



Department of
Justice

An Roinn Dlí agus Cirt
Máinnystrie O tha Laa

**Vehicle
Recovery, Storage and
Disposal
Statutory Charges Review -
Northern Ireland
A Public Consultation**

**Department of Justice
April 2024**



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Foreword by the Minister of Justice

Government departments, police, local councils and others authorised to act on their behalf all have powers to remove, store and dispose of vehicles in certain circumstances. These include, for example, where a vehicle is being driven without insurance, has been left in a place causing an obstruction or danger to others, or is in contravention of certain prohibitions or restrictions.

When these powers are exercised, the relevant authority is often entitled to charge a fee to the owner of the vehicle. This consultation seeks views on the levels of fees that can be charged for the removal, storage and disposal of vehicles where a vehicle was driven uninsured, or in a way causing alarm, distress or annoyance, or where a vehicle seizure order has been made in relation to an unpaid financial penalty.

The fees for the removal, storage and disposal of vehicles in these circumstances are prescribed in legislation and have remained at the levels set in 2008, despite the costs for this work, which is typically contracted out to independent operators, having increased.

Following similar reviews carried out in Scotland in 2019 and in England and Wales early in 2023, we feel it is now appropriate to review the fees to ensure that they are fair to both those carrying out removal, storage and disposal work and those whose vehicles are removed.

We look forward to hearing your views.

Naomi Long MLA
Minister of Justice
Department of Justice

Responding to this consultation.

i. The Department is seeking your views on the issues raised by this consultation. We encourage respondents to answer the consultation questions using the on-line facility on NIDirect, accessible via [Vehicle Recovery, Storage and Disposal Statutory Charges Review - Northern Ireland A Public Consultation - NI Direct - Citizen Space](#)

ii. If you are unable to respond using our online consultation facility, you can email your response to the following address: vehiclerecovery@justice-ni.gov.uk or you can write to us at:

Sentencing Policy Unit,
Department of Justice,
Massey House,
Stormont Estate,
Belfast
BT4 3SX.

iii. The Department will publish a summary of responses to the consultation.

Duration and closing date

iv. The consultation will run for 8 weeks from 18 April 2024. Please ensure that consultation responses are submitted before the closing date of 13 June 2024.

Alternative formats

v. Copies in alternative formats can be made available on request. If it would assist you to access the document in an alternative format or language, please let us know and we will do our best to assist you.

Equality Considerations

- vi. As a public authority, under section 75 of the Northern Ireland Act 1998, the Department is required to have due regard to the need to promote equality of opportunity. This legislation also requires public authorities to identify whether a policy has a differential impact upon relevant groups, which are categorised as based on religious belief; political opinion; racial group; age; marital status; sexual orientation; men and women generally; or those with or without a disability or dependents. These obligations are designed to ensure that equality and good relations considerations are made central to policy development.
- vii. At this stage equality screening has been undertaken to:
- determine the extent of differential impact upon the relevant groups as listed above, if any; and
 - consider whether that impact has a negative impact on groups or individuals in relation to one of more of the nine equality categories.
- viii. The Department does not believe that any specific equality issues arise in relation to the relevant groups, and accordingly does not consider that an Equality Impact Assessment (EQIA) is required at this point.
- ix. The Department will take account of the evidence gathered through this consultation in developing final policy proposals and will revisit the equality screening if required.

Rural Needs and Regulatory Impact Assessments

- x. A Rural Needs Assessment determined that no specific design features are required to address rural issues.
- xi. A Regulatory Impact Screening was not required as there were no additional compliance or administrative burdens placed on businesses, charities or voluntary bodies. For these reasons, a full Regulatory Impact Assessment is screened out.
- xii. The screening documents are available on the Department of Justice website.

