

THE MAGISTRATES' ASSOCIATION

ROAD TRAFFIC COMMITTEE

Response to the PSV Impounding Consultation by VOSA and the Department for Transport

The Magistrates' Association welcomes the opportunity to respond to this consultation. We are happy for copies of this response to be made available to other parties on request.

We accept the logic of introducing for Public Service Vehicles a similar scheme to that now applying to Goods Vehicles, and trust that, similarly, it will act as a deterrent and not often be activated in practice. We would point out, though, that a repeat offending rate of 9% would be regarded as a major success for many offences!

Consultation questionnaire

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Representing Magistrates in England and Wales

We have 28,000 members and views were obtained from the specialist Road Traffic Committee and local branches.

Public service vehicles

Question 1: Do you agree that the regulations as drafted will provide an effective method of implementing the PSV impounding scheme? (to deal with those operating PSV's without a PSV Operator's Licence)

Yes

Question 2: Do you agree with how it is proposed to deal with any vehicle passengers – that is by arranging for the transport of passengers to a suitable place to continue their journey, or to their destination? Do you agree that it is appropriate to make specific provision in relation to the needs of under-18s, elderly and disabled persons?

Yes

We welcome special provision for these vulnerable groups.

Question 3: Do you agree with how it is proposed to deal with any property remaining on the vehicle – that following the impounding an article will be published in at least one local paper to inform passengers of how to retrieve any personal possessions?

Yes, provided that this relates only to property which cannot be immediately be re-united with its owners. Every effort should be made to ensure that passengers can take their property with them when the vehicle is impounded.

Question 4: Do you agree that a minimum period of 21 days should be allowed for applications to be made to the traffic commissioner for the return of the vehicle?

Yes

Question 5: Do you agree that VOSA should be empowered to return the vehicle without the need to apply to the Traffic Commissioner in the circumstances detailed in regulation 10?

Yes

Question 6: Are there any additional circumstances that you feel VOSA should consider that are not currently included in Regulation 10

No

Question 7: Do you agree with the proposals in regulations 11 to 15 and 25, and in particular the time limits mentioned above?

Yes, as regards the vehicle. We believe that more time should be allowed for passengers to retrieve any property, and suggest 12 weeks.

Question 8: Do you agree with the proposals in regulations 16 to 18, and in particular that where a vehicle does meet the GB construction standards (and it is not financially viable to make it so) it should be destroyed?

Yes

Question 9: Do you agree with the methods of giving notice set in Regulation 24?

Yes

Goods vehicles

Question 10: Do you agree that the draft regulations will provide effective amendments to the operation of the HGV impounding regime?

Yes

Question 11: Do you agree that VOSA should be empowered to return the vehicle without the need to apply to the Traffic Commissioner in the circumstances detailed in regulation 3?

Yes

Question 12: Are there any additional circumstances that you feel VOSA should consider that are not currently included in Regulation 3

No

Question 13: Do you agree that a minimum period of 21 days should be allowed for applications to be made to the traffic commissioner?

Yes

Question 14: Do you agree with the addition of the extra ground described in Regulation 6?

Yes

Question 15: Do you agree with the proposals in regulations 7, 8 and 13 and in particular the time limits mentioned above?

Yes

March 2009

See consultation:

www.dft.gov.uk/consultations/closed/impoundinghgv/consultationpaper.pdf