

Section 59 Vehicle Seizures

Last Updated Monday, 30 April 2007

'Section 59' vehicle seizures
Notes for members

An opinion compiled from several sources - thanks all !

[click here for larger picture](#)

The Legislation:
Section 59 Police Reform Act 2002 states that -

Where an officer has reasonable grounds for believing that a motor vehicle is being used in a manner which contravenes Road Traffic Act Section 3 (Careless Driving) OR Section 34 (Driving elsewhere than on a road) AND also the manner of use of the vehicle is causing or has been causing or is likely to cause, alarm distress or annoyance to members of the public, Section 59 can be used to:-

initially give a written warning (valid for twelve months)

(commonly called a Section 59 Notice)

and on a subsequent occasion to seize the vehicle.

(it will probably end up in the crusher, or may be ransomed back to the owner)

A constable in uniform has the power to order the person driving to stop the vehicle, to seize and remove the vehicle, to enter any premises on which the officer has reasonable grounds for believing the motor vehicle to be and to use reasonable force. Seizure can made only if a warning has been given, or believed to have been given, or if a warning is clearly being ignored.

So, usually it's a two-stage process - a warning or notice first, seizure if you persist or repeat.

Full text of Police Reform Act section 59 here.
Section 3 Road Traffic Act –

3. If a person drives a motor vehicle on a road without due care and attention, or without reasonable consideration for other persons using the road, he is guilty of an offence.

(Examples are – wheel spinning, skidding, revving engine excessively, handbrake turns etc)
Section 34 Road Traffic Act (extract) –

34.—(1) Subject to the provisions of this section, if without lawful authority a person drives a mechanically propelled vehicle

(a) on to or upon any common land, moorland or land of any other description, not being land forming part of a road, or

(b) on any road being a footpath, bridleway or restricted byway,

he is guilty of an offence.

(So you may only drive on a 'road' - including BOATs. Note that using a Private road without permission is NOT a s.34 offence, it is a trespass, unless it happens to also be a Public Footpath etc.)

(2) It is not an offence under this section to drive a motor vehicle on any land within fifteen yards of a road, being a road on which a motor vehicle may lawfully be driven, for the purpose only of parking the vehicle on that land.

(For younger readers that's about 15m, but ONLY for parking)
Enforcement Issues:

This legislation includes mechanically propelled vehicles, not intended or adapted for use on the road (minimotos etc.), as well as road-legal motors.

Section 3 RTA will include car parks that are open to the public – and other areas where the public would be expected to have access.

The powers cannot be exercised unless the driver is BOTH using the vehicle anti-socially AND is committing either the section 3 or the section 34 offence. Someone driving in a way that might be considered anti-social but not committing either of these offences is not liable to having his vehicle seized, nor is someone committing a different motoring offence. Nor is someone driving sensibly on a footpath - though of course they are still liable to 'ordinary' prosecution under s.34 RTA.

Note that the officer at the time of the warning only has to have ‘reasonable grounds’ for believing that one of the offences has been committed, e.g. a believable report. It may transpire later that this is or was not the case, hence the guidelines below.

The warning is given to both the driver and the vehicle. This means that if either are subsequently stopped then a seizure may take place even if another driver is in the original vehicle, or the original driver is another vehicle….. be warned! The warning may be verbal, with paperwork to follow, or forms filled in on the spot. In either case the constable must make it clear what is happening.

Recommended Actions:

At the ‘scene’:

Firstly remain calm and polite. Getting hot under the collar may only lead to further offences (Public Order Act or Obstruction).

Establish what offence you have committed for the officer to initiate a Section 59 Warning or Seizure. It may be prudent to carry a print of the above legislation to discuss with the officer – many officers give out warnings because they have had a report of nuisance vehicles but do not understand the legislation in its entirety.

Ask if the officer intends to prosecute for the offence committed (some forces have a local policy to prosecute). Remember s.59 only applies if you may have already committed an offence, which could be prosecuted for anyway.

Ask the officer for his force number/collar number, name, station and name of his area Commander.

Ask for a copy of any paperwork you are asked to sign.

Do not be argumentative! But do know your onions – are you on a BOAT, UCR, private road etc and is the officer aware of its status?

Subsequent action:

If you have clearly done something wrong and are being prosecuted – get a solicitor….

If you have received a Section 59 warning and are unsure why, or feel that it was unjust or issued inappropriately then you need to establish your position.

Write to the Area Commander at the police station/area that the warning was issued and establish exactly what offence you committed (ie. Section 3 or 34) and what action is being taken. If you know they are prosecuting you then ask for Disclosure (this may be best done through a solicitor). Disclosure will be a pack of documents outlining the Prosecution case and should include witness statements, the officers statement, video copies and such like. This will give you a picture of the case against you in order to fight your corner.

Often at this stage a correctly worded letter or defence statement may negate any summons or court appearance if the warning was issued incorrectly or inappropriately. Keep to the facts and do not rant and rave about your thoughts on the local constabulary….