



## FORCE PROCEDURE DOCUMENT

# VEHICLE DEFECT RECTIFICATION SCHEME (VDRS) PROCEDURE

## PROCEDURE STATEMENT

### The aim of the procedure

North Yorkshire Police is committed to promoting road safety and the safety of all road users. An essential part of road safety is ensuring that vehicles are maintained in a roadworthy condition, safe for the purpose for their use.

### This procedure is intended to:

The Vehicle Defect Rectification Scheme (VDRS) is intended to promote road safety and improve the standard of motor vehicles travelling on the County's roads. The advantages of the scheme are:

- i) The motorist is given an opportunity to avoid prosecution by having a defect or defects rectified.
- ii) Time spent preparing and submitting process reports for motoring offences is reduced.
- iii) Relations between the police and motoring public will be maintained and/or improved.

The VDRS applies to only certain classes of vehicle, namely:

- i) motor cars;
- ii) motor cycles and mopeds;
- iii) small goods vehicles not exceeding 3.5 tonnes relevant plated weight or 1525 kgs unladen weight;
- iv) Any trailer (including caravan) being lawfully towed by the above vehicles.

All police officers are encouraged to promote and maximize the use of VDRS for dealing with a range of predominantly construction and use and vehicle lighting offences shown in the current lists of Endorseable and Non-endorseable Fixed penalty Offences ([link](#)) on the Administration of Justice, Central Ticket Office Subsite unless the defect(s) show a serious disregard for the safety of road users.

The VDRS can only be applied to vehicles that can be tested or checked at an M.O.T. testing station for light vehicles. Larger commercial and many other vehicles are not eligible to be included in the scheme, due to being tested at Goods Vehicle Testing Stations. It is important that only defects to vehicles and vehicle components that are subject to vehicle testing regulations are included within the VDRS process.

Since the introduction of computerised MOT Test Certificates, the Department for Transport has not issued or renewed embossed stamps to MOT Testing Stations. Some MOT Testing Stations will not therefore have the facility to stamp VDRS notices with an embossed stamp. Drivers participating in the VDRS scheme should be advised to obtain a suitable authority on letter headed paper from the MOT Testing Station involved.

**LINKAGES**

**Overarching Policies:** [Link the policy overarching policy to this procedure.](#)

**Procedures:**

**Other Documents:**

Fixed Penalty Offences Document (Intranet)

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**PROCESS**

**Guidance**

VDRS will normally be used except where it is clear to the officer, by reason of the condition of the vehicle, that the motorist/driver has knowingly and persistently driven the vehicle on a road in a dangerous condition or with a disregard for road safety.

Young offenders, as defined, are not included in the VDRS scheme and will be dealt with through prosecution reports in the prescribed manner, for legal reasons.

Offences for which the VDRS can be considered are shown in the current version of the current lists of Endorseable and Non-endorseable Fixed Penalty Notices ([link](#)) on the Administration of Justice, Central Ticket Office subsite.

VDRS notice. The VDRS forms are incorporated into the North Yorkshire Police HO/RT1 pads. Each set of forms contains four self-carbonating coloured pages:

- i) A white coloured top sheet, used for production of vehicle documentation, followed by;
- ii) A pink coloured VDRS1 form to be completed with the specific details of the defects;
- iii) A yellow coloured Management copy of the pink sheet that also records any documents to be produced. The reverse of this page is lined and is used for the officers contemporaneous notes sufficient to prove the offence;
- iv) A blue coloured VDRS 2 form that is a copy of the pink sheet.

**Procedures**

Where VDRS is implemented the following action will be taken by the officer dealing:

- I) Ensure that there is sufficient evidence to prove the alleged offence.
- II) Secure, preserve and/or record all evidence necessary to prove the offence(s).
- III) Inform the driver that the facts will be reported.
- IV) Explain how the VDRS operates and offer the driver the opportunity to avoid prosecution by participating in the scheme.
- V) If the driver agrees, complete and issue the pink copy of the HO/RT1 pad and inform the driver that the defects on the vehicle must be repaired immediately. The driver then has 14 days to return the endorsed Form to the officer's station, duly certified at a MOT testing station that the defects have been repaired. The

officer must complete their name and station, so that the driver knows who and where the form has to be returned.

- VI) Complete the rear of the yellow form with sufficient details to prove the offence in Court, should the driver not comply with the scheme.
- VII) On return to home station the officer submits the blue coloured VDRS 2 into the local filing system used to record VDRS notice issues.
- VIII) If the pink VDRS 1 copy is returned duly certified within 21 days, no offence report is submitted. The pink copy is retained on Section for filing and statistical purposes. Once this pink copy has been returned, the blue VDRS 2 is destroyed.
- IX) If the pink VDRS 1 is not returned duly certified within 21 days, an offence report will be submitted together with the yellow management copy of the VDRS form.
- X) Where the VDRS notice has been complied with, the yellow management copy can be destroyed.

