



The BVRLA Guide to...

Returning from Europe in a rented or leased vehicle



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introduction

This document provides information on how to prevent clandestine entrants boarding rented or leased vehicles and avoid operators/drivers incurring penalties. Under legislation introduced in April 2000 road hauliers (whether owners or hirers) and private vehicle operators may be liable for penalties if they carry clandestine entrants into the United Kingdom in their vehicles. The legislation requires commercial and private vehicle users to operate an effective system to protect their rented or leased vehicles and prevent the carriage of clandestine entrants.

civil penalties

Even if you have not knowingly carried clandestine entrants into the UK, you may be liable to a Civil Penalty of up to a maximum of £2,000 for each clandestine entrant found in your rented or leased vehicle.

UK immigration services

scheme for BVRLA Members

The BVRLA has an agreement with the Border and Immigration Agency on the UK Immigration Services Scheme which was originally put in place in 2003.

This scheme provides Members with a number of concessions with regards to clandestine entrants being found in a rented or leased vehicle that is

returning to the UK from Europe. For example, penalties will not be imposed on Members as the legal owner of a vehicle if clandestine entrants are found in the vehicle which was lease or rent, provided Members are operating in accordance with the scheme.

Home Office Agency accreditation scheme for customers

The accreditation scheme outlined below is a useful scheme for customers to sign up to if they wish to prevent the likelihood of clandestines being found on their vehicles.

The Home Office Civil Penalty Accreditation Scheme (CPAS) has been introduced to reduce the risk of receiving penalties for vehicle owners and users if clandestine entrants are carried, despite having effective preventative systems in place. If you have such a system in place you can apply to join the Home Office CPAS. The Home Office will assess the system that you have in place and the procedures you have for ensuring its proper operation. There are a number of benefits for joining this scheme, these include;

- ❑ If clandestine entrants are discovered in your vehicles, penalties will not be imposed on your company as owner or hirer of the vehicle, provided you are operating in accordance with the scheme.
- ❑ If you consistently operate an effective system, there will be a reduced likelihood that clandestine entrants will be carried in your vehicles.

If you wish to join the CPAS, an application form can be found at the following website, www.bia.homeoffice.gov.uk/lawandpolicy/civilpenalty

road haulage and other commercial vehicles

What measures should operators take to ensure against unauthorised entry?

BVRLA Members will carry out a thorough check of the vehicle prior to each rental. However, operators must undertake their own vehicle inspections.

- ❑ For hard sided vehicles such as box trailers, it is recommended that if a working integral lock is not fitted, a padlock or seal should be used to secure the rear doors.
- ❑ If the vehicle contains external storage departments beneath the vehicle, these should also be secured by using locks.
- ❑ If the vehicle has an outer fabric protecting goods, this must be secure and not contain any tears or cuts.
- ❑ All cuts or tears which exceed 25cm must be repaired before final loading takes place.
- ❑ If the vehicle is a curtainsider, a security (TIR) cord in good condition should be used to secure the vehicle. In addition to this a padlock or seal should be provided to join the cord after fitting.
- ❑ It is recommended that spare security devices such as seals, should be provided by the operator in case re-securing the vehicle is needed.

Vehicle checking for drivers

The vehicle must be checked immediately after loading and at all stages of the journey to ensure that no clandestine entrants find their way onto the vehicle.

- ❑ The vehicle should be checked after each stop the driver makes, especially if the vehicle has been left unattended.
- ❑ Whenever the vehicle is left unattended, even for a very short period such as when paying for fuel, it must be locked. (If the locks do not operate, it is not advisable to take the vehicle out of the UK).
- ❑ Intruder alarms, where fitted, must be active whenever the vehicle is left unattended.
- ❑ A thorough check should be made of the whole vehicle, including underneath the vehicle and a check on all strapping, tilt cords, locks and seals, to ensure they have not been tampered with.

A final check of the vehicle is recommended immediately before arrival at the UK control zones in France, prior to final boarding or upon transportation. This check should be carried out by the driver. If this is not possible, the person responsible for the final loading should confirm in writing that no unauthorised persons are on the vehicle.

- ❑ Checks must be carried out on the outer shell/fabric of the vehicle for signs of damage or unauthorised entry.
- ❑ Particular attention should be paid to the roof and underneath the vehicle.
- ❑ Check any external storage compartments, tool boxes and wind deflectors.
- ❑ Where used, check that seals, locks or other security devices have not been removed, damaged or replaced.
- ❑ In order to ensure that there has been no



road haulage and other

commercial vehicles continued

substitution, the reference number of seals used must be checked to confirm that they correspond with those recorded on the documentation accompanying the vehicle.

- ❑ The vehicle then must be locked, sealed and made secure.

Drivers must also check inside the vehicle. Effective detection devices may be used for this purpose at the discretion of the owner, hirer or driver but this will not prevent the requirement that the other checks detailed above need to be carried out.

Vehicle keys must be kept securely by the driver and should not be passed to anybody unknown to the driver. Before embarking for the UK, you may have an opportunity to have the vehicle load area checked by a CO2 detector (heavy goods vehicles only) or to undergo another type of check carried out by the authorities. This will help establish whether there are clandestine entrants on the vehicle. Keep the record of any such check with the Vehicle Check at the end of this guide.