Privacy, confidentiality and access to consultation responses

- xiii. We may publish your response to this consultation. We will remove personal names, email addresses and telephone numbers from the responses; but apart from this, we may publish them in full. For more information about what we do with personal data please see our privacy notice at **Annex A**.
- xiv. Your response, and all other responses to the consultation, may be disclosed on request in accordance with the Freedom of Information Act 2000 (FOIA) and the Environmental Information Regulations 2004 (EIR); however, all disclosures will be in line with the requirements of the Data Protection Act 2018 (DPA) and the General Data Protection Regulation (GDPR) (EU) 2016/679.
- xv. Subject to certain limited provisos, the FOIA gives members of the public a right of access to any information held by a public authority, in this case, the Department. This right of access to information includes information provided in response to a consultation.
- xvi. If you want the information that you provide to be treated as confidential it would be helpful if you could explain to us why you regard the information you have provided as confidential, so that this may be considered if the Department should receive a request for the information under the FOIA or EIR.
- xvii. Further information about confidentiality of responses is available by contacting the [Information Commissioner's Office \(ICO\)](#).

Complaints

- xviii. If you have any concerns about the way this consultation process has been handled, please submit your complaint by email to Governance.Unit@justice-ni.gov.uk or write to the following address:
Governance Unit
Corporate Engagement & Communications Division
Department of Justice
Room B5.16 Castle Buildings



Department of

Justice

An Roinn Dlí agus Cirt
Máinnystrie O tha Laa

Stormont Estate
Belfast
BT4 3SG

Introduction

1. This consultation seeks views on the levels of fees set by the Department of Justice that apply in relation to the removal, storage and disposal of vehicles in specified circumstances.
2. The consultation does not cover the way in which the police use their powers, or the operation of recovery schemes and contracts. These are matters for the police, in consultation with interested parties as they consider appropriate.

Background

3. Vehicles may need to be seized in order to enforce the law, protect the public, prevent further offending and remove potential dangers. The removal of vehicles can also help prevent theft of or from them, their use for criminal purposes, their becoming a focus for crime or environmental degradation and their being driven whilst in a dangerous condition (which may not be immediately apparent).
4. Vehicle seizure powers apply across a range of circumstances each regulated by legislation specific to the power in question¹. There is a degree of variation between the provisions, but typically the relevant legislation sets the procedure to be followed, provides for the fees that can be levied and by whom these must be paid, and identifies

¹ These include:

- vehicles driven without insurance: [Road Traffic \(Northern Ireland\) Order 1981 \(legislation.gov.uk\)](#)
[The Road Traffic \(Northern Ireland\) Order 1981 \(Retention and Disposal of Seized Motor Vehicles\) Regulations \(Northern Ireland\) 2008 \(legislation.gov.uk\)](#)
- vehicles driven carelessly, inconsiderately or illegally off-road in a manner causing or likely to cause alarm, distress or annoyance: [The Criminal Justice \(Northern Ireland\) Order 2008 \(legislation.gov.uk\)](#)
[The Criminal Justice \(Northern Ireland\) Order 2008 \(Retention and Disposal of Seized Motor Vehicles\) Regulations \(Northern Ireland\) 2008 \(legislation.gov.uk\)](#)
- where a vehicle seizure order has been made in order to enforce the payment of an outstanding financial penalty: [Justice Act \(Northern Ireland\) 2016 \(legislation.gov.uk\)](#)
[The Enforcement of Fines and Other Penalties Regulations \(Northern Ireland\) 2018 \(legislation.gov.uk\)](#)
- vehicles broken down or left on a road where they cause an obstruction or may cause a danger or left on a road in contravention of any statutory prohibition or restriction: [The Road Traffic Regulation \(Northern Ireland\) Order 1997 \(legislation.gov.uk\)](#)
- use of prohibited vehicles: [The Traffic Management \(Northern Ireland\) Order 2005 \(legislation.gov.uk\)](#)
[The Removal, Storage and Disposal of Vehicles \(Prescribed Charges\) Regulations \(Northern Ireland\) 2006 \(legislation.gov.uk\)](#)
- vehicles being used illegally for taxiing: [Taxis Act \(Northern Ireland\) 2008 \(legislation.gov.uk\)](#)
[The Taxis Act \(Northern Ireland\) 2008 \(Retention and Disposal of Seized Motor Vehicles, Equipment and Items\) Regulations \(Northern Ireland\) 2016 \(legislation.gov.uk\)](#)
- vehicles on land at unauthorised encampments: [The Unauthorised Encampments \(Northern Ireland\) Order 2005 \(legislation.gov.uk\)](#)
[The Unauthorised Encampments \(Retention and Disposal of Vehicles\) Regulations \(Northern Ireland\) 2006 \(legislation.gov.uk\)](#)
- vehicles being used while prohibited from being driven: [The Road Traffic \(Northern Ireland\) Order 2007 \(legislation.gov.uk\)](#)
[The Road Traffic \(Immobilisation, Removal and Disposal of Vehicles\) Regulations \(Northern Ireland\) 2012 \(legislation.gov.uk\)](#)

