

Section 59 Warning

- Where a constable in uniform has reasonable grounds for believing that a motor vehicle is being, or has been used, on any occasion in a manner which:
- Contravenes Section 3 (careless and inconsiderate driving) or Section 34 (prohibition of off road driving / riding) of the Road Traffic Act 1988, AND
- Is causing or is likely to cause harassment, alarm , distress or annoyance to members of the public,



S59 Cont

- The officers will have the following powers:
- If the motor vehicle is moving, to order the person driving it to stop the vehicle.
- To **seize and remove the motor vehicle**
- For the purposes of exercising a power falling within paragraph 1 part 2, you can enter any premises (other than a private dwelling) on which you have reasonable grounds for believing the motor vehicle to be.
- You can use reasonable force, if necessary, in the exercise of any power conferred above



S59 Cont

- However, in order to enforce the above, a Section 59 Notice must be given to the person before seizing the vehicle. This notice is issued to the **vehicle and the driver** – if the driver is found committing the offence again in a different vehicle, then that vehicle may be seized. If the same vehicle is found committing the offence again with a different driver, then the vehicle can still be seized. Only one notice can be issued in a 12 month period. A PNC report should be placed on the vehicle to reflect that. Please state on form for the report to last on PNC for 12 months and not 28 days.
- A copy of the PNC report to be sent to Insp MEIR



OPERATION HERCULES

Seizing Modified vehicles or those racing

Any vehicle participating in racing or trialling (can include driving up and down at speed/driving in anti social manner in front of spectators) will fall outside the terms of any insurance policy that may be held. This is also the case when vehicles have modifications that have not been disclosed to their insurer or are dangerous.

Some examples may include – racing ‘non standard’ steering wheel, race seats, back seats removed, roll cage, vehicle lowered to not allow clearance over wheel arch, tints Basically any modification that has not been disclosed can mean they are not insured!

What this means

You can seize the vehicle under section 165 RTA (using a vehicle with no insurance) as you believe it is being driven outside the terms of the policy.

What do I do next?

- 1) Create oasis Log (Op Hercules) and request recovery
- 2) Complete TPO for No Insurance and any other offences disclosed (but do not submit until Op Piranha have completed enq's
- 3) Production of documents must be at West Bromwich Police Station marked for Op Piranha
- 4) Email Operation_Piranha with vehicle details including photos of modifications to allow follow up enquiries with insurance company
- 5) Don't forget to submit your IMS!

