



**NEWS FOR HGV
DRIVERS**
NEWS FOR GMB MEMBERS



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GRADUATED FIX PENALTIES FOR TRUCK DRIVERS

From April 2009 new regulations came into force that will affect the enforcement of UK road haulage laws. The Graduated Fixed Penalty, Deposit and Immobilisation schemes apply to all trucks and allow the police and (more commonly) VOSA - the Vehicle and Operators Services Agency - to impose fixed financial penalties on the drivers of trucks for a range of offences.

For the first time, the new laws will give enforcement officers the power to take immediate action against drivers from abroad committing offences on UK roads (as well as truck drivers and their employers in the UK). In effect, the police and VOSA will have new powers to issue on-the-spot roadside fines for certain offences to both UK-based and foreign HGV drivers.

Although the legislation came into effect from 1st April 2009, VOSA has stated that it will not start enforcing the new regulations until 28th May 2009.

The regulations allow a financial fixed penalty to be imposed at the roadside for haulage law infringements relating to drivers' hours, vehicle condition and overloading. The penalties are, mostly, £60, £120 and £200 per offence, with the more costly penalties set for the more serious infringements.

Other key points of the new laws are:

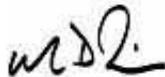
- The penalties will range from £30 to £200 depending on the severity of the offence.
- In those cases where an offence requires court action and the driver cannot provide a satisfactory UK address, there will be a £300 deposit requirement per offence, up to a maximum of £900.
- UK drivers who can show a satisfactory address have up to 28 days to either pay the penalty or choose to have the alleged offence heard in court.
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- On-the-spot payments can be made in sterling or via credit cards. Non-payment will result in a prohibition being issued and the vehicle may be immobilised.
- The new measures will enable the Police and VOSA to immobilise any vehicle that has been prohibited from continuing a journey where a driver is breaking the rules on drivers' hours; is driving an overloaded or unroadworthy vehicle; or in cases where a driver refuses to pay a requested financial deposit.
- Any offences relating to the condition of tyres, brakes and steering will continue to carry a points endorsement on a HGV driver's licence.
- Enforcement officers will have the power to vary the number of penalty points endorsed on driving licences according to the type of offence, severity of the offence and location of the offence.
- If a UK driver receives a graduated fixed penalty, a letter will be sent to his employer to that effect, while penalty information will also be entered against a company's Operator Compliance Risk Score (OCRS).

GMB Reps are advised to ensure that their employers have made members aware of the new laws and their implications, and that the employer has a proper system in place for rigorous vehicle checks to reduce the possibility of the driver failing a roadside check. Drivers must be able to promptly report any vehicle defects or symptoms of defects that could adversely affect the safe operation of vehicles, and should not be expected to drive a vehicle that could possibly fail a roadside check until any defects have been rectified.



Mick Rix
National Officer

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