

VOSA Guide to Vehicle Immobilisation





IMMOBILISATION NOTICE

STOP!

No attempt should be made to drive or move this vehicle until it has been released from the immobilisation device.

IMMOBILISED VEHICLE

IT IS AN OFFENCE TO REMOVE OR INTERFERE WITH AN IMMOBILISATION DEVICE.
 ONLY THE DRIVER OR OWNER MAY REMOVE THIS NOTICE OR THE CONTENTS.
 IT IS AN OFFENCE TO REMOVE OR INTERFERE WITH THIS NOTICE.
 SEE ENCLOSED INFORMATION CARD FOR RELEASE INSTRUCTIONS.

DATE/TIME	REG NO.	CONTACT
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Any enquiries about this guidance should be made to:

VOSA Contact Centre

telephone: 0300 123 9000

e-mail : enquiries@vosa.gov.uk

post : VOSA FPO, Ellipse, Padley Road, SA1 8AN

or your local VOSA enforcement office (see www.vosa.gov.uk for details)

Disclaimer

This publication gives general guidance only and does not provide legal advice. The guidance will be updated to reflect any developments in new legislation or case law but should not be regarded as a complete or authoritative statement of the law.

For details of the law, you should refer to the main legislation listed in the Appendices, and if necessary seek your own legal advice. The guidance offered in this publication reflects VOSA's current enforcement policy. It does not apply to the police or other enforcement agencies.

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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 as soon as VOSA supervision ends, 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 considered when supervision is no longer possible or practical and 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);
- Where the vehicle has been prohibited for less severe breaches, but the examiner has other details, or intelligence information leading them to suspect that the driver of the vehicle will not adhere to the conditions of the prohibition.
- Where VOSA are about to leave the site and there is no certainty that the terms of the prohibition will continue to be complied with; or
- When a person who has been requested to pay a financial penalty deposit has failed to make such a payment.

VOSA examiners will always make an assessment of the need and appropriateness of immobilisation and every case will be considered on its merits.. This will be done on a vehicle by vehicle basis taking into account factors such as, but not limited to, load and passengers.

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
- Overweight – 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.

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.

Immobilisations that have followed the issue of 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.

Initially, VOSA will not be charging a fee for removal but this will be subject to review early after implementation. Legislation states that, when applicable, a release fee of £80 will be required.

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 maintenance procedures. Monitor driver walk-round checks for effectiveness.
- 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 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.

Road Safety Act 2006 Schedule 4 Road Safety (Immobilisation, Removal and Disposal of Vehicles) Regulations 2009	 Vehicle & Operator Services Agency
Immobilisation Notice	
Date: ____ / ____ /20____ Time: ____ : ____ hrs	REF NO: _____
This vehicle _____ has been immobilised under the above legislation. The driving of this vehicle has been prohibited as detailed by the attached Prohibition Notice(s) / Financial Deposit Requirements.	
No attempt should be made to drive or otherwise move this vehicle until it has been released from the Immobilisation Device.	
Warning – It is an offence to: <ul style="list-style-type: none">• Remove or interfere with this immobilisation notice (other than the driver).• Remove or interfere with the immobilisation device.• Make a false or misleading declaration which would allow a person to recover the vehicle.• Drive or cause or permit a vehicle to be driven in contravention of a prohibition.	
Release Fee Required: YES / NO (delete as required) If a release fee is required see overleaf for payment details.	
Release of Vehicle When the required action for all the Prohibition(s) has been met (see overleaf) and, if required, any release fee paid, contact the number shown below to arrange for a release operative to attend.	
Removal of Vehicle Warning: This vehicle may also be liable to be removed into storage if the conditions for release are not met. In such an event, charges in respect of the removal, storage and release of the vehicle will be incurred. (See overleaf for charges and restoration). Failure to reclaim an impounded vehicle may result in the vehicle being sold, destroyed or otherwise disposed of; any monetary proceeds of such action will be used to offset any unpaid charges incurred and all costs associated with processing and storage.	
For release, contact: Name: _____ Telephone Number: _____	
<small>An executive agency of the Department for Transport</small> <small>IN-04/09</small>	

Rear of Immobilisation Notice

Removal of Immobilisation Device

To allow this vehicle to be released the following conditions must be met:

Prohibitions (as attached to this notice)

- Drivers' hours offences under section 99A(1) of the Transport Act 1968 - the prohibition period must have expired.
- Foreign goods vehicles and public service vehicles without permits – a notice that the prohibition has been removed has been issued and is in your possession.
- Mechanical defects – a prohibition removal notice* has been issued and is in your possession
- Overweight vehicles – a prohibition removal or direction notice has been issued and is in your possession.
- Unpaid Financial Deposit – it can be demonstrated that full payment has been made.

