



STATUTORY INSTRUMENTS.

S.I. No. 348 of 2013

ROAD SAFETY AUTHORITY (COMMERCIAL VEHICLE
ROADWORTHINESS) (VEHICLE MAINTENANCE AND REPAIR)
REGULATIONS 2013

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I, LEO VARADKAR, Minister for Transport, Tourism and Sport, in exercise of the powers conferred on me by sections 28(1), 30(3), 39(4)(i) and 39(7) of the Road Safety Authority (Commercial Vehicle Roadworthiness) Act 2012 (No. 16 of 2012), hereby make the following regulations:

Citation

1. These Regulations may be cited as the Road Safety Authority (Commercial Vehicle Roadworthiness) (Vehicle Maintenance and Repair) Regulations 2013.

Commencement

2. These Regulations come into operation on 10th September 2013.

Definitions and interpretation

3. In these Regulations—

“Act of 2012” means Road Safety Authority (Commercial Vehicle Roadworthiness) Act 2012 (No. 16 of 2012);

“ambulance” has same meaning as it has in the CVR Testing Regulations;

“combination of vehicles” means a mechanically propelled vehicle and a vehicle, or vehicles, drawn thereby;

“CVR information system” means the computerised information system established by the Road Safety Authority under Section 28(1) of the Act of 2012;

“CVR Testing Regulations” means the Commercial Vehicle Roadworthiness (Vehicle Testing) Regulations 2013 (S.I. No. 106 of 2013);

“goods trailer” has same meaning as it has in the CVR Testing Regulations;

“goods vehicle” has same meaning as it has in the CVR Testing Regulations;

“suitable qualified person” shall be construed in accordance with Regulation 7;

“public place” has same meaning as it has in the Road Traffic Act 1961;

“vehicle” means a vehicle to which these Regulations apply.

Application

4. These Regulations apply to the following:

*Notice of the making of this Statutory Instrument was published in
“Iris Oifigiúil” of 13th September, 2013.*

- (a) vehicles with more than 8 seats, excluding the driver's seat, used for the carriage of passengers (categories M2 and M3);
- (b) goods vehicles (categories N1, N2 and N3);
- (c) goods trailers (categories O3 and O4);
- (d) ambulances (special purpose vehicles in category M).

Inspection of Vehicles

5. The owner of a vehicle shall-

- (a) develop and put in place a system for the regular inspection and maintenance of the vehicle, and
- (b) periodically review, and make such changes as are required to ensure the effectiveness of, the system referred to in sub-paragraph (a).

Frequency of inspections of vehicles

6. The owner of a vehicle, in determining the frequency at which inspections and maintenance are to be carried out in relation to the vehicle, shall have regard to the following—

- (a) the operational condition of the vehicle;
- (b) the conditions under which the vehicle is used;
- (c) the age and mileage of the vehicle;
- (d) the degree to which the structure of the vehicle, or any of its components, is worn or has deteriorated;
- (e) whether there is a defect affecting the vehicle such that the vehicle is, when in motion, a danger to the driver or the public;
- (f) any guidelines issued by the manufacturer of the vehicle;
- (g) any guidelines issued by the Authority.

Suitably qualified person

7. Any inspection and maintenance of a vehicle, and any repairs or other actions that may be necessary to rectify or prevent the occurrence of a defect in relation to a vehicle, shall be carried out by a person who, by reason of his or her training, qualifications or experience, has the expertise to assess the roadworthiness and safety of the vehicle in accordance with the Act of 2012 and these Regulations and to conduct repairs and maintenance of the vehicle in such a manner as to ensure that the vehicle is roadworthy (“suitably qualified person”).

Walk-around inspections and recording of defects

8. (1) The owner of a vehicle or combination of vehicles shall ensure that it is inspected in accordance with this Regulation before it is driven in a public place.

(2) Subject to paragraph (3), before driving a vehicle or combination of vehicles in a public place, a person shall—

- (a) conduct a visual inspection of the interior of the vehicle or combination of vehicles, and
- (b) walk around the vehicle or combination of vehicles and conduct a visual inspection of its exterior.

(3) A person shall not be required to conduct an inspection under paragraph (2) in respect of the same vehicle or combination of vehicles more than once in any 24 hour period.

(4) The owner of a vehicle or combination of vehicles shall ensure that any person who may be required to drive a vehicle or combination of vehicles is trained to conduct an inspection of the vehicle in accordance with paragraph (2).

(5) An inspection under paragraph (2) shall include a visual inspection of the items specified in Schedule 1 in so far as it is applicable to the vehicle or combination of vehicles.

