



Vehicle & Operator Services Agency

From: **Information Access**
inform@vosa.gov.uk

Information Access Team
Berkeley House
Croydon Street
Bristol
BS5 0DA

Tel: 0300 123 9000
Fax: 0117 954 2546

Your ref:
Our Ref: **F0002893**

Date: 4 October 2010

Dear

FREEDOM OF INFORMATION ACT 2000

I refer to your recent request for information. In your email of 21 September you asked for information held by VOSA in respect of recent court hearings or prosecutions relating to working time directive for road transport following the removal of the opt out in 2009.

Clarification sought from you indicated that you were specifically interested in the co-liability clause of EC drivers hours and how that fits into the working time for road transport directive and the self employed rule of this directive.

I have confirmed that at the time of your request VOSA had no records of any prosecutions, either complete or pending under this legislation.

I have also established from VOSA's operational staff the following:

The EU Drivers' Hours Rules and the Working Time Directive for Mobile Workers are two completely distinct pieces of legislation, so any requirement under one set of rules is not transferable to the other.

The co-liability clause contained with Reg 561/2006 states that thirds parties such as freight forwarders should be responsible for infringement committed by drivers. However it should be noted that this clause is not written with the same authority as the strict liability clause which makes transport undertakings directly liable for any infringements committed by their drivers.

An enforcement body, such as VOSA, does not need evidence of a transport undertaking's part in causing or permitting an offence by one of their drivers. Evidence is required for co-liability offences.

However, if the necessary evidence is obtained, there's no transfer across to the working time directive for mobile workers.

The working time legislation does give provision for prosecuting anyone for whom it can be proven, has acted in any way to cause the offence.

If you have any queries about this letter, please contact us, quoting reference **F0002893**.

If you are unhappy with the response provided, you may ask for an internal review. To request an internal review, please write to:

VOSA Corporate Office,
Berkeley House,
Croydon Street,
Bristol,
BS5 0DA

or email vosa.corporateoffice@vosa.gsi.gov.uk

giving the reasons for your dissatisfaction. It will help us if you quote the reference number for your case.

If you do not agree with the outcome of the internal review, you may lodge an appeal with the Information Commissioner (www.informationcommissioner.gov.uk). The Information Commissioner is an independent official appointed by the Crown to oversee the Data Protection Act 1998, the Freedom of Information Act 2000 and the Environmental Information Regulations 2004.

The Information Commissioner can consider complaints about any aspect of the way in which requests for information have been handled. Please note: the Information Commissioner would be unlikely to consider your complaint if you have not first requested an internal review.

You can write to the Information Commissioner at:

The Information Commissioner's Office
Wycliffe House,
Water Lane,
Wilmslow,
Cheshire
SK9 5AF

Yours sincerely

VOSA Information Access