

# Responsibilities for roadworthiness

## **Key Information**

Operators must comply with the declaration they give to the relevant Traffic Commissioner that they will ensure that their vehicles are operated in a safe mechanical condition. If operators intend making any change to their maintenance arrangements they must notify the relevant Traffic Commissioner.

For operator licensing purposes the user is responsible for the vehicle being maintained in a safe and roadworthy condition at all times when in use on the road.

The term 'user' of a vehicle applies to the driver and the person paying the driver to act for them.

The vehicle itself may either belong to the user or be in their possession under any agreement for hire, hire purchase, loan or lease. The user of a towing vehicle is responsible for the roadworthiness of a trailer even if it does not belong to them. This also applies when using international trailers.

## **Roadworthiness inspections**

When it comes to ensuring the roadworthiness of a vehicle, there are two types of essential inspections – which differ in scope and depth. Each type is used for a different purpose and requires different levels of skill to be carried out effectively.

The two types of inspection are:

- Daily walk around checks/first-use inspections, and
- Regular safety inspections.

An inspection should not be confused with a service. A service contains items requiring routine maintenance, usually determined in scope and frequency by the vehicle's usage and the recommendations of the vehicle's manufacturer.

## **A system of reporting and recording faults**

There must be a system of reporting and recording faults that may affect the roadworthiness of the vehicle. This must include how they were put right before the vehicle is used. Daily defect checks are vital, and the results of such checks should be recorded.

It is important that enough time is allowed for the completion of these walk around checks and that staff are encouraged and trained to carry them out thoroughly. Drivers should be made aware that daily defect reporting is one of the critical elements of any effective vehicle roadworthiness system.

If you are the user of the vehicle, it is your responsibility to ensure that any hired, leased or borrowed vehicle is in a roadworthy condition and has all the necessary certification when used on the road. Therefore it is essential that you do a daily walk around check (as described in the previous box) before any such vehicle is used. It is your responsibility to be able to provide maintenance records covering the period of use.

Furthermore, if a vehicle has been off the road for a period longer than between planned maintenance inspections, it should be given a full safety inspection prior to being brought back into use.

## **Drivers' defect reports**

As the driver, you are responsible for the condition of your vehicle when in use on the road.

Drivers must be able to report any defects or symptoms of defects that could prevent the safe operation of the vehicles. In addition to daily walk around checks you must monitor the roadworthiness of your vehicle when being driven and be alert to any indication that the vehicle is developing a fault e.g. warning lights, vibrations or other symptoms.

When a vehicle is on site work, you should walk around the vehicle to identify any defects. If any defects are found, you must not use the vehicle on the road until it is repaired.

## **Providing a written report**

Any defects found during the daily walk around check, while the vehicle is in use or on its return to base must be the subject of a written report by you or some other person responsible for recording defects.

The details recorded should include:

- Vehicle registration or identification mark
- Date
- Details of the defects or symptoms; and
- The reporter's name

It is also common practice to use a composite form that includes a list of the items checked each day. Where practicable the system should incorporate 'Nil' reporting when each driver makes out a report sheet - or confirms by another means that a daily check has been carried out and no defects found. Electronic records of reported defects are acceptable and must be available for 15 months along with any record of repair.

### **Appropriate action**

All drivers' defect reports must be given to a responsible person with sufficient authority to ensure that any appropriate action is taken. This might include taking the vehicle out of service. Any report listing defects is part of the vehicle's maintenance record and must be kept, together with details of the remedial action taken, for at least 15 months.

'Nil' defect reports, if they are produced, should be kept for as long as they are useful. Normally this is until the next one is received or until the next scheduled safety inspection is undertaken. 'Nil' defect reports are not required under the conditions of operator licensing. However, they are a useful means of checking that drivers are carrying out their duties in this respect.

If you are an owner – driver, you will probably not have anyone to report defects to, except to your transport manager (if you have one). In these cases, defects and the remedial action taken can simply be recorded and held for at least 15 months.

<http://www.dft.gov.uk/vosa/repository/Guide%20to%20Maintaining%20Roadworthiness%20%20Proposed%20New%20Edition.doc>.