charges etc) Regulations 1989**. The aim of the proposals was to establish the most appropriate charges for the removal, storage and disposal of vehicles.
- 1.2 The proposals were as follows:
- 1.3 To replace the statutory charge for removal (currently set at £105) with a set of charges dependent on the vehicle type, its condition and location as follows:

Scenario		Light Vehicle	Light LGV	Medium LGV	Heavy LGV
		incl. all motorcycles with or without sidecar, trailer or 3 wheels; private cars and Light Commercial Vehicles up to 3.5 tonnes GVW	3.5 tonnes to 7.5 tonnes GVW	7.5 tonnes to 18 tonnes GVW incl. standard Passenger Carrying Vehicles	Over 18 tonnes GVW + rigid vehicles and all articulated vehicles regardless of weight and all specialist independent suspension coaches
A	Vehicle breakdown: all wheels free and between kerbstones. Simple to tow vehicle.	£150	£150	£300	£350
B	Vehicle damaged, upright and on road (excluding jack-knifed)			£500	£685
C	Vehicle damaged, upright and off road (including jack-knifed)		£400	£1000	£2000
D	Vehicle damaged, overturned and on road		£750	£1800	£3500
E	Vehicle damaged, overturned and off road		£900	£2000	£4500
F	Vehicle damaged, overturned, load shed and on road		£1200	£2500	£5000
G	Vehicle damaged, overturned, load shed and off road		£1500	£3000	£6000
H	Vehicle totally immersed in water. Hazardous chemicals and fuel tankers		£300	£3000	£5000

**Definitions:**

*"damaged": vehicle's condition is such that it cannot be accurately steered or stopped by use only of its internal mechanics.*

*LGV: Large Goods Vehicle*

*GVW: Gross Vehicle Weight*

*"on road": any part of vehicle or attached trailer is in contact with the road surface including hard shoulder.*

*"off road": vehicle including trailer is completely off the road and hard shoulder.*

- 1.4 To replace the statutory charge for storage (currently £12 per day) with a set of storage charges dependent on the vehicle type and the location in which it is stored as follows:

Scenario		Light Vehicle	Light LGV	Medium LGV	Heavy LGV
		incl. all motorcycles with or without sidecar, trailer or 3 wheels; private cars and Light Commercial Vehicles up to 3.5 tonnes GVW	3.5 tonnes to 7.5 tonnes GVW	7.5 tonnes to 18 tonnes GVW incl. standard Passenger Carrying Vehicles	Over 18 tonnes GVW + rigid vehicles and all articulated vehicles regardless of weight and all specialist independent suspension coaches
A	London (inside M25 motorway)	£20	£30	£60	£80
B	Outside London (outside M25 motorway)	£15	£25	£50	£70

- 1.5 To replace the statutory charge for disposal (currently £50) with a set of charges dependent on the vehicle type as follows:

Scenario		Light Vehicle	Light LGV	Medium LGV	Heavy LGV
		incl. all motorcycles with or without sidecar, trailer or 3 wheels; private cars and Light Commercial Vehicles up to 3.5 tonnes GVW	3.5 tonnes to 7.5 tonnes GVW	7.5 tonnes to 18 tonnes GVW incl. standard Passenger Carrying Vehicles	Over 18 tonnes GVW + rigid vehicles and all articulated vehicles regardless of weight and all specialist independent suspension coaches
A	Disposal of vehicle	£50		£100	

- 1.6 To review statutory charges annually and increase in line with inflation.
- 1.7 To conduct a full-scale review of statutory charges every three years.
- 1.8 The consultation document and partial regulatory impact assessment was sent to 37 interested organisations and key stakeholders. These included representatives of the vehicle recovery industry, the road haulage industry, the insurance sector, the police and relevant Government departments or agencies. A list of those to whom this document was sent is attached at Annex A. The consultation document was also made available on the Home Office website and can be downloaded from: <http://police.homeoffice.gov.uk/operational-policing/road-traffic.html>
- 1.9 A total of 31 responses was received and 859 visitors viewed the consultation paper on the Home Office website during the 12 week consultation period.
- 1.10 The Home Office is very grateful to all those who responded. This paper tries to reflect accurately the views they offered and summarises a wide range of responses. Inevitably, it is not possible to set out all the responses in detail and we apologise in advance for any inadvertent errors or omissions. We have fully considered all the responses in finalising the proposals.
- 1.11 We have tried to indicate the overall level of support for each proposal, although there has necessarily been some subjective analysis in so doing. Where support for, or opposition to, a proposal

was not explicit, but could be reasonably inferred from a response, we have registered that in our analysis.

