



Tástáil Ródacmhainneachta um Fheithiclí Tráchtála
Commercial Vehicle Roadworthiness Testing

COMMERCIAL VEHICLE ROADWORTHINESS ENFORCEMENT

RSA AUTHORISED OFFICERS & CVR TEST CENTRES

ROAD SAFETY AUTHORITY

What is the role and function of an RSA authorised officer?

The primary role of RSA's authorised officers is to ensure that CVR test operators (testing centres), and CVR testers comply with relevant requirements specified in the Road Safety Authority (Commercial Vehicle Roadworthiness) Act 2012 (Act of 2012) and associated regulations in relation to testing of commercial vehicles.

Authorised officers do this by:

- conducting inspections at CVR testing centres;
- providing advice and guidance on how to comply and best practice;
- informing CVR testing centres and CVR testers 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, suspensions and revocations of authorisations 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.

In general terms the powers prescribed in Section 25 of the Act of 2012 relate to inspections at testing centres and those contained in Section 31 relate 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).

The powers exercisable by an authorised officer at a CVR test centre are as follows:

Section 25 –..... at CVR test centres

Authorised officers may

- enter any CVR testing centre and any other premises used for CVR tests
- inspect the CVR testing centre and premises
- inspect any testing facilities and equipment in the CVR testing centre or on the premises
- enter and inspect any vehicle at the CVR testing centre and premises

- observe and supervise CVR tests
- inspect any books, documents or records relating to the maintenance and CVR testing of vehicles including the rectification of defects identified during the course of a test
- require the production of books, documents and records relating to tests
- inspect and take extracts or make copies of any documents or documents relating to the testing of vehicles
- remove and retain books, documents or records for a period for examination
- require a person in charge of a CVR test centre to give the authorised officer data or information with regard to the testing of vehicles
- require a person in charge of a CVR test centre to maintain such books documents or records for a period

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

In general terms, a direction is a written notice ordering the CVR test operator 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 testing is not being undertaken in accordance with the requirements. 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 a CVR test centre to repeat tests on a vehicle or vehicles if there is evidence to indicate that tests were not conducted in accordance with the requirements. 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 suspension or revocation of a CVR test operator or CVR tester authorisation. 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 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 the operations of a CVR test centre for one or a number of reasons. These include

- follow up on a roadside inspection where there may be concerns about standards of testing 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 the standards of testing and customer service at a CVR test centre;
- requests received from CVR test operators for a voluntary inspection;
- on-going monitoring of poor performing CVR test centres;
- follow-up on previous inspections; or
- collection of evidence where enforcement measures are being considered by the RSA (Such enforcement measures could include the suspension of an authorisation or the initiation of proceedings at Court)

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 inspection or inspection in response to a complaint) and how it will be conducted (e.g. interviews with staff, sampling, review of documentation, inspection of facilities, observe a test, caution a person if a prosecution is being considered)
- 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 relevant requirements;
- 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.

RSA will take enforcement action and initiate legal proceedings when deemed necessary to fulfil its statutory objective to ensure that vehicle maintenance and testing standards are maintained to safeguard road safety and to prevent road fatalities on our roads.

Inspections will be planned to ensure:

- maximum effectiveness both for the operator concerned and the authorised officer; and
- high quality and consistent service provision is maintained by CVR test operator and at a frequency that reflects earned autonomy where a CVR test operator which achieves consistent and high quality of testing necessarily requires fewer inspections.

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 cytadmin@rsa.ie

RSA has published a separate booklet entitled “*RSA authorised officers & CVR vehicle operators*” which can be downloaded from the RSA website

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