
EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend the Goods Vehicles (Enforcement Powers) Regulations 2001 (“the 2001 Regulations”) (S.I. 2001/3981). Those Regulations, made under Schedule 1A to the Goods Vehicles (Licensing of Operators) Act 1995 (“the 1995 Act”), introduced a statutory regime whereby a goods vehicle which is being, or has been, used on a road in contravention of the licensing requirements in section 2 of that Act may be detained.

The Local Transport Act 2008 inserted a new Schedule 2A into the Public Passenger Vehicles Act 1981 to enable a similar regime to be established in respect of public service vehicles (“PSVs”) adapted to carry more than eight passengers. Regulations made under that Schedule come into force on the same day as these Regulations.

These Regulations amend the 2001 Regulations so as provide consistency with the regime established in respect of PSVs. In particular, section 126 of the Local Transport Act 2008 substitutes paragraph 8 in Schedule 1A to the 1995 Act to provide that Regulations may prescribe circumstances in which a detained vehicle may be returned to the owner without the need for the owner to make an application to the traffic commissioner.

Regulation 3 substitutes regulation 4 of the 2001 Regulations under the power in new paragraph 8 of Schedule 1A to the 1995 Act, and other regulations are amended as a consequence.

Regulation 4 amends regulation 5 of the 2001 Regulations to make it a requirement for an immobilisation notice to include information about how and where the owner may apply for the release of the vehicle.

Regulation 7 amends regulation 9 of the 2001 Regulations, which prescribes the procedures for notifying people that a vehicle and its contents have been detained.

Regulations 8 to 10 amend regulations 10 to 12 of the 2001 Regulations to insert certain time limits into the process, and in consequence of the insertion of a new regulation 23.

Regulation 12 inserts a new requirement into regulation 15 of the 2001 Regulations for the Driver and Vehicle Licensing Agency to be notified when a detained vehicle is disposed of.

Regulation 13 amends regulation 18 of the 2001 Regulations to make provision for any proceeds from the sale of property which exceed expenses incurred by the detention of a vehicle and contents, and which are not claimed by any person, to be used to offset costs incurred in the detention of other property under the 2001 Regulations.

Regulation 14 inserts a new regulation 23 into the 2001 Regulations to enable the traffic commissioners to extend specified periods prescribed in the 2001 Regulations where they consider it necessary in order to ensure that a case is dealt with fairly and justly.