- 1.12 The consultation was conducted in line with the Cabinet Office Code of Practice on Consultation, the full version of which can be accessed at <http://www.cabinet-office.gov.uk/regulation/Consultation>.
- 1.13 You can obtain copies of this summary of responses from <http://homeoffice.gov.uk/operational-policing/road-traffic.html> or in hard copy from:

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## **2 OVERVIEW**

- 2.1 A total of 31 responses was received to the consultation paper and partial regulatory impact assessment. The Government is grateful for the thoughtful and detailed consideration which respondents have obviously given to its proposals and for the useful data which many respondents forwarded to support suggested amendments.**
- 2.2 The paper represented a major stage in the conduct of a review of the existing statutory charges. Prior to its launch, it had already become clear that most interested parties believed the current regime was unsatisfactory and in need of significant change. Most respondents therefore welcomed the consultation as likely to lead to some level of improvement.**
- 2.3 The majority of the respondents gave the proposals in the paper their broad support. They thought that their essential component, the introduction of scenario based charging, would be a significant change for the better. There was some opposition in principle to various elements in the proposals but this was not consistent across the sectors of which individual respondents formed part. No one proposal was unanimously rejected by any sector. The Government therefore remains committed to the main outline of the proposals.**
- 2.4 We did however receive many suggestions as to the detail of the vehicle type categories, the scenarios and the different levels of charges that might apply. We have carefully considered all these and are now engaged in further work to refine the details**
- 2.5 Our aim is to finalise the proposals during the Autumn. Subject to Ministerial approval, new Regulations will then be drawn up and laid before Parliament as required. The intention is for the new regulations to come into force as soon as possible in the first half of 2008.**

### 3 CONSULTATION QUESTIONS

3.1 As well as inviting any general comments interested parties might have, the consultation paper invited respondents to consider the specific questions below.

Q.1 Do you consider there should, as at present, be one flat rate charge for all removals ordered by the police or that there should be a number of different charges for different vehicle categories/incident scenarios?

Q.2 If you believe there should be one flat rate charge, on what do you think that should be based and what do you think it should be?

Q.3 Vehicles removed on police instructions must be released to their owner on payment of any prescribed charge. If no charge is prescribed, they must be released on demand free of charge. Do you think there are any types of police ordered removal for which no charge should be prescribed?

Q.4 If the new Regulations prescribe a number of different charges for different vehicle categories/incident scenarios, what factors should be taken into account in deciding those scenarios (e.g. type of vehicle to be removed, vehicle condition, vehicle position including whether or not upright, geographical location, nature and state of any load)?

Q.5 If you do not agree with the scenarios proposed by the Government, what scenarios would you suggest?

Q.6. If you do not agree with the charges suggested by the Government, what charges would you suggest and on what would you base these?

Q.7 If you do not think it practical to identify satisfactorily all the broad scenarios that might be encountered, would you prefer that no charge were prescribed or that there should be a charge "for all other cases"? If the latter, what do you think this should be?

Q.8 Do you think the charges should take into account the fees recovery operators pay to belong to management schemes, or charges that are not paid, or any special requirements made of operators by the police? Are there other factors to consider?

Q.9 If there are other factors to take into account, what change should be made to the suggested charges?

Q.10 Are there any unintended consequences of the Government proposals or other factors not taken into account?

3.2 Few respondents addressed these questions specifically and directly, but many offered within their responses comments on the key issues which the questions raised. Three of these are covered below; the remainder will be dealt with in the parts of this summary covering the individual proposals

## **One flat rate charge for removals**

- 3.3 There was near universal support for our proposal to replace the single flat rate charge that currently applies. A single rate for vehicle removal does not reflect the varied requirements for removal of different types of vehicles in different situations and thus has an inherent inequity.
- 3.4 One respondent did support the flat rate approach, although with separate rates for removals within and outside London. The correspondent considered that the charge within London should mirror that set by the London Councils' Transport & Environment Committee under the decriminalised parking regime. This is currently £200. No clear basis was suggested for the setting of a charge outside London
- 3.5 Twenty-nine of the responses agreed that the flat rate charge should be replaced with a more flexible range of charges. The majority of these felt that the Government proposal of vehicle types and scenarios would be a sensible way forward.
- 3.6 Three respondents proposed replacing the flat rate with a menu of charges based on the time and resources used to effect the removal. This approach, they suggested, would guarantee that vehicle recovery operators were paid sufficient to cover their costs and avoid any temptation to cut corners in completing complex recoveries, which could result in health and safety risks.

