



Vehicle & Operator Services Agency

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

Information Access Team
Berkeley House
Croydon Street
Bristol
BS5 0DA

BY E-MAIL

Tel: 0300 123 9000
Fax: 0117 954 2546

Our Ref: **F0003375**

Date: 26th May 2011

Dear

FREEDOM OF INFORMATION ACT 2000

I refer to your e-mail of 16th May 2011 requesting information, which we have dealt with under the terms of the Freedom of Information Act 2000. You asked whether our traffic cars have authority to park up on live carriageways on motorways to do their patrols.

The Vehicle and Operator Services Agency (VOSA), as an enforcement Agency has the "Powers to Stop" which means we are able to instruct vehicles to stop for the purposes of an inspection. We are also the enforcement Agency responsible for the enforcement of goods vehicle and passenger carrying vehicles for roadworthiness as well as traffic offences.

We target non compliant operators of these vehicles to ensure we are providing a service which has a positive effect on road safety which is also effective and efficient. This does involve a great deal of work on the strategic road network. We do not have the power to exceed the speed limit so have to ensure that our vehicles are positioned to allow interception of target vehicles.

We do not have authority in our own right to use the hard shoulder but, due to the nature of our work, in many areas we have permission from the Chief Constable and a protocol with the police force to allow us to work in this method. I reproduced an extract of the permission we hold from West Yorkshire Police below.

In accordance with Regulation 16(a) of the Motorways Traffic (England and Wales) Regulations 1982.

West Yorkshire Police, hereby give permission to Enforcement Officers of VOSA operating on the Motorways of West Yorkshire in accordance with their

duties. Providing an exemption from those parts of the Motorways Traffic Regulations 1982 which would prevent them carrying out their lawful duties.

Contrary to regulation 8 of the Motorways Traffic (England & Wales) Regulations 1982 section 17(4) of the Road Traffic Regulations Act 1984 and Schedule 2 to the Road Traffic 1988.

Reversing on a Motorway hard shoulder – Where VOSA may be required to stop and reverse from the hard shoulder into one of the access gates or Police Observation Platforms (P.O.P).

Contrary to regulation 9 of the Motorways Traffic (England & Wales) Regulations 1982 section 17(4) of the Road Traffic Regulations Act 1984 and Schedule 2 to the Road Traffic 1988.

Stopping on the hard shoulder – in the absence of a P.O.P. at an entry slip road where a margin exists from the mainline network and would not present a visual obstruction or danger to other road users.

Contrary to regulation 9 of the Motorways Traffic (England & Wales) Regulations 1982 section 17(4) of the Road Traffic Regulations Act 1984 and Schedule 2 to the Road Traffic 1988.

Driving on and across the hard shoulder to access Police Observation Platforms – to facilitate access to and from P.O.P or gateway/underpass of the motorway, but to exclude verges or hatched areas bordered by solid white lines and marked with red reflective studs.

This permission will only last until such time as the Secretary of State relaxes those prohibitions or restrictions imposed by the Regulations in respect of VOSA Enforcement Officers, or it is rescinded by West Yorkshire Police. This permission does not authorise any action which is in breach of any Safety System of Work or Risk Assessment applied by VOSA or authorise an exemption under any other Regulation or Statute.

We are aware that this does carry a certain risk with it and our staff are trained by the police and have to pass the police driving course before being accredited to carry out this activity.

If you have any queries about this letter, please contact us, quoting reference **F0003375**.

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