



COMMERCIAL VEHICLE ROADWORTHINESS ENFORCEMENT

**RSA AUTHORISED OFFICERS &
OWNERS/USERS OF COMMERCIAL
VEHICLES**

ROAD SAFETY AUTHORITY

What is the role and function of an RSA authorised officer undertaking an inspection at the premises of an owner/user of commercial vehicles?

The primary role of RSA's authorised officers is to ensure that owners of large commercial vehicles (buses, trucks and goods trailers) comply with relevant requirements specified in the Road Safety Authority (Commercial Vehicle Roadworthiness) Act 2012 (Act of 2012) and associated regulations in relation to the maintenance, repair and testing of such vehicles.

Authorised officers do this by:

- conducting inspections at vehicle owner premises
- providing advice and guidance on how to comply, and best practice
- informing vehicle owners and users about new and emerging legal requirements and
- enforcing the law and using all of the powers available to authorised officers under the Act of 2012 which includes the use of directions and the initiation of legal proceedings.

What powers does an authorised officer have under the Road Safety Authority (Commercial Vehicle Roadworthiness) Act 2012.

The powers of authorised officers are prescribed by Sections 25, 31 and 35 of the Road Safety Authority (Commercial Vehicle Roadworthiness) Act 2012.

The powers contained in Section 31 relate specifically to inspections at the premises of vehicle owners.

Section 35 contains powers which enable an authorised officer to serve directions where a defect on a vehicle is detected when the officer concerned is conducting inspections at a CVR testing centre or at the premises of a vehicle owner. A direction may be served by an authorised officer on a vehicle owner to prohibit the driving or use of a large commercial vehicle if there is a defect affecting the vehicle or where the officer concerned is prevented from inspecting a vehicle.

The powers exercisable by an authorised officer at the premises of a vehicle owner or user are as follows:

Section 31 -at the premises of an owner of commercial vehicles

Authorised officers may

- enter a premises where large commercial vehicles or documentation or records are kept
- search a premises to locate vehicles
- inspect vehicles and any facilities or equipment for the maintenance and repair of vehicles at the premises
- require the owner or the person in charge of the premises or the vehicle to produce records or documents relating to the testing, inspection, repair and maintenance of vehicles and to give information in relation to any entries in the records
- inspect and take extracts from records and documents
- remove and retain books for further examination
- require any person in charge of the premises to give him any information or data with the regard to the testing, inspection, repair or maintenance of vehicles

What are your obligations and the consequences of failing to comply with an authorised officer who is exercising their powers?

A person is required to provide assistance, to respond to enquiries and to provide documents as may be specified by an authorised officer.

It is an offence to:

- (a) fail or refuse to comply with any request or requirements made by an authorised officer
- (b) obstruct, impede, interfere with or assault an authorised officer exercising their powers
- (c) give false or misleading information or
- (d) alter, suppress or destroy any statements, documents data or records which were required to be produced for inspection

Why would I be selected for an inspection by an authorised officer?

RSA Authorised Officer may be inspecting your operations for one or a number of reasons. These include

- follow up on a roadside inspection where there may be concerns about standards of maintenance of vehicles by the owner or user of commercial vehicles or the standard of testing of a vehicle by a CVR test operator;

- checking that you are complying with relevant legal requirements including directions and guidelines;
- responding to complaints from the public about a particular vehicle owner that vehicles are not being maintained;
- requests received from vehicle owners for voluntary inspections;
- on-going monitoring of vehicle owners who use unsafe vehicles and trailers;
- follow-up on previous inspections; and
- collection of evidence where legal proceedings are being considered

What procedures and process will an authorised officer follow when conducting inspections?

All authorised officers are furnished with a warrant of appointment and when exercising a power under the Act of 2012, shall if requested by any person affected; produce the warrant to that person for inspection. The RSA expects all of the authorised officers to be professional, courteous and to act reasonably in the exercise of their powers.

Authorised officer inspections may be announced or unannounced depending on the circumstances of each particular case. An “announced” inspection is an inspection where the person or premises being inspected is notified of the inspection. An unannounced inspection is an inspection where there is no prior notification given of the inspection. Unannounced inspections will be used sparingly.

Before starting an inspection the authorised officer will:

- explain the role of his and of each officer present
- show their authorised officer warrant
- explain the purpose of the inspection (e.g. follow up on a previous inspection or in response to a complaint) and how it will be conducted (e.g. interviews with staff, sampling, review of documentation, inspection of facilities,)
- discuss any health and safety issues.

During the inspection, an authorised officer will do one or more of the following.

- take notes; keep the person informed of emerging issues.
- advise of any non-compliance or likely non-compliance or risks and link the possible non-compliance with the legal requirement.

- seek immediate voluntary compliance or remedy, if possible.
- direct that immediate action be taken where any non-compliance or immediate risk exists.
- advise of issues that require remedy and of their intent to issue a direction notice.
- provide compliance advice or guidance material.
- require further information to be provided.

At the end of the inspection, authorised officers will:

- give a summary of inspection findings and items needing immediate attention
- issue a direction notice
- explain the next steps after the inspection,

Following the inspection an authorised officer may also request further information or clarification in relation to a particular issue.

What is a “direction” notice if issued by an authorised officer?

In general terms, a direction is a written notice ordering the owner or user of a large commercial vehicle to take certain actions which an authorised officer deems necessary in order to achieve compliance and/or stop situations where there is concern or a risk that vehicles being used are unsafe and present a risk to drivers or other road users.

A direction will probably be the first step used in achieving compliance and is part of the RSA graduated approach towards enforcement

For example, a direction may be served on the owner or user of a vehicle to put in place proper and documented maintenance arrangements for vehicles and at such frequency as may be determined having regard to with the legal responsibility of the owner or user to repair and maintain commercial vehicles. RSA authorised officers will use a standardised form of direction notice when issuing directions.

Failure to comply with the directions specified in a direction notice may result in the initiation of legal proceedings against the owner or user of commercial vehicles. A person who fails or refuses to comply with, or directs or induces another person to contravene, a direction of an authorised officer commits an offence.

What is the RSA approach to enforcement when conducting inspections at the premises of vehicle owners?

RSA will generally take a stepped approach to enforcement. RSA will take enforcement action and initiate legal proceedings when deemed necessary to fulfil its statutory objective to ensure that operators and users of vehicles implement vehicle maintenance systems to ensure that vehicles are properly maintained to safeguard road safety and to prevent road fatalities on our roads.

In particular RSA authorised will be ensuring that vehicle owners and users are complying with the legal requirements relating to the maintenance of vehicles

Inspections will be planned to ensure:

- maximum effectiveness both for the vehicle owner or user concerned and the authorised officer; and
- that those persons operating un-roadworthy vehicles are targeted more frequently and those owners and users who apply good standards will be inconvenienced to the greatest possible extent.

Further information

The Road Safety Authority (Commercial Vehicle Roadworthiness) Act 2012 contains the legal provisions referred to above. If you have a particular query concerning authorised officers, you should submit your enquiry to the RSA at cvtadmin@rsa.ie

The RSA guide to “Keeping your commercial vehicles roadworthy” provides useful guidance for owners and users of vehicles concerning repairs and maintenance of vehicles

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