## **Circumstances for which no charge should be prescribed**

- 3.7 Those addressing this issue fell into two broad groups:
- One considered that there should be a prescribed charge for all circumstances
  - The other considered that there should be no prescribed charge for circumstances where the owner of the vehicle was not at fault.
- 3.8 Five respondents suggested that there should be a prescribed charge for all statutory removals and that there should be no occasions when a vehicle was released without charge. They argued it was unacceptable for a vehicle recovery operator to have to remove and store a vehicle without some assurance of receiving payment.
- 3.9 Twelve respondents felt that there were circumstances for which no charge should be prescribed. Suggested circumstances included:
- removals where the driver/owner was not at fault
  - circumstances where the police required vehicles to be removed in an emergency or where public safety or security were involved
  - occasions where the vehicle was removed incorrectly

- removals for forensic examination<sup>1</sup>
- vehicles impounded as suspected of being involved in crime<sup>1</sup>
- vehicles being held as evidence in court proceedings<sup>1</sup>
- genuine breakdowns where the driver had access to breakdown cover, but police intervened for the sake of expediency or emergency
- stolen vehicles
- removal of vehicles where temporary restrictions had been introduced without prior warning and after the vehicle was parked, eg in response to critical incidents.

### **Management scheme fees, unpaid charges and special requirements**

3.10 Respondents had varying views on the issue of management fees and other costs. Suggestions included the following:

- statutory charges should cover the total cost of service, including any management scheme charges, an allowance for unpaid charges and any special requirements made of operators by the police
- the costs of administering recovery schemes should not be met from public funds, but by vehicle recovery operators being allowed to recoup their costs from the motorist, including any management scheme fees.
- since the police have chosen to implement management schemes, they should meet the costs, not recovery operators via receipts from vehicle owners
- the management scheme fee is part of the business costs of recovery operators. Operators are aware of these costs and of the extent of statutory charges when deciding to join a scheme.
- management fees are a commercial matter between the contracting parties and have no relevance to this consultation.

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<sup>1</sup> Note – the Regulations with which this consultation was concerned apply only to removals carried out under Road Traffic Regulation Act powers, ie where the vehicle is obstructively dangerously or illegally parked, or broken down or abandoned.

**4 PROPOSAL: TO REPLACE THE CURRENT STATUTORY CHARGE FOR REMOVAL WITH A SET OF CHARGES DEPENDENT ON THE VEHICLE TYPE, ITS CONDITION AND ITS LOCATION.**

Scenario		Light Vehicle	Light LGV	Medium LGV	Heavy LGV
		incl. all motorcycles with or without sidecar, trailer or 3 wheels; private cars and Light Commercial Vehicles up to 3.5 tonnes GVW	3.5 tonnes to 7.5 tonnes GVW	7.5 tonnes to 18 tonnes GVW incl. standard Passenger Carrying Vehicles	Over 18 tonnes GVW + rigid vehicles and all articulated vehicles regardless of weight and all specialist independent suspension coaches
A	Vehicle breakdown: all wheels free and between kerbstones. Simple to tow vehicle.	£150	£150	£300	£350
B	Vehicle damaged, upright and on road (excluding jack-knifed)		£500	£685	
C	Vehicle damaged, upright and off road (including jack-knifed)		£400	£1,000	£2,000
D	Vehicle damaged, overturned and on road		£750	£1,800	£3,500
E	Vehicle damaged, overturned and off road		£900	£2,000	£4,500
F	Vehicle damaged, overturned, load shed and on road		£1200	£2,500	£5,000
G	Vehicle damaged, overturned, load shed and off road		£1500	£3,000	£6,000
H	Vehicle totally immersed in water. Hazardous chemicals and fuel tankers		£300	£3,000	£5,000

**Definitions:**

*“damaged”*: vehicle’s condition is such that it cannot be accurately steered or stopped by use only of its internal mechanics.

