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**TRAFFIC (IMMOBILISATION OF VEHICLES)  
(No. 2) REGULATIONS, 1986**

**Revoked**  
**Subsidiary**  
**1986/044**

Regulation made under or deemed to have been made s.89.

**TRAFFIC (IMMOBILISATION OF VEHICLES) (No. 2)  
REGULATIONS, 1986**

**Revoked by LN. 2011/057 as from 9.6.2011**

**(LN. 1986/044)**

**1.5.1986**

Amending enactments	Relevant current provisions	Commencement date
LN. 1988/109	rr.6 and 7	14.11.1988
1988/141	rr.6 and 7	15.12.1988
1991/114	r.7 and Sch	20.6.1991
1991/159	rr.5 and 8	8.8.1991
1998/112	r.10	3.12.1998
2002/074	rr.4, 5, 7(1) and 8(1)(b)	17.10.2002

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**2005-26**

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**1986/044**

## Traffic

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**TRAFFIC (IMMOBILISATION OF VEHICLES)**  
**(No. 2) REGULATIONS, 1986**

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**TRAFFIC (IMMOBILISATION OF VEHICLES)  
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**Title and commencement.**

1. (1) These regulations may be cited as the Traffic (Immobilisation of Vehicles) (No. 2) Regulations, 1986.

(2) These Regulations shall come into operation on the 1st day of May, 1986.

**Interpretation.**

2. In these Regulations—

“immobilisation device” means any device or appliance designed or adapted to be fixed to a vehicle for the purpose of preventing it from being driven or otherwise put in motion, being a device or appliance of a type approved by the Commissioner of Police for use for that purpose in accordance with these regulations.

**Duty of vehicle user.**

3. It shall be the duty of every person who is the owner or driver or person in control or charge of a vehicle which is at rest on any road, parking place or other public place to comply with the provisions of these regulations.

**Fixing of immobilisation devices.**

4. Subject to the provisions of regulations 5, and without prejudice to the powers conferred by the Traffic (Removal of Vehicles) Regulations, 1983, if a police officer or a person authorised by the Minister with responsibility for Transport finds a vehicle on a road, parking place or other public place where it has been parked or permitted to remain at rest in contravention of the provisions of the Act or any subsidiary legislation made thereunder, he may:

- (a) fix an immobilisation device to the vehicle at the place in which he finds it; or
- (b) move it from that place to another place and fix an immobilisation device to it in that other place; or
- (c) authorise another person to take under his direction either of the steps authorised under paragraph (a) or (b) of this regulation.

**Application of regulation 4.**

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5. Regulation 4 shall not apply to a vehicle found by a police officer or a person authorised by the Minister with responsibility for Transport in the circumstances there mentioned, unless there is at or in the vicinity of the place at which such vehicle is found a traffic sign warning that vehicles in that vicinity are liable to have such devices attached to them for contraventions of the Act;

Provided that—

- (a) the requirement in respect of a traffic sign in this regulation shall be met where such signs are placed no more than 70 metres apart, that is to say, the sign shall be not more than 35 metres from the place of the alleged offence;
- (b) such traffic sign as is referred to in this paragraph, shall not be necessary where the attachment is to a vehicle—
  - (i) at a bus stop;
  - (ii) on a taxi rank;
  - (iii) on a pavement or other pedestrian area other than in a designated parking bay.

**Notice of device.**

6. When an immobilisation device is affixed to any vehicle in accordance with regulation 4, the person fixing such device shall also affix to the vehicle a notice in the form set out in the Schedule.

**Release of the vehicle.**

7. (1) A vehicle to which an immobilisation device has been affixed in accordance with regulation 4 may lawfully be released from such device only by either a police officer or a person authorised by the Minister with responsibility for Transport, or a person acting under the direction of such officer or authorised person.

(2) Subject to sub-regulation (1), a vehicle to which an immobilisation device has been fixed under regulation 4 shall be released from that device only on payment by the owner or person having charge of such vehicle of the sum of —

- (a) in the case of vehicles of less than 1.5 tonnes unladen weight, £25;

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- (b) in the case of vehicles of 1.5 tonnes or more unladen weight, £25, together with a sum of £10 in respect of each period or part period of 12 hours in excess of the first such period immediately following the time at which the immobilisation device was affixed to the vehicle,

at the address specified in the notice affixed to the vehicle in accordance with regulation 6.

(3) Such payment shall entitle the owner or person having charge of the vehicle at the time of the application of regulation 5 to such vehicle to the release thereof as soon as the necessary arrangements for such release can be reasonably and practically made.

**Penalties.**

8. (1) Any person who removes, alters, defaces or otherwise interferes with any notice affixed to any vehicle in accordance with these regulations, not being—

- (a) the owner, driver or person having charge of such vehicle;
- (b) a police officer or a person authorised by the Minister with responsibility for Transport or other person acting under his direction,

is guilty of an offence and liable on summary conviction to a fine at level 1 on the standard scale.

