

### **Legal Update: Vehicle Clamping in the Isle of Man**

There appears a misconception on the Island that the clamping of vehicles is unlawful. In England and Wales this is correct when private land is concerned however, not only is clamping permitted on the Island, there are clear statutory provisions.

Section 28A of the Road Traffic Act 1985 allows a private landowner to clamp a vehicle left on his land without permission so long as the required notice is displayed and that the release fee does not exceed £60.

In that case the land owner may attach an immobilisation device which is defined as '*any device or appliance designed or adapted to be fixed to a vehicle for the purpose of preventing it from being driven*' – essentially a vehicle or wheel clamp.

The Act makes it clear that clamping a vehicle is an offence unless the section, and the corresponding regulations, are complied with.

These regulations provide very specific requirements for what signage is required including, but not limited to:

- Where it must be displayed;
- How it is illuminated;
- The size of the sign;
- The sign of the font;
- The information to be contained on the sign; and
- The release fee.

Clamping can prove to be a swift and effective option for a landowner to prevent unwanted vehicles parking on their land, certainly more so than the ordinary action of a claim in trespass. However one must ensure they fully comply with the legislation in order to prevent committing a criminal offence, the penalty for the same being a fine up to £1,000.

***DQ is able to provide advice on all areas of Manx law and routinely on niche areas such as clamping. [Alexander Armstrong](#) has recently advised on school catchment area***



***appeals, planning appeals, clamping and disguised remuneration schemes alongside his normal litigation work. For further information please contact [Alexander Armstrong](#).***

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