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The newsletter for HGV and PSV drivers and operators

Curbing the use of illegal PSVs

Following your feedback on VOSA's recent proposal to impound illegally operated PSVs, new sanctions are coming into force in October to target PSVs that break the rules.

The Local Transport Act 2008 provides for the impounding of illegally operated public service vehicles (PSVs). These are vehicles such as buses, coaches, minibuses and stretch limousines that should be operated under a PSV operator's licence but are not.

VOSA will be making use of these sanctions when they come into force in October 2009.

Operators who choose to flout the law by working outside the licensing system present a risk to the safety of their passengers and other road users. Evidence from the goods vehicle impounding scheme shows that illegal operators are also more likely to operate vehicles that are not maintained to safe standards.

Changing law

Before the Local Transport Bill was made an Act in 2008, anyone caught operating a PSV without a licence could only be fined by the magistrates' courts. However, these fines did little to prevent operators from continuing to operate illegally.

Between December 2008 and March 2009, VOSA consulted on the proposal to impound illegally operated PSVs. The consultation document was sent to vehicle operators, representatives of local government and the police, trade unions and other interested parties, with an invitation to comment.

The feedback declared widespread support for the proposals. Every organisation that responded supported the need for new regulations and the alignment of PSV legislation with current HGV legislation.

The impounding regime in place for goods vehicles has resulted in a reduction in the number of illegally operated vehicles by two-thirds in the last five years. This suggests that putting a similar regime in place for illegally operated PSVs would provide comparable results.



How PSV impounding will work

Illegal PSVs will be detained using an impounding system similar to the one already in existence for goods vehicles, as follows:

Step 1: VOSA will identify vehicles in use without a valid licence. We will ensure that the operator has been informed of the need to obtain such a licence and been given the opportunity to do so.

Step 2: If VOSA has reason to believe that the vehicle is still being used illegally – despite the initial notice – it can be detained.

Step 3: The operator will have the right to apply to the Traffic Commissioner for the return of the vehicle. There will be certain conditions under which a vehicle can be returned, such as proof that:

- the operator had an appropriate licence at the time of detention;
- the vehicle was not being used for a purpose that required a licence; or
- the owner of the vehicle did not know that the vehicle was being used illegally, or if they did, that they had taken steps to prevent it.

Step 4: The Traffic Commissioner may hold a hearing to determine whether VOSA was right to detain the vehicle. If the detention was improper, the vehicle will be returned. If the detention was justified, the vehicle will not be returned but the operator will have the right of appeal to the Transport Tribunal.

Step 5: If the Transport Tribunal finds the vehicle was rightfully detained, it will be sold or crushed. If sold, the proceeds will be given to the vehicle's rightful owner, less any costs associated with the impounding of the vehicle.

Step 6: If an impounded vehicle is proved to be owned by a third party who did not know about or was unable to prevent its unlawful use, it will be returned to its rightful owner. Any property left in the vehicle will be returned to its owners.

If you have any information on unlawfully operated vehicles, you should report the details to VOSA through our Contact Centre number 0300 123 9000 or by email to enquiries@vosa.gov.uk

Changes to HGV impounding regulations

Minor changes are also being made to some aspects of the regulations that govern goods vehicle impounding. These changes are intended to align the goods and passenger vehicle impounding regimes. The changes will mean that VOSA can return a vehicle to the operator or owner without the need for an application to the Traffic Commissioner, if it is found that it has not been operated illegally.