



**IN THE MATTER OF DETAINED VEHICLE 171CN1299**

**UOK2020972**

**VFS FINANCIAL SERVICES LIMITED**

**Applicant**

**-v-**

**DRIVER & VEHICLE STANDARDS AGENCY**

**Respondent**

**TRAFFIC COMMISSIONER'S DECISION**

**Decision**

1. The application by VFS Financial Services Limited t/a Volvo Financial Services for the return of Vehicle 171CN1299 is granted and the vehicle can be released to it. The hearing on 6 March 2019 is vacated.
2. The hearing bundle sets out the background to the case. I am satisfied that VFS Financial Services Limited ("VFS") is the lawful owner of VRM 171CN1299. VFS accept that if the facts are as stated by DVSA, then the vehicle was properly impounded.
3. I am satisfied, on the evidence before me, that DVSA lawfully impounded the vehicle on 1 February 2019 as Virginia Transport Limited (Company Number IE92464, IE Operator Licence Number 110054294) was operating the vehicle in breach of the rules relating to cabotage.
4. I refer to the letter dated 1 March 2019 on behalf of VFS and the additional information attached. DVSA confirmed today that the Agency does not resist the return of the vehicle to VFS in light of the circumstances described.
5. I refer to the Senior Traffic Commissioner's Statutory Guidance and Statutory Directions No. 7, Impounding, paragraphs 54 to 58. In considering the return of the vehicle, I have posed the questions helpfully set out in 2013/021 Societe Generale Equipment Finance Limited v VOSA. I accept on the statements of fact set out by VFS that it did not know the vehicle was being used, or had been used, in contravention of Section 2 of the Goods Vehicles (Licensing of Operators) Act 1995.

6. I note for the record the assurance from VFS that the vehicle will not be released or sold to Virginia Transport Limited.

Addendum

7. Vehicle 171CN1299 is one of 5 vehicles subject to a Hire Purchase agreement between VFS and Virginia Transport Limited. VFS is now on notice that Virginia Transport Limited recently engaged in cabotage. This 'knowledge' may need to be addressed should any other Virginia Transport Limited vehicles be impounded in the future.



**MISS SARAH BELL  
TRAFFIC COMMISSIONER  
LONDON & SOUTH EAST**

**Decision: 5 March 2019**

Not for wider publication:

Attached for the benefit of the parties is a download from the Virginia Transport Limited website noting close links with a current Great Britain Licence.