

Bath Road Car Park

Appendix 2

Section 59 Notices are used by Police when Vehicles are used in manner causing alarm, distress or annoyance

(1) Where a constable in uniform has reasonable grounds for believing that a motor vehicle is being used on any occasion in a manner which-

(a) contravenes section 3 or 34 of the Road Traffic Act 1988 (c. 52) (careless and inconsiderate driving and prohibition of off-road driving), and
(b) is causing, or is likely to cause, alarm, distress or annoyance to members of the public,
he shall have the powers set out in subsection (3).

(2) A constable in uniform shall also have the powers set out in subsection (3) where he has reasonable grounds for believing that a motor vehicle has been used on any occasion in a manner falling within subsection (1).

(3) Those powers are-

(a) power, if the motor vehicle is moving, to order the person driving it to stop the vehicle;
(b) power to seize and remove the motor vehicle;
(c) power, for the purposes of exercising a power falling within paragraph (a) or (b), to enter any premises on which he has reasonable grounds for believing the motor vehicle to be;
(d) power to use reasonable force, if necessary, in the exercise of any power conferred by any of paragraphs to (a) to (c).

(4) A constable shall not seize a motor vehicle in the exercise of the powers conferred on him by this section unless-

(a) he has warned the person appearing to him to be the person whose use falls within subsection (1) that he will seize it, if that use continues or is repeated; and

(b) it appears to him that the use has continued or been repeated after the warning.

(5) Subsection (4) does not require a warning to be given by a constable on any occasion on which he would otherwise have the power to seize a motor vehicle under this section if-

(a) the circumstances make it impracticable for him to give the warning;
(b) the constable has already on that occasion given a warning under that subsection in respect of any use of that motor vehicle or of another motor vehicle by that person or any other person;
(c) the constable has reasonable grounds for believing that such a warning has been given on that occasion otherwise than by him; or
(d) the constable has reasonable grounds for believing that the person whose use of that motor vehicle on that occasion would justify the seizure is a person

to whom a warning under that subsection has been given (whether or not by that constable or in respect the same vehicle or the same or a similar use) on a previous occasion in the previous twelve months.

(6) A person who fails to comply with an order under subsection (3)(a) is guilty of an offence and shall be liable, on summary conviction, to a fine not exceeding level 3 on the standard scale.

(7) Subsection (3)(c) does not authorise entry into a private dwelling house.

(8) The powers conferred on a constable by this section shall be exercisable only at a time when regulations under section 60 are in force.

(9) In this section-

"driving" has the same meaning as in the Road Traffic Act 1988 (c. 52);

"motor vehicle" means any mechanically propelled vehicle, whether or not it is intended or adapted for use on roads; and

"private dwelling house" does not include any garage or other structure occupied with the dwelling house, or any land appurtenant to the dwelling house.