Where the driver is not the owner of the vehicle and the VDRS notice has not been complied with within the 21 days, a Form 139 should be sent to the registered keeper of the vehicle. This form gives the vehicle owner the opportunity to avoid prosecution for use/cause/permit offences for the identified defects, in a similar manner to the original VDRS notice issued to the driver. Where this Form is not complied with the keeper/owner should be interviewed and reported for any offences disclosed.

### **Administration**

Stocks of VDRS/HO/RT1 pads will be held on areas for use by all officers. Requests for additional supplies will be directed through the usual administration for stationary applications.

Copies of letters to owner/operators will be prepared locally in line with the Force corporate image specifications.

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## **RESPONSIBILITIES**

### **Individual roles and responsibilities**

The Officer in the case (OIC) will be the officer completing the VDRS notice and will be responsible for:

- i) Securing, preserving and/or recording evidence of the defect(s);
  - ii) Issuing the defect notice;
  - iii) Forwarding the notice into the management system;
  - iv) Sending any letter to the operator/owner;
  - v) File preparation if the notice is not complied with.
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Area/District/Station Operational Support Units (OPSU's) will be responsible for:

- i) Maintaining a filing system for VDRS
- ii) Entering notices into the system.
- iii) Managing the system in a timely manner to ensure that any notice not complied with is returned to the OIC for action.

**DEFINITION OF SPECIAL TERMS** N/A

**COMPLIANCE AND LEGITIMACY**

The following areas have been considered and their impact assessed when writing this policy:	
<b>Legal Basis</b>	
<ul style="list-style-type: none"> <li>• The legal basis in which the policy is to operate can be found in:</li> <li>• The Road Traffic Act</li> </ul>	
<p><b>Legal and Risk</b>                  Legal Basis,                  Risk Management and Insurance                  Information Compliance                  Human Rights Act 1998                  Health and Safety Compliance                  (Linked to Health and Safety Risk Assessment template)</p> <p>(Checked by Head of Legal &amp; Compliance Directorate)</p>	<p>The Human Rights Act 1998 creates 'Convention Rights' which are set out in Section 1 (1) of that Act. They are rights drawn from the European Convention on Human Rights and Fundamental Freedoms.                  The provisions of this procedure are compatible with the 'Convention Rights'                  In application of this procedure, North Yorkshire Police will not discriminate against persons on the basis of age, sex, race, colour, language, religion, disability, political, or other opinion, sexual orientation, nationality or social origin, association with national minority, property, birth, or other status as defined under Article 14, European Convention on Human Rights and Fundamental Freedoms (ECHR).</p> <p>Date 09/10/2007                  Name Simon Dennis</p>
<p><b>Diversity</b>                  (Checked by Head of Diversity)</p>	<p><b>Status:</b> High                  Review Date 18/10/2008                  Date 18/10/2007                  Name Rebecca Cobby</p>
<p><b>Change Management Control Number</b></p>	N/A

**APPEALS PROCEDURE**

In any event any individual wishing to challenge a NYP Policy/Procedure is invited initially to address their concerns to the Chief Constable of NYP.  
 If the matter is not resolved the following can be pursued.  
 Any employee or member of the public wishing to challenge a NYP Policy/Procedure may do so through:

- The courts, or
- The regulatory body appropriate to the subject with which the policy is concerned. Examples include the Independent Police Complaints Commission and The Information Commissioner.

Additionally, any NYP employee wishing to challenge a NYP Policy/Procedure may also do so through the [Grievance Procedure](#).

## DEVELOPMENT AND REVIEW

### DEVELOPMENT

<b>Author / Reviewer /Head of Function:</b>	T/Supt Aubrey Smith Head of Operation & Contingency Planning
<b>Creation Date:</b>	26/02/2002
<b>Extent of Consultation</b> (List all parties consulted):	The Operational Support Strategy has agreed this policy.

### IMPLEMENTATION

<b>Date In Force:</b>	26/02/2002
<b>SLT Notified (Meeting &amp; Date):</b>	N/A

### REVIEW

<b>Policy Review Date:</b>	Remains in force until it is replaced or 13/03/2010	
<b>Impact Assessment Review Date:</b>		
<b>Reviewer (Head of Function):</b>	T/Supt Aubrey Smith Head of Operation & Contingency Planning 13/03/2009	
<b>Date Reviewed: (<i>Version Control</i>)</b>	Reviewer Insp Dave Brown	Date 06/03/2009

### COMMUNICATION

<b>This policy will be communicated in the following ways:</b>		
	<b>Yes(Date)</b>	<b>No</b>
<b>Notification to Partner Agencies</b>		
<b>NYP News /Press launch / release</b>		
<b>Message of the Day</b>		
<b>Area Management Meeting (Cascade Briefing)</b>		
<b>Policies &amp; Procedures Database Update</b>	16/03/2009	