



Vehicle Defect Rectification Scheme Policy



VEHICLE DEFECT RECTIFICATION SCHEME - POLICY

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Policy wording

The Policy should enable consistent and effective decision making. Where operational or managerial circumstances require any decision making that would adversely affect adherence to the policy or procedure, in line with the 'Statement of Intent' of the constabulary and the police service 'Code of Ethics', if an officer/ police staff member believes that they need to make a decision that steps outside of policy and procedure they should do so, provided that:

- the officer/ police staff member raises the matter at the earliest opportunity (and ideally before any such decision is made) with their line manager declaring their intended (or actual) course of action if notification is made after the decision is taken,
- produces, in a timely manner, a signed and dated written explanation of why it is/ was deemed necessary to step outside of policy and procedure, and
- maintain an adequate record of this written rationale for audit purposes appropriate to the circumstances/ contravention

Introduction

Gloucestershire Constabulary operates a Vehicle Defect Rectification Scheme (VDR Scheme). Documentation for the scheme is provided for within the existing HORT1 Document Production Form and also as police mobile device printable ticket.

The Superintendent, Criminal Justice Department is responsible for administration of the scheme.

It is an offence to use vehicles on roads where the vehicle does not comply with all statutory requirements. The purpose of this scheme is to implement measures, which will enhance road safety and thus protect life and property without resorting to prosecution.

The objectives of the scheme are

- By a policy of prevention instead of prosecution, to establish an attitude of co-operation between the police and the public, resulting in an improvement in the mechanical condition of motor vehicles using the roads, in the interests of road safety.
- To reduce time spent in court proceedings, thereby freeing officers for operational duties.
- To improve relationships between the police and the motoring public whilst at the same time maintaining a high level of enforcement of legislation relating to the use of vehicles on roads.



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Purpose

It is the policy of the Gloucestershire Constabulary to improve road safety and reduce deaths and serious injury on the road, by encouraging, where practicable, the prevention and rectification of vehicle defects instead of prosecution. This scheme allows Police Officers of the Gloucestershire Constabulary to have discretion regarding the decision whether to issue a vehicle defect rectification notice or to initiate court proceedings but **must**, where appropriate adopt the VDR scheme process in the first instance.

By the use of VDRS there is potential for reduced issue of process files and subsequent court appearances, thus providing savings in police time and bureaucracy..

Compliance

Human Rights

This policy has the potential to impact on an individual's rights under the Human Rights Act 1988, notably Article 6 – Right to a Fair Trial and Article 1 Protocol 1 - Protection of Property.

Conversely, Article 2 – Right to Life dictates that 'Everyone's right to life shall be protected by law'. The use of defective vehicles on public roads places all road users at risk. Legislation exists governing standards relating to the roadworthiness of vehicles. This legislation, combined with Article 2 provides the legitimate aims to be achieved by interfering with the individuals' rights.

This policy is designed to ensure the safety of all road users including the individual whose vehicle is subject to the scheme.

Consideration has been given to the compatibility of this policy and related procedures with The Human Rights Act; with particular reference to the legal basis of its precepts; the legitimacy of its aims; the justification and proportionality of the actions intended by it; that it is the least intrusive and damaging option necessary to achieve the aims; and that it defines the need to document the relevant decision making processes and outcomes of action.

Diversity

Gloucestershire Constabulary policies are intended to promote equality, eliminate unlawful discrimination and actively promote good relationships regardless of age, disability, gender, race or ethnicity, religion and belief, and sexual orientation.

This policy has been impact assessed using the Equalities Impact Assessment Template. By building equality considerations into our policy-making process, we have been able to identify any actual or potential inequalities and reduced them as much as possible, by applying the policy differently or looking for alternatives.

During the 2003 Audit of Gloucestershire Constabulary policies, the application of this policy was assessed as having significant impact on race relations issues. Officers exercising their discretionary powers under this policy should be aware that they may be asked at a later date to justify their decision to activate the VDRS as opposed to prosecution, or vice-versa.