who can carry out the removal, the storage and, in some cases, the disposal of the vehicle in question. This is generally the relevant Department, a Council and/or the police, and normally includes persons authorised to carry out the removal, storage and disposal work on their behalf.

5. Where a seizure function exists, independent contractors are normally authorised to carry out the removals, storage and disposals. The fees levied are used to pay the contractors.
6. In early 2023 an uplift to the equivalent statutory fees in England and Wales led to contractors raising concerns about the economic viability of continuing this work in Northern Ireland and calling for the fees set by the Department of Justice to be raised.

This consultation

7. The Department of Justice is responsible for a number of the Regulations governing vehicle seizure powers.
8. This consultation concerns fees set in Regulations by the Department of Justice for the removal, storage and disposal of vehicles where:
 - a vehicle is driven without insurance;
 - a vehicle is driven carelessly, inconsiderately or illegally off-road in a manner causing alarm, distress or annoyance; and
 - a vehicle seizure order is made where a person has failed to pay a court-imposed fine or other penalty.

Current fees

9. The tables below set out the fees for removal, storage and disposal work currently prescribed in each of the relevant Department of Justice Regulations.

Vehicle position and condition	Vehicle equal to or less than 3.5 tonnes MAM*	Vehicle exceeding 3.5 tonnes MAM but equal to or less than 7.5 tonnes	Vehicle exceeding 7.5 tonnes MAM but less than 18 tonnes MAM	Vehicle exceeding 18 tonnes MAM
<i>Vehicle on road, upright and not substantially damaged or any two wheeled vehicle whatever its condition or position on or off road.</i>	£150	£200	£350	£350
<i>Vehicle excluding a two wheeled vehicle, on road but either not upright or substantially damaged or both</i>	£250	£650	<i>Unladen—£2000</i>	<i>Unladen—£3000</i>
			<i>Laden—£3000</i>	<i>Laden—£4500</i>
<i>Vehicle excluding a two wheeled vehicle, off road, upright and not substantially damaged</i>	£200	£650	<i>Unladen—£1000</i>	<i>Unladen—£1500</i>
			<i>Laden—£1500</i>	<i>Laden—£2000</i>
<i>Vehicle excluding a two wheeled vehicle, off road but either not upright or substantially damaged or both</i>	£300	£850	<i>Unladen—£3000</i>	<i>Unladen—£4500</i>
			<i>Laden—£4500</i>	<i>Laden—£6000</i>

Table 2: Storage fees (for each period of 24 hours or a part thereof)

<i>Two wheeled vehicle</i>	<i>Vehicle, not including a two wheeled vehicle, equal to or less than 3.5 tonnes MAM</i>	<i>Vehicle exceeding 3.5 tonnes MAM but equal to or less than 7.5 tonnes MAM</i>	<i>Vehicle exceeding 7.5 tonnes MAM but equal to or less than 18 tonnes MAM</i>	<i>Vehicle exceeding 18 tonnes MAM</i>
£10	£20	£25	£30	£35

Table 3: Disposal fees

<i>Two wheeled vehicle</i>	<i>Vehicle not including a two wheeled vehicle equal to or less than 3.5 tonnes MAM</i>	<i>Vehicle exceeding 3.5 tonnes MAM but equal to or less than 7.5 tonnes</i>	<i>Vehicle exceeding 7.5 tonnes MAM but equal to or less than 18 tonnes</i>	<i>Vehicle exceeding 18 tonnes MAM</i>
£50	£75	£100	£125	£150

*MAM means maximum authorised mass.

Current volumes of vehicle removals

10. The table below sets out the number of uninsured vehicles and vehicles causing alarm, distress or annoyance removed each year from 2018 to 2022 in Northern Ireland. To date no vehicle seizure orders have been made in respect of unpaid financial penalties.

