



DVLA

Code of practice and guidance notes
for those authorised by DVLA
to deal with vehicles that are not taxed



Simpler | Better | Safer

Driver and Vehicle Licensing Agency (DVLA),
Longview Road,
Morriston,
Swansea
SA6 7JL



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This publication is also available on our website at www.dvla.gov.uk

Any enquiries regarding this publication should be sent to us at wheelclampingcaseupdates@dvla.gsi.gov.uk

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Code of practice

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Part 1:

Code of practice About the agreement

1. The authority we give will be effective from the date specified in the Letter of Agreement.
2. Under the Vehicle Excise Duty (Immobilisation, Removal and Disposal of Vehicles) Regulations 1997 (as amended) we can authorise an organisation (referred to as the 'enforcement authority' or 'you' in this document) to take enforcement action against vehicles that are not taxed. The enforcement authority will be the local authority, the local police force or any other organisation we authorise. The enforcement authority must make sure they adhere to the agreement they enter into with us.
3. Our national wheelclamping contractor may work within your area at any time.
4. We can withdraw our authority at any time. The enforcement authority may give up their authority by writing to the DVLA's Head of Wheelclamping unit, DVLA, Swansea, SA7 0XZ.
5. The enforcement authority can tell us of any concerns about policy or working practice, but our decision will be final.

Assurance

6. If we supply you with ANPR data you must adhere to the terms set out in the Letter of Agreement and in Annex B.
7. You must have a system for making sure you follow this code of practice. This system must be based on relevant, professional standards and recognised good practice.
8. Every year you must carry out one audit of your systems and your contractor(s) systems and send us a copy of the report within 28 days of it being finished.
9. We reserve the right to make regular unannounced visits to you and your contractor(s) premises. A report will be issued to the authority on our findings within 10 days.

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10. Preventative measures must be in place to reduce the risk of fraud. You must notify the wheelclamping unit immediately if you have any concerns that fraud may have been committed or any other irregularity. DVLA can instruct the authority to stop using any contractor where criminal activity has been proven.
11. The authority is completely accountable for any enforcement action taken by their contractor(s). You must ensure your contractor(s) always adheres to:
 - the Vehicle Excise Duty (Immobilisation, Removal and Disposal) of Vehicles Regulations 1997 (as amended);
 - the code of practice
 - all relevant laws
 - our instructions when they take enforcement action.
12. Each month we will monitor the number of:
 - disposal notifications
 - Certificates of Destruction
 - notifications of auction sales you have issued
 - complaints you have received (and how you dealt with them)
 - instances of scrapped vehicles being on the road.
13. The Secretary of State can withdraw your authority if it is established the code of practice has not been followed correctly.

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Guidance notes

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Part 2:

Guidance notes General requirements

Training

1. You and your staff must not start taking enforcement action until you have both received the appropriate training from us.

Contact

2. You must give us the name of a person we can contact about matters relating to enforcement action. If you change the contact person you must tell us immediately.
3. You must tell us about the contractors you use, you will be responsible for all the vehicles they take enforcement action on. You must give us eight weeks' notice in writing before you change contractor so we can arrange appropriate training and stationery. If you do not give us notice, we may suspend your authority.

Fees and charges

4. All statutory fees collected and proceeds from the selling of a seized vehicle are retained by the authority.
5. Check with HM Revenue & Customs to see whether or not you should charge VAT.
6. There will be times when you will need to remove a wheelclamp or release a vehicle free of charge, or refund fees. Our decision on this will be final. If we decide that you must refund fees, you must do so within a time set by us.

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Appeals and complaints

7. The INF32 leaflet advises of the chargeable fees. The authority should decide if storage is charged at weekends.
8. Any complaint against the enforcement action will be dealt with by the authority
9. When you receive a complaint about enforcement action you must give the keeper a full response within 10 working days. You must send us a copy of your response at the same time.
10. If we receive a complaint about you we will send it on for you to respond to.
11. If we need to respond to an MP or on behalf of our Chief Executive, you must provide the relevant information in full, within 3 working days.
12. Press statements must be agreed with DVLA before they are published.
13. You must keep paper and electronic versions of all documents relating to the enforcement action for at least 7 years.
14. A customer service line must be available during working hours.

