

**REPLY BY THE MINISTER OF
THE HOME DEPARTMENT
TO A QUESTION ASKED PURSUANT TO RULE 6 OF THE
RULES OF PROCEDURE BY DEPUTY LAURIE QUERPEL**

Question

Is there currently legislation in place to deal with abandoned vehicles?

Answer

There is no centralised approach for dealing with abandoned vehicles; there are different processes in place dependent upon where the vehicle has been left.

The Police have a responsibility for dealing with cars that have been abandoned on a public highway under the Road Traffic (Removal of Vehicles) Ordinance, 1969.

The Ordinance affords the Police statutory powers to remove and dispose of vehicles, but it should be noted that these powers apply only to vehicles abandoned on a public highway.

Question

Is this legislation being applied and is it effective?

Answer

It should be clear that the Road Traffic (Removal of Vehicles) Ordinance, 1969 is limited in what it may achieve with respect to tackling abandoned vehicles island wide. The Department is aware that concern has been raised over vehicles being advertised for sale on public land and left for long periods in public car parks; the Ordinance referred to above does not provide any assistance with remedying these issues.

Vehicles that are abandoned on a public highway are something the Guernsey Police take very seriously and the Ordinance is on the whole effective in assisting in their removal. However, care should be taken to distinguish between vehicles that are obviously abandoned which can become unsightly, potentially dangerous and generally degrade an area, and those which are just infrequently used. If a vehicle is insured, without dangerous bodywork, not causing an obstruction and not parked in a restricted area, it would not necessarily be classed as 'abandoned' merely because it is rarely used.

There is a good working relationship between Police and Parish Constables, with frequent environmental audits being conducted. During the last few years hundreds of clearly abandoned vehicles have been identified and removed from the island's roads and destroyed - 2010 = 143, 2011 = 188, 2012 = 147 and 2013 = 88 to date (18/10/13). However, in areas where there are infrequently used vehicles causing concern – parking restrictions such as '23 hour parking' or 'no parking' are considered in order to make the situation clear for residents, drivers and for enforcement purposes.

Question

If there is legislation in place and it is not proving to be effective, are there any plans for the Department to introduce more effective legislation, if so, when?

Answer

The Department recognises other Departments have a vested interest in and responsibility for addressing the issues and problems associated with abandoned vehicles. This issue is not limited to vehicles abandoned on a public road for which the Guernsey Police have responsibility.

The Environment Department as part of its business plan gave a commitment to prioritise this issue, it is understood that they are in the process of drafting a States Report on the matter and that consultation will take place in due course which the Home Department welcomes.

Question

The procedure in relation to abandoned boats, on the whole, seems to be effective and they are dealt with fairly quickly. Public notice is given, a date is set and if they are not claimed by that date they are removed. Could something similar be adopted in regard to abandoned vehicles?

Answer

The Department considers it would be appropriate to consider all such options as part of any future review.

Question

I have been informed that in the past Police Aware notices have been placed on abandoned vehicles and the vehicles have been removed after seven days. Is this correct and if so, is this practice still carried out or able to be carried out?

Answer

“Police Aware” notices are frequently used; they are placed on vehicles when a potential problem is identified and whilst enquiries are conducted to establish the owner of the vehicle. The notices do not and never have provided the Police with the power to remove vehicles from the public highway after a set period of time.

Date of Receipt of the Question: 17th October 2013

Date of Reply: 30th October 2013