Current volumes of vehicle removals			
Year	Vehicles causing alarm/distress/annoyance	Uninsured vehicles	Total
2018	2	2624	2626
2019	7	2186	2193
2020	15	1983	1998
2021	11	1613	1624
2022	9	1614	1623
Total	44	10,020	10,064

Who has to pay the fees?

11. The removal and storage fees must normally be paid, usually by the vehicle's owner, before it will be released from storage. Where no payment is made within the specified time, the vehicle may be disposed of, and if sold, the net proceeds of sale, after the deduction of any outstanding charges (and the unpaid financial penalty in the case of a vehicle seizure order) are returned to the owner. No provision is made for any remaining outstanding fees to be recovered from the owner under these particular Regulations.
12. On occasion the owner may not be responsible for the circumstances leading to the vehicle's removal. To allay concerns about being unfairly required to pay, the relevant legislation includes the following safeguards:
 - Where an uninsured vehicle is seized, the owner is not liable to pay the fees if they were not driving the vehicle at the time when it was seized, and did not know that it was being driven at that time, had not consented to its being driven and could not, by taking reasonable steps, have prevented it from being driven.
 - In the case of a vehicle which has been removed due to being driven carelessly, inconsiderately or illegally off-road, in such a way as to cause alarm, distress or annoyance, there are two safeguards. Firstly, where

practicable, the police must warn the driver that the vehicle will be seized if the use continues or is repeated. Secondly, the owner is not liable to pay the fees if the use of the vehicle was not a use by them, and they did not know of the use, had not consented to it, and could not, by taking reasonable steps, have prevented its use in that manner.

- Where a vehicle seizure order is made, the owner is given 28 days' notice before the vehicle is removed. If the outstanding financial penalty is paid within this time no further action is taken and no fees will be incurred. Provision is also made to allow applications to the court in the case of a vehicle which is wrongly seized.

Why carry out a review of the fees?

13. Police contracts require operators to deal with a range of different vehicles, provide a guaranteed speedy response, and to have specialist expertise and equipment, secure storage facilities, and efficient administration. Seized vehicles are often accident-damaged, do not free-wheel, are difficult to access, have restrictions due to forensic requirements and must be removed and stored with the highest standard of professionalism.
14. The fees which are the subject of this consultation were set in 2008 to replicate those which applied in equivalent circumstances for the removal, storage and disposal of vehicles in England and Wales, and, as mentioned above, have not been reviewed since their introduction.
15. The recent consultation in England and Wales concluded that an increase was appropriate in recognition of inflationary and other operational increases (such as those for wages, fuel and specialist equipment) connected with the removal, storage and disposal of vehicles. In support of concerns that it would become uneconomic for the contractors to continue these operations the fees were increased, in April 2023, by

28%². Similar increases were taken forward in Scotland in 2019 ³.

16. Following these increases, concerns were raised that the continued application of the currently prescribed fees may lead to contractors withdrawing their services in Northern Ireland.
17. The impact of contractors deciding to stop this work would be detrimental to the police's ability to enforce the law and remove obstructions or potential dangers. In the current climate, there is no spare capacity for the PSNI to absorb this work should the contractors withdraw their services.
18. It has been possible to increase administratively the fees chargeable in Northern Ireland where vehicles appear to have broken down or been left causing an obstruction or danger to road users or have been permitted to remain on a road in contravention of any statutory prohibition or restriction. These are now charged at the same levels as the increased fees applying in England and Wales, leaving inconsistencies within Northern Ireland where fees previously aligned.
19. The Department of Justice is conscious that a balance must be struck, on one hand to recognise the interests of those members of the public who are required to pay the fees prescribed under its Regulations, and on the other, to allow economically viable fees to be paid to the contractors charged with carrying out removal, storage and disposal work. In this regard it is important to note that the purpose of the fees is to pay the costs of carrying out this important service; it is not intended to impose a penalty on vehicle owners, nor to act as an income generator for the Department or the police.

