

Policy Name	Abandoned Vehicles Policy
Policy Category	Customer Services
Policy Number	TM010
Officer Responsible	Head of Housing and Customer Services
Date to Board of Management	2 nd September 2021
Next Review Date	September 2026

1.0 Introduction

- 1.1 The abandoning of cars or other vehicles or parts of vehicles on estates or land owned or managed by Lochaber Housing Association prevents residents using parking areas legitimately, are an eyesore, can cause a potential fire/pollution risk, and can provide a focus for vandalism.
- 1.2 Lochaber Housing Association recognises the significant impact that abandoned vehicles can therefore have on a community, and the Association consequently will seek to take action to ensure all vehicles abandoned on its land are identified and removed in line with this policy.

2.0 Legislative Framework

- 2.1 The relevant legislation on vehicle abandonment, to which this policy adheres, is as follows:

- Refuse Disposal (Amenity) Act 1978
- Road Traffic Regulations Act 1984
- The Removal and Disposal of Vehicle Regulations 1986
- EU Directive 2000/53/EC ‘End of Life Vehicles’
- The Removal, Storage and Disposal of Vehicles (Prescribed Sums and Charges etc.) Amendment (Scotland) Regulations 2002
- Anti Social Behaviour etc (Scotland) Act 2004

- 2.2 Further, the Association’s tenancy agreement states that tenants (and their visitors) must not park a vehicle on the Association’s land if it causes a nuisance or annoyance to their neighbours. An abandoned vehicle would by definition cause a nuisance.

- 2.3 In Scotland, any vehicles that are clearly abandoned become the responsibility of the local authority in which the vehicles are located. The police have the power to immediately remove any vehicle left in breach of local traffic regulations, or causing an obstruction, or likely to cause a danger

- 2.4 The legislation gives the local authority legal powers to remove any vehicle on public land. If a vehicle is abandoned on private land, the owner of that land has to request that the local authority start the process of removal. The period of notice depends on the condition of the vehicle, but may be reduced to 24 hours where a vehicle is in such a condition that it ought to be destroyed.

3.0 Abandoned vehicles

- 3.1 There is no strict legal definition of an “abandoned vehicle”, but officers from the local authority and the police have powers to declare a vehicle as abandoned if a motor vehicle or any part of it left in such circumstances, or for such a period, that it may reasonably be assumed to have been

abandoned. In such a case, the vehicle can be deemed abandoned unless the contrary is proved.¹

3.2 A vehicle that fulfils some or all of the following criteria is likely to be classed as abandoned:

- It is no longer in a road-worthy condition
- It is in such a place as to cause aggravation or danger to others
- It has no valid tax, is being kept on a road whilst registered with a SORN (Statutory Off Road Notification) declaration (however, a vehicle may be abandoned even with valid tax or SORN)
- The vehicle or its contents are having a negative impact on the local environment and the visual amenity of a community
- It is in such a place and condition that it attracts the unwanted attention of vandals and anti-social behaviour
- There is evidence that the vehicle has not been moved for a considerable amount of time
- The owner or keeper cannot be identified, or fails to respond to a legal notice.

3.3 It is important to note that the definition of “vehicle” is wider than just cars, and is defined by The Refuse Disposal (Amenity) Act 1978 as “a mechanically propelled vehicle...for use on the roads...and includes any trailer intended or adapted for use as an attachment to such a vehicle, any chassis or body, with or without wheels, appearing to have formed part of such a vehicle or trailer”. This means anything that has belonged, or been attached to something that has driven on a road, even the mechanical parts such as the engine, wheels and tyres.

4.0 Procedure for Reporting an Abandoned Vehicle

4.1 When an abandoned vehicle is reported to or identified by the Association, the report will be passed to the Housing Officer for the area.

4.2 Where a vehicle is parked illegally or dangerously, or is blocking access to a scheme, this will be reported to the police who have powers to remove such a vehicle immediately.

4.3 In all other circumstances, the Housing Officer will carry out initial investigations to establish whether the vehicle has been abandoned or to make contact with the vehicle owner to arrange for its removal.

A starting point for investigation will be to check whether the vehicle has up to date tax and MOT. This can be checked free of charge on-line on the DVLA website by entering the vehicle registration and make

- <https://www.gov.uk/get-vehicle-information-from-dvla>

4.4 It is the local authority’s responsibility to remove abandoned vehicles, but they will require the landowner to have made initial investigations to find out owner details and establish that the vehicle is, in fact, abandoned. A

¹ Source: Refuse Disposal (Amenity) Act 1978 s. 2 (1) (a)

flowchart for this process and a pro-forma enquiry form are included in **Appendix 1 and 2**

- 4.5 If the owner is established and can be contacted, the Housing Officer will request the vehicle to be removed within a reasonable timescale and will offer advice on relevant vehicle collection and dismantling services available. If the vehicle is not removed, then relevant tenancy conditions will be enforced with a view to taking appropriate legal action against the tenant(s).
- 4.6 If the owner cannot be established, a request can be made to the local authority to trace the owner and serve relevant notices to remove the vehicle.
- http://www.highland.gov.uk/info/1330/street_care_and_cleaning/114/abandoned_vehicles

The local authority will charge the Association for removal and for storage and / or destruction of the vehicle. The Association can recharge these costs to the owner if s/he is subsequently located under the Tenant Disrepair and Recharge Policy which should be followed in principle for non-tenants or sharing owners.