

Graduated Fixed Penalties issued at the roadside by the Police or VOSA

From the beginning of April 2009 the Police have been authorised to issue graduated fixed penalties at the roadside for the offences listed below and since the 28th of May 2009 VOSA have also been issuing graduated fixed penalties at the roadside for the same offences. The penalties are specifically aimed at drivers' rather than Operators and drivers' of foreign registered vehicles are the main focus of targeting. However, be aware that GB based drivers can be issued with fixed penalties at the roadside if they are found to be committing an offence. You will have up to 28 days to either pay the fine or ask for the case to be heard in Court. There are additional offences that VOSA can prosecute you for, but below are the most likely to be used.

All drivers' are legally obliged to inform the operator of the vehicle they are using if they are issued with a fixed penalty.

Offence	Likely level of fine per offence
EC Drivers' hours offences - prosecutions against the driver	
Exceeding 4½ hours accumulated driving without taking the required break, but driving less than 5½ hours before taking the required break	£60.00
Exceeding 4½ hours accumulated driving without taking the required break, but driving less than 6½ hours before taking the required break	£120.00
Exceeding 4½ hours accumulated driving without taking the required break and exceeding 6½ hours accumulated driving without taking the required break	£200.00
Exceeding 9 hours daily driving, but less than 10 hours daily driving	£60.00
Exceeding 10 hours daily driving, but less than 11 hours daily driving	£120.00
Driving 11 hours or more within one duty period	£200.00
Failure to take the required minimum daily rest of 9 hours, but more than 8 hours daily rest	£60.00
For only taking a daily rest of between 7 and 8 hours, rather than the minimum daily rest required of 9 hours	£120.00
For only taking a daily rest of 7 hours or less, rather than the required minimum daily rest required of 9 hours	£200.00
Failure to take a regular weekly rest period of at least 45 hours, when required, but taking a rest period of between 43 and 45 hours	£60.00
Failure to take a regular weekly rest period of at least 45 hours, when required, but taking a rest period of more than 42 hours	£120.00
Failure to take a regular weekly rest period of at least 45 hours – taking less than 42 hours	£200.00
Failure to take a reduced weekly rest period of at least 24 hours, when required, but taking a rest period of between 23 and 24 hours	£60.00
Failure to take a reduced weekly rest period of at least 24 hours, when required, but taking a rest period of between 22 and 23 hours	£120.00
Failure to take a reduced rest period of at least 24 hours – taking less than 22 hours	£200.00
Exceeding maximum weekly driving limit of 56 hours in total, but less than 58 hours	£60.00
Exceeding maximum weekly driving limit of 56 hours in total, but less than 59 hours	£120.00
Driving for more than 59 hours in any one week period	£200.00
Exceeding accumulated driving time, maximum permitted in any two consecutive weeks, of 90 hours, by more than 2 hours	£60.00
Exceeding accumulated driving time, maximum permitted in any two consecutive weeks, of 90 hours, by more than 3 hours	£120.00
Exceeding accumulated driving time, maximum permitted in any two consecutive weeks, of 90 hours, by more than 4 hours	£200.00
Failure to use the required record sheet – i.e. analogue chart or driver card or printout, as required	£120.00
Using someone else's digital tachograph driver card	£200.00
Not able to printout, when requested - i.e. run out of print roll	£60.00

The list above shows the offences that drivers should be particularly aware of, as they relate specifically to the drivers' own conduct. There are additional offences that come within the graduated fixed penalty scheme and they can be found within Schedule 2, Article 2A of the Fixed Penalty (Amendment) Order 2009 – Statutory Instrument No 488.



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Driving offences – prosecutions against the driver	
Speeding * There may soon be a change to this prosecution, with regard to level of excess speed.	£60.00*
Lack of control of the vehicle – i.e. using a handheld mobile phone <i>*if taken to court a commercial vehicle driver can be fined up to £2,500.00</i>	£60.00*
Failure to comply with traffic signs / directions – i.e. traffic lights / weight limits	£60.00
Failure to comply with records inspection / obstructing an officer <i>(i.e. not having the current record and the previous 28 calendar days records available at the roadside)</i>	£200.00
Overloading offences	
Exceeding maximum total authorised weight of the vehicle (inc. any trailer) by up to 10%	£60.00
Exceeding maximum total authorised weight of the vehicle (inc. any trailer) by over 10%, but less than 15%	£120.00
Exceeding maximum total authorised weight of the vehicle (inc. any trailer) by 15% or over	£200.00
Exceeding maximum total authorised weight of any axle by up to 10%	£60.00
Exceeding maximum total authorised weight of any axle by over 10%, but less than 15%	£120.00
Exceeding maximum total authorised weight of any axle by 15% or over	£200.00
Construction & Use offences – prosecutions specifically against the driver	
Failure to maintain vehicle in accordance with the regulations, so as not to be a danger or a nuisance <i>(i.e. failing to carry out and be able to produce evidence of acceptable walk round checks and defect reporting)</i>	£60.00
Using a vehicle with defective brakes, steering or tyres <i>(PLEASE NOTE: This can include loose wheel-nuts; sidewall tyre damage; cords or wire showing)</i>	£60.00 to £120.00 + 3 penalty points
Failure to have a tread pattern of at least 1 millimetre on the tyre <i>(1 millimetre is the legal minimum, but it is recommended tyres are replaced before tread depth becomes this low)</i>	£60.00 to £120.00 per tyre
Using a vehicle with tachograph recording equipment that is not calibrated <i>(PLEASE NOTE: It is every drivers' responsibility to ensure that the tachograph is calibrated by making sure the calibration plaque is visible and readable)</i>	£200.00
Using a vehicle fitted with a faulty speed limiter <i>(PLEASE NOTE: If the commercial vehicle you are driving is capable of exceeding 56mph you have a responsibility to complete a written defect report and ensure that the operator is aware that the speed limiter is not accurate)</i>	£120.00
Using a vehicle that is not authorised on a Vehicle Operators licence <i>(PLEASE NOTE: As a driver you are responsible to check that the vehicle you are driving is authorised on a Goods Vehicle Operators Licence – A Operator Licence disc should be visible in the windscreen and it should show the operators trading name; the operator licence number; the vehicle registration and the date when the operators licence needs renewing)</i>	£60.00
Failure to carry any load in a secure manner <i>(PLEASE NOTE: As a driver you must always ensure that the load is secure and will not fall or blow off the vehicle, even if you didn't load the vehicle)</i>	£60.00

The list above shows offences that drivers should be particularly aware of, as they relate specifically to the areas that drivers' should check or are responsible for. There are additional offences that come within the graduated fixed penalty scheme and they can be found within Schedule 2, Article 2A of the Fixed Penalty (Amendment) Order 2009 – Statutory Instrument No 488.

PLEASE NOTE: When a driver is issued with a fixed penalty at the roadside the operator of the vehicle may also be issued with a prohibition notice. It is important that prompt remedial action is taken by both to rectify the error or defect.