*LGV*: Large Goods Vehicle

*GVW*: Gross Vehicle Weight

*“on road”*: any part of vehicle or attached trailer is in contact with the road surface including hard shoulder.

*“off road”*: vehicle including trailer is completely off the road and hard shoulder.

- 4.1 A substantial proportion of the respondents made detailed comments and suggestions with respect to this proposal. These covered vehicle type categories, scenarios and levels of charges, as set out below..
- 4.2 Some considered the category / scenario system overly complex and suggested that it could lead to disputes between motorists and police over which were applicable to a particular removal. There was general agreement that if scenarios were to be used the definitions would need to be simply understood, transparent and robust.

## Vehicle Type

- 4.3 There was overall support for the notion that vehicle type affects the degree of difficulty of a removal and therefore influences its cost .
- 4.4 There was general concern that vehicle type descriptions could be confusing and should be revisited to ensure accuracy and equivalence to terms used in the vehicle recovery industry. Some felt that the numbers of vehicle types should be reduced for the sake of simplicity; others felt that vehicle types should be amended to reflect more accurately the work carried out during removal.
- 4.5 There were many suggested amendments to the vehicle type categories:
- a number of respondents felt that a separate category should be introduced for motorcycles under 50cc
  - others felt that the weight bands of vehicle type categories should be amended. Suggestions included:

Light Vehicles:        up to 2.0 tonnes  
                              up to 2.25 tonnes;  
                              up to 2.49 / 2.5 tonnes;  
                              up to 2.8 tonnes;  
                              up to 3.49 tonnes.

Light LGV:             2.0 to 3.5 tonnes;  
                              2.5 to 5.0 tonnes;  
                              2.5 to 6.5 tonnes;  
                              2.5 to 6.9 tonnes;  
                              2.8 to 7.5 tonnes;  
                              3.5 to 7.49 tonnes.

Medium LGV:         7.0 to 18 tonnes  
                              7.5 to 44 tonnes

- one respondent was concerned that the 'over 18 tonne' vehicle category took no account of the large variation of vehicle types over 18 tonnes and did not refer to road trains, tractor units and special type vehicles.
- the issue of LGVs should be considered separately and taken out of the statutory charges, leaving market forces to determine costs.

## Scenarios

- 4.6 The majority of responses expressed broad agreement in principle with the Government's proposed scenarios. One indicated that trials had shown the scenario categories to be on balance accurate and acceptable to recoverers and insurers. Others suggested various

changes to include clearer definitions and avoid areas of contention or ambiguity. Some suggested that the number of scenarios be reduced for the sake of simplicity and clarity; others suggested that more scenarios were necessary to reflect the types of incidents likely to occur, others suggested amendments to the scenarios proposed. One respondent suggested that vehicles off-road were outside the scope of removals under Road Traffic Regulation Act powers.

4.7 One respondent commented that scenario pricing, rather than hourly rates, rewarded more efficient operators and would lead to speedier road clearance.

4.8 Suggested additional scenarios included:

- burnt out vehicles
- bridge strikes
- numbers of axles damaged
- distance off road
- difficult removal
- crane requirements
- vehicles contravening parking or other road traffic regulations
- abandoned vehicles
- fatal – damage free lift<sup>2</sup>.

4.9 The issue of shed loads was seen as particularly complex. One respondent suggested that charging for shed loads causes enormous difficulties and that load recovery should be removed from the statutory charges regime completely. Others suggested that there should be separate charges for the recovery of loads, whether shed or not. A few respondents were keen to ensure that the statutory charge for each scenario included the cost of recovering any loads and clearing up the site.

4.10 Several respondents proposed a distinction between recovery and removal with the implication that statutory charges should apply to removals only; recovery charges being agreed between parties.

## **Charges**

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<sup>2</sup> Note – the Regulations with which this consultation was concerned apply only to removals carried out under Road Traffic Regulation Act powers, ie where the vehicle is obstructively dangerously or illegally parked, or broken down or abandoned.