(6) Where the driver of a vehicle or combination of vehicles discovers a defect affecting the vehicle or combination of vehicles, he or she shall, as soon as reasonably practicable after discovering the defect, notify the owner of the vehicle or combination of vehicles, whether electronically or in writing, of the following:

- (a) a detailed description of the defect;
- (b) the time and date of discovery of the defect;
- (c) any temporary corrective measures taken by the driver to mitigate the effect of the defect.

(7) Where the driver of a vehicle or combination of vehicles discovers a defect affecting the vehicle or combination of vehicles which he or she knows, or believes, is such that the vehicle or combination of vehicles would, when in motion, be a danger to the driver or to the public, he or she shall—

- (a) where the defect is discovered while the vehicle or combination of vehicles is being driven in a public place, stop the vehicle or combination of vehicles as soon as possible at a safe location and not drive the vehicle or combination of vehicles until the defect is inspected and, if necessary, repaired by a suitably qualified person, and
- (b) in all other cases, not drive the vehicle or combination of vehicles in a public place until the defect is inspected and, if necessary, repaired by a suitably qualified person.

(8) For the purposes of this Regulation, “owner”, in relation to a combination of vehicles, means the owner of the mechanically propelled vehicle that is used to draw the trailer, or trailers, comprising the combination of vehicles.

Repairs and other corrective actions

9. (1) Where a defect affecting a vehicle is discovered, the owner of the vehicle shall ensure that such defect is repaired or otherwise corrected by a suitably qualified person as soon as reasonably practicable after he or she discovers, or is notified of, the defect.

(2) Where a defect affecting a vehicle is repaired or otherwise corrected by a suitably qualified person, such repairs or corrective action shall be carried out—

- (a) in accordance with any instructions or guidelines issued by the manufacturer of the vehicle,
- (b) if replacement parts are required, by installing replacement parts that meet any legal requirements applicable to those parts, are in good condition and are fit for the purpose intended, and
- (c) such that the vehicle is not, when in motion, a danger to the driver of the vehicle or to the public.

(3) Where the owner of a vehicle knows, or could discover by the exercise of ordinary care, that the vehicle is defective, he or she shall not cause or permit a person to drive the vehicle until—

- (a) where a repair or other corrective action is required, the defect is repaired or corrected by a suitably qualified person, or
- (b) having inspected the alleged defect, a suitably qualified person certifies in writing that a repair or other corrective action is not necessary.

Record keeping obligations

10. (1) The owner of a vehicle shall establish and maintain records, whether electronically or in writing, in relation to the inspection, maintenance and repair of the vehicle.

(2) The records referred to in paragraph (1) shall include—

- (a) the vehicle registration number,
- (b) the model and year of manufacture of the vehicle,
- (c) in the case of a vehicle that is held under a hire-purchase agreement or leasing arrangement, the commencement date and expiry date of such hire-purchase agreement or leasing arrangement,
- (d) details of any defects discovered by or notified to, the owner, or a driver, of the vehicle,

- (e) details of the continuous and regular inspections and maintenance carried out in relation to the vehicle by a suitably qualified person, including—
 - (i) the name of such suitably qualified person,
 - (ii) the dates on which such inspections and maintenance are carried out,
 - (iii) details of any defects discovered, and
 - (iv) where an invoice or a receipt is issued in relation to such inspection or maintenance, a copy of that invoice or receipt,
 - (f) details of any repairs or other corrective actions carried out by a suitably qualified person, including—
 - (i) the name of such suitably qualified person,
 - (ii) where the repair or other corrective action was not carried out by the owner of the vehicle, a copy of the invoice or receipt issued in relation to such repair or other corrective action, and
 - (iii) where a replacement part or component is required, a copy of the invoice or receipt in relation to such replacement part or component,
 - (g) if the vehicle is fitted with an odometer, the odometer reading at the time any inspection, maintenance, repair or other corrective action is carried out,
 - (h) details of any test reports, pass statements and certificates of roadworthiness issued in relation to the vehicle, and
 - (i) copies of any documents issued by an authorised officer or CVR inspector.
- (3) The owner of a vehicle shall keep the records referred to in paragraph (1)—
- (a) in the case of records in writing, at his or her principal place of business, or at the premises at which the vehicle is normally kept, in the State, or
 - (b) in the case of electronic records, by such a method that the records can be accessed immediately from his or her principal place of business in the State,

and shall retain such records for not less than 2 years after the creation of such records.

