



Vehicle & Operator Services Agency

Code of Practice for Enforcement Checks on "In Service" Passenger Carrying Vehicles

*An executive agency of the
Department for
Transport*

May 2005

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CONTENTS

Section 1	Preface	1
Section 2	Introduction	2
Section 3	Purpose of Enforcement Checks	3
Section 4	Passenger Information	4
Section 5	Enforcement Personnel and Types of Checks	5
Section 6	Check Sites, Times and Methods	6
Section 7	Roadworthiness Checks	10
Section 8	Prohibition for Roadworthiness Defects	11
Section 9	Prohibition for Overloading	12
Section 10	Continuation of a Journey	13
Section 11	Removal of Prohibitions	14
Section 12	Complaints Procedure	15
Annex A	VOSA Enforcement Office Addresses and Telephone Numbers	16

SECTION 1: PREFACE

- 1.1 This Code of Practice has been developed on behalf of the Department for Transport, with the full co-operation and agreement of the Vehicle & Operator Services Agency (VOSA), the Local Authorities Co-ordinating Body on Food and Trading Standards (LACORS) and the Association of Chief Police Officers (ACPO). It sets out guidance on national standards which these enforcement agencies will expect to see applied when conducting enforcement checks and weighings on in-service passenger carrying vehicles (PCVs).
- 1.2 The Traffic Area Network and Vehicle Inspectorate merged on 1 April 2003. The new organisation is called the Vehicle and Operator Services Agency – VOSA. This version has been amended to take account of the name change.
- 1.3 At Section 5: ENFORCEMENT PERSONNEL & TYPES OF CHECKS it now advises that Chief Officers of Police have accredited VOSA with powers to stop vehicles in the majority of England and Wales.

SECTION 2: INTRODUCTION

2.1 This Code describes the arrangements, conditions and safeguards which Enforcement Agencies and PCV Operators should apply before and during the carrying out of organised enforcement checks on PCVs whilst 'in service'. The Code explains:

- the purpose of enforcement checks;
- what PCV Operators should do to ensure their passengers are aware of the dangers of overloading vehicles and the possible consequences of 'in service' enforcement checks;
- who will do the checking;
- what drivers and their vehicles will be checked for;
- where they will be checked;
- what will happen if an infringement by a driver or on a vehicle is found; where you can complain if you think that you have been treated unfairly.

2.2 Whilst this Code is restricted to enforcement checks carried out for road traffic purposes, Enforcement Agencies should make every effort to follow the basic principles laid down when undertaking any type of check on PCVs at the roadside.

SECTION 3: PURPOSE OF ENFORCEMENT CHECKS

3.1 Enforcement checks on PCVs and their drivers have a number of aims. Whilst these are mainly road safety orientated (to reduce risks to passengers, other road users and the public in general) the checks conducted also have other benefits in terms of protecting the environment (eg excessive exhaust emissions), reducing road and bridge damage (caused by overloading vehicles) and reducing vehicle excise duty (VED) evasion. The main aims of 'in service' checks can be summarised as ensuring compliance with the law on:

- construction and use (C & U) of vehicles;
- PSV carrying capacity regulations;
- conduct of drivers and passengers;
- conditions of fitness regulations;
- drivers' hours and tachographs;
- Operator Licensing;
- driver licensing; and
- VED.

SECTION 4: PASSENGER INFORMATION

- 4.1 Operators of PCVs are reminded that overloading the axle or gross weights stated on the manufacturer's plate, or as required by C&U Regulations, is an absolute offence. Drivers should therefore be advised of their responsibilities and trained to load the luggage compartments in a way which ensures the most sensible distribution of weight. Consideration should also be given to applying maximum luggage limits to passengers, as in the case of air travel.
- 4.2 Operators should also consider advising passengers in general terms of the possibility of an 'in service' check being carried out and of its likely implications in terms of delay. This could be done by way of verbal instruction by the driver, by conspicuously positioned note or by appropriate wording on tickets or forms. It will be for individual Operators to determine the most appropriate method for their particular operation.