- 4.11 Although there was general support for replacing the flat rate with charges dependent on vehicle type and scenarios, there was considerable variation over the actual levels of charge.
- 4.12 Many respondents submitted detailed responses with proposed charges. A brief summary of the range of suggestions made is included here:

Scenario		Light Vehicle	Light LGV	Medium LGV	Heavy LGV
		incl. all motorcycles with or without sidecar, trailer or 3 wheels; private cars and Light Commercial Vehicles up to 3.5 tonnes GVW	3.5 tonnes to 7.5 tonnes GVW	7.5 tonnes to 18 tonnes GVW incl. standard Passenger Carrying Vehicles	Over 18 tonnes GVW + rigid vehicles and all articulated vehicles regardless of weight and all specialist independent suspension coaches
A	Vehicle breakdown: all wheels free and between kerbstones. Simple to tow vehicle.	£120 - £250	£200 - £350	£280 - £350	£340 - £550
B	Vehicle damaged, upright and on road (excluding jack-knifed)	£120 - £245	£250 - £350	£350 - £550	£450 - £875
C	Vehicle damaged, upright and off road (including jack-knifed)	£210 - £245	£350 - £2,000	£800 - £1,600	£450 - £4,000
D	Vehicle damaged, overturned and on road	£200 - £305	£600 - £2,500	£1500 - £2,750	£450 - £5,000
E	Vehicle damaged, overturned and off road	£210 - £415	£700 - £3,500 or menu pricing	£3,100 - £3,660 or menu pricing	£4,000 - £9,000 or menu pricing
F	Vehicle damaged, overturned, load shed and on road	£210 - £440	£900 - £1,600	£2,000 - £4,900	£4,500 - £7,785 or menu pricing
G	Vehicle damaged, overturned, load shed and off road	£210 - £590	£1,350 - £2,300 or menu pricing	£4,600 - £6,100 or menu pricing	£5,500 - £9,950 or menu pricing
H	Vehicle totally immersed in water. Hazardous chemicals and fuel tankers	£300 - £1,800	£2,500 - £3,500 or menu pricing	£5,500 - £7,500 or menu pricing	£7,500 - £12,500 or menu pricing

- 4.13 Some suggested that scenario H should be a matter for the Environment Agency, which is usually involved in such incidents.

### The Government's position

- 4.14 The Government notes the overwhelming support for moving away from a single flat rate. We believe this is necessary to recognise the varied requirements that might arise in a removal and to avoid inequity. The situation with the range of removals that might be required under the Road Traffic Regulation Act is**

quite different from the situation with regard to removals under the decriminalised parking regime or other situations in which a flat rate might apply. Subject to the qualifications below and for the reasons explained, we believe an improvement to the current situation will best be achieved by having a range of charges applied according to vehicle type and scenario.

- 4.15 We do not favour menu-pricing, as this would be overly complex and lead to unnecessary arguments over what was and was not necessary in any individual case.
- 4.16 We also do not believe in attempting to distinguish between removals and recoveries. Any movement of a vehicle from one place to another is necessarily a removal. It would be impracticable to seek to define in advance whether any individual removal might fall into a category that all would agree to describe as a recovery. We believe that setting different charges for different situations can adequately take into account the type of characteristics that are commonly associated with recoveries by those who seek to draw a distinction between recoveries and removals.
- 4.17 We think it would be unhelpful not to prescribe a charge for particular circumstances or vehicle types or to prescribe a nil charge. The police must be able to remove any vehicle, using their Road Traffic Regulation Act powers, when they consider it necessary. The situation in which the police require the removal of someone's vehicle is quite different from the situation in which that person voluntarily contracts with an operator to effect a removal. Not having a positive statutory charge could lead to operational difficulties for the police and deny recovery operators the current security of charges that must be paid before a vehicle has to be released.
- 4.18 We think the charges for removals, etc should fall on the person responsible for the vehicle concerned, not on the public purse generally or on police resources that would thus be diverted from other vital work. We would point out, however, that the legislation entitles the police to recover the prescribed charges, it does not require them to do so. It would be for individual chief officers to decide if in the special circumstances of a particular case the charges should not be recovered. Any payment to the recovery operator would then be a contractual matter between the police and operator (or operator's managing agent).
- 4.19 We do not consider that the cost of participation in a managed scheme should be taken into account in setting the charges. This cost to the operator does not result from the nature of the removal but from a contractual arrangement into which the operator has chosen to enter.

