



NOTTINGHAMSHIRE
POLICE

Policing for you

Nottinghamshire Police Stolen Vehicle Recovery guidance

Nottinghamshire Police follow the 'Best Practise Guidelines' issued by the Association of Chief Police Officers (ACPO) in that **ALL** stolen vehicles will be recovered by a police duty garage.

The vehicle will be recovered to

- a) prevent further loss or damage
- b) prevent the vehicle being involved in further (more serious) incidents or road traffic collisions
- c) allow the prompt investigation of crime

The following questions are answered in the document

- 1. What if I don't want my vehicle recovering?***
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1. What if I don't want my vehicle recovering?

The definition of the role and responsibilities of a 'Constable' includes '**the protection of life and property**' as well as '**the prevention and detection of crime**'. Looking at those responsibilities and applying them to the policy relating to the recovery of stolen vehicles consideration has been given not only to the wishes of the owner of the vehicle but the needs and expectations of the wider community.

If a stolen vehicle were to be left unattended at the side of the road (having been found by the police) in order that the owner can arrange collection, it is clearly at risk of being re-stolen. There is also the possibility that it could sustain (further) damage whilst the owner tries to arrange recovery. Insurance companies do state in the wording of their policies that the policyholder is expected to take all precautions to reduce any loss or damage and may reject claims relating to damage sustained or further theft of the vehicle if it could have been recovered at the time the police had found the vehicle.

If the stolen vehicle were to be found by the police whilst the thief is out committing further offences and again left unattended for the owner to make arrangements for recovery then it is still available for the thief to 'use' to continue committing further offences. The thief could also be observing the police presence and, on seeing the police drive away, try and cover his tracks and destroy forensic evidence by way of setting fire to the vehicle.

Finally the stolen vehicle could be re-stolen whilst awaiting the owner to make arrangements for recovery and then be involved in a potentially serious injury or fatal road traffic collision due to the manner in which the vehicle was being driven. The presence of most stolen vehicles are brought to the attention of the police in the first instance by well meaning members of the public who ring in to report the manner in which the vehicle was being driven.

Once the stolen vehicle has been found by the police then it is reduced into our possession and becomes our responsibility, hence the use of police duty garages. Sadly police officers are a finite resource and they cannot remain with a stolen vehicle whilst contact is made with the owner and then time allowed for the owner to make arrangement for the vehicle to be recovered. The police duty garages are on call 24 hours a day, 7 days a week, 365 days of the year and have strict response times they have to meet regardless of the time of the call so that officers can resume their patrol duties on arrival of the duty garage.

As a Police Force we have a duty of care, not only to the owner of the stolen vehicle but to the wider community, as well the interests of insurance companies and other agencies to take into consideration hence the policy that all stolen vehicles will be recovered when found.

2. What will happen at the duty garage?

When a stolen vehicle is recovered the Force Control Room or Crime Desk will advise you as soon as is practicable (and sociable) that your vehicle has been found. You will also be advised as to which garage the vehicle has been recovered to and be supplied with a contact number for the garage. You are advised to make contact with the garage as they will be in the best position to advise you as to the condition of your vehicle. The garage will endeavour to answer any questions you may have regarding any contents within the vehicle but their response may be limited to a visual check of the vehicle without compromising any forensic evidence. The garage will also ask you for contact telephone numbers so that they can contact you once your vehicle has been released from the police investigation or should any unforeseen circumstances arise. It is then always advisable to inform your insurance company that the vehicle has been recovered as it allows them to progress any claim quicker and make arrangements to collect or repair your car once released by the duty garage.

All the duty garages have to meet minimum specifications with regards to the level of training their staff receive, the standard of their recovery vehicles and their premises, for example all the duty garages have police approved forensic bays. Your vehicle will be placed in a forensic bay for examination by crime scene investigators (CSI). Dependant on the prevailing weather conditions at the time of recovery your vehicle may not be examined on the first day at the garage as 'best' evidence is gathered by allowing vehicles to dry out and warm up under slow controlled conditions.

If your vehicle is locked when recovered then you may be asked to provide a spare key in order that the CSI can access your vehicle. If your vehicle was stolen with the keys and you do not have a spare set you will probably be asked for your insurance details so that contact can be made with them in order that they can authorise a locksmith to gain entry to the vehicle.

Once your vehicle has been examined and it is no longer required for any further police enquiries then the garage will be updated and they will make contact with you. The garage will be in the best position to advise you of the charges incurred.

3. My vehicle was found burnt out, why was it recovered to the duty garage?

As you will appreciate Health and Safety has impacted on all our lives and the Police Service is not exempt. All the duty garages have facilities that will allow Police Vehicle Examiners to examine vehicles in a safe and controlled environment. To be able to verify the identity of a vehicle they may need to get inside or under the vehicle in order to locate the Vehicle Identity Number stamped into various parts of the vehicle chassis and it is this examination that will establish the true identity of the burnt out vehicle in order that DVLA and insurance records can be updated.

