



## **Motor Vehicles (Removal from Private Land) (Jersey) Regulations 2019**

### **Guidance for registration as a Motor Vehicle Removal Operator**

**Version 2  
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## Introduction

This guide is for any person or business that wishes to register as a motor vehicle removal operator under the Motor Vehicles (Removal from Private Land) (Jersey) Regulations 2019. It provides information on:

- when you need to register as a motor vehicle removal operator;
- how you can apply to register as a motor vehicle removal operator;
- the conditions you must satisfy in order to receive and maintain your registration.

For more information about the requirements of the law, please visit [www.gov.je](http://www.gov.je)

## Duty to Register

You must register as a motor vehicle removal operator if you carry out one or more of these activities:

- the removal of motor vehicles from private land; and/or
- the movement of motor vehicles on private land (from one area of the land to another); and/or
- the safe custody or storage of motor vehicles removed from private land.

You need to register where these activities involve:

- motor vehicles that are parked or abandoned on private land by a person who has not been given permission by the landowner to be there;
- motor vehicles that are permitted to be parked on private land by the landowner, but the position or condition of a vehicle is such that it is causing, or is likely to cause, a nuisance, security risk, danger or obstruction to another person using that land.

The circumstances where a motor vehicle can be removed and disposed of, and the processes that must be satisfied in doing so, are explained in separate guidance.

The duty to register does not apply to activities where a motor vehicle removal operator:

- removes vehicles from private land and there is consent from the vehicle owner;
- removes vehicles from any land that is administered by any public or parish authority.

## How to register

You can register as a motor vehicle removal operator by submitting an application to the Minister for Justice and Home Affairs.

It is unlawful to move or remove a motor vehicle that has been parked or abandoned on private land without permission to be there, unless you are a registered as a motor vehicle removal operator. If found guilty of the offence, you could be liable to a fine of up to £10,000.

## Registration requirements

To grant your registration as a motor vehicle removal operator, you will need to satisfy the Minister for Justice and Home Affairs on each of the areas below.



## Suitability of removal vehicle

***You have a vehicle that is suitable for the safe removal of another vehicle from private land.***

This means a vehicle that is constructed or permanently adapted primarily for any one or more of the purposes of lifting, towing and transporting another vehicle.

The vehicle and its equipment must comply with relevant laws and standards in respect of the design, construction and maintenance of the vehicle or its equipment. The vehicle will need to maintain road worthiness to ensure that no danger is caused, or is likely to be caused, to any person, the vehicle or any other motor vehicle.

## Secure premises

***You have sufficiently secure premises to which any motor vehicle removed from private land can be stored.***

This requirement applies where your registration is in connection with the storage of motor vehicles that have been removed from private land. It includes appropriate gate and access control such as perimeter fencing. If you intend to establish a compound for the storage of vehicles, you will need to provide confirmation that Planning permission has been sought and approved.

Where you are registering as a motor vehicle removal operator only, you will still need to demonstrate that you have appropriate arrangements to enable the removal of vehicles to a safe and secure location, whether or not that location is administered by you or another person.

The Minister for Justice and Home Affairs may carry out investigations and inquiries as necessary to enable Them to properly consider your application for registration. Incomplete applications will not be accepted and will be returned to you for completion.

If your application is successful, the Minister for Justice and Home Affairs will issue you with a registration certificate, which allows you to carry out activities in relation to the removal, custody and storage of motor vehicles.

## Registration conditions

All registrations for motor vehicle removal operators are subject to certain standard conditions, as follows:

### Adequacy of insurance arrangements

***You have adequate insurance cover against any loss or damage to a motor vehicle which you are responsible for the removal and/or custody of.***

Your motor insurance policy must cover your legal liabilities in respect of any damage to third party property and include insurance cover for any location where a vehicle may be removed to and stored.



## Standard conditions

When carrying out activities in connection with the removal, safe custody and storage of motor vehicles in accordance with the Motor Vehicles (Removal from Private Land) (Jersey) Regulations 2019, a motor vehicle removal operator must:

- a) Take all reasonable precautions to prevent the loss of or from, or damage to, any motor vehicle that is in its custody.
- b) Maintain adequate insurance cover against any loss or damage to any motor vehicle that is in its custody.
- c) Ensure that removal vehicles and associated equipment are suitable for the safe removal of motor vehicles from private land, and comply with the relevant laws and standards in respect to the design, construction and maintenance of the removal vehicle and its equipment.
- d) In carrying out its business activities, use the storage facilities specified in the registration.
- e) Keep, for not less than one year, all relevant records and documents in connection with the actions taken in respect of a motor vehicle that was in its custody.
- f) Keep at its place of business the motor vehicle removal operator certificate issued by the Minister for Justice and Home Affairs.
- g) Inform the Minister for Justice and Home Affairs and provide details of any changes to the particulars of the vehicle removal operator that materially affect its registration at any time.