- 4.20 We agree entirely that there needs to be the greatest clarity possible over the types of vehicle and scenario to which different charges apply. We are therefore undertaking further work to adjust and refine our original proposals taking into account the comments made. This will include the situation with regard to shed and unshed loads.**
- 4.21 We are also undertaking further work to decide the level of appropriate charges for the vehicle types and scenarios that will ultimately feature in the proposed new Regulations.**

**5 PROPOSAL: TO REPLACE THE CURRENT STATUTORY CHARGE FOR STORAGE WITH A SET OF CHARGES DEPENDENT ON THE VEHICLE TYPE AND THE PART OF THE COUNTRY IN WHICH IT IS STORED.**

Scenario		Light Vehicle	Light LGV	Medium LGV	Heavy LGV
		incl. all motorcycles with or without sidecar, trailer or 3 wheels; private cars and Light Commercial Vehicles up to 3.5 tonnes GVW	3.5 tonnes to 7.5 tonnes GVW	7.5 tonnes to 18 tonnes GVW incl. standard Passenger Carrying Vehicles	Over 18 tonnes GVW + rigid vehicles and all articulated vehicles regardless of weight and all specialist independent suspension coaches
A	London (inside M25 motorway)	£20	£30	£60	£80
B	Outside London (outside M25 motorway)	£15	£25	£50	£70

- 5.1 The majority of responses made no reference to storage charges, although one respondent felt the proposed storage charges were excessive.
- 5.2 One respondent suggested that there should be a separate category for motorcycles. Another that there should be a distinction between tractor units and trailers. Another respondent suggested there should be different rates for inside and outside storage.
- 5.3 One respondent expressed concerns over the storage charges proposed for medium and heavy goods vehicles. The vehicle types could vary significantly and the proposed charges took no account of tractor units that might be separated from trailers. The category for over 18 tonnes covered such a wide range of vehicle types that there would be winners and losers on a significant scale in using the proposed levels of charges.
- 5.4 Suggestions for storage charges included:

Scenario		Motorcycle	Light Vehicle	Light LGV	Medium LGV	Heavy LGV
			incl. all motorcycles with or without sidecar, trailer or 3 wheels; private cars and Light Commercial Vehicles up to 3.5 tonnes GVW	3.5 tonnes to 7.5 tonnes GVW	7.5 tonnes to 18 tonnes GVW incl. standard Passenger Carrying Vehicles	Over 18 tonnes GVW + rigid vehicles and all articulated vehicles regardless of weight and all specialist independent suspension coaches
A	London (inside M25 motorway)	£10 (stored outside unless inside storage specifically requested)	£20 -£40	£25- £40	£30 - £40 or £16 per axle	£30 - £50 per unit or £16 per axle
B	Outside London (outside M25 motorway)	£6 (stored outside unless inside storage specifically requested)	£15- £40	£18 -£40	£22 - £40 or £16 per axle	£25 - £50 per unit or £16 per axle

and:

		Motorcycle	Light Vehicle	Light LGV	Medium LGV	Heavy LGV
Scenario			incl. all motorcycles with or without sidecar, trailer or 3 wheels; private cars and Light Commercial Vehicles up to 3.5 tonnes GVW	3.5 tonnes to 7.5 tonnes GVW	7.5 tonnes to 18 tonnes GVW incl. standard Passenger Carrying Vehicles	Over 18 tonnes GVW + rigid vehicles and all articulated vehicles regardless of weight and all specialist independent suspension coaches
	Inside storage		£75	£150	£150	£150
	Outside storage		£20	£30	£60	£80

### The Government's position

**5.5 We note the lack of opposition to different charges in London and elsewhere and believe the new charges should make such a distinction to recognise the higher costs in London. We note also the general acceptance of different charges for different types of vehicle and think this is logical given the different sizes and storage requirements. We will consider the comments made as to categories and appropriate charges before reaching final decisions on levels.**

**6 PROPOSAL: TO REPLACE THE CURRENT STATUTORY CHARGE FOR DISPOSAL WITH A SET OF DISPOSAL CHARGES DEPENDENT ON THE VEHICLE TYPE.**

Scenario		Light Vehicle	Light LGV	Medium LGV	Heavy LGV
		incl. all motorcycles with or without sidecar, trailer or 3 wheels; private cars and Light Commercial Vehicles up to 3.5 tonnes GVW	3.5 tonnes to 7.5 tonnes GVW	7.5 tonnes to 18 tonnes GVW incl. standard Passenger Carrying Vehicles	Over 18 tonnes GVW + rigid vehicles and all articulated vehicles regardless of weight and all specialist independent suspension coaches
A	Disposal of vehicle	£50		£100	

