



Problem solvers

Are you facing a community transport problem? Perhaps you're assessing the implications of recent legislation or considering the specifications of a new vehicle. Whatever your community transport poser, *CTA Journal* can help.

Our problem solver, Amanda Eastwood (pictured), is a member of the CTA's advice and information team. Every day the team members field enquiries from across the UK's community transport sector and have

a wealth of knowledge and experience to draw upon.

If you have a problem that you'd like solved on this page, please write to Problem Solvers at *CTA Journal*, Unit 4, 25a Vyner Street, London E2 9DG.

"We have just set up a trading arm and are operating minibuses under a PSV operator's licence. What are the implications of having a visit from VOSA officers?"

A visit from the Vehicle and Operator Services Agency (VOSA) can be initiated when a transport service provider applies for operator licence discs, by frequent MOT failures or by having a PG9 issued after a roadside check (see table).

A VOSA examiner may inspect any vehicles on the premises, providing consent is obtained from the owner of the vehicle and/or premises, or by giving 48 hours' notice of an intended inspection. However, under section 68 of the Road Traffic Act 1988, an examiner may enter premises at any time which is reasonable to inspect any PSV vehicle. The 48 hours' notice does not apply in the case of a vehicle which has been reported in an accident.

Owners and drivers must give reasonable assistance to any person having authority to inspect the vehicle – to obstruct them in any way is an offence. The examiners may drive the vehicle for the purpose of testing it, or they may direct a vehicle which is stationary on a road to be taken to any place not more than five miles distant for inspection purposes.

If a vehicle is deemed unroadworthy then the examiner has the power to prohibit its use. These powers come in the form of prohibition notices: there are eight standard forms that are used in the system of prohibition and inspection notices (the most common ones are detailed in the table above).

Forms PG9 and PG9B must be carried on the vehicle at all times when they are in force and the prohibition cannot be lifted

VOSA Prohibition/Inspection Notices

Prohibition/ Inspection Notices	Meaning
GV3	Direction to proceed to a specified place within a five-mile radius for further inspection.
PG9	Prohibition of driving a vehicle on the road. The prohibition may be immediate or delayed. If delayed an implementation date will be specified. <ul style="list-style-type: none"> Mark "X" indicates that the prohibition stated is not related to the maintenance of the vehicle. Mark "S" indicates that the prohibition stated is a result of a significant failure of the maintenance of the vehicle. Where a prohibition is unmarked it means that the examiner was unable to determine whether or not the defect was caused by a failure of the maintenance of the vehicle.
PG9B	This gives a temporary exemption from a prohibition notice PG9 and so allows a vehicle to be moved under controlled conditions.
PG9C	This is a refusal to remove a prohibition notice and can be issued if, on examining a vehicle for which a prohibition notice has been issued, the examiner is still not satisfied that the vehicle is fit for service.
PG10	This is issued when the vehicle is presented for clearance of a prohibition and is found to be fit for service.

until the vehicle has been inspected in accordance with the directions given in the PG9, which can specify a re-test at an official PSV testing station or at an operator's premises where annual tests are conducted. Where any vehicle is required to be tested at an official testing station the full fees appertaining to the class of vehicle may be payable – the fees depend on the type of test the vehicle has to go through.

VOSA examiners are also empowered to demand to see drivers' licences and documents relating to drivers' hours. They must also be given access to the vehicles'

maintenance records, which may be seized if it is thought that they have been falsified.

Prohibition notices are recorded against the operator's licence at traffic area offices and can form the basis of an objection if an application is made concerning the licence. If prohibitions are recorded frequently the operator may be called before their local traffic commissioner to explain why the licence should not be revoked, curtailed or suspended.

The holder of the Certificate of Professional Competence could also have their "good repute" called into question. ■