In addition to these standard conditions, the Minister for Justice and Home Affairs may attach other conditions to the registration as he or she considers necessary and may at any time remove or vary such conditions.

## Register of motor vehicle removal operators

If your application is successful, your registration will be made available to view on a register of motor vehicle removal operators. The register can be found at [www.gov.je](http://www.gov.je). It provides the following information:

- Name of the removal operator
- Business address
- Telephone number
- Premises where any motor vehicles removed by the removal operator are kept.

## Refusal to grant registration

The Minister for Justice and Home Affairs may refuse to grant your application for registration as a motor vehicle removal operator or, where registration has been granted, may cancel registration if:

- a) You have not upon application, or at any other time requested during the registration, provided required information relating to your circumstances, which are likely to affect your method of operating as a motor vehicle removal operator.



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- b) You are not able or no longer able to satisfy the Minister for Justice and Home Affairs that the requirements for operating as a vehicle removal operator have been met, including:
- You do not have a specified place that can be used as a storage facility in the course of your business, or the place specified is not suitable to be used as such.
  - That your removal vehicle(s) and its equipment is not, in the opinion of the Minister for Justice and Home Affairs, suitable for the safe removal of motor vehicles from private land.
  - That you do not possess adequate insurance cover against any loss or damage to a motor vehicle for which you are responsible for the removal and/or custody of.
- c) You are not, in the opinion of the Minister for Justice and Home Affairs, a fit and proper person to register, or continue to be registered, as a motor vehicle removal operator, or otherwise not competent to carry out the activity to which the registration relates, including:
- You have supplied information that was false or misleading in a material particular in, or in connection with, the application.
  - You have contravened any provision of the Law.
  - You have contravened any condition to which your registration is subject.
  - You have, in the opinion of the Minister for Justice and Home Affairs, been engaged in fraudulent or dis-honest conduct or activity in connection with your business.
  - You have become bankrupt or, in the case where the vehicle removal operator is a company, are in the course of being wound up.
  - You have, for a continuous period of one month or more, ceased to carry out business as a vehicle removal operator.

If the Minister for Justice and Home Affairs refuses your application, grants you registration subject to conditions, or cancels your registration, you will be given written notice of:

- a) The Minister for Justice and Home Affairs' intention to do so and the reasons for doing so.
- b) Information on your right to be heard in person or by a representative. You should inform the Minister for Justice and Home Affairs in writing within 14 days of the notice of your desire to do so.

The Minister for Justice and Home Affairs will give you the opportunity to be heard and will notify you within 7 days of his or her decision, the reasons for that decision, and your right of appeal.

### **False and misleading information**

You (and any person acting on your behalf) must not, in respect of an application for registration as a vehicle removal operator, or any notice of change in circumstances specified in the registration, make any statement which you know to be false or misleading.



The submission of false or misleading information is a grounds for the Minister for Justice and Home Affairs to refuse an application or to cancel a registration as a vehicle removal operator.

### **Appealing a decision**

You can appeal a decision made by the Minister for Justice and Home Affairs to the Royal Court if:

- your application to register is refused; or
- you are not satisfied with the conditions attached to your registration; or
- your registration is cancelled.

An appeal to the Royal Court must be made within 14 days from the date on which you were notified of the Minister's decision. On appeal, the Court may either confirm, reverse or vary the Minister's decision.

### **Cancellation of registration**

If your registration as a vehicle removal operator is cancelled by the Minister for Justice and Home Affairs, the cancellation will not take effect:

- a) Until 14 days after you receive notification of the cancellation; or
- b) If you have submitted an appeal to the Minister for Justice and Home Affairs, until 14 days after the Minister notifies you of his or her decision; or
- c) If you have submitted an appeal to the Court, and your appeal was dismissed, not until the date on which that decision takes effect.

If the Minister for Justice and Home Affairs considers that it is necessary in the public interest for the cancellation of a registration to have immediate effect, the Minister may apply to the Court for such an order to be made.

You may request the cancellation of your registration. Cancellation will take place after 7 days from the request having been approved by the Minister for Justice and Home Affairs.

### **Further information**

For further information on the registration requirements for vehicle removal operators, please contact the Department for Justice and Justice and Home Affairs.

T. 01534 445952

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