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**Association of Chief Police Officer of England,
Wales & Northern Ireland**

GUIDANCE ON THE SEIZURE, RETENTION AND DISPOSAL OF UNINSURED MOTOR VEHICLES/ MOTOR VEHICLES DRIVEN BY UNLICENCED DRIVERS

Status: This operational guidance is published by the ANPR Steering Group and was approved through the Head of the Road Policing Business Area on 1 July 2005. It has been developed to assist forces standardise the introduction of powers to seize vehicles under the The Road Traffic Act 1988 (Police Retention and Disposal of Motor Vehicles) Regulations 2005. It has been audited in line with ACPO requirements, is disclosable under the Freedom of Information Act 2000 and subject to Copyright.

This Guidance is issued to each chief constable with the recommendation that they should adopt the doctrine and implement it as appropriate in their own force (ACPO Articles of Association. Accepted by ballot of Members in October 2006)

**Implementation
Date:**

1 September 2006

Review Date:

September 2009

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Introduction

This operational guidance has been reviewed and will serve to standardise force procedures in relation to the seizure of uninsured vehicles and vehicles driven without a valid driving licence.

This legislation was welcomed by the Police Service and has the fullest Ministerial, Home Office, Department for Transport and ACPO support in its aim to significantly reduce the number of uninsured motor vehicles and unlicensed drivers on UK roads. It will significantly impact on ACPO Uniform Operations Business Area's ability to deliver safer roads commensurate with its Strategic Assessment.

The policy continues to evolve and will be greatly enhanced with the complete roll to all police forces of the MIB Police Helpline, by October 2007.

CC Frank Whiteley
ACPO ANPR Lead
Uniform Operation Business Area.

1. The Law – Section 152 Serious Organised Crime & Police Act 2005

1.1 With the commencement of this part of the Serious Organised Crime & Police Act 2005 constables in uniform now have the power to seize uninsured motor vehicles and vehicles driven without a licence provided certain conditions are satisfied.

1.2 To seize a vehicle any of following conditions must be satisfied:-

The first condition is that:

- (a) A constable in uniform requires, under section 164, a person to produce his licence and its counterpart for examination,
- (b) The person fails to produce them, and
- (c) The constable has reasonable grounds for believing that a motor vehicle is or was being driven by the person in contravention of section 87(1).

The second condition is that-

- (a) A constable in uniform requires, under section 165, a person to produce evidence that a motor vehicle is not or was not being driven in contravention of section 143,
- (b) The person fails to produce such evidence, and
- (c) A constable has reasonable grounds for believing that the vehicle is or was being so driven.

The third condition is that-

- (a) A constable in uniform requires, under section 163, a person driving a motor vehicle to stop the vehicle,
- (b) The person fails to stop the vehicle, or to stop the vehicle long enough, for the constable to make such lawful enquiries as he considers appropriate, and
- (c) A constable has reasonable grounds for believing that the vehicle is or was being driven in contravention of section 87(1) or section 143.

Section 87(1) relates to driving a motor vehicle on a road other than in accordance with a driving licence for that class of vehicle.

Section 143 relates to driving a motor vehicle without a valid certificate of insurance to cover its use.

Both sections are from the RTA 1988.

1.3 A constable in uniform may seize the vehicle and have it removed. The power may be exercised anywhere other than a private dwelling and if necessary reasonable force can be used. If the constable is unable to seize the motor vehicle immediately as the person failed to stop. He may seize the vehicle at any time within 24hrs.

1.4 A constable in uniform prior to seizing the motor vehicle must clearly warn the driver that the vehicle may be seized, UNLESS he/she produces their driving licence and its counterpart immediately or provides a valid certificate of insurance for his/her use of that motor vehicle. This warning need not be given if the circumstances make it impractical to do so.

