New Section 59 Rules
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Police Can Now Seize Your Bike Without a Warning: BMF Explains the New Section 59 Rules

A significant change to police powers relating to the seizure of vehicles came into force earlier this year in England and Wales.

There has been some confusion among motorbike riders as to the extent of the new police powers and concern that the police themselves may in some circumstances be interpreting the new legislation incorrectly. The following advice is designed to clarify the current position, whilst setting out what riders can do to ensure they do not fall foul of the new powers of seizure.

The key change is that since 29 June 2026, police officers no longer have to give a warning before seizing a vehicle under Section 59 of the Police Reform Act 2002. The change was introduced through the Crime and Policing Act 2026 and is intended to give police stronger powers to intervene immediately where vehicles, including motorbikes, are being used in an anti-social manner, including careless or inconsiderate driving, street racing and illegal off-roading.

Additionally, since 22 July 2026, the rules governing how long seized vehicles need to be retained by the police, or their contractors, before disposal have also been amended. Statutory retention times have been reduced, both to support the removal from circulation of vehicles being used in an anti-social manner, as well as to cut down on expensive storage costs.
Police now have the power to seize a motorbike on the first instance of anti-social or careless driving under Section 59 of the Police Reform Act 2022, as amended by the Crime and Policing Act 2026.

This means that, in some circumstances, a rider could now find themselves facing the immediate seizure of their bike, followed by a much shorter period, than was previously the case, during which time an owner must take prompt action to recover their vehicle before its potential disposal.

What are the Details Relating to Section 59?

Section 59 of the Police Reform Act 2002 gives the police powers to deal with certain vehicles being used in an anti-social manner. This includes the unlawful use of high-powered, illegally modified e-bikes that have become a significant problem for communities and police with riders often engaging not only in anti-social behaviour but also wider criminal activity.

Section 59 powers can apply where a constable in uniform has reasonable grounds for believing that a motor vehicle is being used, or has been used, in a manner which:

- contravenes Section 3 of the Road Traffic Act 1988, concerning careless or inconsiderate driving; or
- contravenes Section 34 of the Road Traffic Act 1988, concerning driving a motor vehicle off-road without lawful authority; and
- is causing, or is likely to cause, alarm, distress or annoyance to members of the public.

Where the statutory requirements are met, Section 59 gives the police powers to:

- order a moving vehicle to stop;
- seize and remove the vehicle;
- enter premises where they reasonably believe the vehicle to be, for the purpose of exercising the relevant powers; and
- use reasonable force where necessary.

What Has Now Changed Exactly?

Previously, before a vehicle could be seized under Section 59 powers, the police were required to warn the person responsible for the relevant use of the vehicle that it would be seized if the behaviour specified in the relevant legislation continued or was repeated. The general requirement to give an initial warning was removed when the law changed on 29 June 2026. For vehicles seized under Section 59, the previous 14-day statutory

period that had to elapse before disposal has now been reduced to 7 days.

This makes it particularly important for anyone whose vehicle has been seized to deal with the seizure promptly.

Can the Police Now Seize Any Vehicle Without Warning?

No. This is not the case. The removal of the previous warning requirement does not give the police an unrestricted power to seize any vehicle they might simply consider undesirable. The specific requirements of Section 59 must first be satisfied. Namely, an officer in uniform must have reasonable grounds for believing that the circumstances set out in the legislation exist i.e. the vehicle must be being used in a manner that falls within the statutory requirements set out in the legislation, and the conduct is causing, or is likely to cause, alarm, distress or annoyance to members of the public.

The rescinding of the previous warning requirement is simply a change to how quickly the police can exercise their powers of seizure. The amendment to the legislation does not create an unlimited police power to seize vehicles whenever an officer so chooses.

What kinds of Driving/Riding Could Result in a Section 59 Seizure?

Section 59 can potentially apply to a wide range of circumstances. The legislation specifically refers to careless or inconsiderate driving and certain forms of unauthorised off-road driving, together with conduct causing or likely to cause alarm, distress or annoyance. This could include, for example, circumstances involving aggressive or intimidating riding, burnouts, wheel spins, anti-social stunt riding, illegal street racing, repeated revving associated with inconsiderate riding in residential areas, and riding motorcycles off-road where motor vehicles are not permitted.

Additionally, it is important to note that if a Section 59 power has been utilised
this does not prevent the police from investigating or prosecuting other potential offences, where appropriate. This could include, for example, careless or dangerous riding, riding without a licence and/or insurance and potential offences connected with vehicle registration.

What About Noisy Exhausts?

There has been some confusion in this area. Section 59 is not a new law that allows police to seize every motorcycle with a loud exhaust.

Motorcycle exhausts are principally covered by the Road Vehicles (Construction and Use) Regulations 1986, with offences enforceable under the Road Traffic Act 1988. Exhaust systems and silencers must comply with the applicable requirements and must not be modified so as to cause excessive noise.

A defective, excessively noisy or non-road-legal exhaust can therefore result in separate enforcement action and may result in an MOT failure.

Although a loud exhaust does not by itself automatically trigger Section 59, excessive exhaust noise can contribute to the overall circumstances under consideration. Deliberately revving a motorcycle late at night while riding carelessly or inconsiderately through a residential area, for example, could bring the rider’s behaviour within the ambit of Section 59 and result in seizure action being instigated.

What About Small Number Plates?

Again, this is principally a separate offence.

Registration plates must comply with the Road Vehicles (Display of Registration Marks) Regulations 2001 and associated legislation covering matters such as character size, spacing, layout and visibility. An illegal “show plate” or undersized plate can result in enforcement action, an MOT failure and potentially a fine of up to £1,000. A small or non-compliant number plate does not, by itself, give police an automatic Section 59 power to seize a motorcycle