



Vehicle Enforcement Public Information Guide

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1. Introduction

- 1.1 Portsmouth City Council often receive reports concerning uninsured vehicles, vehicles without a current MOT, and other vehicle related nuisance that is not within the enforcement functions or powers delegated to Local Authorities.
- 1.2 There are several misconceptions to the extent of Local Authority powers regarding vehicle removal enforcement. Local Authorities may only remove vehicles where the law allows, and the appropriate delegated authority has been granted by the Secretary of State.
- 1.3 This guidance outlines vehicle enforcement that is not conducted by Portsmouth City Council; and provides our customers with the correct reporting mechanisms and responsible enforcement agency.

2. Motor Insurance Enforcement

- 2.1 Enforcement of uninsured motor vehicles are divided into two categories Continuous Insurance Enforcement, and Vehicles being used (Driven) without motor Insurance.
- 2.2 Continuous Insurance Enforcement (**CIE**) the agencies responsible for conducting enforcement of uninsured vehicles are The Motor Insurance Bureau (**MIB**) and the Driver Vehicle Licencing Agency (**DVLA**).

MIB & DVLA work in partnership to identify uninsured vehicles by comparing DVLA vehicle records, against those held on the Motor Insurance Database (MID).

The registered keeper of an uninsured vehicle will be sent an Insurance Advisory Letter (**IAL**) informing them that their vehicle appears to be uninsured and warning them that they will be fined unless they act. If the vehicle keeper fails to comply with the advice set out in the letter it further advises they may be subject to:

- Issue of fixed penalty notice of £100
- Their vehicle may be clamped, seized, and disposed of
- Prosecution with a minimum fine of £1,000 to a maximum fine of £5000.

Reporting Mechanism

No reporting mechanism - Direct database enforcement administered by DVLA & MIB

2.3 Vehicles Being Driven without Insurance

Using a vehicle without Insurance is solely a Police Power as it remains a strict liability offence under section 143 the Road Traffic Offenders Act 1988).

The Police can:

- Issue a fixed penalty £300
- Prosecute the Driver - penalties imposed by the courts include fines, licence endorsement (penalty points) and or driving disqualification
- The Police may also seize the vehicle at the time it is being driven under section 165a Road Traffic Act 1988

Reporting Mechanism

If you suspect a car is being used or driven without Insurance, or that the driver is not insured to drive. It should be reported to the police on the non - emergency 101 telephone number or by [using this web-link](#).

3. MOT - Enforcement

- 3.1 Portsmouth City Council do not enforce stationary or parked vehicles that are without a valid MOT certificate, there is no offence or regulation that permits removal enforcement. The relevant legislation only provides for the commission of a strict liability driving offence.

3.2 Vehicles Driven without an MOT

Using (driving) a motor vehicle without a valid MOT is a strict liability offence under Section 47 (1) of the Road Traffic Act 1988 "Obligatory Test Certificates" which states person who uses on a road at any time, or causes or permits to be so used, a motor vehicle to which no test certificate (MOT) has been issued within the appropriate period before that time, is guilty of an offence.

- The Police can issue a fixed penalty £60
- Prosecute the Driver - Penalties includes a maximum fine £1000
- The Police may also seize the vehicle at the time it is being driven under section 165a Road Traffic Act 1988

Reporting Mechanism

If you suspect a car is being driven without valid MOT certificate it should be reported the police on the non - emergency 101 telephone number or by [using the web-link](#).

4. DVLA -Trade (License) Plates

- 4.1 Trade licence plates are number plates used on vehicles for business purposes inclusive of selling, repairing, or testing, the trade plates also allow for business customers to test drive a vehicle on a road without having to pay to register and tax the vehicle.
- 4.2 Trade Licence holders must comply with the conditions of use of the issued trade plate. The vehicle must be Insured and hold a current MOT, and the Trade Plate may only be used for the purposes that were declared in the application they cannot be used for any other purposes.

Reporting Mechanism

The misuse of Trade Plates is enforced solely by the DVLA Trade Licensing Department, If you suspect misuse or abuse of trade plates it can be reported direct to Trade.Licensing@dvla.gov.uk.

5. FRV - Foreign Registered Vehicles

- 5.1 The Driver and Vehicle Licensing Agency (DVLA), and His Majesty's Revenue and Customs (HMRC) are responsible to identify and take enforcement actions against foreign vehicle motorists who drive in the UK illegally.
- 5.2 Foreign vehicles must be registered and licensed in the UK when they have been in the UK for a period of more than six months in any twelve-month period; or the keeper of the vehicle is full time resident in the UK.
- 5.3 Keepers of foreign registered vehicles who do not comply with UK registration and licensing requirements may face enforcement action which could include wheelclamping, removal and disposal of the vehicle. [Read more about using a foreign registered vehicle in the UK.](#)

Motorists can usually use a vehicle with foreign number plates without registering or taxing it in the UK if the following apply:

- You're visiting and do not plan to live here
- The vehicle is registered and taxed in its home country
- You only use the vehicle for up to 6 months in total - this can be a single visit, or several shorter visits over a period of 12 months- Unless DVLA have issued an Exemption.