- 6.1 There was general agreement with the proposed disposal charges although some respondents felt the charges were not high enough.
- 6.2 One response expressed concern that as a result of the Environmental Protection Act 2003, and the failure of the car take-back scheme, it was likely that the cost of vehicle disposal would exceed £200. Any new legislation would need to take fully into consideration the depollution of vehicles.
- 6.3 Suggestions for disposal charges included:

Scenario		Light Vehicle	Light LGV	Medium LGV	Heavy LGV
		incl. all motorcycles with or without sidecar, trailer or 3 wheels; private cars and Light Commercial Vehicles up to 3.5 tonnes GVW	3.5 tonnes to 7.5 tonnes GVW	7.5 tonnes to 18 tonnes GVW incl. standard Passenger Carrying Vehicles	Over 18 tonnes GVW + rigid vehicles and all articulated vehicles regardless of weight and all specialist independent suspension coaches
A	Disposal of vehicle	£70 - £75 or £250	£70 - £100 or £350	£70 - £150 or £1,000	£70 - £200 or £1,000

- 6.4 One respondent felt the statutory charge for disposal should be the same as that set by London Councils' Transport & Environment Committee under the decriminalised parking regime, currently £70 for disposal.

**The Government's position**

- 6.5 We note the general agreement with the charges proposed and that there should be different charges. We will, however, reconsider the figures in the light of responses before finally deciding on the levels that will feature in the new Regulations**

## **7 PROPOSAL: TO REVIEW STATUTORY CHARGES ANNUALLY AND INCREASE IN LINE WITH INFLATION**

- 7.1 Of the eight respondents who replied specifically to this proposal, only one did not support an annual inflation-linked rise. That respondent's concern was that such increases would have so great an impact on insurance premiums that motor insurance cover would become unaffordable.
- 7.2 All other respondents were in favour of an annual review of statutory charges and an increase linked to an index. There was concern that the index chosen should appropriately reflect movements in the underlying costs to the vehicle recovery.
- 7.3 Two respondents highlighted that linking charges with some index would avoid any future risk of charges being out of line with costs.

### **The Government's position**

- 7.4 **The level and nature of the responses have not changed the Government's initial view that there might be an annual increase in line with inflation. We do not consider that this would lead to more adverse consequences than rises in inflation generally and it would avoid the problems that might arise if there were a further lengthy interval between changes to the charges. Any decision as to the making of new charge-setting Regulations and as to the timing and nature of any change would however always be a matter for Ministers at that time**

## **8 PROPOSAL: TO CONDUCT A FULL-SCALE REVIEW OF STATUTORY CHARGES EVERY 3 YEARS**

- 8.1 There were very few responses on this proposal. Those who did specifically address it agreed that a full-scale review every three years would be sensible.
- 8.2 One respondent suggested that an initial full-scale review of statutory charges should be conducted after three years to ensure that the amended charges were working as intended. After that a full-scale review might be necessary only every five years.

### **The Government's position**

- 8.3 **Again, the level and nature of the responses have not changed the Government's initial view. We believe a review every three years could be a helpful check of the need for changes beyond any that related to general inflation. Any decision as to the undertaking of a review would always be a matter for Ministers at that time**

## 9 OTHER ISSUES RAISED

### Regional differences

- 9.1 The vast majority of responses suggested that there was no justification for regional differences.
- 9.2 A few did consider that regional variances of costs, topography, the road network and distribution of recovery operators would not be adequately considered under the proposals.

### Other legislation

- 9.3 Concern was expressed that statutory charges should be brought into line with other legislation, such as Local Authority charges for wheel clamping and vehicle removal; decriminalised removal operations; charges for parking offences in London; Road Traffic Act 1988 (Retention & Disposal of Seized Vehicles) Regulations 2005; Police (Retention & Disposal of Motor Vehicles) Regulations 2002.

### Guidance

- 9.4 Several respondents stressed the need for the Government to issue guidance on statutory charges. As well as guidelines for police and vehicle recovery operators, this should cover such issues as when the charges apply, stolen vehicles, VAT, and when storage charges become payable.
- 9.5 One respondent suggested that the consultation should have considered why a standard charge for all types and size of vehicles was originally set. It was further suggested that the purpose of the statutory charges and the basis for them be clarified. Some respondents felt that the charges should cover only the costs actually incurred; whilst others felt there should be an element of penalty. to the charge. Clarification and guidance were requested.
- 9.6 One correspondent supported the idea, that could be covered in guidelines, of police photographing vehicles before removal in all cases, both to provide support for the choice of scenario for charging purposes and to justify the reasons for removal.