Part 2

*This generic operational guidance is based on the Regulation that became effective on the **6th July 2005**. The whole rationale behind the statutory instrument is to remove vehicles from the road and public places that are uninsured and vehicles where the driver is not the holder of a current valid driving licence. This is regarded at Ministerial level as core police business. It is nevertheless acknowledged that this guidance may well be subject to minor variation in local procedure and protocols at force level, for example, where a force has in place a contractual arrangement with a recovery agent as opposed to in force recovery. **It is intended that this guidance be subject of periodic review. Any comments should be forwarded to the ACPO Uniform Operations Staff Office.***

2. Operational Guidance

Safe Keeping of Motor Vehicles

- 2.1 Once a vehicle has been seized by police, it will remain in their possession, or the possession of an authorised person (the 'Authority') until it has been released into the possession of the registered keeper, the owner, the owner's nominee or has been disposed of under the Regulation.
- 2.2 The driver/registered keeper/owner should be encouraged to remove and retain personal property from the vehicle prior to removal by the authorised person. Officers should consider making a note in their PNB and obtaining a signature from the driver/registered keeper/owner stating the vehicle does not contain any valuable property.
- 2.3 After seizure the "Authority" shall be under a duty to take all reasonable steps to keep the motor vehicle safe.

3. Seizure

- 3.1 Once a vehicle has been seized a constable must give a "seizure notice" together where appropriate with a HORT/1 to the driver of the vehicle.
- 3.2 It naturally follows that where there is reasonable grounds to seize a vehicle under these regulations the offending driver/registered keeper/owner will be subject of a prosecution file for no insurance/ no driving licence or alternatively be issued with a FPN for no insurance.
- 3.2. The "Authority" shall as soon as possible after taking possession the vehicle give a seizure notice to the person who is the registered keeper and to the owner, if it is someone different; except where (a) the notice has already been given or (b) the vehicle has been released from their possession.
- 3.3 Immediately a vehicle is seized it is imperative that forces ensure PNC entries relating to the vehicle are accurately updated in a timely manner as a Police Interest Report.
- 3.4 It is appropriate to remind all officers to maintain a consistent approach to vehicle seizures particularly for no insurance offences. Nevertheless, there may be those occasions where officers will use their discretion wisely and consider that it would be proportionate, if possible to allow the driver to take out insurance at the roadside, albeit that he/she will still be issued with a fixed penalty notice or alternatively reported for summons for the offence of Using a motor vehicle with No Insurance This may occur were seizing the vehicle would

adversely impact on the welfare of the occupant e.g. vulnerable adults or young children.

- 3.5 Before any vehicle is released at the roadside the officer must have positive confirmation that a policy of insurance for the driver to drive that vehicle is in place.

4. Seizure Notices

- 4.1 The Notice must include the following information:

- a) The place where the vehicle was seized
- b) The place where the vehicle is stored
- c) That the registered keeper or the owner of the vehicle is required to claim the vehicle from the "Authority" on or before the date specified on the notice, being a date not less than 7 working days (excluding Saturdays Sundays Bank Holidays) from when the notice was given to the registered keeper or owner. For clarification recovery operators can charge storage fees for Saturday and Sunday. Regulation 6 RTA 1988 (Retention and Disposal of Seized Motor Vehicles 2005 provides that the charge relates to each period of 24 hrs or part thereof that a vehicle is held, calculating from noon on the first day after seizure during which the **business is open** before noon for the vehicle to be reclaimed. So, if someone claims on Monday afternoon, from an operator who is open at the weekend, a vehicle seized on the proceeding Friday, he would have to pay for the 24 hours from noon Saturday, for the 24 hours from noon Sunday and for the part of 24 hours from noon Monday until he made his claim.
- d) That unless the vehicle is claimed on or before that date the "Authority" intends to dispose of it
- e) That all charges in relation to the seizure and retention must be paid
- f) That the registered keeper or owner of the vehicle must produce at a specified Police Station:
 - (i) A valid certificate of insurance covering his/her use of that vehicle and a valid licence authorising him to drive that vehicle
 - or
 - (ii) Nominate a third person who is able to produce at a specified Police Station a valid certificate of insurance covering that nominee's use of that vehicle and a valid licence authorising that nominated person to drive that vehicle.

The vehicle may be retained until these requirements are satisfied

5. Seizure Notice Procedure – driver not the register keeper/owner

- 5.1 The seizure notice shall also be given to the registered keeper/owner if this is not the driver. This can be achieved by sending it by registered mail (special Mail) to:
- (a) The last known address of the registered keeper
 - or
 - (b) The address on the vehicle register, or in the case of the owner, if this is different, at their usual or last known address. The notice can also be left at either of the above addresses

- (c) Where the vehicle is registered to a business, to the secretary or the clerk at its registered or principal office.