Reporting Mechanism

If you suspect a Foreign Registered vehicle has been in the UK for longer than permitted period or being used in breach of the importation rules, it can be [reported to the DVLA](#).

6. Overladen Vehicles

- 6.1 Overladen vehicle enforcement falls within the enforcement responsibility of the Driver Vehicle Standards Agency (DVSA) and the Police - *note however these are in transit mobile offences only; whereby the Police or a DVSA officer can instruct a vehicle to a weighbridge. (The height of the vehicle or load) does not form part of the overladen test considered. The test for an overladen vehicle relies on the whether the vehicle payload or weight carried exceeds the vehicles Gross Vehicle Weight (GVW).
- 6.1 The relevant legislature falls under The Road Traffic Act 1988 which requires “vehicle users” to ensure that vehicles are not overloaded. The enforcement is under Police powers only as conferred to in the Road Vehicles (Construction and Use) Regulations 1986

Reporting Mechanism

If you suspect a vehicle is being used whilst overladen, it can be reported to DVSA by phone 0300 123 9000 or by emailing: [contact DVLA](#).

7. Waste Carrier Vehicles

- 7.1 Waste carriage is enforced by the Environment Agency and DVSA, these are in transit offences and do not apply to parked vehicles. If you carry waste on the public highway, you must have a valid Waste Carriers Licence. This applies to any business that transports, buys, sells, or disposes of waste or arranges for someone else to buy, sell or dispose of waste. This does not have to be the main area of business, only a part of what you do.
- 7.2 Failure to register as a waste carrier is an offence and, if found transporting waste without a licence, it may result in criminal prosecution, including a fine and seizure of the vehicle used to transport the waste.
- 7.3 Members of the public can check if a waste company is registered with the Environment Agency on 03708506506 or on the [waste carrier or broker registration website](#).

Reporting Mechanism

If you suspect that an individual, business or operator is transporting waste in an unsafe manner you can report it direct to the DVSA Intelligence Unit on Telephone number **0800 030 4103** (available Monday to Friday, 8:00 AM to 5:00 PM)

8. O - Group Licencing -

- 8.1 A goods vehicle operator's licence ("O" Group) is normally needed if you use a goods vehicle of over 3.5 tonnes gross plated weight or (where there is no plated weight) an unladen weight of more than 1,525kg, to transport goods for hire or reward or in connection with a trade or business. a licence is also required if you carry goods for hire or reward on international journeys when using a vehicle (or a vehicle combination) with a maximum laden weight of more than 2.5 tonnes. For a vehicle and trailer combination, you will usually need a goods vehicle operator's licence if the maximum laden weight or unladen weight of the vehicle and trailer combined exceed 3.5 tonnes (or 2.5 tonnes if carrying goods for hire or reward in Europe).
- 8.2 The industry is regulated by DFT tribunal (The Traffic Commission) The enforcing agency is the Driver and Vehicle Standards Agency (DVSA) they are responsible for ensuring that operators of goods and passenger vehicles, are compliant with legislation relating to all matters inclusive of drivers' hours, roadworthiness, operator licensing and the safe loading of vehicles. DVSA examiners investigate rogue operators and report them to the Traffic commissioners.

If you suspect breach of an Operators "O License" it can be reported to DVSA you will be required, to give as much information as possible regarding:

- Who is involved - for example, the driver or company name.
- The vehicle registration number (number plate)
- What the driver or company is doing
- Where and when they're doing it

Reporting Mechanism

If you suspect a vehicle is being used in breach of "O" group regulations, you can report your concerns direct the DVSA Intelligence Unit on Telephone number **0800 030 4103** (available Monday to Friday, 8:00 AM to 5:00 PM)

9. Road Traffic Accidents

- 9.1 Vehicles left at the roadside following a road traffic accident (RTA) are the responsibility of the vehicle keeper, and their Insurer; Vehicles left in such circumstances will be permitted to remain at the location to enable Insurers loss adjuster inspection to determine the vehicle status and insurance category, e.g. damaged repairable / damaged beyond repair - write off; and make their subsequent arrangements for vehicle recovery, repair or disposal.

- 9.2 **Exceptions** Vehicles left at the roadside following a road traffic accident that present an immediate risk to life may be relocated by the Council to a place of safety.

10. Free - Vehicle Disposal

- 10.1 Portsmouth City Council - provide a free vehicle removal and disposal service for all residents within the boundaries of the City of Portsmouth. If you are the owner of a vehicle that is no longer required, or the vehicle has become uneconomical to run or repair. We can on request arrange free collection and disposal of the vehicle to an Authorised Treatment Facility (ATF).

This free service includes collection and transfer, de-pollution and final disposal of the vehicle, we will notify DVLA to ensure the vehicle details are removed from the national register; and on completion issue the customer a copy of the vehicles Certificate of Destruction (COD).

For more information, please contact vehicle removal team on 023 9268 8284 or email vehicleremovals@portsmouthcc.gov.uk.