

Seychelles

## Derelict Motor Vehicles (Disposal) Act Act 18 of 1972

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## Seychelles

# Derelict Motor Vehicles (Disposal) Act

## Act 18 of 1972

Commenced on 1 January 1976

*[This is the version of this document at 30 June 2012 and includes any amendments published up to 30 June 2014.]*

*[Act 18 of 1972; S.I. 95 of 1975; Act [23 of 1976](#)]*

### 1. Short title

This Act may be cited as the Derelict Motor Vehicles (Disposal) Act.

### 2. Interpretation

In this Act, unless the context otherwise requires:—

"**Commissioner of Police**" means the person who has the command, superintendence, direction and control of the Seychelles Police Force as by law established.

"**occupier**" in relation to land means the person in actual possession or control thereof or, whoever is entitled to possession or control.

"**owner**" means in relation to a vehicle which has been registered under the Road Transport Act, the person in whose name the vehicle is registered:

Provided that whenever the registered owner of a motor vehicle is absent from Seychelles the person in actual possession or control of the vehicle in Seychelles shall be deemed to be the owner thereof;

"**public place**" includes any open space to which the public has access, any public way, wharf, foreshore, curtilage of any public buildings and any privately owned open space to which the public is granted access either generally or conditionally;

"**road**" means any highway, road, street to which the public has access, any bridge over which a road passes, and any privately owned road or street which is not merely a driveway to an owner's garage;

"**vehicle**" means any vehicle, motor vehicle, cart or carriage, public vehicle, commercial vehicle or private vehicle as these terms are defined in the Road Transport Act.

### 3. Power of Commissioner of Police to require removal of abandoned or disused vehicles

- (1) When it appears to the Commissioner of Police that a vehicle has been abandoned or is disused or is in a dilapidated condition in or upon any road or public place, the Commissioner of Police may cause a notice in writing to be served on the owner of that vehicle or, when the owner is not known or cannot be traced the Commissioner of Police may cause the notice to be affixed to the vehicle requiring that the vehicle be removed within a period of fourteen days from the date when the notice is so served or affixed:

Provided that in the case of a vehicle bearing a valid current licence issued under the provisions of the Road Transport Act, if the owner cannot be served personally with a copy of the notice under the provisions of this subsection, in addition to affixing the notice to the vehicle, the Commissioner of Police shall advertise notice of his intention to take action under the provisions of this Act with respect to the vehicle, in a newspaper circulating in Seychelles.

- (2) If a vehicle to which subsection (1) of this section applies is not removed within the period of fourteen days or any extension thereof authorised by the Commissioner of Police in any particular case, the Commissioner of Police may cause the vehicle to be removed to a vehicle pound, to

be established for the purpose by the Commissioner of Police, and there kept for twenty-eight days during which period the Commissioner of Police shall advertise, by not less than two advertisements of different dates in a newspaper circulating in Seychelles his intention to dispose of the vehicle under this Act if it is not claimed and removed from the vehicle pound within the said period.

- (3) The owner of a vehicle removed to the vehicle pound under the provisions of this section may, within the period of twenty-eight days specified in subsection (2) of this section, remove the vehicle therefrom upon payment to the Commissioner of Police of the prescribed charge for the removal of the vehicle to the vehicle pound and any other proper charges.
- (4) The owner of any vehicle not claimed and removed from the vehicle pound within the time specified in subsection (2) of this section shall be deemed, at the expiration of such time, to have abandoned all right and title to the said vehicle and to any articles in, upon or affixed to it, and the vehicle and all its equipment and articles shall be held to be *bona vacantia* and the Commissioner of Police shall be entitled to deal with them in any manner whatever.
- (5) No claim or proceedings or right of action whatsoever by the owner of any vehicle to which the provisions of this section apply shall lie against the Commissioner of Police or against any person acting in good faith under the general or specific orders of the Commissioner of Police with respect to the removal or disposal of a vehicle in accordance with the provisions of this Act.

#### **4. Removal of abandoned vehicle from private property**

Upon request made by the occupier of any land and upon payment by the occupier of the prescribed charge therefor the Commissioner of Police may arrange for the removal and disposal of any abandoned, dilapidated or disused vehicle found on the land:

Provided that if the occupier of the land satisfies the Commissioner of Police that he is not the owner of the vehicle concerned and that it has been placed on his land without his consent the Commissioner of Police shall not require him to pay the prescribed charge for the removal thereof, and in such a case the provisions of [section 3](#) of this Act shall apply as if the vehicle had been found abandoned or disused in a public place.