### The Government's position

- 9.7 **We recognise that there are local differences, but these may be more between different locations in the same region than between different regions. It would not be practical to seek to define in Regulations all the possible differences and combinations of differences that might exist. The responses**

show no great pressure for regional variations and we do not believe a strong case has been made for them.

- 9.8 We do not see a need to align charges for police ordered removals under the Road Traffic Regulation Act with charges for removals carried out by other authorities, under other powers for other purposes. We are however proposing to maintain a link between these charges and the charges for other police removals (under the Police Reform Act with regard to vehicles causing alarm, distress or annoyance-- the 2002 Regulations and under the Road Traffic Act with regard to vehicles driven without appropriate licence or insurance - the 2005 Regulations).**
- 9.9 We are proposing to issue guidance on the new Regulations and their application, including the rationale underlying them. These would include an explanation that it would not be appropriate for the charges to include a punitive element, because at the time of seizure the person concerned will not have been convicted by a court of a relevant offence. As regards stolen vehicles, the guidance would make reference to the best practice guidelines agreed between ACPO and the Home Office, which include giving owners an immediate explanation of what will happen. The agreement followed extensive work with the Association of British Insurers and ACPO which led Ministers to conclude that there was no realistic way of removing the burden of costs from vehicle owners.**

## **ANNEX A: INDIVIDUALS OR BODIES WHO WERE SENT THE CONSULTATION PAPER:**

### **Private sector**

AA Developments Limited  
The Association of British Insurers  
The Association of Vehicle Recovery Operators  
The Automobile Association  
Auto-Rescue Logistics Limited  
Britannia Rescue  
The British Vehicle Rental and Licensing Association  
Europ Assistance  
The Freight Transport Association  
Grass Roots Group  
Greenflag  
GVROP  
The Heavy Transport Association  
Hertfordshire Recovery Operators  
Institute of Vehicle Recovery  
The London Association of Recovery Operators  
Lloyd's Market Association  
Mansfield Ltd  
The Motorists' Forum  
National Express Coaches  
The Royal Automobile Club  
Recovery Management Services Limited  
The Road Haulage Association  
The Road Rescue Recovery Association  
Rota West Yorkshire Ltd  
Recovery Management Services Ltd  
Thames Valley Operators

### **Public sector**

The Association of Chief Police Officers  
The Association of London Government  
The Association of Police Authorities  
The Local Government Association  
Transport for London  
The Audit Commission  
Department for Transport  
Highways Agency  
National Assembly for Wales  
Scottish Executive

## **ANNEX B: INDIVIDUALS OR BODIES WHO RESPONDED TO THE PUBLIC CONSULTATION:**

### **Private sector**

The Association of British Insurers  
The Association of Vehicle Recovery Operators  
Authorised Recovery Operators Alliance  
The Automobile Association  
Auto-Rescue Logistics Limited  
British Insurance Brokers' Association  
The British Vehicle Rental and Licensing Association  
Curry's Garage Recovery Service  
The Freight Transport Association  
Greenmeadow Commercial Services Ltd  
GRG Public Resources Ltd  
The Heavy Transport Association  
Hertfordshire Recovery Operators  
Kems Autos  
Lloyd's Market Association  
The RAC Foundation  
Recovery Management Services Limited  
The Road Haulage Association  
The Road Rescue Recovery Association  
Saunders Garage (P. Charles)Saunders Garage (T. J. Saunders)  
UKTram

### **Public sector**

The Association of Chief Police Officers (Vehicle Recovery Group)  
The Association of Chief Police Officers (Vehicle Crime Intelligence Service)  
The Audit Commission  
Department for Transport  
Gwent Police  
Hampshire Constabulary  
Highways Agency  
London Councils  
Metropolitan Police Authority  
Metropolitan Police Service (joint with Metropolitan Police Authority)  
Thames Valley Police  
Transport for London ( Transport Policing & Enforcement Directorate)

*\*Some of the responses were joint submissions. Although only 31 responses were received, these reflect the views of respondents on this list.*



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