5.2 Disclaimer

- 5.2.1 In appropriate cases there is nothing in the Regulations that precludes a police constable, at the time of seizure or at the time of release of the vehicle, from seeking the driver's agreement against signature on a disclaimer form to dispose of the vehicle, provided they are also the registered keeper/owner. It needs to be understood that the vehicle has to be retained for a minimum of 14 days.

6. Release of Vehicles

- 6.1 Before the 'Authority' releases a seized motor vehicle, the driver/registered keeper/owner must:

- a) Prove they are the registered keeper/owner of the vehicle
- b) Pay all charges for the removal and retention
- c) Produce at the police station specified on the notice a valid certificate of insurance covering their use of the vehicle and a valid licence authorising them to drive it.

- 6.2 Occasionally the driver of a vehicle will be unable to satisfy the document requirements i.e. they will not have a valid licence or certificate of insurance. Provided they can prove they are the registered keeper/owner and have paid the relevant fees they can nominate a third person to remove the vehicle.

- 6.3 The third person must have a valid driving licence and a certificate of insurance covering that person to use that vehicle.

- 6.4 When the driver nominates a third person to collect their vehicle having satisfied the payment and ownership requirement. It would be useful for the Officer/Police Staff to whom the driving documents are produced to ask the following:

Does

- This** certificate of insurance/ driving licence cover
- This** person to drive
- This** vehicle for
- This** purpose on
- This** day?

Each of these elements is considered in turn.

- 6.5 Primary proof of ownership will be the production of the V5 vehicle log for the motor vehicle seized by police. However, there maybe occasions when this is not readily available and the driver/registered keeper/ owner may rely on other satisfactory documentary proof.

- 6.6 It is a matter for each individual force to put in place a procedure that allows for ease of release of the vehicle from police possession. Some force will devolve this responsibility to their agents whilst some may decide to operate the scheme "in house" It is suggested that consideration be given to a simplistic system based on a comparison of signature on the seizure notice with a signature obtained from the recipient taking possession of the motor vehicle

7. Liability

- 7.1 A person who would otherwise be liable to pay retention and removal fees shall not be liable if:
- a) They were not driving the vehicle at the time it was seized
and
 - b) Did not know that the vehicle was being driven at the time at which it was seized and could not by taking reasonable steps prevent it from being driven.

8. Charges

- 8.1 The fees for vehicle removal will be £105.00. The fees for retention of the vehicle over a twenty-four hour period or part thereof will be £12.00. For clarification recovery operators can charge storage fees for Saturday and Sunday. Regulation 6 RTA 1988 (Retention and Disposal of Seized Motor Vehicles 2005 provides that the charge relates to each period of 24 hrs or part thereof that a vehicle is held, calculating from noon on the first day after seizure during which the **business is open** before noon for the vehicle to be reclaimed. So, if someone claims on Monday afternoon, from an operator who is open at the weekend, a vehicle seized on the proceeding Friday, he would have to pay for the 24 hours from noon Saturday, for the 24 hours from noon Sunday and for the part of 24 hours from noon Monday until he made his claim.
- 8.2 Home Office in the interest of consistency have decided on the fees remaining at the same level as other removal legislation for the present. We are given to understand that a review of these charges by the Home Office is ongoing.

9. Disposal of Seized Vehicles

- 9.1 Where the registered keeper/owner fails to comply with the seizure notice the 'Authority' may, after having taken all reasonable steps to serve a seizure notice on the registered keeper or owner, dispose of the vehicle subject to the following:
- (a) The 'Authority' may not dispose of the vehicle during the first 14 days from the date when the vehicle was seized. There may be occasions when having claimed the vehicle the driver cannot meet the requirements of the Regulations, if this is the case the vehicle cannot be disposed of for a further seven days from this date.
- 9.2. If at the time when the vehicle is seized the driver is not the registered keeper or the owner then the vehicle cannot be disposed of. The earliest date for disposal will be 14 days from the date when the registered keeper/owner was informed and in rare exceptional circumstances this could be a maximum of 28 days.
- 9.3 When a vehicle has been disposed of either by resale or by being scrapped, the DVLA must be informed immediately by the 'Authority' of the circumstances on form V28. The police interest notice on PNC should also be updated immediately.

