

VIRGIN ISLANDS

DERELICT VEHICLES (DISPOSAL) ACT, 2000

ARRANGEMENT OF SECTIONS

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I Assent

Francis J. Savage,  
CMG, LVO, OBE,  
Governor.  
19th June, 2000

VIRGIN ISLANDS

No. 6 of 2000

An Act to provide for the disposal of derelict vehicles and other matters connected therewith.

[Gazetted 13th July, 2000]

ENACTED by the Legislature of the Virgin Islands as follows:

1. This Act may be cited as the Derelict Vehicles (Disposal) Act, 2000 and shall come into force on such date as the Governor may, by Proclamation published in the *Gazette*, appoint.

Short title  
and commence-  
ment.

2. In this Act, unless the context otherwise requires,

Interpretation.

“**derelict**”, in relation to a vehicle, means an abandoned, dilapidated or disused vehicle or a vehicle which is otherwise written off for the purpose of insurance coverage;

“**Manager**” means the Manager of the Solid Waste Department and includes

(a) a person authorised in writing by the Manager to perform the functions imposed on the Manager by this Act, whether or not that person is an officer of the Solid Waste Department;

(b) an officer of the Solid Waste Department whose job description includes responsibility for derelict vehicles, whether or not this Act is mentioned in that job description;

“**motor cycle**” means a motor vehicle with less than four wheels, which is not equipped with means of reversing and the unladen weight of which does not exceed 8 cwt.;

**“motor vehicle”** means any mechanically propelled vehicle, other than a motor cycle, intended or adapted for use on roads, and includes a boat;

**“occupier”**, in relation to land, means the person in actual possession or control thereof or whoever is entitled to possession or control and, in the case of land of which no person is currently in actual possession or control, the person in whom the fee simple thereof is vested shall be deemed to be entitled to possession or control unless he proves the contrary;

**“owner of a motor vehicle”** means,

- (a) in the case of a motor vehicle that is registered and licensed the person in whose name the vehicle is registered and licensed;
- (b) in the case of a motor vehicle which is the subject of a hire-purchase agreement, the person in possession of the vehicle under the agreement; or
- (c) the person in charge or possession of the motor vehicle in the Territory whenever the registered owner of the vehicle is absent from the Territory;

**“public place”** includes

- (a) any highway, street, road, thoroughfare, square, court, alley, lane, bridleway, footway, parade, plaza, passage, curtilage or open space,
- (b) any wharf or foreshore,

whether public or privately owned, to which the public has access either conditionally or unconditionally;

**“road”** means any street, road or open space to which the public is granted access and any bridge over which a road passes, and includes any privately owned street, road or open space to which the public is granted access either generally or conditionally;

**“vehicle”** includes

- (a) any motor vehicle, motor cycle, scooter, bicycle, truck and any other conveyance for the transportation of persons and goods;
- (b) any wheeled trailer;

(c) any agricultural, earth moving and other similar vehicle;

(d) any boat.

3. The objectives of this Act are

Objectives.

- (a) to create a mechanism for the identification and proper disposal of derelict vehicles;
- (b) to promote hygiene and a clean environment in the Territory;
- (c) to prevent accidents and generally improve road safety; and
- (d) to create provisions for the proper implementation of this Act.

4. To the extent that they may relate to charging on , or recovery from, the owner the cost of removal or disposal of a motor vehicle, or charging such cost on the Derelict Vehicles Fund, as the case may be, sections 7(3), 7(4), 8(3), 8(4), 9 and 12(1) shall not apply to motor vehicles with respect to which a fee has been paid under section 5.

Application.

5. (1) In addition to any other fee that may be payable under the Road Traffic Act or any regulations made thereunder in respect of the licensing of a motor vehicle, there shall, subject to subsection (6), be paid at the time of licensing, as a precondition for the licensing of a motor vehicle, a fee which shall be deposited into the fund referred to in section 6.