(2) Any person who, not being duly authorized to do so in accordance with these regulations, removes, attempts to remove, or otherwise interferes with an immobilisation device fixed to any vehicle in accordance with these regulations, is guilty of an offence and liable on summary conviction to a fine not exceeding the amount at level 1 on the standard scale.

**Revocation of LN. 1986/035.**

9. The Traffic (Immobilisation of Vehicles) Regulations, 1986 are revoked.

**Representations to the Commissioner of Police and appeals to the magistrates' court.**

10.(1) Where an immobilisation device has been affixed to a vehicle, the person who settles payment to secure the release of the vehicle, shall have the right —

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- (a) to make written representations to the Commissioner of Police on the grounds set out in sub-regulation (4), and
  - (b) where the Commissioner of Police has served notice under sub-regulation (5) that no ground has been made out, to appeal to the magistrates' court.
- (2) A person shall be informed, on payment to secure the release of a vehicle, of his rights under sub-regulation (1).
- (3) Representations to the Commissioner of Police under sub-regulation (1) above shall be made not later than 28 days after the representing person makes payment to secure the release of the vehicle.
- (4) Representations made to the Commissioner of Police under this regulation shall be on one or more of the following grounds –
- (a) that there were no reasonable grounds for the person responsible for affixing the immobilisation device to believe that the vehicle had been permitted to remain at rest in the parking place in the specified circumstances;
  - (b) that in the circumstances of the case it was unreasonable for the vehicle to be immobilised;
  - (c) that the relevant statutory provision did not apply to the vehicle at the time in question;
  - (d) that the penalty or other charge in question exceeded the amount applicable in the circumstances of the case; or
  - (e) that insufficient steps were taken to advertise the fact that permitting a vehicle to remain at rest in the parking place in the specified circumstances, would constitute an offence.
- (5) Not later than 56 days after receiving the representations made under this regulation, the Commissioner of Police shall serve on the representing party, notice of his acceptance or otherwise that a ground has been reasonably made out.
- (6) Notices under sub-regulation (5) may be served by hand, by registered post or by facsimile transmission.
- (7) Where sufficient evidence is adduced to the satisfaction of the Commissioner of Police –

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- (a) that there was proper service on him of representations under this regulation; and
- (b) that he has failed to serve a notice under sub-regulation (5),

it shall be conclusively presumed that the Commissioner of Police has accepted that the ground on which the representation was founded has been established, and any payment settled to secure the release of the vehicle from an immobilisation device shall be reimbursed forthwith.

(8) Where, on receiving representations made under this regulation, the Commissioner of Police accepts that a ground has been reasonably made out, a notice under sub-regulation (5) shall include the following information –

- (a) that payment made to secure the release of the vehicle from an immobilisation device shall be reimbursed; and
- (b) details of the arrangements made to effect such reimbursement.

(9) Where the Commissioner of Police does not accept that a ground has been established, a notice under sub-regulation (5) shall inform the representing party of his right to appeal to the magistrates' court, indicate the court's power to award costs against any person making such an appeal and state that information may be requested from the Clerk to the Justices with regard to the form and manner in which such an appeal is required to be made.

(10) An appeal to the magistrates' court under this regulation shall be lodged within 28 days of the date of service of the notice under sub-regulation (5), unless an extension of time to lodge the appeal is granted by the magistrates' court.

(11) Appeals to the magistrates' court under this regulation shall be by complaint.

(12) If the magistrates' court concludes that any of the representations are justified, it shall direct that any payment made to secure the release of the vehicle from an immobilisation device shall be reimbursed forthwith, together with costs as appropriate. The Commissioner of Police, so directed, shall take the necessary steps to comply with the direction.

(13) A person who makes any representations to the Commissioner of Police or on appeal to the magistrates' court under this regulation, and does so recklessly or knowing it to be false in any material particular, is guilty of an offence and is liable on summary conviction to a fine not exceeding level 1 on the standard scale.

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### TRAFFIC (IMMOBILISATION OF VEHICLES) (No. 2) REGULATIONS, 1986

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#### SCHEDULE

Regulation 6

#### TRAFFIC ACT

#### STOP!

1. This illegally-parked vehicle has been immobilised by a wheel-clamp pursuant to the Traffic (Immobilisation of Vehicles) (No. 2) Regulations, 1986.
2. **DO NOT ATTEMPT TO MOVE IT.** No attempt should be made to drive this vehicle or otherwise put it in motion, until the vehicle has been duly released from such wheel-clamp.
3. It is an offence to remove, attempt to move or otherwise interfere with the wheel-clamp.
4. As the owner or person in charge of this vehicle, you should seek its release. To do this, you must:–
  - (a) detach this label and take it with you to Police Headquarters, Irish Town; and
  - (b) pay a fee of £25.00 and in a case of a vehicle of 1.5 tonnes or more unladen weight such additional amount as may be due.
5. If you require advice on this matter, ask any police officer.

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#### POLICE USE ONLY

VRM .....

LOCATION .....

CLAMP No. ....

OFFENCE CODE .....

DATE/TIME .....

AUTHORISING OFFICER .....



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