



Vehicle & Operator Services Agency

From: **Information Access**
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BY E-MAIL

Your ref:
Our Ref: **F0003106**

Date: 26th January 2011

Dear

FREEDOM OF INFORMATION ACT 2000

I refer to your e-mail of 10th January 2011. You asked for information regarding Graduated Fixed Penalty and Deposit (GFPD) Notices issued between 1st August and 31st December 2010. Details of this are included in the spreadsheet attached to the covering e-mail.

You also asked for data over any period to indicate the number of instances where VOSA personnel have impounded vehicles/loads as a result of their unroadworthiness or as a result of the penalty not being paid at the time of the incident.

As I explained in our telephone conversation yesterday, VOSA does not impound vehicles for this type of offence, but we do immobilise vehicles when considered necessary. Volumes of vehicles immobilised by vehicle type during 2010 are also shown in the spreadsheet attached to the covering e-mail.

The purpose of immobilisation is to enforce compliance with notices that are issued to prohibit the driving of a vehicle.

These prohibition notices are issued when offences are discovered during the examination of a vehicle and the driver's records by an authorised examiner, in connection with: drivers' hours, Construction & Use and excess weights and by virtue of S90D of the RTOA 1988, the non-payment of a financial deposit.

Immobilisation of the vehicle is only permitted following the issue of a prohibition notice, whenever the issuing examiner establishes that there is a risk to public safety and the public purse should the driver and vehicle abscond before full compliance with the conditions laid out in the prohibition notice(s) is (are) met.

It is anticipated that the use of immobilisation powers will address the perceived problem of absconding drivers and provide enforcement staff with a tool to underpin the requirement for financial deposits from infringing drivers with no valid UK address. Related powers are already in the public domain in connection with parking and insurance offences and drivers of foreign vehicles will be familiar with immobilisation/removal measures used to support demands for financial deposits in other European countries.

Reasons for immobilisation are given below:

Overweight Prohibitions

Overloaded and overweight vehicles are a serious risk to road safety. Therefore, vehicles that have exceeded their design weights should be immobilised when they can no longer be supervised. Removal of the immobilisation device will coincide with the issue of the Removal of Prohibition Notice if there are no other outstanding issues.

Non-Payment Prohibitions

The non-payment of a deposit requirement results in the simultaneous issue of a prohibition (the prohibition is issued with the payment notice). These prohibitions should be reinforced by immobilisation. When issued with a Deposit Requirement (either Fixed Penalty or Court), a driver must pay immediately (e.g. by cash or via credit card) where it doesn't, immobilisation should be considered either immediately (at the examiners discretion) or at the end of the roadcheck /encounter i.e. when supervision is no longer possible. Release should only take place after payment and compliance with any other prohibition

Drivers Hours/Records Prohibition

Tired Drivers represent a significant risk to road safety. Drivers who are found to have exceeded driving limits or taken rest/break periods that do not comply with the appropriate regulations are issued with a prohibition preventing further driving for specified periods. They will also be issued with either a Fixed Penalty or a Deposit Requirement. These penalties are graduated against the severity of the infringement.

Roadworthiness Prohibitions (PG9)

Vehicles found to have defects that affect their roadworthiness are prohibited from being driven. The most serious defects attract 'immediate' prohibitions. In the case of UK vehicles, where an examiner considers that the driver should have been aware of the defect he will 'S' mark the prohibition indicating that the driver is culpable. Prohibited vehicles with defects of this severity ('Immediate' for non-UK and 'Immediate 'S' – driver culpable' for UK vehicles) should be immobilised immediately (at the examiners discretion) or at the end of the road check/encounter i.e. when supervision is no longer possible.

If you have any queries about this letter, please contact us, quoting reference **F003106**.

If you are unhappy with the response provided, you may ask for an internal review. To request an internal review, please write to:

VOSA Corporate Office,
Berkeley House,
Croydon Street,
Bristol,
BS5 0DA

or email vosa.corporateoffice@vosa.gsi.gov.uk

giving the reasons for your dissatisfaction. It will help us if you quote the reference number for your case.

If you do not agree with the outcome of the internal review, you may lodge an appeal with the Information Commissioner (www.informationcommissioner.gov.uk). The Information Commissioner is an independent official appointed by the Crown to oversee the Data Protection Act 1998, the Freedom of Information Act 2000 and the Environmental Information Regulations 2004.

The Information Commissioner can consider complaints about any aspect of the way in which requests for information have been handled. Please note: the Information Commissioner would be unlikely to consider your complaint if you have not first requested an internal review.

You can write to the Information Commissioner at:

The Information Commissioner's Office
Wycliffe House,
Water Lane,
Wilmslow,
Cheshire
SK9 5AF

Yours sincerely

VOSA Information Access