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Working practices

Wheelclamping and removing a vehicle to a vehicle pound

1. To find out whether or not a stationary vehicle is taxed or has a SORN you can use the DVLA Web Based Enquiry System (WEE) as explained in appendix A. If the WEE link is not available, you can enquire through our website. You must make sure that you adhere to the General Data Protection Regulation (GDPR) when you use the information you collect.
2. Only the enforcement authority can contact us to find out if a vehicle is taxed or has a SORN, unless there are exceptional circumstances.
3. You can only take enforcement action against vehicles meeting the criteria in appendix B.
4. You can take enforcement action on a vehicle if its tax has expired for more than 2 calendar months and 1 day.
5. Should you need further clarification before you take enforcement action then contact the DVLA DPP Liaison Team. They will give you appropriate instructions.
6. You must check the tax and take enforcement action within 30 minutes of each other.
7. If you clamp a vehicle, the regulations state that 24 hours must pass before the clamp can be removed and the vehicle towed away. If the vehicle's keeper does not pay the appropriate fee to release their vehicle, it must be impounded within 48 hours of being clamped. When the release fee has been paid, the clamp must be removed within two working hours. The regulations also provide for the untaxed vehicles to be immediately taken to car pounds.
8. You must fill in a DVLA offence report, CLE2/6LAP for all untaxed vehicles that you find. The report will record the date, time and location of the offence. You must give the vehicle registration number, its location, the make, model and colour and a serial number and contravention code. You must also give your personal details. You must send all CLE2/6LAPs to DVLA Enforcement Centre, D12, Swansea SA99 1AH every week.

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9. If a vehicle is immobilised or removed in error (DVLA or contractor) it must be released immediately and without charge.
10. A vehicle **must be** released within two hours following payment of the release fee.
11. **For police authorities only.**
If the motorist at the scene is not the vehicle's keeper, and a named offence report is filled in, a V79 can be filled in and returned to DVLA.
12. Before the vehicle is taken you must take photos of:
 - the wheel arch and wheelclamp (if fitted)
 - the front of the vehicle
 - the back of the vehicle
 - the whole vehicle and its surroundings
 - any existing damage to the vehicleYou must keep the photos for us to inspect.
13. Before you take the vehicle away you must carry out a detailed inspection of the vehicle and then fill in and sign a vehicle condition report.
14. All vehicles must be soft lifted to avoid damage.
15. You must keep a record of any incidents.
16. The owner of the pound is known as the custodian.
The custodian is responsible for all vehicles in their pound, including any damage to or theft from a vehicle while it is lifted on to their removal vehicle, or while it is being transported and stored.
17. The vehicle pound must be secure, well lit, have appropriate and safe access for the public and be in adherence to any relevant laws. The pound should be open to the public at least between 9am and 5pm Monday to Friday.

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Impounded vehicles

18. Vehicles deemed to be of economic value will need to be stored for at least 14 days. Other vehicles will need to be stored for at least 7 days.
19. Once a vehicle is impounded, the custodian must inspect it and then fill in and sign a vehicle condition report. Any changes in the vehicle's condition must be recorded on the condition report and signed by the custodian.
20. You and the custodian cannot remove any items from an impounded vehicle. The keeper can remove personal belongings from a vehicle they are not recovering as long as the custodian has confirmed the keeper's identity. The vehicle's keeper cannot remove parts of the vehicle, including audio and wheels.
21. The custodian must estimate the value of each impounded vehicle.
They must:
 - use a traceable source, a trade guide (such as Glass's or Parker's guide) or a specialist website or service
 - make reasonable adjustments to the value where relevant, and keep records of how the final value was arrived at.
22. The custodian must give the police or TRACE in London written details of a vehicle within two hours of it being impounded.
23. If the DVLA tells you that a vehicle is stolen, you must report it to the police immediately.

