The Highland Council
Comhairle na Gàidhealtachd

The Highland Council
Environmental Health

Policy on Abandoned Vehicles

1. Purpose

This policy sets out how the Highland Council will carry out its statutory duties in relation to abandoned vehicles, using powers provided by:

a) Refuse Disposal (Amenity) Act 1978
b) Road Traffic Regulation Act 1984
c) Removal and Disposal of Vehicles Regulations 1986

2. Impact of Abandoned Vehicles

The Council recognises that abandoned vehicles are a blight on local communities and negatively affect the environment. In particular, abandoned vehicles:

a) Pose potential dangers, especially to children
b) Create risks of serious injury through fire or explosion
c) Attract crime and anti-social behaviour, including vandalism, graffiti and fly-tipping
d) Can pollute land and water through leaks of fuel and other fluids
e) Reduce the quality of life in neighbourhoods
f) Occupy valuable parking spaces, particularly in residential areas

3. Offences and Enforcement

Abandoning a vehicle is an offence under the Refuse Disposal (Amenity) Act 1978. The Council will consider prosecuting vehicle owners who abandon vehicles and will seek to recover all statutory costs where possible.

4. Principles for Dealing with Abandoned Vehicles

In dealing with abandoned vehicles, the Council will:

a) Take reasonable steps to identify and contact vehicle owners and allow them the opportunity to remove the vehicle;
b) Arrange removal in the most economical and safe manner possible;

c) Comply with the duty of care for waste and ensure contractors hold all required permissions, registrations and licences;
d) Follow all statutory procedures for the removal, storage and disposal of vehicles;
e) Recover statutory charges wherever possible;
f) Consider prosecution where appropriate.

5. Identifying an Abandoned Vehicle

In determining whether a vehicle is abandoned, the Council will consider the following factors:

- No registered keeper on the DVLA database and the vehicle is untaxed;
- The vehicle has remained stationary for a significant period (more than 6 weeks);
- The vehicle is substantially damaged, run-down or unroadworthy (e.g. flat tyres, missing wheels, broken windows);
- The vehicle is burnt out;
- One or more number plates are missing;
- The vehicle contains waste.

This list is not exhaustive. Note the presence of one or more factors does not automatically mean that a vehicle will be deemed abandoned. The Council will consider all relevant circumstances of each case before determining whether a vehicle has been abandoned.

The Council recognises that some vehicles may cause nuisance or inconvenience without meeting the legal tests for abandonment. Complainants will be advised of the appropriate enforcement body to report such nuisance vehicles to.

6. Vehicles on Private Land

Where an abandoned vehicle is located on private land, the Council notes that the duty to remove may not apply if the cost of relocating the vehicle to the nearest convenient carriageway is unreasonably high.

In such cases, decisions will be made on a case-by-case basis, taking account of relevant factors including the statutory charges set out in the Removal, Storage and Disposal of Vehicles (Prescribed Sums and Charges etc.) (Scotland) Regulations 2019.

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