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(2) After the coming into force of this Act motor vehicles presented for renewal of a licence shall be subject to the fee referred to in subsection (1) in the same way as if they were being licensed for the first time.

(3) The Minister may by Order published in the *Gazette* prescribe the fee referred to in subsections (1) and (2) and may prescribe different fees for different classes of motor vehicles.

(4) Any person who drives or abandons a motor vehicle without having paid the fee referred to in subsection (1) or (2) commits an offence and is liable on conviction to a fine not exceeding one thousand dollars.

(5) The fee to be prescribed under this section shall be paid only once during the life of a motor vehicle.

(6) Where a person exports a motor vehicle in respect of which a fee was paid under this section, the fee shall be refunded upon application in writing.

(7) For the purposes of a refund under subsection (6), the application may be made by the person who owned the vehicle at the time it was exported.

Derelict  
Vehicles Fund.

6. (1) There shall be established a fund to be known as the Derelict Vehicles Fund into which all fees paid pursuant to section 4 shall be deposited and which shall be maintained in an interest bearing account in such bank as may be approved by the Minister responsible for finance.

(2) The Minister responsible for finance may, with the approval of the Legislative Council, invest or otherwise expend for public purposes such portion of the Derelict Vehicles Fund as is not needed for the implementation of this Act.

Power of  
Manager to  
require  
removal of  
abandoned or  
disused  
vehicles.

7. (1) When it appears to the Manager that a vehicle has been abandoned or is disused or is in a dilapidated condition in or upon any road or public place, the Manager may cause a notice in writing served on the owner of that vehicle or, when the owner is not known or cannot be traced, the Manager 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, or be removed and disposed of in accordance with the provisions of this Act.

(2) Where a vehicle referred to in subsection (1) has a valid current licence issued under this Act and the owner cannot be served personally with a copy of the notice, in addition to affixing the notice to the vehicle, the Manager shall advertise in at least two issues of a newspaper circulating in the Territory notice of his intention to take action under the provisions of this Act with respect to the vehicle.

(3) If a vehicle to which subsections (1) and (2) apply is not removed and disposed of within a period of fourteen days or any extended period authorised by the Manager in any particular case, the Manager may cause the vehicle to be removed and disposed of as he deems fit, and the cost of such removal and disposal shall be borne by the owner.

(4) The cost referred to in subsection (3) may be recovered by summary proceedings in a Magistrate's Court.

(5) Where the owner of the vehicle cannot be found and no fee was paid under section 5 in respect of that vehicle,

the cost referred to in subsection (3) shall be a charge on the Derelict Vehicles Fund established under section 6.

(6) No claim or proceedings or right of action by the owner of any vehicle to which the provisions of this section apply shall lie against the Manager for anything done in good faith with respect to the removal or disposal of a vehicle in accordance with the provisions of this Act.

8. (1) The Manager may give twenty-one days' written notice to the occupier of any land on which a derelict vehicle is lying to remove and dispose of that vehicle in such manner as the Manager may specify but the Manager may by similar notice extend the time for a period not exceeding twenty-one days.

Manager may  
require  
occupier to  
remove  
vehicle.

(2) The notice under subsection (1) may be served personally on the occupier or sent by registered post or, if there is no occupier, may be affixed to the building or be put upon some conspicuous part of the land.

(3) If a vehicle to which subsection (1) applies is not removed and disposed of within twenty-one days or any extension thereof of the date of service the Manager may cause the vehicle to be removed and disposed of as the Manager deems fit, and the cost of such removal and disposal shall be borne by the occupier.

(4) The cost referred to in subsection (3) may be recovered by summary proceedings in a Magistrate's Court.

(5) If the occupier satisfies the Manager that he is not the owner of the vehicle concerned and that it was placed on his land without his consent, the Manager shall not require him to bear the cost of such removal and disposal.

