



**PERTH &
KINROSS
COUNCIL**

Parking Services Vehicle Uplift & Clamping Policy

Version 1.0 (2024)

Perth & Kinross Council

Clamping and Vehicle Removals Policy

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1. Overview and legislation

Perth & Kinross Council have the powers to clamp, remove, store, and dispose of illegally parked vehicles under the following legislation:

- The Removal and Disposal of Vehicles Regulations 1986 enacts Sections 99 and 101 of the Road Traffic Regulation Act 1984.
(This is the basic power to remove and dispose of vehicles)
 - Section 101 of the 1984 Act is modified by the Road Traffic Act 1991 (as amended) and further modified by Schedule 3 of The Road Traffic (Permitted Parking Area and Special Parking Area) (Perth and Kinross Council) Designation Order 2002. No 398.
 - Section 102 of the 1984 Act has effect when Section 101 is enacted. Section 102 is also modified by Schedule 3 of the Road Traffic (Permitted Parking Area and Special Parking Area) (Perth and Kinross Council) Designation Order 2002. No 398.
- Scottish Statutory Instrument 2006 No.446
- Section 62 of the Roads (Scotland) Act 1984
- Removal & Disposal of Vehicles Amendment (Scotland) Regulations
- The Removal, Storage and Disposal of Vehicles (Prescribed Sums and Charges etc.) (Scotland) Regulations 2019

We use these powers to help improve road safety and the flow of traffic.

You may have your vehicle removed if you park dangerously or obstructively or if you have unpaid Penalty Charge Notices and have parked your vehicle in contravention of the Road Traffic Act 1991 (as amended)

We have contracted Auto Services Perth to remove and store offending vehicles. Vehicles will only be clamped and removed under the instruction of the Parking Services.

There is no restriction on the number of times a vehicle can be impounded. Vehicles will be impounded until the total value of unpaid Penalty Charge Notices (PCNs) is below £150.00.

2. How we prioritise clamping and removing vehicles

Vehicles can be removed if they are parked in contravention of the regulations, irrespective of the actual contravention committed. The Council does, however, prioritise vehicles for removal in the following priority order:

High Priority

- Where the vehicle presents a risk to safety and/or is obstructing the flow of traffic, such as rural, urban and bus stop clearways.
- Where the vehicle is parked on a double yellow line when loading or unloading is prohibited.
- Where a vehicle is parked on a length of street where loading and unloading is prohibited due to a Temporary Traffic Regulation Order (TTRO) and suspended parking bays.
- Where the vehicle is parked in an electric vehicle charging bay without charging.
- Any vehicles displaying an altered or cancelled blue disabled badge, regardless of where it is parked, will be issued with an instant Penalty Charge Notice, and will be authorised for removal.
- Any foreign vehicle with an outstanding PCN debt of £150.00 or more
- All persistent evaders with an outstanding PCN debt of £300.00 or more.
- Where a vehicle has no registered keeper with the DVLA and there are outstanding Penalty Charge Notices.

Medium Priority

- Where a vehicle is parked in a disabled bay without displaying a valid blue badge.
- Where the vehicle is parked in a bay for which it is not designed or approved, e.g. Motorcycle, Car Club, Coach or HGV bays.
- Where a vehicle is parked on double yellow lines, out with any loading prohibition, and if the vehicle remains in situ after one hour has elapsed. (The vehicle must be removed on the same day a PCN is issued)
- Where the vehicle is parked in a parking bay and upon issue of the third PCN for the same contravention and the vehicle has not moved.
- Where the vehicle is classed as a persistent offender, meaning the vehicle has accrued 15 or more PCNs within a three-month period, regardless of where it is parked.

Low Priority

- Where the vehicle is parked on a waiting restriction where loading is permitted but the vehicle is not being loaded or unloaded. (The vehicle should not be removed until one hour has elapsed since the issue of a PCN)

3. What to do if your vehicle is clamped and/or removed

Phone Police Scotland on 101 to find out if your vehicle has been moved or taken to the car pound as the Council will have informed the Police of this.

You should also make sure that you have the relevant documentation needed to release your vehicle, further information can be found about this in the section below.

4. How to release your vehicle

To release your vehicle, you will need to contact Parking Services to pay the uplift fee and the Penalty Charge Notice that led to the removal of your vehicle. You will also need to provide copies of all documentation that is outlined below. If you are not collecting your car on the day it was removed, you will also have to pay storage fees.