SECTION 5: ENFORCEMENT PERSONNEL & TYPES OF CHECKS

5.1 Enforcement checks on PCVs and their drivers are carried out by:

- VOSA Examiners who will be mainly concerned with roadworthiness (C & U mechanical condition of the vehicle); PCV conditions of fitness and user requirements relating to danger in use on the road; the weight of the vehicle; the number of passengers carried; driver licensing; drivers' hours; tachographs and records; Operators Licences; VED and driver & passenger conduct.
- Police Officers who carry out similar checks to VOSA Examiners (roadworthiness prohibition powers are, however, restricted to Authorised Constables).
- DVLA Officers who will be mainly concerned with Vehicle Excise Duty offences.
- Local Authority Trading Standards Officers who will be concerned with the weight of the vehicle.

5.2 Enforcement checks may also involve other enforcement organisations, eg Customs & Excise. All Enforcement Officers are issued with authorisations which outline what they are permitted by law to do. They are required to show these, if requested to do so.

5.3 Moving vehicles will be stopped by VOSA personnel, either on foot or using marked vehicles, in areas where Chief Officers of Police have accredited VOSA; by uniformed Police Officers; or occasionally by Traffic Wardens. At the time of writing, VOSA had powers to stop in the majority of England and Wales.

SECTION 6: CHECK SITES, TIMES AND METHODS

- 6.1 The location of a check will depend on the nature of the check itself but the safety and well-being of passengers, drivers, other road users and enforcement staff must always be a paramount consideration in the selection of a suitable site.
- 6.2 Locations can vary from destination point (where no special facilities are needed) to 'in service' sites such as large lay-bys, purpose built weighbridge sites, service areas, vehicle test stations etc.
- 6.3 Enforcement sites should be situated where they do not create a hazard to passengers, drivers, the public or other road users. Sites should be safe, level, well lit and of sufficient width and length to comfortably accommodate the vehicles being checked. Signs will normally be erected to indicate a check is in progress.
- 6.4 Locations where PCVs with passengers on board may be parked when prohibited should preferably have:
 - telephones for use by the driver and/or passengers;
 - toilet facilities;
 - an all-weather waiting area for passengers; and
 - basic refreshment facilities.

SECTION 6: CHECK SITES, TIMES AND METHODS

- 6.5 Enforcement sites where PCVs will be regularly checked and may be prohibited for overloads or mechanical defects will be notified to the Confederation of Passenger Transport (CPT) by the Enforcement Agency concerned. The CPT will provide the Agency with a list of local garages and operators who would be willing to effect repairs and supply parts or provide a replacement PCV and/or driver at short notice. In addition, local telephone directories and yellow pages should be readily available to any driver of a prohibited vehicle wishing to make use of them. However, this should not stop checks being carried out at temporary sites without prior notice. In such cases, every effort will be made to follow the criteria laid down in this Code.
- 6.6 In general, checks on 'in service' PCVs may be carried out at any time and in any circumstances. Where possible, checks should not be carried out in such a manner as to require passengers to disembark, unless there is considered to be a significant risk for passenger safety were the vehicle to continue. Roadworthiness enforcement checks on public passenger vehicles will be carried out under Section 68 of the Road Traffic Act 1988 (as amended). This applies to public service vehicles and motor vehicles which are not public service vehicles but are adapted to carry more than 8 passengers. PCVs which do not fall into these categories will be examined under the provisions contained in Section 67 of the Road Traffic Act 1988. In these latter circumstances, and these circumstances alone, the driver may elect under Section 67(6) that the roadworthiness check of the vehicle be deferred, except as provided under Sections 67(7) and 67(8).