²[The Removal, Storage and Disposal of Motor Vehicles \(Amendment\) Regulations 2023 \(legislation.gov.uk\)](#)

Examples of the monetary increases resulting from this uplift are:

- £150 increased to £192 for the removal of a standard private car, found upright, on road and not substantially damaged;
- £250 increased to £320 for removal of a car that is substantially damaged;
- £20 increased to £26 for daily storage fees; and
- £75 increased to £96 for disposals.

³ [The Removal, Storage and Disposal of Vehicles \(Prescribed Sums and Charges etc.\) \(Scotland\) Regulations 2019 \(legislation.gov.uk\)](#)

20. While any increase in the level of fees may be unwelcome to vehicle owners, the safeguards outlined above operate to avoid any unfair disadvantage to them. Vehicle owners who are innocent victims of crime are not required under these Regulations to pay for the return of their vehicle. Those who are required to pay are vehicle owners who deliberately drive without insurance; have failed to heed a warning given by police; or have failed to pay a fine or other penalty imposed on them on conviction of an offence.
21. In consideration of all of these factors, it is considered that a review of the fees prescribed by the Department of Justice is now necessary to ensure that removal operations remain viable.

The Options

Option 1:

Do nothing - maintain fees at current levels.

22. As outlined above, the Department of Justice Regulations include safeguards to protect vehicle owners from being unfairly required to pay removal and storage fees, or give them a chance to prevent removals.
23. Doing nothing would mean no change for those vehicle owners who drive, or permit their vehicles to be driven without insurance, or in such a way as to cause alarm, distress or annoyance, or who have failed to pay a financial penalty.
24. Doing nothing would leave the fees prescribed by the Department of Justice in its Regulations at a considerably lower level than those set elsewhere in the United Kingdom, and those that can be set administratively in Northern Ireland.
25. A failure to provide for increased costs could result in contractors withdrawing their services on the basis that removal, storage and disposal work is no longer viable. The ramifications, should this occur, would potentially include inability on the part of the police to enforce the relevant laws, increased offending and danger to the public, and consequent diminution in public confidence in the criminal justice system.

Option 2:

Increase fees to reflect inflation and operational changes from 2008, and to maintain parity with fees in England and Wales.

26. An increase in fees in line with the changes already made in England and Wales would take account of inflation over the period since 2008 as well as increased operational costs and changes to operational requirements. It would also provide for a more consistent approach to the fees charged in Northern Ireland.
27. An increase would result in affected vehicle owners being required to pay more for the release of their vehicles, but would enable appropriate payment to contractors, making this work viable, and in so doing would remove a potential obstacle to maintaining this service.
28. Under this option the fees would be increased as set out in the tables below.

Removals				
Vehicle position and condition	Vehicle equal to or less than 3.5 tonnes MAM	Vehicle exceeding 3.5 tonnes MAM but equal to or less than 7.5 tonnes	Vehicle exceeding 7.5 tonnes MAM but less than 18 tonnes MAM	Vehicle exceeding 18 tonnes MAM
Vehicle on road, upright and not substantially damaged or any two wheeled vehicle whatever its condition or position on or off road	£192	£256	£448	£448
Vehicle excluding a two wheeled vehicle, on road but either not upright or substantially damaged or both	£320	£832	Unladen— £2561	Unladen— £3842
			Laden—£3842	Laden— £5763
Vehicle excluding a two wheeled vehicle, off road, upright and not substantially damaged	£256	£512	Unladen— £1281	Unladen— £1921
			Laden—£1921	Laden— £2561
Vehicle excluding a two wheeled vehicle, off road but either not upright or substantially damaged or both	£384	£1088	Unladen— £3842	Unladen— £5763
			Laden—£5763	Laden— £7684

Storage (for each period of 24 hours or part thereof)				
Two wheeled vehicle	Vehicle, not including a two wheeled vehicle, equal to or less than 3.5 tonnes MAM	Vehicle exceeding 3.5 tonnes MAM but equal to or less than 7.5 tonnes MAM	Vehicle exceeding 7.5 tonnes MAM but equal to or less than 18 tonnes MAM	Vehicle exceeding 18 tonnes MAM
£13	£26	£32	£38	£45

Disposal				
Two wheeled vehicle	Vehicle not including a two wheeled vehicle equal to or less than 3.5 tonnes MAM	Vehicle exceeding 3.5 tonnes MAM but equal to or less than 7.5 tonnes	Vehicle exceeding 7.5 tonnes MAM but equal to or less than 18 tonnes	Vehicle exceeding 18 tonnes MAM
£64	£96	£128	£160	£192

Consultation Questions

We would welcome responses to the following questions.

