

Nottinghamshire Police Stolen Vehicle Recovery Procedure - Guidance for members of the public

The Nottinghamshire Police Stolen Vehicle Recovery Procedure complies with the Association of Chief Police Officers (ACPO) Best Guidelines published in 2010.

Contents

Choosing your preferred method of recovery.....	1
How the Nottinghamshire Police Vehicle Recovery Scheme works.....	2
Arranging your own recovery and collection	2
Situations where we will use the recovery service despite your wishes.....	2
Vehicles involved in further crime or required for ongoing investigations.....	3
Burnt out vehicles.....	3
Additional storage costs.....	3
Why do we charge you for recovery and storage, even though you are the victim of crime?3	
On what legal basis do the police have the right to recover my stolen vehicle and charge me for the recovery?	4

Choosing your preferred method of recovery

When you report your vehicle as stolen, you will be asked by our operators how the police are to deal with the recovery of your vehicle should it be found. There are two options available, either the police vehicle recovery scheme or to make your own arrangements for recovery. Insurance companies increasingly have links to their own recovery schemes in these situations.

Nottinghamshire Police, like every police force nationally, operate a vehicle recovery scheme that is available to use should your vehicle be found. This service is available 24 hours a day, 7 days a week, 365 days a year with all the garages on the scheme fully vetted and approved by the police. **This service is not free and you are under no obligation to use this service.**

Tell the operator whether you wish to use the Police Vehicle Recovery Scheme or whether you wish to make your own arrangements for recovery. Your wishes regarding recovery will be noted on our computer system and you will be given a Crime Number. We will also take some contact details so we can let you know if we find your vehicle. You can, of course, change your mind at any time.

If you choose to arrange your own recovery, should we find your vehicle we will contact you using the details you gave us and let you know your vehicle's location. Please note this could be at any time, day or night. You may at this stage request that your vehicle be recovered under the Police Vehicle Recovery Scheme. Just tell the operator of your wishes.

How the Nottinghamshire Police Vehicle Recovery Scheme works

If you have agreed to use our recovery service, we will arrange the recovery of your vehicle while the officer waits for the tow truck to arrive. Our operators will then contact you and tell you which garage your vehicle has been transported to and the garage's contact telephone number. You can ring the garage and ask about the condition of your vehicle or the contents within the vehicle. The garage will only be able to tell you about any contents left in your vehicle, provided this will not destroy any forensic evidence.

If you are claiming on your insurance you are advised to notify your insurers that your vehicle has been recovered and give them the details of the garage. This will enable your insurers to process your claim and arrange recovery and repair of your vehicle once the police have finished any examinations.

Once any investigation has been concluded and your vehicle is ready to be released, the garage will contact you. You should then tell your insurer that the vehicle has been released to enable them to recover your vehicle as soon as possible and to reduce any additional storage cost.

Arranging your own recovery and collection

Should you wish to arrange your own recovery, an officer **will not** wait with your vehicle awaiting you or your vehicle recovery agent's attendance. Should your vehicle be further damaged whilst awaiting recovery, some insurers may decide not to cover cost of repairing the additional damage. This is because once your vehicle has been found you are obliged to take reasonable steps to avoid further damage to the vehicle.

Situations where we will use the recovery service despite your wishes

Please note, in some circumstances we may determine that your vehicle must be removed immediately regardless of your wish to arrange your own recovery. If an officer is present at the time the vehicle is found, they will risk assess the situation. We may decide to recover your vehicle if:

- ✓ the officer is unable to readily identify your vehicle due to damage or its location
- ✓ your vehicle is causing an obstruction or illegally parked
- ✓ it is unsafe for other road users and pedestrians to leave your vehicle at that location

or

- ✓ we have been unable to contact and notify you of your vehicles location and/or we decide to treat the vehicle as effectively abandoned

Should the officer decide that having carrying out their risk assessment the vehicle cannot be left in its location or condition, they will request it be recovered under the provisions of the Nottinghamshire Police Vehicle Recovery Scheme for which you will be charged. This request will be reviewed and authorised by a police inspector before any recovery is arranged to ensure it is appropriate.