SECTION 6: CHECK SITES, TIMES AND METHODS

- 6.7 The Enforcement Officer conducting the check should advise the PCV driver who is conducting the check, what is going to occur and what the likely duration of the check will be. All discussions between the Enforcement Officer and the PCV driver relating to any offences discovered etc. should be conducted outside of the vehicle and/or in a place where the passengers cannot overhear it, in total or in part. Where the Enforcement Officer wishes to raise detailed issues the driver should be asked to leave the vehicle to do so. Enforcement Agencies should also make arrangements to provide drivers with details of the Agency responsible for conducting the check through the use of business cards or other suitable media.
- 6.8 It is the responsibility of the Enforcement Officer to advise the passengers at the earliest possible opportunity of the purpose of the check, what is going to happen and how long the check is likely to take provided no problems are encountered. It is important that the Enforcement Officer does this, rather than allowing the driver (who is unlikely to be aware of the circumstances) to do so. If any problems arise from the check the driver should explain them to the passengers in the presence of the Enforcement Officer concerned.
- 6.9 PCVs in service or those which are meeting a deadline should, as a general rule, be given priority at roadside checks to keep the period of delay to a minimum consistent with carrying out a full check. Assuming no problems are identified, a vehicle should not be delayed by more than 30 minutes (from the time the vehicle is initially diverted by the police to returning to the original diversion point or route). Enforcement Officers should ensure, so far as reasonable, that the flow of vehicles diverted to a check site is controlled to enable this criteria to be achieved.

SECTION 6: CHECK SITES, TIMES AND METHODS

6.10 When PCVs are weighed, an Enforcement Officer is required to issue a statutory Certificate of Weight to the driver. Where an enforcement check is carried out in which the tachograph head is opened to inspect the chart, the Enforcement Officer should ensure the tachograph chart is annotated with the officer's and Agency name and/or number. In other cases where the tachograph is not opened, the Enforcement Officer should respond positively to any request from the driver to annotate the tachograph chart as outlined above. However, in this case it will be the driver's responsibility to remove the chart from the tachograph so it can be annotated. If charts are retained by the Enforcement Officer then the driver should be given a receipt for the dates and number of charts involved.

SECTION 7: ROADWORTHINESS CHECKS

- 7.1 PCVs will normally undergo as full an inspection as possible subject to available facilities, construction limitations and safety considerations. VOSA Examiners (and police Authorised Constables) will use their powers of inspection and prohibition to prevent the further movement of any dangerously unroadworthy vehicles.
- 7.2 The law allows Examiners to carry out a test of the vehicle on the road. For the purpose of testing a vehicle a driver may be required to comply with reasonable instructions; the law also allows an Examiner to drive the vehicle in order to test it. However, this should be avoided unless essential. If it is however found to be necessary, on no account should passengers be allowed to remain in the vehicle whilst the test is conducted.
- 7.3 Before inspecting the vehicle the Examiner should ensure the driver is fully aware that, during the inspection, only instructions given by the Examiner concerned should be carried out. This is to avoid the danger of the driver starting the engine or allowing the vehicle to move while the Examiner is under the vehicle or otherwise out of the driver's sight. Before starting the examination the Examiner should normally place wheel chocks to stop the vehicle moving.
- 7.4 The Categorisation of Defects Manual contains the items covered by a roadworthiness check, the standards vehicles are required to meet, and the action Examiners may take. This is published by VOSA and is available from VOSA Goods Vehicle Testing Stations and centrally from VOSA at PO Box 12, Swansea, SA1 1BP or by phoning 0870 6060440.

SECTION 8: PROHIBITION FOR ROADWORTHINESS DEFECTS

- 8.1 Where a vehicle is found by an Examiner to be unroadworthy, a prohibition should be issued. A prohibition notice (PG9) is a ban on the use of the vehicle on a public road. Prohibitions issued by VOSA Examiners may take effect immediately or may be delayed for up to 10 days depending on whether there is an immediate danger. Authorised Constables may issue prohibitions only where there is an immediate danger.
- 8.2 The original copy of the prohibition should be given to the driver of the vehicle and should ideally be kept on the vehicle at all times until the prohibition is removed. A copy of the prohibition will be sent to the address of the Operator or owner of the vehicle. A further copy will be sent via the VOSA Enforcement Office (addresses at Annex A) to the Traffic Commissioner in whose area the Operator's Licence is held.
- 8.3 Drivers of vehicles with less serious faults may be given an inspection notice. This is a non-statutory document and its purpose is to advise the Operator or owner of less serious defects found during the inspection.