10. **Proceeds of Sale**

10.1 If a vehicle is disposed of, any net proceeds from the sale shall be paid to the registered keeper/owner of the vehicle providing they can satisfy the "Authority" that he/she is the owner. This has to be complied with within 12 months of the date of the sale. If more than one person claims ownership, the "Authority" shall decide the owner for the purpose of payment. Net proceeds of sales means any profits from the sale after the costs of removal, retention and sale have been deducted.

11. **Forms**

11.1 Attached to this guidance are suggested templates for the notice of seizures and disclaimer forms.

(Template for suggested)

Seizure Notice

(Name of)POLICE/CONSTABULARY

Section 165A-C Road Traffic Act 1988

On day 200 at am/pm
At (specify location)
A vehicle (VRM) namely
(Make / model)
Was driven by you (name)
(D.o.b)
(Address)

• Without there being a valid certificate of insurance in force in respect of that vehicle

AND/OR

• Without a valid driving licence to cover that category of vehicle

And you failed to produce immediately a certificate of insurance / driving licence.

The vehicle has been seized by police and will be taken to

.....
Pound/Police station (full address)

To get your vehicle back you / the owner / the registered keeper or nominee must:-

• Produce a valid certificate of Insurance and driving licence at one of the following Police Stations where a record of the documents produced will be made and release will be authorised. Please note that if a nominated person is collecting the vehicle then a registration document, letter from the registered keeper or attendance of the owner may be required to authorise the release to that person.

(include location of Police Stations in force where driving documents can be produced)

• Attend the recovery firm and pay all charges in relation to the removal (£105) and storage (£12 per day) to the recovery operator

You must do this within 7 Days or the vehicle can be sold or scrapped

Your vehicle has been seized by the under powers granted the police by Section 165A Road Traffic Act 1988 and in accordance with Statutory Instrument 2005 No. 1606 - The Road Traffic Act 1988 (Retention and Disposal of Seized Motor Vehicles) Regulations 2005

Officer
PC
Station
Div
Signature

IMPORTANT INFORMATION FOR THE IMMEDIATE ATTENTION OF THE PERSON IN RECEIPT OF THIS NOTICE

You have been issued this notice because the police officer named on the notice has reason to believe that you have committed an offence under the Road Traffic Act 1988 in relation to Insurance or Driving Licences and your vehicle has been

seized under powers granted the police by Section 165A Road Traffic Act 1988 and in accordance with Statutory Instrument 2005 No. 1606 - The Road Traffic Act 1988 (Retention and Disposal of Seized Motor Vehicles) Regulations 2005. To get your vehicle back you/ the owner/ the registered keeper or a nominated third party must produce:

1. A valid certificate of insurance authorising the person producing to drive the vehicle in question.
2. A valid Driving Licence authorising the person producing to drive the class of vehicle in question.

These must be produced at one of the Police stations stated on the notice **within 7 days** of receipt of this notice. Only these stations are equipped to deal with your production so please do not attempt to produce your documents at a station not listed.

Please note that if a nominated person is collecting the vehicle then a registration document, letter from the registered keeper or attendance of the owner may be required to authorise the release to that person.

Once these conditions are satisfied the recovery operator that is storing the vehicle will be notified that the vehicle can be released to the person who has produced the necessary documents. Once the charges in relation to the removal and storage of the vehicle are paid to the recovery firm the vehicle will be released. The charges subject to this legislation are:

- a) £105 in respect of the vehicles removal; **AND**
- b) £12 for each period of 24 hours or a part thereof during which the vehicle is impounded

If you do not comply with these instructions then the seized vehicle will be sold or scrapped according to - The Road Traffic Act 1988 (Retention and Disposal of Seized Motor Vehicles) Regulations 2005

The offence(s) that you have committed will be dealt with in one of two ways:

- 1) You will be issued a Fixed penalty notice in which case please refer to the information on the rear of the ticket.
- 2) You will be reported for summons and will receive a summons to attend court through the post. The information sent to you will explain what your responsibilities are in relation to this.

POLICE (Force Name)

(Template for suggested)

FORM OF DISCLAIMER

I [Full name],
of
.....
.....
.....
.....