Vehicles involved in further crime or required for ongoing investigations

In addition to the above situations, there are other occasions where we will recover your vehicle using the scheme despite your wishes to arrange your own recovery **and** where the vehicle could have been left safely for you to arrange collection. If your vehicle was involved in further crime, we may decide it requires recovery for further investigation. In such cases, we will recover your vehicle using the Nottinghamshire Police Vehicle Recovery Scheme to ensure it is stored in garage under controlled conditions and with appropriate forensic facilities. **You will not be charge for this recovery.** You will be advised that we have recovered your vehicle and which garage it has been transported to.

Once you are told your vehicle has been released you must arrange recovery within 24 hours or you will be charged additional storage costs.

Burnt out vehicles

Thief or vandals sometimes set fire to stolen vehicles. In such cases the vehicle may pose a significant threat to the health and safety of others and/or may be unidentifiable due to fire damage. In such cases the vehicle will be treated as abandoned and will be recovered using the Nottinghamshire Police Vehicle Recovery Scheme to enable identification and/or to remove the threat to the health and safety of others. In such cases you **may** be charged for this recovery.

Additional storage costs

The recovery and storage charges under the scheme are fixed by central government, not by Nottinghamshire Police or the duty garage. Under our scheme there are no storage charges whilst we are conducting any examinations relating to the theft or associated offences. Please note, should your vehicle be recovered by another police force, they may operate a different scheme and their charges for additional storage costs may be different from ours.

Once the garage has notified you that your vehicle is available for collection no storage charges will be incurred up to the following midday after it has been released. After this free period, if you have not collected your vehicle you will be charged for each 24 hours or part 24 hour period. This is why it is important to contact the garage as soon as we tell you where your vehicle has been taken, so they know how to contact you when the vehicle is released. It is also why you are advised to tell your insurance company when your car has been recovered and again when it is released, so they and you can avoid any further unnecessary costs.

Why do we charge you for recovery and storage, even though you are the victim of crime?

Nottinghamshire Police recovers over 2000 stolen vehicles each year and each of these recoveries and collection costs money. Notts Police cannot afford to pay these charges without it impacting on other services. We do not make a profit from these charges and they are intended to cover the cost of recovery and storage. No VAT is payable on these charges as these are statutory fees set by central government. Should you arrange your own recovery you will be charged VAT and the cost could be higher than the set statutory fees.

Except for the most basic minimal insurance cover, most insurance policies will cover costs associated with the theft of your vehicle (note: you may still need to pay an excess and affect your no claims bonus). You may wish to check your policy as the exact provisions vary between insurance companies and different levels of cover.

On what legal basis do the police have the right to recover my stolen vehicle and charge me for the recovery?

Legislation gives police the power to recover abandoned vehicles (including a stolen vehicle abandoned by the thief), vehicles causing an obstruction or danger to other road users and pedestrians (whether abandoned or not) and to charge for the recovery, storage and disposal of such vehicles.

Road Traffic Regulations Act 1984 Sections 99 –101

The cost of any such recovery and storage is determined by legislation and the amounts charged are set by central government.

Removal, Storage and Disposal of Vehicles (Prescribed Sums and Charges) Regulations 2008

The Courts have stated that the costs of recovery are to be paid by the owner of the stolen vehicle and that a Chief Constable can retain the vehicle until these recovery and storage costs are paid.

Service Motor Policies At Lloyds V. City Recovery Limited [1997] EWCA Civ 2073 (9th July, 1997)

Road Traffic Regulations Act 1984 Section 101

The recovery and storage fees are due to the force, though where agreed by the Chief Constable, they may be paid to removal operator.

Century Motors (Farnworth) Ltd, R (on the application of) v Greater Manchester Police Authority & Ors [1998] EWCA Civ 527 (24 March 1998)

Please note, this is not a definitive statement of the law. Should you require further advice on how the law applies to you, please consult a solicitor, law centre or the Citizens Advice Bureau.

Nottinghamshire Police Vehicle Recovery Manager

Tel 101 (if telephoning from within Nottinghamshire) extension 800 2142

If ringing from outside Nottinghamshire, please ring:

0115 9670999 ext 2142