

Procedure on Abandoned Vehicles

Carlow County Council



1. Existing Legislation

1.1 Waste Management Act, 1996, Section 71 of the Waste Management Act, 1996, as amended, states that a vehicle must not be abandoned on any land and that both a person who abandons a vehicle and the registered owner shall be guilty of an offence. The local authority must store the vehicle for a minimum of 4 weeks allowing an opportunity for the owner to claim the vehicle.

1.2 Litter Pollution Act 1997, the Council may issue a Notice pursuant to Section 3 and / or 9 of the Litter Pollution Act 1997, as amended, requiring the removal of an abandoned vehicle, which is defined as “litter” in accordance with the act. If this Notice is not complied with, within the timeframe specified in the Notice, the Council will arrange its removal under the Litter Pollution Act 1997, as amended, to an authorised treatment facility (ATF).

1.3 Road Traffic (Removal, Storage and Disposal of Vehicles) Regulations, 1971-1998
Primary Relevant legislation – allows towing from public road. The regulations specify that a vehicle which has been abandoned on a public road or in a car park may be removed by or on the authority of a road authority, and that where an officer or an Inspector of the Garda Síochána requests a road authority to remove an abandoned vehicle, the road authority shall comply with such request.

A road authority may take such steps, including the making of an arrangement with any person, as they think fit, for the removal of an abandoned vehicle in a particular case or generally, and for the storage of a vehicle so removed.

2. Potential Costs

There is a facility within Section 71 (6) Waste Management Act 1996, as amended to recoup costs incurred by Carlow County Council in the storage and management of a suspected abandoned vehicle. Section 71 (6) states that ‘A vehicle...shall be given to a person claiming the vehicle if’ they ‘pay to the local authority the amount of the expenditure reasonably incurred by the local authority in respect of the removal and storage of the vehicle’.

The cost of removal and storage of the vehicle will be recovered from the owner of the vehicle.

There is NO Charge for car owners to bring their vehicle to an Authorised Treatment Facility.

3. The Issues

Complaints relating to abandoned vehicles usually comprise the following:

- vehicles parked for a long period of time without being used
- vehicles being dumped 'overnight' in housing/industrial estates
- vehicles which are burned out, and
- vehicles which are categorised as stolen vehicles and in bad condition

On receipt of a complaint the Council must determine if vehicles are in fact abandoned. The following characteristics are generally common to abandoned vehicles, and one or more will be taken into consideration when determining if a vehicle is abandoned:

- they are untaxed and have no evident details of being on the motor tax register
- they are stationary for a significant period of time
- they are significantly damaged, poor state of repair or unroadworthy (flat tyres wheels removed, broken windows etc)
- they are burned out
- missing registration plates

It should be noted that certain complaints of "abandoned" cars are solely traffic matters and these are referred directly to the Gardai. Similarly, other reports relate solely to nuisance vehicles are not in fact abandoned, such as:

- vehicles poorly parked
- vehicles causing an obstruction
- vehicles involved in residential parking disputes
- Broken down vehicles
- Untaxed and uninsured vehicles

Potential Criminal Aspect to Abandonment, most members of public do not abandon vehicles which are free to bring to ATFs.

- Vehicle could be stolen
- Evidence chain
- Potentially could have been used in crimes, or left to be used in criminal activity
- Non registration of vehicle at time of sale an offence and matter for Gardai

4. PROCEDURE FOR DEALING WITH ABANDONED CARS

This procedure is to ensure the satisfactory removal of abandoned vehicles in compliance with existing environmental legislation in consultation with the relevant interested parties. When the environment section receives a complaint the following actions are taken to firstly determine if it is an abandoned vehicle and to manage the vehicle in the most appropriate way.

Figure 1: Flowchart demonstrating course of action when dealing with abandoned cars in County Carlow

