IMMOBILISATION
Contents

1. Background 3
2. Immobilisation Device 3
3. VOSA Immobilisation Policy 3
4. Device Fitment 4
5. Device Removal 4
6. Vehicle Removal 5
7. Offences 5
8. How to avoid Immobilisation 5
9. Disputes 6
10. Notices 6
   10.1 Immobilisation Notice 7
   10.2 Removal Notice 8
   10.3 Document Wallet 9
11. Legislation 10
1. Background

Immobilisation is a new power available to VOSA to help to enforce prohibitions issued against the further use of vehicles, when infringements or regulation breaches committed by the driver have been discovered. VOSA will be able to lock a device to the vehicle to stop it from being driven.

Immobilisation was introduced by an amendment to the Road Traffic Offenders Act 1988 contained in the Road Safety Act 2006. This means that any vehicle prohibited with immediate effect for any of the following reasons could be subject to Immobilisation;

- Drivers’ hours regulation breaches
- Roadworthiness issues
- Overloading
- Non-payment of a financial deposit requirement

This measure has been introduced to address the problem of non-compliance with immediate prohibitions, namely a prohibited vehicle being driven off unlawfully while still under prohibition, and to counter fears that the new prohibitions associated with the non-payment of deposit requirements may lead to an increased likelihood of such non-compliance.

2. Immobilisation Device

The Regulations provide that only a device of a type approved by the Secretary of State may be used to immobilise vehicles. VOSA has approval to use a PVC covered steel cable secured by a padlock as an immobiliser. A similar device is in operation by enforcement authorities in the Netherlands. The steel cable will be fitted around or through wheels and body parts of the vehicle and will be brightly coloured and visible so that drivers will see it easily. A warning notice will also be attached to the vehicle via an adhesive wallet. Also contained in the wallet will be further information to enable a driver or an operator to deal with the prohibition issues that led to the Immobilisation.

3. VOSA Immobilisation Policy

VOSA does not intend to immobilise every prohibited vehicle. Generally, immobilisation will be applied where there are serious breaches which could greatly affect road safety. In the main, the Immobilisation Device will be deployed:

- In any case where the continued use of a vehicle represents a danger to other road users (either because the vehicle is seriously defective, overloaded beyond design weights, or because the driver has driven for too long, or has taken insufficient rest); or
• When a person who has been requested to pay a financial penalty deposit has failed to make such a payment, and
• Effective remedies to these matters cannot be put in place in a reasonable time i.e. approximately within an hour.

In addition, examiners will use their discretion to immobilise in cases where the vehicle has been prohibited for less severe breaches, but other available details, or intelligence information leads to a suspicion that the driver of the vehicle will not adhere to the conditions of the prohibition.

VOSA examiners will always make an assessment of the need and appropriateness of immobilisation and while considering the above stated policy will take into account factors such as, but not limited to, load and passengers.

From June 2011, in all cases where a vehicle has been correctly immobilised, VOSA will charge, in accordance with legislation, a release fee of £80. It should be noted that this release fee is a charge against the operator and not a penalty payable by the driver. The revenue stream from this activity will go some way to offset the costs of the immobilisation scheme.

4. Device Fitment

Immobilisation Devices may only be fitted by authorised examiners (and police) or by someone acting under their direction. All VOSA examiners engaged in this activity will be trained to apply the device correctly and safely, in consideration of their own and the public’s safety and will at all times avoid any damage to the subject vehicle. They will all have received guidance on which sensitive components must be avoided in fitting the device. Where there is pre-existing damage to a vehicle, examiners are instructed to photograph this both before and after fitment of the device.

5. Device Removal

The device will be removed in the case of:
• Roadworthiness prohibitions - when a removal, variation or exemption notice is issued
• Overweights – when the removal notice is issued
• Drivers’ hours and tachograph regulation breaches – at the expiry of the prohibition period or the issue of an exemption notice
• Non-payment – on receipt of full payment
• Multiple prohibitions – when all prohibition matters have been dealt with satisfactorily.