4. How much will it cost me?

The recovery charges are set by Government and not by the Police or the duty garages and are determined by a pricing matrix that is dependent on the type of vehicle as well as the location it was found and the condition of the vehicle. This pricing matrix was devised after an 18 month consultation period with all interested bodies including motoring organisations, insurance companies etc and there are no hidden extra charges. The full pricing matrix can be found detailed in [**The Removal, Storage and Disposal of Vehicles \(Prescribed Sums and Charges\) Regulations 2008.**](#)

Within the Nottinghamshire Police Vehicle Recovery Scheme whilst ever the vehicle is retained at a duty garage for the purposes of a police investigation then there are no storage charges. This does differ from force to force and the 'finding' police force may have a different policy regarding storage charges.

Once your vehicle has been 'released' from the police investigation then the next 24 hours of storage is free and after that it will incur storage charges for each 24 hour period as per the pricing matrix. The duty garage will make best efforts to contact you as soon as the vehicle is released so if you have made contact with the garage early in the process then they will hopefully have contact numbers you have provided.

Unless you have a basic third party insurance policy, claims can be made on the theft element of your policy, the amount the insurance company contribute towards the costs being determined by any voluntary excess.

5. I am the victim, why should I have to pay?

It is appreciated that having your vehicle stolen can be a traumatic experience especially if there are aggravating circumstances surrounding the theft such as a burglary at your home address.

Nottinghamshire Police recovers approximately 2000 stolen vehicles a year and clearly any policy regarding who pays for the recovery charges has to be applied consistently to all these vehicles. If Nottinghamshire Police were to pay for each and every stolen vehicle then this would create a significant impact on policing budgets. With the exception of the very basic insurance policies any theft claims will be covered by your insurance policy should you wish to make a claim.

A stolen vehicle is removed by a police duty garage at the direction of a police officer using powers given under the Road Traffic Regulations Act 1984 (Sec 99-104) and Regulation 3 and 4 The Removal and Disposal of Vehicles Regulations 1986. The charges for removal of vehicles under these regulations are set out in the Removal, Storage and Disposal of Vehicles (Prescribed Sums and Charges) Regulations 2008. These fees do not attract VAT and are the responsibility of the owner of the vehicle.

The Judicial Review in *R v The Greater Manchester Police Authority, The Chief Constable of Greater Manchester Police and others (ex parte Century Motors Farnsworth Ltd)* (Court of Appeal April 1998) makes it clear that these fees are a debt to the Chief Constable and must be paid into police funds. Additionally the Chief Constable is granted a 'lien' over the vehicle to cause it to be retained until fees are paid. The authorised removal operator acting on the direction of the force may collect fees on behalf of the Chief Constable and retain the vehicle under police instructions.

Further the policy complies with the instructions of the Court of Appeal in the case of *Motor Policies at Lloyds v City Recovery (1997)* which resulted in the costs for the removal of stolen vehicles abandoned, albeit by the thief, to fall on the owner of the vehicle in accordance with the Regulations. The relevant law is Section 99 –104 the Road Traffic Regulations Act 1984 and the Removal, Storage and Disposal of Vehicles Regulations 1986

6. I have a large excess on my insurance

Insurance companies price their policies based on perceived risk basis and how much they may be liable for in the event of a claim. As a general rule the excess they impose on young or inexperienced drivers relates to road traffic collisions and not to the theft element of the policy.

When you took out your policy you may have chosen to take a voluntary excess ranging between a few pounds to several hundred pounds. Having chosen to take a voluntary excess this reduces the liability of the insurance company and is reflected in them offering you a cheaper premium. As it will say on your insurance schedule it a voluntary excess that you have chosen to meet in return for a reduced premium and insurance company will only pay out their portion of the costs and not the voluntary excess.

7. Do all vehicles get examined by crime scene investigators (CSI)?

As a general rule yes, however where offenders are arrested in the vehicle and there is no other more serious crimes connected with the vehicle then they may decline to examine the vehicle but each case is judged on its own merits.

CSI generally do not examine vehicles that have been burnt out but may do so if linked with a more serious crime.

8. How will I know when my vehicle is released for collection?

The duty garage will make best efforts to contact you as soon as the vehicle is released so if you have made contact with the garage early in the process then they will hopefully have contact numbers you have provided. If the garage has no telephone contact details available to them then they will write to the last known keeper of the vehicle but the storage charges will still continue to rise. If you wish they will release to your insurance company who will arrange collection of your vehicle