Moving the vehicle while the roadworthiness prohibition is still in force

- 8.4 An Examiner may issue an exemption notice where a defective vehicle has been immediately prohibited from further use. This specifies conditions under which the vehicle may be used, without creating a risk to public safety, in order to travel to a place where it can be repaired or where more suitable facilities for passengers are available. Additionally, Examiners have the authority to vary the terms of the prohibition notice in certain circumstances, eg when defects which justify an immediate prohibition are rectified at the roadside, leaving only delayed items to be cleared.

SECTION 9: PROHIBITION FOR OVERLOADING

- 9.1 Vehicles which are found by an Enforcement Officer to be overloaded may be issued with a notice of prohibition depending on the extent of the overload and the circumstances of the case. Such notice will prevent the further use on the road of that vehicle until the overload has been rectified or a local direction order has been issued. The original copy should be given to the driver of the vehicle and should ideally be kept on the vehicle at all times until the prohibition is cleared. A copy of the prohibition will be sent to the address of the Operator or owner of the vehicle. A further copy will be sent via the VOSA Enforcement Office to the Traffic Commissioner in whose area the Operator's Licence is held.
- 9.2 A vehicle may be moved under prohibition with speed and/or route restrictions if it has been issued by an Enforcement Officer with a local direction order. This is to allow the vehicle to proceed to its destination if local, or to allow it to be taken to a place where the luggage can be removed or adjusted or the passengers taken off or relocated within the vehicle to comply with axle weight limits. The provision outlined in paragraph 8.4 should again apply in these circumstances.

SECTION 10: CONTINUATION OF A JOURNEY

10.1 Where a PCV is immediately prohibited, for either roadworthiness or overloading offences, it will be the responsibility of the Operator to ensure that suitable arrangements are made to enable passengers to continue their journey with as little disruption as is possible. Enforcement Officers should make every effort to assist in doing this; providing details of the CPT list of garages/operators, telephone directories etc, and access to a telephone. This does not however, constitute any liability on the part of the Enforcement Officer.

SECTION 11: REMOVAL OF PROHIBITIONS

Roadworthiness

11.1 In the case of an immediate prohibition for roadworthiness defects, the vehicle may not be moved unless it has been issued with an Exemption (see paragraph 8.4) or until the Examiner is satisfied that the vehicle is fit for service. All prohibitions - both immediate and delayed - are subject to formal clearance checks. Operators must contact their local VOSA Goods Vehicle Testing Station to arrange these (telephone numbers and addresses can be found in your local telephone book). VOSA aims to ensure the vast majority of requests for prohibition clearance inspections will be met by appointments within 3 working days of the first day the Operator finds convenient. It is an offence to drive (or permit to be driven) a vehicle with a prohibition in force.

Overloading

11.2 A vehicle which has been prohibited for overloading offences may not be moved unless it has been issued with a local direction order (see para 9.2) or the prohibition is removed by the Enforcement Officer when satisfied, following re-weighing in most instances, that the load has been adjusted or removed or the passengers taken off or relocated within the vehicle to comply with axle weight limits. The prohibition clearance should be issued at the enforcement site or, where a local direction order is issued, at the destination if it is local, or the place where the overload has been adjusted or removed. Every effort should be made to clear the prohibition and allow the vehicle to continue its journey as quickly as possible. To this end, a contact telephone number will be provided (where appropriate) on the prohibition notice to enable it to be removed quickly.

SECTION 12: COMPLAINTS PROCEDURE

- 12.1 If Operators, drivers or passengers feel that they have been unfairly treated they can complain. Complaints should be addressed to the agency responsible for carrying out the check. This may be the local police, VOSA, DVLA Local Offices or Local Authority Trading Standards Departments. The addresses of local police stations, DVLA Local Offices and Trading Standards departments are given in telephone books. VOSA Area Office details are attached for ease of reference at Appendix A.
- 12.2 Appeals can be made against the refusal of an Examiner to remove a roadworthiness prohibition notice. The owner or operator of the vehicle may appeal in writing within 14 days to the:

Secretary of State
Vehicle & Operator Services Agency
Operations
Berkeley House
Croydon Street
Bristol
BS5 0DA