[Full address with postcode]

declare that I am the registered keeper/owner and have legal title to the vehicle

of [make/model] motor vehicle

Vehicle Registration Number

Having the right to legal ownership I hereby disclaim all rights and property in that vehicle and agree to the Police taking possession of the said property and disposing of it as they see fit.

Signature

Print Name Date

Witnessed by

Signature Warrant/Force No

Print Name Date



WORKBOOK FOR THE CREATION OF ACPO GUIDANCE/PRACTICE ADVICE

The first page of this document, duly completed, must be emailed to the ACPO Office at registration@acpo.pnn.police.uk immediately the work has been commissioned so that it can be registered as a new project and a unique reference number generated

Title of Draft Guidance/Practice Advice Document

Review of Guidance for Seizure of Vehicles under Section 152 of Serious and Organised Crime Act 2005

ACPO Reference Number

Unique reference number: 7/2006

ACPO Commissioning

Name of ACPO Business Area:	Uniform Operations
Head of Business Area commissioning the work:	CC Frank Whiteley (portfolio holder for ANPR)
Date Authorised:	23 January 2006
Projected date of completion:	August 2006

Person Completing Work Book

Name: CC Frank Whiteley	Force Address: Stanborough Road, Welwyn Garden City, Herts, AL8 6XF
Email address: staffoffice@herts.pnn.police.uk	Contact Tel. No: 01707 354511

Date the first page of this Workbook was completed and forwarded to the relevant ACPO Policy Officer:

24 January 2006

For ACPO use only

Name of the ACPO Policy Officer:	
Date QA check completed:	
Date referred to HBA:	
Date Guidelines/Practice Advice signed off by HBA:	

**SECTION A - FOR USE ONLY WHERE AN EXISTING GUIDANCE OR PRACTICE
ADVICE DOCUMENT IS BEING AMENDED AS THE RESULT OF A REVIEW**

A.1 Title of original document:

Review of Guidance for Seizure of Vehicles under Section 152 of Serious and Organised Crime Act 2005

A.2 Date of publication of original document:

July 2005

SECTION B – IMPACT UPON OTHER ACPO BUSINESS AREAS

B.1 Give details of the impact on/dependencies with other ACPO Business Areas and existing Guidance/Advice

nil

If B.1 applies, please inform the relevant ACPO Policy Officer who will consult across other business areas

**SECTION C - ACPO EQUALITY IMPACT ASSESSMENT TEMPLATE (DIVERSITY
AUDIT) AS AGREED WITH THE CRE**

C1. Identify all aims of the guidance/advice

C.1.1 Identify the aims and projected outcomes of the guidance/advice:

To provide operating guidance to Police Staff and assist forces to standardise the process of seizing motor vehicles

C.1.2 Which individuals and organisations are likely to have an interest in or likely to be affected by the proposal?

All motorist and enforcement agencies

C2. Consider the evidence

C.2.1 What relevant quantitative data has been considered? n/a

Age	
Disability	
Gender	
Race	
Religion / Belief	
Sexual Orientation	

C.2.2 What relevant qualitative information has been considered? n/a

Age	
Disability	
Gender	
Race	
Religion / Belief	
Sexual Orientation	

C.2.3 What gaps in data/information were identified? n/a	
Age	
Disability	
Gender	
Race	
Religion / Belief	
Sexual Orientation	
C.2.4 What consideration has been given to commissioning research? n/a	
Age	
Disability	
Gender	
Race	
Religion / Belief	
Sexual Orientation	

C3. Assess likely impact

C.3.1 From the analysis of data and information has any potential for differential/adverse impact been identified? n/a	
Age	
Disability	
Gender	
Race	
Religion / Belief	
Sexual Orientation	
C.3.2 If yes explain any intentional impact: n/a	
Age	
Disability	
Gender	
Race	
Religion / Belief	
Sexual Orientation	
C.3.3 If yes explain what impact was discovered which you feel is justifiable in order to achieve the overall proposal aims. Please provide examples: n/a	
Age	
Disability	
Gender	
Race	
Religion / Belief	
Sexual Orientation	
C.3.4 Are there any other factors that might help to explain differential /adverse impact? n/a	
Age	
Disability	
Gender	
Race	
Religion / Belief	
Sexual Orientation	