If your car has been taken to the pound on behalf of the Council you should arrange transport (at your own cost) to release your vehicle, to the car pound address as follows:

Perth & Kinross Council – Parking Services Impound
Harbour Road
Perth harbour
Perth
PH2 8BD

The amount currently stands at:

Charge	Amount
Removal of vehicle (impound charge)	£190.00
Storage charge (per day or part day)	£25.00
Release of vehicle from immobilisation device (clamp)	£50.00
Disposal	£95.00
Penalty Charge Notice	£100.00 (discounted to £50.00 if paid within 14 days)

Payment can only be made by debit or credit card.

You will also need to provide documents that confirm proof of your identity, proof you own the vehicle and proof of your address, along with a valid certificate of motor insurance, a valid MOT and proof of valid Road Tax.

Proof of Identity is accepted in any of below forms:

- Valid full driving licence*
- Valid passport
- EU national identity card
- Immigration document

**This must be valid UK photo card driving licence; a paper licence on its own will not suffice.*

You must send a copy of these documents to parkingservices@pkc.gov.uk – if we do not receive these documents then the vehicle will not be released.

If you hold an EU/EEA photo card driving licence, this may only be accepted when providing a valid passport or EU/EEA identity card too.

If you hold a non-EU/EEA driving licence, this may only be accepted with an International Driving Permit or an official translation, plus a passport or other evidence of immigration status and date of arrival in the UK.

Proof of Address can be accepted in any of the below forms:

- Current year Council Tax letter
- Tenancy agreement *
- Bank statement issued within the last three months
- Household utility bill (gas, water, electricity etc) issued within the last three months

Proof of Ownership can be accepted in any of the below forms:

- Vehicle registration document (V5C) *
- Bill of sale
- Hire purchase or lease agreement for the vehicle
- Hirer documentation for the vehicle

**The new keeper supplement V5C/2 will not be accepted as proof of ownership*

In cases where the vehicle is a foreign vehicle not registered in the United Kingdom, a document to link you to the vehicle such as a non-UK registration document, or insurance certificate for the vehicle may be accepted.

As stated above, you will also need to provide proof that the vehicle is roadworthy, for a vehicle to be released that has been impounded by a government authority.

The documents needed to do this are:

- Valid MOT
- Valid road tax
- Valid certificate of motor insurance

We will accept:

- electronic copies of the certificate on your mobile device
- copies sent by email if they have come directly from your insurer

It is a serious criminal offence to fail to declare the correct material facts or to give false information when getting insurance. This can render your insurance invalid and we may share information with your insurer or the Motor Insurers' Bureau if we suspect an offence.

Short-term insurance or temporary cover (for a period of up to 30 days) may not be valid to reclaim a seized vehicle. Please check the wording on your insurance certificate or cover note. If in doubt, contact your insurer before you go to the pound. If we are not satisfied that your insurance is valid for the release of an impounded vehicle, we may ask you to provide written confirmation from your insurer.

A motor trader cannot release a seized vehicle on your behalf. A motor trade policy will only permit the release of a vehicle that was:

- the property of the motor trader
- in the trader's custody and control at the time of seizure

If a vehicle does not have valid MOT or Road Tax, the vehicle must be collected by a recovery operator's vehicle (arranged by you and at your own expense) or proof that the vehicle is booked into a garage that carries out MOTs for an MOT to be carried out must be provided. Proof of motor insurance is still required in all circumstances.

No vehicle will be released unless the name and address on all documents are the same.

5. If you are unable to release your vehicle yourself

As the registered keeper or owner of a seized vehicle you are legally responsible for it, and you must attend the pound in person to prove ownership after paying the charges to Parking Services.

This legal requirement will only be waived if you can provide evidence that:

- you are out of the country
- you are in custody
- you are in hospital
- you are immobile due to age, injury, or disability
- there are compelling medical or compassionate circumstances that stop you being able to attend the pound in person
- the vehicle is a courtesy vehicle
- you are a hire company, and the vehicle was leased
- the vehicle is a company vehicle

If any of the above circumstances apply to you, the third party collecting the vehicle on your behalf must attend the pound with:

- the evidence of the valid reason you cannot attend in person
- a letter of authority – a letter signed by you authorising the third party to collect the vehicle on your behalf
- a copy of your passport or driving licence as proof of your identity and signature
- valid certificate of motor insurance for the vehicle with them listed as a named driver
- a valid lease agreement showing them as a named driver, together with one form of personal ID for the third party.
- In the case of a company vehicle, a letter from the company confirming the third party is an authorised driver.

