

GOVERNMENT OF ZAMBIA

STATUTORY INSTRUMENT NO. 81 OF 2016

The Road Traffic Act, 2002
(Act No. 11 of 2002)

**The Road Traffic (Removal of Vehicles)
Regulations, 2016**

ARRANGEMENT OF REGULATIONS

Regulation

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SCHEDULE—Prescribed fees

IN EXERCISE of the powers contained in sections 190 and 233 of the Road Traffic Act, 2002, and on the recommendation of the Agency, the following Regulations are made:

Title and commencement

1. These Regulations may be cited as the Road Traffic (Removal of Vehicles) Regulations, 2016, and shall come into operation on the expiration of a period of thirty days from the date on which they are published in the *Gazette*.

Interpretation

2. In these Regulations, unless the context otherwise requires—

“appropriate authority” means the Inspector General of Police, the Director of the Road Development Agency, the Director of the Road Transport and Safety Agency or any local authority;

“authorised officer” means a police officer, road traffic inspector or other person authorised by an appropriate authority;

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“local authority” means a district, municipal or city council established under the Local Government Act;

“place of safety” means a car park, road traffic depot, police station yard, Government workshop yard or any other place considered to be a place of safety by an authorised officer;

“tow truck” means a vehicle with a chassis rated at 1,500 kilograms or greater by the vehicle manufacturer and equipped with a winch capable of lifting a maximum of 8000 kilograms; and

“heavy tow truck” means a vehicle with a chassis rated at 5000 kilograms or greater by the vehicle manufacturer and equipped with a winch capable of lifting a maximum of 30,000 kilograms.

Removal of vehicle

3. (1) An authorised officer may require the owner or driver of a motor vehicle or other person in control or in charge of a motor vehicle to move it or cause it to be moved to a place of safety where the motor vehicle—

(a) has broken down or has been permitted to remain at rest on a road in contravention of the Act; or

(b) has been permitted to remain at rest on a reserve in a position or in such a condition or in such circumstances as to appear to an authorised officer to be likely to cause danger to persons using the road or to cause obstruction to those persons.

(2) Where the motor vehicle referred to in sub-regulation (1) cannot be moved under its own power by reason of the driver not being present, or because of a mechanical failure in some part of it, or for any other reason, an authorised officer may remove the vehicle, or arrange for its removal, from that road or road reserve to a place of safety.

(3) A person who contravenes this regulation commits an offence.

4. An owner of a motor vehicle which has been removed, or in respect of which arrangements have been made for the removal, by an authorised officer, shall pay the expenses for the removal and storage set out in the Schedule.

Expenses for removal and storage

5. For the purposes of regulation 6, a motor vehicle is abandoned if—

Deeming vehicle to have been abandoned

- (a) after being examined by a vehicle examiner, it is not taken away by the owner from the place where it was examined within seven days of the examination; or
- (b) after having been taken to a place of safety in accordance with regulation 3, it is not collected by or on behalf of the owner within seven days of its being taken to the place of safety.

6. (1) An appropriate authority may sell or dispose of an abandoned motor vehicle in accordance with these Regulations.

Disposal of abandoned motor vehicle

(2) The power of disposal conferred by this regulation shall not be exercisable in relation to a motor vehicle unless the appropriate authority takes the steps specified in regulation 7 and 8 as are applicable to the motor vehicle, and a period of six weeks has lapsed beginning with the taking of the first of those steps.

7. (1) An appropriate authority shall, before selling an abandoned motor vehicle—

Tracing owner of motor vehicle

- (a) ascertain the owner of the motor vehicle from the motor vehicle register kept by the Agency or, where the owner cannot be ascertained from the motor vehicle register, apply, in writing, to the local authority or Commanding Officer of Police in whose area the motor vehicle was removed to ascertain the owner; and
- (b) where the owner is ascertained, send a notice of the intention to sell the abandoned motor vehicle at the expiry of six weeks from the date of the notice.

(2) An appropriate authority may, where the owner of an abandoned motor vehicle cannot be found, publish the notice of the sale of the motor vehicle referred to in subsection (1) (b), once in the *Gazette* and a daily newspaper of general circulation in Zambia.

Further inquiry for owner of vehicle

8. Where after the steps in regulation 7 have been taken and a motor vehicle is not claimed, the appropriate authority may make such further inquiries it considers reasonable to ascertain the owner of the abandoned vehicle.

Delivery of abandoned motor vehicle

9. (1) A person claiming to be the owner of a motor vehicle that has been removed or abandoned may, at any time, before the motor vehicle is sold, request for the delivery of the motor vehicle.

(2) An appropriate authority shall deliver a motor vehicle which has been removed or abandoned to the person claiming it under subregulation (1) if the person—

- (a) tenders evidence of ownership of the motor vehicle; and
- (b) pays the removal and storage expenses set out in the Schedule.

When inquiry is not necessary

10. (1) Where the owner does not claim the motor vehicle or has claimed the motor vehicle but fails to pay the expenses incurred in moving and storing the vehicle, the appropriate authority may offer the vehicle for sale by public auction.

(2) Where an abandoned motor vehicle, having been offered for sale by public auction under regulation (1) is not sold, the appropriate authority may dispose of it in any other manner that it considers appropriate.

(3) Where an abandoned motor vehicle is sold under these Regulations, the appropriate authority shall, after deducting the removal and storage expenses and any other costs incidental to the disposal of the abandoned motor vehicle, pay the balance to the owner within one year from the date of the sale of the abandoned motor vehicle.

(4) Where the owner does not claim the moneys within the period stated in subregulation (2), the moneys shall be paid into the general revenues of the Republic.

Revocation of S.I. No. 54 of 1996

11. The Roads and Road Traffic (Removal of Vehicles) Regulations, 1996, are revoked.

| SCHEDULE (Regulation 13) | | |
|--------------------------------|-------------------------------------|------------------|
| PRESCRIBED FEES | | |
| | <i>Distance</i> | <i>Fee Units</i> |
| 1. Motor vehicle moved: | | |
| (a) Heavy vehicles | 20 kilometres or less | 1,500 |
| | Every kilometer after 20 kilometres | 250 |
| (b) Any other vehicle | 20 kilometres or less | 1,000 |
| | Every kilometer after 20 kilometres | 250 |
| 2. Motor vehicle stored: | | |
| (a) Heavy vehicle per day | | 1,500 |
| (b) Any other vehicles per day | | 750 |

LUSAKA
27th October, 2016
[MCT.102/1/17]

ENG B. MUSHIMBA,
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