9. Where any vehicle which has been removed under the provisions of this Act has been disposed of by way of sale, the Manager shall be entitled to deduct any cost incidental to the removal and disposal thereof, and the balance (if any) shall be given to the owner upon his request.

Disposal of  
vehicle by way  
of sale.

10. (1) In any case in which any land is used as a place upon which to deposit any abandoned or disused vehicle which is in a dilapidated state, and such use of the land has not been sanctioned under the provisions of the Land Development (Control) Ordinance, the Manager may serve a notice upon the occupier of the land requiring that the vehicle be removed within a period of three months, or such longer period not exceeding three months as the Manager may specify, and if the occupier of the land does not comply with

Unauthorised  
use of land for  
storage of  
abandoned or  
disused  
vehicles.  
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the requirements of the notice, the provisions of section 4 shall apply as if the vehicle had been found abandoned or disused in a public place.

(2) For the purpose of subsection (1), the decision as to whether or not any land is being used as a place upon which to deposit any abandoned or disused vehicle which is in a dilapidated state shall be the Manager's.

(3) For the purpose of the application of section 5 in a case to which subsection (1) applies, the occupier of the land shall be deemed to be the owner of the vehicle unless he proves the contrary.

(4) 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 Manager causes a copy of the required notice to be affixed

(a) to the vehicle concerned; or

(b) in a conspicuous place on the land.

(5) The provisions of this section shall be in addition to and without prejudice to the provisions of the Land Development (Control) Ordinance 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 Ordinance.

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Appeals.

11. (1) Subject to subsection (2), the owner of any vehicle who is aggrieved by the operation of section 7, 8, 9 or 10 may, within ten days of the date when the notice was served or affixed to his vehicle, appeal to a Magistrate against the notice, a copy of which appeal shall be served on the Manager, and the appeal shall be in the form of an inquiry.

(2) Any appeal under subsection (1) shall only lie upon the ground that the vehicle has not been abandoned or is not disused or dilapidated, or in a case to which the provisions of section 10 apply, that the vehicle is on land which has been authorised for the storage of disused vehicles under the provisions of the Land Development (Control) Ordinance and it shall be a condition of lodging an appeal that the appellant shall have given to the Manager security for the cost of removal and disposal of the vehicle if the appeal does not succeed.

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(3) The security shall be repaid to the appellant if the appeal is allowed by the Magistrate.

(4) The lodging of an appeal under the provisions of this section shall have effect as a stay of all further action by the Manager for the removal and disposal of the vehicle concerned until such time as the appeal is heard and determined.

(5) The decision of the Magistrate hearing the appeal against the notice shall be final.

12. (1) Any person who fails to remove and dispose of any vehicle pursuant to a notice given under the provisions of section 7 or 8 within the time stipulated in the said notice or any extension thereof, shall be liable on conviction to a fine not exceeding five hundred dollars and the court shall order the person to pay to the Manager all costs and expenses incidental to the removal and disposal of the derelict vehicle, and the payment of such costs and expenses may be enforced in the same manner as the enforcement of the payment of any fine.

General offences and recovery of charges.

(2) Any person who removes, destroys, defaces or otherwise interferes with a notice served, affixed or placed under section 7, 8 or 10 shall be liable on conviction to a fine not exceeding five hundred dollars.

13. This Act binds the Crown.

Act binds the Crown.

14. (1) The Minister may make Regulations generally for the purpose of giving effect to the provisions of this Act.

Regulations.

(2) Regulations made under subsection (1) shall not come into force unless approved by an affirmative resolution of the Legislative Council.

15. Sections 55A, 55B, 55C, 55D, 55E and 55F of the Road Traffic Act are hereby repealed.

Repeal of sections 55A to 55F of Cap. 218.

Passed by the Legislative Council this 6th day of June, 2000.

REUBEN VANTERPOOL,  
Speaker.

OLEANVINE MAYNARD,  
Ag. Clerk of the Legislative Council.