
EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend the Road Traffic Act 1988 to provide the Secretary of State with a power to appoint “stopping officers” in Great Britain. They also make amendments to provide stopping officers with powers to stop certain commercial vehicles on roads for the purposes of specific checks by vehicle examiners and other authorised persons. Regulations 9 and 12 also add to the existing powers of vehicle examiners appointed in Northern Ireland aligning their powers to stop commercial vehicles on roads with those of stopping officers in Great Britain.

When appointing stopping officers, the Secretary of State must be satisfied that the person to be appointed is suitable, capable and adequately trained to exercise the powers for which that person is being appointed. Furthermore, stopping officers must act under the general directions of the Secretary of State and are only permitted to exercise their powers whilst wearing approved uniforms.

These Regulations create offences of impersonating and wilfully obstructing stopping officers and, in Northern Ireland, create an offence of impersonating a vehicle examiner.

These Regulations provide stopping officers with powers to stop for the following purposes:

- Vehicle roadworthiness inspections by authorised examiners under section 67 of the Road Traffic Act 1988 (regulation 2(3));
- Vehicle weight checking by authorised persons under section 78 of the Road Traffic Act 1988 (regulation 2(4));
- Inspection of documents, records and recording equipment by officers under Part 6 (Drivers’ Hours) of the Transport Act 1968 (regulation 4);
- Checks by vehicle examiners and other authorised persons in relation to section 12(1) (the obligation to hold a public service vehicle operator’s licence) or section 18(1) (the duty to exhibit an operator’s disc) of the Public Passenger Vehicles Act 1981 (regulation 5);
- Checks by vehicle examiners and other authorised persons in relation to section 2(1) (the obligation to hold a goods vehicle operator’s licence) of the Goods Vehicles (Licensing of Operators) Act 1995 (regulation 6);
- Checks by authorised inspecting officers in relation to regulation 3 (use of a public service vehicle without Community licence) and regulation 7 (failure to comply with conditions governing the use of Community licence) of the Public Service Vehicles (Community Licences) Regulations 1999 (regulation 10);
- Inspection of the documents referred to in regulation 7 (production of Community licence and control document) of the Road Transport (Passenger Vehicles Cabotage) Regulations 1999 by authorised inspecting officers (regulation 11);

and they provide stopping officers, and vehicle examiners appointed in Northern Ireland, with powers to stop for the following purposes:

- Checks by authorised inspecting officers in relation to regulation 3 (use of a goods vehicle without Community authorisation) and regulation 7 (failure to comply with conditions governing the use of Community authorisation) of the Goods Vehicles (Community Authorisations) Regulations 1992 (regulation 9);

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

- Checks by vehicle examiners in relation to the requirement to carry evidence of CPC or of training exemption in the Vehicle Drivers (Certificates of Professional Competence) Regulations 2007 (regulation 12).

An impact assessment of the effect that this instrument will have on the costs of business, the public sector and the voluntary sector is available from the Freight, Insurance and Licensing Division of the Department for Transport, Great Minster House, 76 Marsham Street, London, SW1P 4DR. A copy may be obtained from the Department for Transport website (www.dft.gov.uk).

A copy of the impact assessment has been placed in the library of each House of Parliament. The impact assessment is annexed to the Explanatory Memorandum which is available alongside the instrument at www.legislation.gov.uk.