C4. Consider alternatives

C.4.1 Summarise what changes have been made to the proposal to remove or reduce the potential for differential/adverse impact:
No adverse impact is anticipated by the inclusion of the amendments to the existing document.
C.4.2 Summarise changes to the proposal to remove or reduce the potential for differential/adverse impact that were considered but not implemented and explain why this was the case:
N/A
C.4.3 If potential for differential/adverse impact remains explain why implementation is justifiable in order to meet the wider proposal aims:
N/A

C5. Consult formally

C.5.1 Has the proposal been subject to consultation? If no, please state why not. If yes, state which individuals and organisations were consulted and what form the consultation took:
All police forces in England and Wales have been consulted and views sought on the Guidance document
Age
Disability
Gender
Race
Religion / Belief
Sexual Orientation
C.5.2 What was the outcome of the consultation?
A revised Guidance document has been developed.
Age
Disability
Gender
Race
Religion / Belief
Sexual Orientation
C.5.3 Has the proposal been reviewed and/or amended in light of the outcomes of consultation?
Yes
C.5.4 Have the results of the consultation been fed back to the consultees?
Yes

C6. Decide whether to adopt the proposal

C.6.1 Provide a statement outlining the findings of the impact assessment process. If the proposal has been identified as having a possibility to adversely impact upon diverse communities, the statement should include justification for the implementation:
n/a

C7. Make Monitoring Arrangements

C.7.1 What consideration has been given to piloting the proposal?
Guidance already in operation since July, 05 in forces using powers to seize. This legislation brought onto the statue by a democratically elected Government and has passed all the tests in relation to HR and discrimination.
C.7.2 What monitoring will be implemented at a national level by the proposal owning agency and/or other national agency?
Monitoring of the effectiveness of the Guidance will be carried out by ACPO Uniform Operations Business Area
C.7.3 Is this proposal intended to be implemented by local agencies that have a statutory duty to impact assess policies? If so, what monitoring requirements are you placing on that agency?
n/a

C8. Publish Assessment Results

C.8.1 What form will the publication of the impact assessment take?
<i>There is no requirement for an audit to take place.</i>

SECTION D - HUMAN RIGHTS REVIEW

D1. Does the proposal have significant human rights implications, either for the public or for the Police Service? Answer YES or NO:

No

If NO, go straight to Section E

If YES, answer the following questions and consider seeking legal advice

D.1.1. Who will be affected by this proposal?

- *Consider not only the direct subject of the proposal, but also other people who may be affected (e.g. bystanders, victims, general public, police staff, subject's family)*

N/a

D.1.2 Which of their rights are being protected?

- *E.g. the right to life; right to security; freedom of belief, expression or assembly; right to family life; right to privacy; right to property*

N/a

D.1.3 For each person or group of people, which of their Convention rights may the proposal potentially interfere with and how?

- *E.g. right to life; prohibition of degrading treatment; right to liberty; right to fair trial; right to due process; right to privacy; freedom of belief, expression, assembly and association*

N/a

Answer the following questions in respect of each interference with a right.

D.1.4 Is the interference legal? Explain in full:

- e.g. European legislation, Act of Parliament, statutory instrument, statutory codes, common law

N/a

D.1.5. Is the interference necessary? Explain in full:

- It may for example be justified if it protects others' rights, e.g. right to life; right to security; freedom of belief, expression or assembly; right to family life; right to privacy; right to property
- What "legitimate aims" under the Convention are being pursued in interfering with the right?

N/a

D.1.6 Is the interference proportionate? Explain in full:

- What practical alternative actions are available? Will any of these not interfere or interfere less with a right? If they will, why are they not being used?
- Is the interference the least intrusive means available?

N/a

D.1.7 Having considered the above points, do you consider that the proposal -
(a) Breaches a Convention right? YES or NO:

No

(b) Is vulnerable to challenge? YES or NO

No

Note: interference with a right does not equal a breach – if an interference is justified, there is no breach.

If the answer to (a) or (b) above is YES and you consider that there is a breach of a Convention right or that the proposal is vulnerable to challenge, seek legal advice.

SECTION E - DATA PROTECTION REVIEW

E.1 Does this proposal relate in any way to the processing of personal data? Answer YES or NO. If NO, go straight to Section F.