**Note: If suitable remedial arrangements have been made an exemption or variation notice may suffice.*

Warning: A vehicle may be removed at any time for safety reasons, location management reasons or if it appears to be abandoned. As a guideline we will usually consider a vehicle as abandoned if, after 5 days, no application has been made to remove an immobilisation device.

Release Fee

If an immobilisation device removal fee is applicable (see overleaf), this must be paid to the VOSA operative or their release agent who attends to remove the immobilisation device before removal.

- The fee is £80 (paid before removal) by:
 - sterling
 - credit or debit card (if facilities are available)

Restoration of Removed Vehicles

If your vehicle is removed under the conditions shown overleaf the following charges will apply:


- | | |
|-----------------------|-----------------------------|
| • Removal of vehicle | £160 |
| • Storage of vehicle | £35 per day or part thereof |
| • Device Removal | £80 |
| • Disposal of vehicle | £50 |

Full payment of all incurred charges must be made, either by cash or credit/debit card to the approved VOSA Removal Contractor before the release of a removed vehicle will be permitted.

IN-04/09

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.

<p>Road Safety Act 2006 Schedule 4 Road Safety (Immobilisation, Removal and Disposal of Vehicles) Regulations 2009</p>	 Vehicle & Operator Services Agency
<h3>Removal Notice</h3>	
REF NO: _____	
Notice is hereby given that the Vehicle & Operator Services Agency (VOSA), under Reg.10 of the Road Safety (Immobilisation, Removal and Disposal of Vehicles) Regulations 2009 has directed that the vehicle detailed below is removed.	
Registration / Trailer Number _____ Make: _____	
Type: _____	
The vehicle was not / was laden with _____	
The vehicle was immobilised, and has been delivered into the custody of: _____	
And is currently located at: _____	
The vehicle has been removed by: _____	
under the direction of _____ an authorised VOSA examiner,	
Date: ____/____/____ Time: _____	
Any person wishing to reclaim the vehicle must:	
1. Meet the relevant conditions detailed overleaf; then	
2. Contact the Area Senior Vehicle/Traffic Examiner	
Name: _____ Tel No: _____	
Warning: Failure to reclaim the vehicle within 3 months of the date on which the vehicle was removed, or the direction to remove the vehicle was given, will result in the vehicle being liable to be disposed of, sold or destroyed. The proceeds of the disposal will be used to recover charges in respect of release, removal, custody and disposal.	
Disputes: A person may make representations, providing supporting evidence of them, if that person claims that the removal of a vehicle was not in compliance with the Regulations. In the first instance the claim should be forwarded to: Senior Vehicle/Traffic Examiner, VOSA, _____ If the matter is not resolved, an application may be made to the Magistrates' Court (in England and Wales) or the Sherrif's Court (in Scotland). The relevant court details are available from the VOSA address above. You are strongly advised to seek legal advice before making an application to court.	
For details of Reclaiming the Vehicle, Please see overleaf.	
<small>An executive agency of the Department for Transport</small>	
<small>RN-04/09</small>	

Rear of Removal Notice

Reclaiming the Vehicle

Evidence of the following will be required:

- the person claiming the vehicle is
 - the owner of the vehicle **or**
 - was the driver when it was directed to be removed.

The person above must also demonstrate, where applicable:

- Payment of the immobilisation device release fee.
- Removal or expiry of any prohibition currently in force preventing the driving of the vehicle by way of:
 - prohibition removal notice* (Roadworthiness, Overweight, Foreign vehicles permits, etc).
 - the prohibition period has elapsed (Drivers' Hours).
 - payment of any deposit requirement, the non-payment of which led to the prohibition being in force at the time of the removal.
 - Payment of all charges connected to the removal, storage and custody of the vehicle as detailed below.

**Note: If suitable remedial arrangements have been made an exemption or variation notice may suffice.*

Charges

Release of immobilisation device:	£80
Removal of vehicle:	£160
Storage of vehicle:	£35 per day or part thereof
Disposal	£50

Warning:

Failure to reclaim the vehicle within 3 months of the date on which the vehicle was removed or the direction to remove the vehicle was given, will result in the vehicle being liable to be disposed of, sold or destroyed. The proceeds of the disposal will be used to recover charges in respect of release, removal, custody and disposal.

RN-04/09

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

The following details the relevant 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)