Question 1. Do you agree or disagree with Option 1: Do nothing - maintain fees at current levels? (please select)

Agree

Neither agree nor disagree

Disagree

Question 1. If you agree or disagree with Option 1, please give reasons.

Question 2. Do you agree or disagree with Option 2: Increase fees to reflect inflation and increased operational changes from 2008, and to maintain parity with fees in England and Wales? (please select)

Agree

Neither agree nor disagree

Disagree

Question 2. If you agree or disagree with Option 2, please give reasons.

Question 3 - Do you have any other comments or suggestions?

Question 4 – Do you consider there to be any rural or equality impacts arising from either of the options put forward in this consultation paper?

Privacy Notice

Annex A

Data Controller Name: Department of Justice (DOJ)

Address: Department of Justice,
Castle Buildings,
Stormont Estate,
BELFAST,
BT4 3SG

Email: FOI@justice-ni.gov.uk

Data Protection Officer Name: DOJ Data Protection Officer

Telephone: (028) 90378617

Email: DataProtectionOfficer@justice-ni.gov.uk

Being transparent and providing accessible information to individuals about how we may use personal data is a key principle of the Data Protection Act 2018 (DPA) ([Data Protection Act 2018 \(legislation.gov.uk\)](#)). The Department is committed to building trust and confidence in its ability to process your personal information and protect your privacy.

Purpose for processing

The Department will process personal data provided in response to consultations for the purpose of informing the development of policy, guidance, or other regulatory work in the subject area of the request for views. We may publish a summary of the consultation responses and, in some cases, the responses themselves but these will not contain any personal data. We will not publish the names or contact details of respondents but may include the names of organisations responding.

If you have indicated that you would be interested in contributing to further Departmental work on the subject matter covered by the consultation, then we might process your contact details to get in touch with you.

Lawful basis for processing

The lawful basis we are relying on to process your personal data is Article 6(1)(e) of the GDPR, which allows us to process personal data when this is necessary for the performance of our public tasks in our capacity as a Government Department.

We will only process any special category personal data you provide, which reveals racial or ethnic origin, political opinions, religious belief, health or sexual life/orientation when it is necessary for reasons of substantial public interest under Article 9(2)(g) of the GDPR, in the exercise of the function of the department, and to monitor equality.

How will my information be used and shared?

We process the information internally for the above stated purpose. We do not intend to share your personal data with any third party. Any specific requests from a third party for us to share your personal data with them will be dealt with in accordance with the provisions of the data protection laws.

Where do you get my personal data from?

- The personal data will originate from the person responding to the consultation.

Do you share my personal data with anyone else?

- We will not share your personal data with other organisations.

Do you transfer my personal data to other countries?

- No.

How long will you keep my information?

We will retain your data in line with 5.7 of Schedule 5 of the [DOJ Retention and Disposal Schedule](#)

We will retain consultation response information until our work on the subject matter of the consultation is complete, and in line with the Department's approved [Retention and Disposal Schedule](#)

What are your rights?

- You have the right to obtain confirmation that your data is being [processed, and access to your personal data.](#)
- You are entitled to have personal data [rectified if it is inaccurate or incomplete.](#)
- You have a right to have personal data [erased and to prevent processing,](#) in specific circumstances
- You have the right to ['block' or suppress processing](#) of personal data, in specific circumstances
- You have the right to [data portability](#), in specific circumstances
- You have the right to [object to the processing](#) in specific circumstances
- You have rights in relation to [automated decision making including profiling](#)

How to complain if you are not happy with how we process your personal information

If you wish to request access, object or raise a complaint about how we have handled your data, you can contact our Data Protection Officer using the details above.

If you are not satisfied with our response or believe we are not processing your personal data in accordance with the law, you can complain to the Information Commissioner at casework@ico.org.uk or write to

Information Commissioner's Office
Wycliffe House
Water Lane
Wilmslow
Cheshire
SK9 5AF