In all cases, documentation showing the vehicle has valid MOT, Road Tax and Insurance are still required.

6. Provisional driving licence holders

If you are driving under a provisional licence, you must bring someone who:

- is over 21, and
- has held a licence for more than three years

Make sure you have “L” plates on the vehicle, as even with the correct documentation the vehicle cannot be released without these.

7. Unclaimed vehicles

Vehicles which have not been claimed will be disposed to offset the debt associated with the vehicle. Any remaining will be pursued by Sherriff Officers for collection.

Vehicles will only be considered for disposal when the road tax has expired.

Perth & Kinross Council will apply for a new V5C form if your vehicle has been in storage for more than 14 days and the Road Tax is still valid unless you disclaim the car, in this instance we will ask for the V5C or we will apply for a new one.

The registered keeper will receive written confirmation of our intention to dispose of the vehicle giving them 7 days from the date of the notice to retrieve the vehicle before this happens.

8. What to do if you are not the owner of the vehicle or ownership has changed

If the vehicle has changed registered keeper, you will have to prove to the Council this is genuine and not an attempt to circumvent the debt. The below documents will then also be required (please note, the name and address must be the same on all documents):

- V5C registration certificate

- Valid certificate of insurance issued before date of removal
- Utility bill (gas, water, electricity) issued within the last three months
- Valid full driving licence
- Bill of sale
- Copy of bank account detailing financial transaction (not under value) showing purchase of the vehicle

9. Challenging your vehicle removal

If you believe that your vehicle should not have been removed, you have the right to make representation to the Council under section 71 of the Road Traffic Act 1991 (as amended).

Please note you must pay to release your vehicle before you can appeal against your Penalty Charge Notice or vehicle removal. The pound staff cannot release your vehicle without charge. If your appeal is successful, your payment(s) will then be refunded.

Appeals must be made in writing within 28 days of the vehicle being uplifted or the Penalty Charge Notice being issued. You will get more information about how to appeal when you collect your vehicle.

10. Vehicle clamping

Any vehicle which is classed as a persistent evader and has 5 or more outstanding Penalty Charge Notices between the Notice to Owner & Sheriff Officer stage may also be clamped.

Any vehicle displaying a cancelled Blue Badge may also be clamped and you will be required to return the Blue Badge before the clamp is removed.

The registered keeper of the vehicle must provide the Council with all documents as mentioned in [Section 4](#) and pay the release fee and the Penalty Charge Notice to have their vehicle unclamped.

The clamping release fee is £50.00, and payments should be made to Perth and Kinross Council Parking Services.

Usually, if you do not pay the clamping release fee within 24 hours, your vehicle may be moved to the pound. In such cases the clamping fee will be waived with only the higher removal fee being payable.

The council reserve the right to move your vehicle within the initial 24-hour period at any time.

11. Removals for emergencies

At times vehicles which are legally parked may need to be moved at short notice, for example, if there is a major incident, gas leak, or emergency works which necessitate the removal of parked vehicles to a place of safety or to permit access for the emergency services. Your vehicle will be moved to the nearest Council operated long-stay car park free of charge.

12. Collecting property from a removed vehicle

If the Council remove your vehicle, this includes any load within or on the vehicle, they are entitled to recover the statutory fees. If you do not reclaim your vehicle, you may lose your claim to any load/items you had in it. The only items from the vehicle that you can always have back, without payment are:

- Medicines and medical equipment – (Medicine must be in the original packaging and prescribed to you)
- Cash, credit cards, cheque books, pension, or benefit books
- Keys, such as house or shop keys
- Immediately required outer clothing such as a raincoat or jumper
- Personal Identification – you will be required to provide proof of ownership and proof of address in another format.
- High value items and large amounts of cash which you may have had in your vehicle, are not included and you will be required to provide proof of ownership.

You will not be able to reclaim any items that are part of the vehicle such as radios, speakers, and alloy wheels.

If you want to get property from the removed vehicle, but not the vehicle itself, you need to bring proof that you're the vehicle's owner or registered keeper (a V5C or new keeper supplement V5C/2).

Someone else can collect on your behalf. They need to bring:

1. A letter of authority, signed by you, giving them permission to collect property from the vehicle
2. A copy of your passport or driving licence so we can verify the letter is signed by you

Please note, if the vehicle is badly damaged it might not be possible to get into it to remove property.