STATUTORY INSTRUMENTS

2015 No. 854

ROAD TRAFFIC

The Motor Vehicles (Insurance Requirements) (Immobilisation, Removal and Disposal) (Amendment) Regulations 2015

Made - - - -	*23rd March 2015*
Laid before Parliament	*25th March 2015*
Coming into force - -	*30th June 2015*

The Secretary of State makes the following Regulations in exercise of the powers conferred by sections 144D(1) and 160(1) of, and Schedule 2A, to the Road Traffic Act 1988(**1**).

Representative organisations have been consulted in accordance with section 195(2) of that Act.

Citation and commencement

1. These Regulations may be cited as the Motor Vehicles (Insurance Requirements) (Immobilisation, Removal and Disposal) (Amendment) Regulations 2015 and come into force on 30th June 2015.

Amendments to the Motor Vehicles (Insurance Requirements) (Immobilisation, Removal and Disposal) Regulations 2011

2. The Motor Vehicles (Insurance Requirements) (Immobilisation, Removal and Disposal) Regulations 2011(**2**) are amended as follows—

(a) in regulation 10 for paragraph (5) substitute—

"(5) Where it appears to the custodian of a vehicle that more than one person is the owner—

(a) the notice under paragraph (3)(c)(ii) must be sent to all persons appearing to be the owner of the vehicle; and

(b) the vehicle may not be disposed of in accordance with paragraph (2) unless all persons appearing to be owners have disclaimed all rights of ownership.";

(b) in regulation 11—

(**1**) 1988 c. 52; section 144D was inserted by section 22 of the Road Safety Act 2006 (c. 49) and Schedule 2A was inserted by section 22(3) of and Schedule 5 to the Road Safety Act 2006.

(**2**) S.I. 2011/1120.

(i) in paragraph (1) for "14" substitute "13";

(ii) for paragraph (3) substitute—

"(3) Where—

(a) it appears to a custodian of a vehicle that more than one person is the owner; and

(b) one of those owners, or a person authorised by one of those owners, has gained possession of the vehicle under regulation 12,

then the owner who gained possession of the vehicle under regulation 12 must be treated as the owner from whom the sum is recoverable.

(4) Where—

(a) it appears to a custodian of a vehicle that more than one person is the owner; and

(b) one of those owners has made a claim under regulation 13 that satisfies the conditions in regulation 13(2),

then the owner who made the claim under regulation 13 must be treated as the owner from whom the sum is recoverable.

(5) Where—

(a) it appears to a custodian of a vehicle that more than one person is the owner; and

(b) neither paragraph (3) nor paragraph (4) applies,

then those persons must be treated as jointly and severally liable for the prescribed charges.";

(c) in regulation 12 for paragraph (4) substitute—

"(4) Where it appears to a custodian of a vehicle that more than one person is the owner, or person authorised by the owner, the custodian must give possession of the vehicle to the first claimant who satisfies the conditions set out in paragraph (2).";

(d) in regulation 13—

(i) at the end of paragraph (2)(a) omit "and";

(ii) at the end of paragraph (2)(b) for "." substitute "; and";

(iii) after paragraph (2)(b) insert—

"(c) no previous claim in respect of the vehicle has been paid.";

(iv) for paragraph (4) substitute—

"(4) Where it appears to a custodian of a vehicle that more than one person is the owner, the custodian must treat the first person who makes a claim that satisfies the conditions set out in paragraph (2) as the owner for the purposes of this regulation.";

(e) in regulation 14—

(i) for paragraph (4) substitute—

"(4) The authorised person must uphold the appeal if the authorised person is satisfied that—

(a) the ground in paragraph (1)(a)(i) or the ground in paragraph (1)(a)(ii) has been established; and

(b) the disputed charge has not been refunded.";

(ii) for paragraph (8) substitute—