

DEPARTMENT OF THE ENVIRONMENT
O'CONNELL BRIDGE HOUSE
DUBLIN 2

Telephone (01) 793377
Telex No. 31592



AN ROINN COMHSHAOIL
TEACH DHROICHEAD UÍ CHONAILL
BAILE ÁTHA CLIATH, 2

Circular Letter VF10/67

9th August, 1985.

Supervision of Vehicle Testing Scheme

A Chara,

I am directed by the Minister for the Environment to refer to the scheme for the testing of goods vehicles and trailers exceeding 1½ tons unladen weight; buses; and ambulances. Licensing authorities are primarily responsible, as "issuing authorities", for the appointment and supervision of authorised vehicle testers and have sole power to suspend or terminate appointments, where appropriate - your attention is drawn to articles 4,5, and 11 of the European Communities (Vehicle Testing) Regulations 1981. To assist authorities, the Minister has issued a Vehicle Testing Manual on the conduct of roadworthiness tests and Guidelines on the Premises and Equipment which testers should have.

Allegations

The Minister has received allegations that roadworthiness testing is not being properly carried out in certain cases. Details of the relevant allegations have been sent to the relevant licensing authorities for investigation and for follow-up action, where appropriate. Licensing authorities are requested to investigate any such allegations, as a matter of urgency, and to take any action which they may deem to be appropriate without any avoidable delay.

General Guidelines

A licensing authority has requested the issue of general guidelines as to what may be deemed to constitute minor and major infringements of the Regulations by authorised testers and what action should be considered by licensing authorities in dealing with such infringements. The following, as requested, are general guidelines. Each case must, however, be considered on its merits by the licensing authority - who must decide whether or not the guidelines are appropriate having regard to all the circumstances of the case.

Action open to licensing authority.

The following action may be taken by a licensing authority, in relation to a failure by a vehicle tester to comply with any of the requirements of the vehicle testing scheme:-

- (i) issue of warning to the tester; Any oral warning should be subsequently confirmed in writing.
- (ii) Suspension of tester for a fixed period - suspension and reason for suspension to be notified to tester in writing, with statement that any representations the tester may wish to make in the matter will be considered by the licensing authority. The period of such suspension

should be specified and should generally range from 7 days to 2 months depending on the seriousness of the infringement. The suspension may be reviewed in the light of any representations received and the suspension may then be confirmed or modified - either by terminating the suspension or altering the suspension period.

- (iii) Suspension of tester and notification of intention to terminate appointment of tester - to be conveyed in writing to tester, with reason and opportunity given to tester to submit representations within a time limit (say 14 days).

In general, authorities dealing with individual testers breaking the vehicle testing Regulations might initially issue a warning and deal with any subsequent breach by a suspension only for a fixed period - with any further breach being dealt with by suspension with a view to terminating appointment. Where a breach of the vehicle testing Regulations is particularly grave, a licensing authority might be justified in instituting suspension and/or termination of appointment instead of invoking the warning procedure. Licensing authorities should be consistent in their approach in dealing with similar infringements by different testers.

Action appropriate to particular infringements

Infringements of the Regulations which are both relatively minor and isolated should be dealt with by written warnings, together with the furnishing of any necessary advice and (re) training of testing personnel. Such infringements would include failure to furnish each month the previous months VRT 5/81 report form properly filled out to the licensing authority; failure to keep pass statements and inspection report forms in an orderly fashion (loss of such documentation is a serious infringement) and isolated failures to test all items covered by the test (failure to properly test certain critical items such as brakes, however, is a serious infringement). Minor infringements, if repeated, despite warnings, advice and retraining, could be classified as major infringements.

Infringements which would warrant consideration of the suspension and/or termination of appointment of the tester would include -

- (a) improper issue of a pass statement involving some act of fraud or dishonesty, e.g. where a tester accepts a bribe for issuing a pass statement, issues a pass statement without examining the vehicle, or issues a pass statement stating that defects have been remedied where it is clear that this is not the case.
- (b) improper issue of a pass statement to promote the sale of a vehicle;
- (c) backdating or forward dating a pass statement;
- (d) issue of pass statement for which there is no corresponding inspection report form documentation.
- (e) issuing replacement pass statements without recovering the original (where the latter is stated to contain an error).
- (f) issue of a pass statement on foot of a roadworthiness test which had not been carried out in a fit and proper manner (other than minor and isolated infringements referred to above).
- (g) issue of pass statements on foot of roadworthiness testing carried out without the proper equipment or facilities or upon equipment which is not properly calibrated.

- (h) failure to adequately safeguard pass statement documentation from theft.

The licensing authority should furnish a report to the Gardai, where there is prima facie evidence of a breach of the vehicle testing Regulations which has criminal implications e.g. fraud.

Inspections

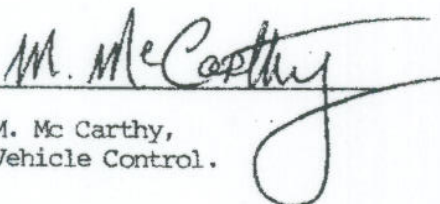
Licensing authorities generally are asked to ensure that the vehicle testers within their functional areas are visited at least once a month; that the conduct of at least one test is supervised during each visit; and that the appropriate equipment, records and documentation in the tester's premises are inspected and confirmed to be in order. Inspections should generally be carried out without prior notice.

Some Authorised Officers cannot themselves carry out the minimum number of inspections because of pressure of other local authority duties. Accordingly, a number of local authorities have appointed a second local authority official with experience of inspecting and repairing vehicles. This official carries out the inspections and reports, via the Authorised Officer, to the licensing authority. Licensing authorities generally are requested to consider appointing a second official where this would be justified. Authorities are reminded that the expenses involved in supervising authorised testers may be included in the authority's Motor Tax recoupment claim.

Responding to this Circular

The Department would appreciate if your authority would, not later than 30th September, 1985 -

- (1) confirm that arrangements have been made to visit authorised premises at least once a month for the purposes set out above; and
- (2) advise of the appointment of any second local authority official where this is deemed to be appropriate, having regard to the number of authorised testers within the licensing authority's functional area.


M. Mc Carthy,
Vehicle Control.

- To each Licensing Authority.