If YES, outline how it complies with the Data Protection Act, listing the principles summarised below. The ACPO Data Protection and FOI Portfolio Group will provide assistance in identifying and addressing compliance:

Yes, this is governed by all the checks and balances already in place in relation to the PNC, MIDAS database and MIIC protocols.

The Principles:

- Personal data shall be processed fairly and lawfully ...*
- Personal data shall be obtained only for one or more lawful purposes ...*
- Personal data shall be adequate, relevant and not excessive in relation to the purpose for which it is processed*
- Personal data shall be accurate and, where necessary, kept up to date*

- e) *Personal data processed for any purpose shall not be kept longer than is necessary for that purpose*
- f) *Personal data shall be processed in accordance with the rights of data subjects under the Act*
- g) *Appropriate technical and organisational measures shall be taken against unauthorised or unlawful processing of personal data ...*
- h) *Personal data shall not be transferred to any country outside the European Economic Area (EEA) unless the country or territory ensures an adequate level of protection for the rights and freedoms of data subjects in relation to processing of personal data*

SECTION F - HEALTH & SAFETY REVIEW

F.1 Does this proposal have significant health and safety implications for the public or for police staff? Answer YES or NO.

No

If YES, answer questions F.2. & F.3. If NO, go straight to Section G1.

F.2 Explain how the risks to health and safety have been assessed and what control measures have been put in place:

F.3 What are the health and safety duties and who is responsible for them? Explain in full:

SECTION G - BUREAUCRACY REVIEW

G.1 List the forms or databases that police staff will be required to complete as part of this proposal:

(1) Seizure notice –Driver copy Driver document receipt. (2) Seizure notice – owner copy/Document receipt, (3) Form of Disclaimer – if applicable.

G.2 Give details of how you have reviewed the need for, content of and appropriateness of the forms or databases. Have you reduced their quantity or content?

Factors to consider:

- *Whether the benefit of gathering the information exceeds the effort*
- *The cumulative impact – especially when there is repeated entry of the same information*
- *Retention period – is the information disposed of at the optimum time?*

Consultation with all forces. Slight amendments made to forms. Content and quantity not reduced.

SECTION H - FREEDOM OF INFORMATION REVIEW

H.1 Is this reviewed proposal exempt from publication under the FOIA? Answer YES or NO:

no

IF NO, go straight to Section I. If YES, give full details of the exemptions that apply and the reasons for them at H.2.1 – 2.3 below:

H.2 Reasons for Non- or Partial Disclosure under Freedom of Information Act 2000

H.2.1 Is this document completely non-disclosable? Answer YES or NO

no

H.2.2 If yes, why? Which exemptions apply?

Section	Description and Type of Exemption	Evidence / Rationale for Application

H.2.3 Is this document partially disclosable? Answer YES or NO

H.2.4 If yes, which parts of the document are not disclosable and why? Which exemptions apply?

Part of the Document	Section	Description and Type of Exemption	Evidence / Rationale for Application

SECTION I – IMPLEMENTATION AND EVALUATION

I.1 Now that the audit is complete the Guidance/Advice document should be prepared for consideration by the Head of Business Area - either for approval and sign-off or, in some cases, referral to ACPO Cabinet or Council. Please follow the attached ACPO Practice Guidance/Advice Template.

I.2 Please ensure that a full consultation on the content of the final draft document is conducted with stakeholders, both internal and external

and ensure that their views are fully considered. Please detail below the organisations/individuals consulted:

ACPO Uniform Operations Business Area. This is operational police guidance not for consultation with the general public at large

I.3 Full consideration should be given to the following:

- **Financial implications/benefits**
- **Resource implications/benefits**
- **Potential performance/service improvements**
- **Risks**
- **Learning requirement**

Monitoring and Review

I.4 Detail below the on-going effects of this proposal:

Periodically the DfT will be conducting a study of compliance by means of operation V79 this will be an indicator to whether there is an increase or decrease in the use of vehicles without insurance/driving licence on the UK road network

I.5 How will it be monitored?

V79

I.6 By whom?

DfT

I.7 At what intervals?

12 – 18 month intervals

I.8 When is the next review of this proposal planned?

Note. Diversity Reviews are required at least every 3 years under the RRAA but this review is in relation to the ongoing relevance of the document. If you consider that an earlier review is needed, please give the reasons and explain what process is in place to prompt those in post at that time to conduct the review:

September, 2009