The envelope should be marked 'Appeals'

ANNEX A: VOSA ENFORCEMENT OFFICES

AREA 1	Northern Scotland Inverness GVTS Seafield Rd Longman Industrial Estate INVERNESS IV1 1RG	01463 235505
AREA 2	West & South West Scotland Bishopbriggs GVTS Crosshill Road Bishopbriggs GLASGOW G64 2QA	0141 772 3405
AREA 3	South East Scotland Livingston GVTS Grange Road Houstoun Industrial Estate LIVINGSTON West Lothian EH54 5DD	01506 445200

ANNEX A: VOSA ENFORCEMENT OFFICES

AREA 4	Cumbria & Lancs Carlisle GVTS Brunthill Road Kingstown Industrial Estate CARLISLE Cumbria CA3 0EH	01228 531751
AREA 5	Greater Manchester Chadderton GVTS Broadway Business Park Broadgate Chadderton OLDHAM OL9 9XA	0161 947 1050
AREA 6	Merseyside, & Cheshire Liverpool GVTS Stopgate Lane Simonswood Kirkby LIVERPOOL L33 4YA	0151 546 6854

ANNEX A: VOSA ENFORCEMENT OFFICES

AREA 7	Staffs & Stropshire Stoke GVTS Station Road Cold Meece STONE Staffs ST15 0QP	01785 760152
AREA 8	Central & South-West Midlands Birmingham GVTS Granby Avenue Garretts Green Industrial Estate Birmingham B33 0SS	0121 7836665
AREA 9	Wales Llantrisant GVTS School Road Miskin PONTYCLUN Mid Glamorgan CF72 8YR	01443 224771

ANNEX A: VOSA ENFORCEMENT OFFICES

AREA 10	Bristol & Gloucester Bristol GVTS Ashton Vale Road Ashton Gate BRISTOL BS2 3JE	0117 966 2855
AREA 11	South West Exeter GVTS Grace Road Marsh Barton Trading Estate EXETER EX2 8PH	01392 279564
AREA 12	Hampshire, Oxfordshire & Berkshire Southampton GVTS Hillson Road Bottings Trading Estate Botley SOUTHAMPTON SO3 2DY	01489 790540

ANNEX A: VOSA ENFORCEMENT OFFICES

AREA 13	Southern Central Mitcham GVTS Redhouse Road CROYDON Surrey CR0 3AQ	0208 665 5715
AREA 14	South East Gillingham GVTS Ambley Road GILLINGHAM Kent ME8 0SJ	01634 372722
AREA 15	Metropolitan Yeading GVTS Willow Tree Lane Yeading HAYES Middlesex UB4 9BS	02088 423230

ANNEX A: VOSA ENFORCEMENT OFFICES

AREA 16	Herts & Essex Purfleet GVTS Tankhill Road PURFLEET Essex RM16 1SX	01708 868229
AREA 17	East Anglia Norwich GVTS Jupiter Road Hellesden NORWICH NR6 6SS	01603 408172
AREA 18	East Midlands Leicester GVTS 40 Cannock Street Barkby Thorpe Road LEICESTER LE4 9HT	0116 276 6381

ANNEX A: VOSA ENFORCEMENT OFFICES

AREA 19	Lincs & Cambs Peterborough GVTS Saville Road Westwood PETERBOROUGH PE3 6TL	01733 263423
AREA 20	Notts & South Yorks Sheffield GVTS Orgreave Way Handsworth SHEFFIELD S13 9LT	0114 269 2334
AREA 21	Humberside Grimsby GVTS Estate Road No 1 South Humberside Industrial Estate Pyewipe GRIMSBY DN31 2TB	01472 242332

ANNEX A: VOSA ENFORCEMENT OFFICES

AREA 22	West & North Yorks Leeds GVTS Patrick Green Woodlesford LEEDS LS26 8HE	0113 282 1156
AREA 23	Tyne & Tees Newcastle GVTS Sandy Lane Gosforth NEWSCASTLE-upon-TYNE NE3 5HB	0191 236 4286
	National Number	0870 60 60 440