

# SURVEY ON ADMINISTRATIVE/FINANCIAL/PENAL SANCTIONS IN CASE OF NON-COMPLIANCE WITH DRIVER RECORDS, TACHOGRAPH AND REST PERIOD REGULATIONS FOR INTERNATIONAL ROAD TRANSPORT OPERATIONS

## UNITED KINGDOM

COUNTRY: Freight Transport Association, United Kingdom.....												
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ADMINISTRATIVE/FINANCIAL/PENAL SANCTIONS IN CASE OF NON-COMPLIANCE WITH DRIVER RECORDS, TACHOGRAPH AND REST PERIOD REGULATIONS FOR INTERNATIONAL ROAD TRANSPORT OPERATIONS												
DEFINITION OF OFFENCES	PERSONS SANCTIONED		SANCTIONS							COMPROMISE SETTLEMENT Amount of reduced	TIME LIMIT FOR APPEAL	
			Administrative sanctions				Financial sanctions	Penal sanctions				
	Driver	Company	Verbal warning**	Points recorded against driver's licence	Licence withdrawal***	Vehicle immobilisation****	Disqualification for transport manager*****	Max fine	Max prison sentence		Admin procedure (please provide number of days of appeal period and name legal act)	Legal proceedings (please provide number of days of appeal period and name legal act)
<b>Driving hours and rest period offences</b>												
<b>EU legislation</b>												
Contravention of EU rules regarding driving and rest periods - very serious offence	Yes	Yes	Unlikely	No	Likely	Likely	Possible	£2,500	Not unless convicted of another offence such as manslaughter, causing death by dangerous driving etc.	(see comment at end of column)	28 days - Road Traffic Offenders' Act 1988	The Transport Act 1968
Contravention of EU rules regarding driving and rest periods - serious offence	Yes	Yes	Unlikely	No	Possible	Possible	Possible	£2,500		(see comment at end of column)		
Contravention of EU rules regarding driving and rest periods - minor offence	Yes	Yes	Likely	No	Unlikely	Unlikely	Unlikely	£2,500		(see comment at end of column)		
<b>National legislation</b>												
Contravention of national rules regarding driving and rest periods - serious offence	Yes	Yes	Unlikely	No	Possible	Possible	Possible	£2,500	As above	(see comment at end of column)	28 days - Road Traffic Offenders' Act 1988	The Transport Act 1968
Contravention of national rules regarding driving and rest periods - minor offence	Yes	Yes	Likely	No	Unlikely	Unlikely	Unlikely	£2,500		(see comment at end of column)		
<b>Driver recording offences (tachograph)</b>												
<b>EU legislation</b>												
Failure to use EU required recording equipment (tachograph) - very serious offence	Yes	Yes	Unlikely	No	Likely	Likely	Possible	£5,000	Up to 2 years if deliberate attempt to deceive	(see comment at end of column)	28 days - Road Traffic Offenders' Act 1988	The Transport Act 1968
Failure to use EU required recording equipment (tachograph) - serious offence	Yes	Yes	Unlikely	No	Possible	Possible	Possible	£5,000		(see comment at end of column)		
Failure to use EU required recording equipment (tachograph) - minor offence	Yes	Yes	Likely	No	Unlikely	Unlikely	Unlikely	£5,000	Unlikely (see above)	(see comment at end of column)		
<b>National legislation</b>												
Failure to use recording equipment and/or to record activities as required by national rules (record books) - very serious offence	Yes	Yes	Unlikely	No	Likely	Likely	Possible	£2,500	Not applicable	(see comment at end of column)		
Failure to use recording equipment and/or to record activities as required by national rules (record books) - serious offence	Yes	Yes	Unlikely	No	Possible	Possible	Possible	£2,500	Not applicable	(see comment at end of column)	28 days - Road Traffic Offenders' Act 1988	The Transport Act 1968
Failure to use recording equipment and/or to record activities as required by national rules (record books) - minor offence	Yes	Yes	Likely	No	Unlikely	Unlikely	Unlikely	£2,500	Not applicable	(see comment at end of column)		
<b>EU legislation</b>												
Failing to comply with requirements relating to preserving EU records for inspection	Yes	Yes	Unlikely	No	Possible	Possible	Possible	£2,500	Up to 2 years if deliberate attempt to deceive	(see comment at end of column)	28 days - Road Traffic Offenders' Act 1988	The Transport Act 1968
<b>National legislation</b>												
Failing to comply with requirements relating to preserving national records for inspection	Yes	Yes	Unlikely	No	Possible	Possible	Possible	£2,500	Not applicable	(see comment at end of column)	28 days - Road Traffic Offenders' Act 1988	The Transport Act 1968
<b>Other infringements</b>												
Obstructing an inspecting officer at checkpoint	As described	Yes	Possible	Unlikely	No	Possible	Unlikely	Unlikely	£5,000	Not applicable		Not applicable
Failure to stop at checkpoint	As described	Yes	No	Unlikely	No	Possible	Unlikely	Unlikely	£5,000	Not applicable		Not applicable
Failure to follow officer instructions	As described	Yes	Possible	Unlikely	No	Possible	Unlikely	Unlikely	£5,000	Not applicable		Not applicable
<p>* A court will take into account aggravating or mitigating circumstances and will penalise accordingly. Detailed guidance notes are issued to magistrates</p> <p>** An enforcement officer will use their discretion to decide whether to offer a verbal warning, fixed penalty or to pursue a court hearing. Detailed policy guidance is given to officers which is publicly available</p> <p>*** A Traffic Commissioner can revoke or suspend a vocational driving licence</p> <p>**** An enforcement officer will use their discretion to decide whether to prohibit and immobilise a vehicle in the interests of road safety. Detailed policy guidance is publicly available</p> <p>***** A Traffic Commissioner may decide a Transport Manager has lost reputation and disqualify them from being named on an operator's licence. This will depend on the TM's culpability</p> <p>No reduction in fee if paid on the spot. However, fines levied via the courts will normally be reduced by about a third if the defendant submits a timely guilty plea</p> <p>Presuming this means a fixed penalty procedure</p> <p>Presuming this means a court proceeding</p>												

For more information see:

<http://www.banksr.co.uk/images/files/Magistrates Court Sentencing Guidelines 2008.pdf>