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Payment and releasing vehicles

24. When the vehicle's keeper makes a payment at the pound, or over the phone, the custodian must fill in a Vehicle Release Receipt before releasing a vehicle. They should keep the original copy and give a copy to the keeper.
25. The custodian must also see the keeper's photo ID and proof of ownership before releasing the vehicle.
26. A vehicle keeper can make a 'surety' payment of £160 in lieu of vehicle tax. The keeper can get this money back if they show a valid tax receipt at the vehicle pound within 15 days of paying the surety.
27. The custodian must fill in the relevant section of the Vehicle Release Receipt when a keeper produces a valid tax receipt and a refund of a surety payment is made.

Scrapping vehicles

28. The custodian can only scrap a vehicle if the conditions set out in the regulations are met. We will let the authority know when these conditions have been met. The authority will then scrap the vehicle within 7 days. Once a vehicle has been scrapped, the authority must make sure that a Certificate of Destruction has been issued (or in the scrapping of a motorcycle a Notification of Destruction has been completed and sent to us) so we can update our records.
29. If a vehicle has met the conditions to be scrapped, it must not be sold as a complete vehicle. If the vehicle is seen on the road, we will investigate the matter and, if it is the same vehicle, we will take action against you, the custodian or the person who should have scrapped the vehicle.
30. Vehicles must be scrapped at a licensed Authorised Treatment Facility which meets the appropriate laws.

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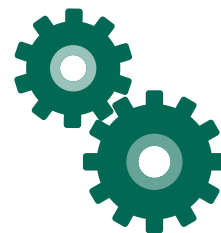
31. If a vehicle is scrapped, the income from selling its parts can be kept by you or the custodian, depending on the arrangement between you. All parts that can be traced, such as the chassis, engine block and etched glass must be scrapped. The vehicle's number plates must also be destroyed.
32. If you choose to sell a vehicle at auction you must wait for DVLA to issue a V5 to you.
33. Owners are able to claim the proceeds of the sale of a vehicle minus costs incurred by the custodian. This providing they can satisfy the custodian they were the owner at the time and the claim is made before the end of the period of one year (beginning with the date on which the vehicle was disposed of).



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Appendices

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Appendices

Appendix A – using WEE

Before using WEE to find out whether a stationary vehicle on a public road is taxed:

- check that there is no valid disabled badge displayed
- check that the vehicle was not registered in the historic tax class
- refer to the wheelclamping Off Road matrix.