However, whilst owners, hirers or drivers may contract with other persons to carry out the required checks on their behalf, they will nevertheless remain liable for any penalty incurred, for failure to have an effective system in place or to operate it properly on the occasion in question.

private vehicles

What measures should drivers take to ensure against unauthorised entry?

Drivers should ensure that all access to the interior of the vehicle or all luggage space must be protected by a lock or locks which prevent unauthorised access. All locks and intruder alarms should be used whenever the vehicle is left unattended.

Vehicle Checking

A final check of the vehicle is recommended immediately before arrival at the UK control zones in France; prior to boarding; or upon transportation. This check should be made by the driver and includes the luggage and load spaces and all places in the vehicle that might lend themselves to concealment, such as the boot, roof top luggage box, behind boxes, attached trailers and any sealed or concealed units. The driver should carry out these checks independently of any other checks that the authorities at the port of embarkation may conduct.

consequences if clandestines

are found in or on your vehicle

If there is cause to suspect that clandestine entrants may have gained entry to the vehicle, the vehicle must not be taken on to the ferry, train or aircraft embarking for the United Kingdom.

All such circumstances must be reported immediately to the police in the country concerned or to the Border and Immigration Agency at the port of embarkation. In the event of difficulties, you may contact the United Kingdom Border and Immigration Agency on their dedicated helpline telephone number: [00 44 \(0\)20 8745 6006](tel:004402087456006)

Don't be a mule to carry human cargo - make sure that all these checks are in place and then you have a defence should you be stopped and clandestine entrants are found in the vehicle.

Please note that a penalty can still be issued even if you have notified the authorities that clandestines might be concealed in your vehicle.



vehicle check

There is a Vehicle Check on the end of this document. Do make sure that it is filled in at each stage of your journey and that it is properly witnessed. This may seem onerous and unnecessary, but the checks are there for your own protection to ensure that you do not break the law and end up having to pay a penalty of up to £2,000 for each clandestine entrant found in the vehicle. In addition to this, if the vehicle is seized by the Immigration Authorities you may be

liable to pay restoration and loss of use costs to the rental company for the entire period that the vehicle is held. If the vehicle is permanently confiscated then you may be liable for its full value. Please note that vehicles are only seized if outstanding penalties have not been paid within the payment period; or clandestine entrants are detected and the company or person has a previous history of non-payment.

other documentation

All drivers taking a rental or lease vehicle abroad must have a valid Vehicle on Hire Certificate (VE103). It is the only legally recognised document that replaces the V5 and gives authorisation to the driver from the vehicle owner for the vehicle to be taken abroad.

It is prudent for customers to contact the contract hire company or rental firm well in advance of travelling in order to allow enough time for the VE103 to be issued.

other information

According to HM Revenue and Customs (HMRC) you can bring back into the UK as much EU duty paid tobacco and alcohol as you like provided it is solely for your own use, which includes;

- Bringing back goods for your own consumption.
- Bringing back gifts for family and friends.

You cannot bring back goods for commercial purposes, which includes;

- Bringing back goods for payment - even payment in kind.
- Bringing back goods for family and friends if they are paying you, giving you the cost price

or paying for some or all, of your travel costs.

If you bring back large amounts of alcohol or tobacco and are stopped by Customs you may be asked some basic questions about your trip and purchases. This particularly applies if you have more than the following amounts;

3,200 cigarettes	400 cigarillos
200 cigars	3 kgs of smoking tobacco
110 litres of beer	10 litres of spirits
90 litres of wine	20 litres of fortified wine

These are guide levels based on European law and HMRC does not enforce any absolute limits.

useful links

The Home Office Code of Practice on the prevention of clandestine entry and a checklist template can be downloaded from its website at: www.bia.homeoffice.gov.uk/lawandpolicy/civilpenalty/

If you have any queries, the Civil Penalty Unit can be contacted at civilpenaltyunit@homeoffice.gsi.gov.uk

Border and Immigration Agency
Civil Penalty Central Administration Unit
Status Four
3 Nobel Drive
Harlington
Middlesex
UB3 5EY

t: 00 44 (0)20 8745 6006

f: 00 44 (0)20 8745 5922

vehicle check

I (name) _____ confirm that I have checked the vehicle
(make/model) _____ registration number _____
and it contains no unauthorised persons.

van and truck drivers only	all drivers	HGV drivers only
1. Vehicle check has taken place at final loading.	2. Vehicle check has taken place before boarding the ferry or train embarking for the United Kingdom.	3. CO2 detection/other check has been carried out at the port of embarkation and the documentation is attached
Signed	Signed	Signed
Name	Name	Name
Witness name	Witness name	Witness name
Signed	Signed	Signed
Date	Date	Date
Time	Time	Time

If you suspect that an unauthorised person has entered your vehicle it must not be taken onto the ferry or train embarking for the UK. All such circumstances should be reported as soon as possible to the local authorities.

If you have any difficulties you can contact the UK Immigration Service at the proposed port of arrival (Coquelles in the case of the Channel Tunnel) or the helpline on 00 44 (0)20 8745 6006.

This Vehicle Check should be carried with the vehicle and produced to an Immigration Officer in the United Kingdom on demand.