

Statutory Controls on Parking of Cars for Sale

Cleaner Neighbourhoods and Environment Act 2005

Section 3 of the Cleaner Neighbourhood and Environment Act 2005 (CNE) creates an offence of 'nuisance parking'. The Act states

- (1) A person is guilty of an offence if at any time—
- (a) he leaves two or more motor vehicles parked within 500 metres of each other on a road or roads where they are exposed or advertised for sale, or
 - (b) he causes two or more motor vehicles to be so left.
- (2) A person is not to be convicted of an offence under subsection (1) if he proves to the satisfaction of the court that he was not acting for the purposes of a business of selling motor vehicles.

Highways Act 1980

Section 147A of the Highways Act (HA) creates an offence of illegal roadside sales. The Act states;

- (1)no person shall, for the purpose of selling anything, or offering or exposing anything for sale, use any stall or similar structure or any container or vehicle, kept or placed on—
- (a) the verge of a trunk road or a principal road;
 - (b) a lay-by on any such road; or
 - (c) unenclosed land within 15 metres of any part of any such road,
- where its presence or its use for that purpose causes or is likely to cause danger on the road or interrupts or is likely to interrupt any user of the road.

The enforcement powers are delegated to the County Council as the Highway Authority and these powers cannot be further delegated.

Other Controls

Untaxed vehicles

DVLA works with VEAS (Vehicle Enforcement and Ancillary Services) and operates a fleet of wheelclamping vehicles from 24 pounds across the UK to identify and clamp untaxed vehicles on the public highway. Untaxed vehicles

can be reported to the DVLA who target vehicles area by area, from the nearest VEAS pound.

Abandoned Vehicles

An abandoned vehicle is generally acknowledged as being one that appears not to be in regular use and/or is not displaying a valid road disc (unless on private land with the landowner or occupier's permission) for which no owner can be found.

The Refuse Disposal (Amenity) Act gives Councils the power to remove abandoned vehicles having firstly fixed a notice to the vehicle stating their intention to remove it and made all reasonable efforts to identify the owner.

By inference a vehicle advertised as being for sale is not abandoned.