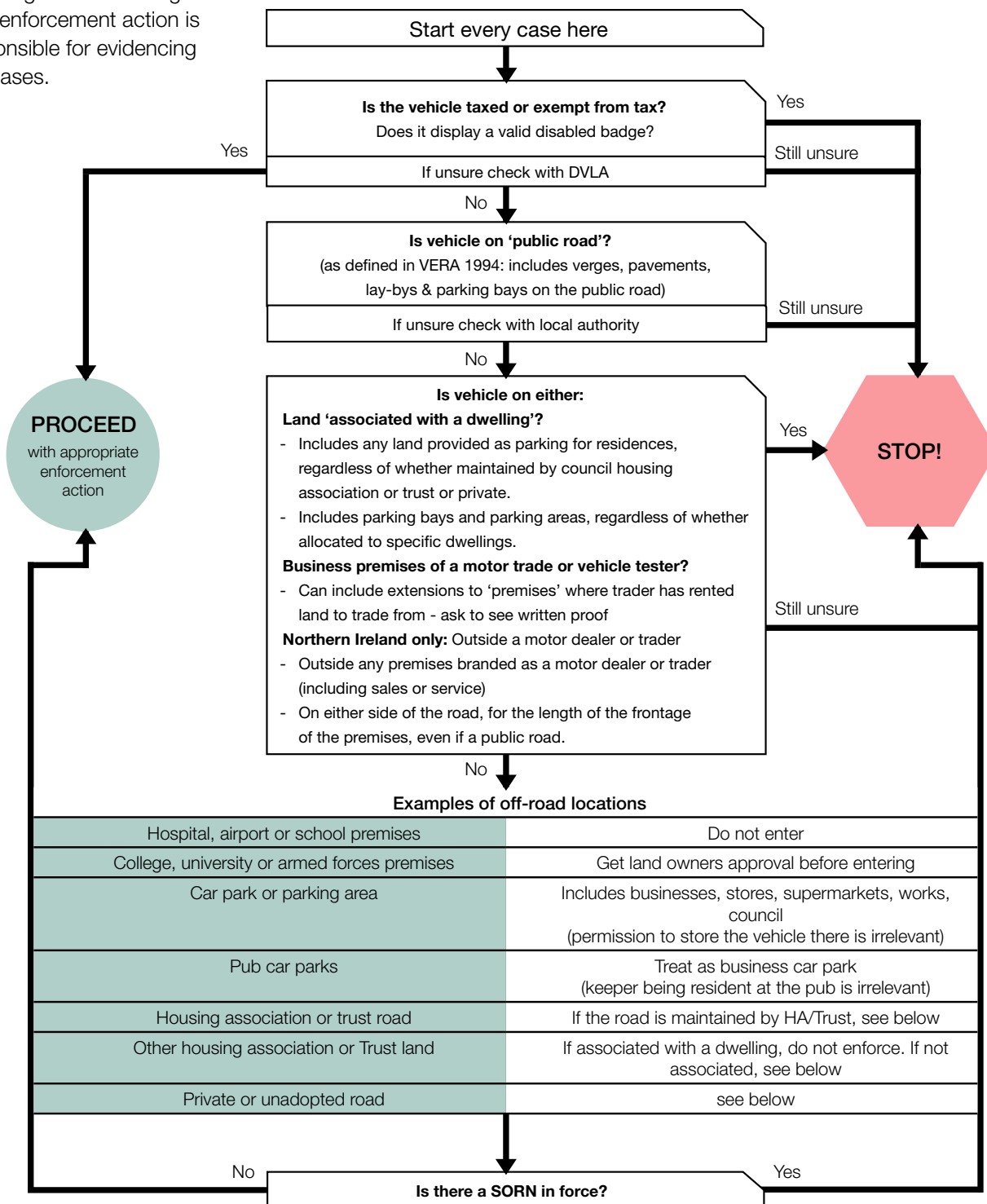
Use WEE as follows:

- Ask for authorisation.
- From the drop-down menu, choose 'Unlicensed vehicles' and then enter the vehicle's registration number.
- Check the make, model and colour of the vehicle as recorded on WEE against the vehicle in front of you.
- If the details do not match, contact us.
- If the details match, check the date the vehicle should have been taxed.
- If the tax was due more than 2 calendar months and 1 day ago, for example, where tax was due 1 January, the first day you can clamp or impound is 2 March.
- If the tax was due more than 1 calendar month ago, up to and including 2 calendar months ago, issue a CLE2/6 LAP only. For example, where tax was due 1 January, you can issue a CLE2/6 LAP from 2 February onwards.
- If the tax was due less than 1 calendar month ago, take no action.

Appendix B – off road enforcement flowchart

Remember:

The organisation taking the enforcement action is responsible for evidencing all cases.



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Appendix C – wheelclamping instructions

Wheelclamping instructions for local authorities

- Send us a wheelclamping case update form by email, on the day of clamping (day 1). If this is not possible, send it by 9.30am at the latest the following morning (day 2).
- If a vehicle that is not taxed is impounded (instant lift), send us a wheelclamping case update form by email on the day of impounding (day 1). This must include the vehicle valuation. If this is not possible, it must be sent by 9.30am the following morning.
- Each time there is an update on a case (for example a clamped vehicle is lifted, or a vehicle is released) you must send us a further wheelclamping case update form by email. Send it on the day the update happened or, if not possible, by 9.30am the next working day.

Notes

Our email address is

wheelclampingcaseupdates@dvla.gsi.gov.uk

The wheelclamping case update form must be sent in the correct format, it will be rejected if not.

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Appendix D – DVLA contact list

DPP Liaison Team: 0300 300 1496

To order stationery,

Fax: DVLA Stores Requisition Dept

01792 783525

Email: stores.order.forms@dvla.gsi.gov.uk

Buying a vehicle?

The tax is no longer transferable so you must tax it before you use it.

www.gov.uk/vehicletaxrules



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