



Gloucestershire Constabulary Freedom of Information request 2020.0590

I would firstly like to apologise for the delay in responding to your request. This has been due to an exceedingly high volume of requests and resourcing issues which have impacted both upon the Information Disclosure team and the business areas upon whom we rely to supply the information.

On 28 July 2020 you sent an email constituting a request under the Freedom of Information Act asking the following:

Today I write requesting information under the Freedom of Information Act 2015 regarding the Constabulary's official policy concerning the removal of Vehicles under The Vehicle Excise Duty (Immobilisation, Removal and Disposal of Vehicles) Regulations 1997 specifically under Section 9 (1) A of this Act.

I further request information concerning the Constabulary's official policy into how namely constables or higher-ranking officers fulfil the duty to guarantee a road meets the legislative definition of 'Public Road' in line with Section 62 of the Vehicle Excise and Registration Act 1994, in-order to carry out the duties as a constable or otherwise to bring forward the offence of Section 29 (3A) of the Vehicle Excise and Registration Act 1994.

Under the Freedom of Information Act 2000 s1, I can confirm that Gloucestershire Constabulary holds some relevant information.

In respect of the first part of your request, I can confirm that the Constabulary holds no information.

In respect of the second part of your request, I can confirm that officers are instructed in the definition of what is a road through their initial police training. The detail is:

A road is:

From the road traffic act 1988 a road is defined as:

A road is a highway and any other road to which the public has access and includes bridges over which the road passes

So what's a highway?

Well simply put its

"A highway is a way over which there exists a public right of passage, that is to say a right for all Her Majesty's subjects at all seasons of the year freely and at their will to pass and repass without let or hindrance."

So this means essentially that a road is a highway and a highway is a road. And yes both are places where the police can stop and deal with road traffic offences. Private roads are still highways unless completely gated off, therefore you can still deal with offences on them.

This will include green lanes (byways are highways and publicly owned and therefore they are open to use by the general public. As these green lanes are **public highways the same laws regarding the use of vehicles on the road are applicable to these routes**. That means that drivers must possess a current driving license, vehicles must have MOT, tax and insurance.)

If you are not satisfied with this response or any actions taken in dealing with your request, you have the right to ask that we review your case under our internal procedure. Please note that a request for an internal review must be made within 20 working days of the response to your original request.

If you decide to request that such a review is undertaken and following this process you are still unsatisfied, you then have the right to direct your complaint to the Information Commissioner for consideration.

Yours sincerely,