Freedom of Information

Public disclosure of this Policy is authorised by the Superintendent – Criminal Justice. The Policy will be included in the Constabulary's Internet based Publication Scheme as required by the Freedom of Information Act.

Guidance / Procedures

Procedure



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The scheme will apply to all vehicle defects under the Construction and Use Regulations, Vehicle Lighting Regulations and Excise Acts (Vehicle No plates).

All uniform patrol officers will carry books of Forms HORT 1 or have a VDRS ticket available on their mobile device.

When an officer detects defects on a vehicle being used on a road, the driver will be reported for those offences in the normal manner, and the necessary pocket book entry made. At the same time, the officer will complete a Form HORT 1 (in triplicate) and hand the second and third copies (pink and white) to the driver drawing attention to the notices thereon including any document production requirements. Alternatively, officers will provide the driver with a printed ticket from their mobile device which includes the HORT1.

The top copy (blue) of the Form HORT 1 will be forwarded by the reporting officer at the end of the tour of duty to the Central Ticket Office, Criminal Justice Department Gloucester Police Station. Alternatively the ticket will be sent and accessed via PRONTO.

The reporting officer, if using a paper form, will retain the fourth copy at that stage.

To avoid further police action the driver must have the defects repaired and present the vehicle at any Ministry approved testing station.

When presented at an MOT station, the examiner, if satisfied that the specified defects have been repaired, will sign the driver's copy of the Form HORT 1 and endorse it with the MOT stamp. It is then the driver's responsibility to return the form to the Central Ticket Office, Criminal Justice Department, Gloucester Police Station. Any payment for services rendered by the MOT station will be a matter between the station and the motorist concerned.

If the Form HORT 1 is received at Central Ticket Office, Criminal Justice Department, No1 Waterwells, Waterwells Drive, Gloucester, GL2 2AN, within 14 days from issue, duly signed and stamped OR other evidence is presented that the vehicle concerned has been scrapped, no further police action will be taken in relation to the specified defects.

In deciding whether or not to invoke the Vehicle Defect Rectification Scheme procedures, the objectives of the Scheme, outlined above, should always be considered as the first priority. When it is considered that any of the objectives cannot be achieved, officers have discretion to take other appropriate measures towards enforcement of the law. The officer should record the reason(s) for the decision in their pocket notebook.

Prosecution Files

Prosecution files, including instances where other offences have been revealed, will be deferred until notification is received from the Central Ticket Office, Criminal Justice Department. That notice will indicate either:-

- Form HORT 1 has been received within the 14 days duly certificated, in which case the reporting officer can destroy the (fourth) copy of the form, and only submit a prosecution file if offences other than vehicle defects were disclosed

OR

- Form HORT 1 has not been received, in which case the CTO or reporting officer shall submit a prosecution file, together with the top copy of the HORT 1(or PRONTO record), through the normal channels in respect of all offences disclosed.

The fact that an offender was given the opportunity to have a defect repaired and failed to do so should be given in evidence for the information of the Magistrates.



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Prosecution of unrectified defects will in the main be dealt with by way of the Recommendation 35 P31 procedure.

Exceptions

The scheme will NOT operate in relation to:-

- Vehicles involved in road accidents.
- ■ Public Service Vehicles.
- Where a prohibition notice is issued.
- Those occasions where a driver elects a deferred test in accordance with Section 67(6) Road Traffic Act 1988.

Complaints

Persons aggrieved by a Vehicle Defect Rectification Notice may select to have the matter heard by a court. Complaints may also be made verbally or in writing by members of the public via the police complaints procedures or internally via grievance procedures.

Identification, Monitoring and Review

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VDRS Policy			
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Author/Reviewer		Superintendent –Criminal Justice.	
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2.8	13/3/2017	Amended to include tickets from force issue mobile devices and submitted via ‘Pronto manager’	
2.7	17/1/2017	New corporate Template	
2.6	20/2/2015	Highlighted opting for VDRS in first instance. Removal of commercial vehicle rectification scheme.	
1.0	01/11/2011	Policy approved.	
Next Document Review Date: 31/3/2018			
EIA		EIA Sign Off	EIA Review
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SIA		SIA Sign Off	SIA Review