And

• Full payment of the release fee is received by VOSA
The Immobilisation Notice gives details on how and when application can be made to have the
device removed, but in many cases this will not be required as an examiner’s presence is often
required to attain a prohibition free status.
The notice will also give full details of how and by what means payment of the release fee can be
made.
Immobilisations that have followed a prohibition of fixed duration will have the release activity
timetabled into the local examiner’s or contractor’s activities.
Application for a release will certainly be needed after a payment of a Deposit Requirement when
this has taken place via a third party to the Fixed Penalty Office or where the immobilised vehicle
was the subject of multiple prohibitions. In these instances, VOSA undertakes to release a vehicle
within 1 hour of being informed that all prohibition matters have been satisfactorily dealt with.

It is anticipated that the removal of the device will be carried out by attending VOSA staff, however in
circumstances where an out of hours release is required, this may be carried out by a VOSA
appointed contractor. Full details on the conditions to be met before release accompanies the
notice attached to the vehicle.

6. Vehicle Removal

Legislation allows examiners to remove a vehicle into safekeeping in addition to applying an
Immobilisation Device. However this will only take place in circumstances where, for example, there
is an acute risk of criminality associated with the immobilised vehicle or the vehicle appears to have
been abandoned.
Vehicles that remain immobilised for 5 days may be considered by VOSA to be abandoned. Such
vehicles may be taken into safekeeping. In the event of this happening, VOSA will notify the driver
(if present), the apparent user (if driver not present) and the registered keeper. Vehicles may be
reclaimed from safekeeping on payment of charges to cover removal, storage and device removal.
Vehicles not reclaimed after 3 months will be disposed of and the proceeds used to offset any
unpaid charges. VOSA intend to use the services of a contractor to carry out these activities.

7. Offences

There are the following offences associated with Immobilisation.
It is an offence to:
- remove or interfere with an Immobilisation Device (max. £1000)
- remove or interfere with an Immobilisation Notice (other than the owner or driver max. £500)
- misuse a disabled persons badge (max. £1000)
- give false and misleading statements to procure the release of vehicle.(Summary Only
max.£5000,Indictment, max. up to 2years)
In all cases, it will be VOSA’s policy to investigate and to prosecute where these offences are
detected.
8. How to avoid Immobilisation

Immobilisation is directly linked to immediate prohibitions. A reduction in the likelihood of being subject of an immediate prohibition is accompanied by a similar reduction in the risk of being immobilised. In practical terms this means

- Review drivers’ hours monitoring systems, review quality of scheduling to reduce risk of infringements.
- Review procedures in connection with agency drivers.
- Encourage drivers to be in a position to give a valid UK address to enforcement staff.
- For non-UK drivers ensure that a roadside deposit payment can be arranged if necessary.

9. Disputes

In accordance with the new powers, VOSA examiners will only apply an Immobilisation Device to support a prohibition that is in force with immediate effect.

If it is felt that immobilisation has followed an incorrectly issued Prohibition Notice, then an appeal must be made against the issue of the prohibition in the manner described in the explanatory notes issued with the Prohibition Notice.

Where such an appeal is upheld, the removal of the applied Immobilisation Device and the refund of the release fee, if paid, will follow.

If it is considered that damage has been caused to a vehicle during either the fitting or the removal of the device, then a claim should be made in the first instance with the management team of the Area in which the device was fitted via the contact details on the Immobilisation Notice.

For further information on making an appeal against a refusal to remove prohibition or lodging a complaint contact the national enquiry line or visit www.vosa.gov.uk.
10. Notices

VOSA are introducing 2 new notices and an adhesive wallet in connection with immobilisation:

10.1 Immobilisation Notice
This notice is handed to the driver and/or placed in the adhesive wallet attached to the immobilised vehicle along with copies of Prohibition Notices in force.

(front)                                                                              (rear)
10.2 Removal Notice
This notice is given to the driver if present, alternatively sent to the apparent user and
the registered keeper and is a requirement of the legislation.

(front)        (rear)
10.3 Document Wallet
This item is attached to an immobilised vehicle and will contain an Immobilisation Notice and copy Prohibition Notices, copy Deposit Requirement Notice and further explanatory notes when applicable.
11. Legislation

Road Traffic Offenders Act 1988
Road Safety Act 2006
The Road Safety (Immobilisation, Removal and Disposal of Vehicles) Regulations 2009 (S.I. 2009/493)