#### **5. Authorised use of land for storage of abandoned or disused vehicle**

- (1) In any case in which any land is used as a place upon which to deposit in the open any abandoned or disused vehicle, which is in a dangerous or dilapidated state, and such use of the land has not been permitted under the provisions of the Town and Country Planning Act the Commissioner of Police may serve a notice upon the occupier of the land requiring that the vehicle be removed within a period of 14 days, or such longer period as the Commissioner of Police may specify, and if the occupier of the land does not comply with the requirements of the notice, the provisions of [section 3](#) shall apply as if the vehicle had been found abandoned or disused in a public place. For the purpose of the application of [section 3](#) in a case to which this subsection applies, the occupier of the land shall be deemed to be the owner of the vehicle unless he proves the contrary.
- (2) In any case to which the provisions of subsection (1) apply and in which the occupier of the land concerned is not known or cannot be found, it shall be sufficient service upon such person if the Commissioner of Police causes copies of the said notice to be affixed to the vehicle concerned and also causes a copy thereof to be affixed in a conspicuous place on the land.
- (3) The provisions of this section shall be in addition to and without prejudice to the provisions of the Town and Country Planning Act and the removal of any vehicle from any land under the provisions of this Act shall not prejudice or bar any proceedings against the owner or occupier of the land in respect of any breach of the provisions of that Act.

## 6. Appeals

- (1) Subject to the provisions of subsection (2) of this section, the owner of any vehicle aggrieved by the operation of section 3, 4 or 5 may appeal to a Judge of the Supreme Court against any notice served upon him or affixed to his vehicle by the Commissioner of Police under the provisions of any of the said sections, within seven days of the date when the notice was served or affixed and the appeal shall be in the form of an inquiry.
- (2) An appeal under the provisions of subsection (1) of this section shall only lie upon the ground that the vehicle has not been abandoned or is not disused, dangerous or dilapidated, or in a case to which the provisions of [section 5](#) apply, that the vehicle is on land which has been authorised for the storage of disused vehicles under the provisions of the Town and Country Planning Act and it shall be a condition of lodging an appeal that the appellant shall have given to the Commissioner of Police security for the prescribed and other proper charges for removal and disposal of the said vehicle if the appeal does not succeed. The security shall forthwith be repaid, however, to the appellant if the appeal is allowed by the Judge hearing it.
- (3) The lodging of an appeal under the provisions of this section shall have effect as a stay of all further action by the Commissioner of Police for the removal and disposal of the vehicle concerned until such time as the appeal shall have been determined.
- (4) The decision of the Judge hearing the appeal shall be final.

## 7. Act not to derogate from powers under other laws in respect of obstruction

Nothing in this Act shall be construed as being in derogation of any powers under the Road Transport Act, or any regulation made thereunder, or any other law for the time being in force relating to roads or vehicles, to bring any proceedings against any necessary obstruction with any vehicle or for the removal of such obstruction.

## 8. Power of Minister

The Minister may by order give to the Commissioner of Police directions of a general or specific nature for the carrying out of the provisions of this Act.

## 9. Penalty

Any person who, being the owner of a vehicle to which the provisions of section 3, 4 or 5 apply, fails to remove the vehicle in accordance with the terms of a notice served upon him or affixed to the vehicle under the provisions of this Act shall be guilty of an offence and shall be liable on summary conviction before a Magistrate to a fine not exceeding Rs. 250; and the court recording the conviction against such person shall order him to pay to the Commissioner of Police the prescribed charge for the removal and disposal of the said vehicle and the payment of such charge, in case of default, may be enforced in like manner as the payment of a fine.

## 10. Regulations

The Minister may make regulations to carry out the objects and provisions of this Act, and without prejudice to the generality of the foregoing power, such regulations may—

- (a) prescribe scales of charges for the removal and disposal of vehicles which are removed and disposed of under the provisions of this Act; and
- (b) prescribe the procedure to be used for the removal and disposal of vehicles;
- (c) prescribe anything that by this Act is required or authorised to be prescribed.