Annual self declaration

11. (1) The owner of a vehicle belonging to a class of vehicle specified in column 2 of Schedule 2 shall make an annual declaration to the Authority in respect of that vehicle by means of the CVR information system.

(2) A person who, on the date of the making of these Regulations, is the owner of a vehicle shall make his or her first annual declaration under paragraph (1) not later than 9 months after that date.

(3) A person who becomes the owner of a vehicle on a date after the making of these regulations shall make his or her first annual declaration under paragraph (1) not later than 3 months after that date.

(4) An annual declaration under paragraph (1) shall be made in such manner and in such form, and shall contain such details, as the Authority specifies in guidelines.

(5) Without prejudice to the generality of paragraph (4), an annual declaration under paragraph (1) shall include details of the following:

- (a) the name and contact information of the owner of the vehicle;
- (b) the registration number and chassis number of the vehicle;
- (c) details of inspections, maintenance and repairs carried out in relation to the vehicle during the previous year;
- (d) details of the inspection, maintenance and repair records kept by the owner of the vehicle or vehicles during the previous year.

(6) A person shall not make an annual declaration which contains information that he or she knows, or ought reasonably to know, is false or misleading.

Risk rating system

12. (1) The Authority shall make available, on the application of the owner of a vehicle, information as to how his or her risk rating, or that of the vehicle, was determined.

(2) An application under paragraph (1) shall be made in such form and manner as the Authority may determine in guidelines and the fee to be charged for such an application shall be calculated by reference to the amount of work involved, charged at a rate of €20 per hour, or part of an hour, worked.

(3) The owner of a vehicle may, if he or she believes that the information provided to him or her by the Authority is incorrect, submit additional information to the Authority and the fee to be charged for submitting such information shall be €40.

(4) The Authority shall consider any additional information submitted under paragraph (3) and may make such changes to the information used to determine the risk rating for that person or vehicle as the case may be, as it considers

appropriate having regard to its assessment of the additional information submitted and shall, where it is satisfied that information provided by it under paragraph (1) was incorrect, refund the fee charged under subsection (3).

Determination of risk rating

13. In determining a risk rating in relation to the owner of a vehicle, the Road Safety Authority may have regard to the following:

- (a) the frequency of any safety tests in addition to CVR tests carried out by a CVR test operator on the vehicle at the request of the owner of the vehicle in the preceding 12 month period and recorded on the CVR information system;
- (b) whether or not the owner has submitted an annual declaration under Regulation 11;
- (c) the details contained in the annual declaration by the owner under Regulation 11;
- (d) the results of technical roadside inspections carried out under the European Communities (Random Roadside Vehicle Inspection) Regulations 2003 (S.I. No. 227 of 2003).

Penal provisions

14. (1) Regulations 5, 7, 8, 9, 10 and 11 are penal provisions.

(2) Where a person is charged with an offence under section 30(5) of the Act of 2012 consisting of a contravention of Regulation 8, involving a combination of vehicles, it shall be presumed, until the contrary is shown, that the owner of the mechanically propelled vehicle was also the owner of any vehicle or vehicles drawn thereby at the time of the alleged offence.

SCHEDULE 1

Regulation 8(4)

Schedule Driver walk around checks

In-cab items:

- Mirrors
- Windows
- Driving controls
- Safety belts
- Windscreen washer and wipers
- Horn
- Tachograph
- ABS and EBS warning lights
- Instruments / Gauges / Warning Devices
- Air leaks and pressure

External vehicle checks:

- CRW, Tax and insurance discs
- Tyres
- Wheel condition and security
- All lights and reflectors
- Exhaust
- Susie Connections
- Fifth wheel and locking devices
- Steps
- Coupling
- Vehicle body, doors and curtains
- Landing legs and handle
- Trailer park brake

10 [348]

- Air suspension
- Number plates and marker plates
- Engine oil
- Water
- Windscreen washer reservoir
- Fuel levels and leaks
- Load security and weight distribution

Checks with the engine started, including:

- Steering
- brake operation

SCHEDULE 2

Regulation 11(1)

Vehicles for purposes of annual declaration

Reference No. (1)	Class of Vehicle (2)
1	Mechanically propelled vehicles used for the carriage of passengers with more than 8 seats, excluding the driver's seat (categories M2 and M3)
2	Goods vehicles having a design gross weight exceeding 3,500 kilograms (categories N2 and N3)
3	Goods trailers having a design gross weight exceeding 3,500 kilograms (categories O3 and O4)
4	Ambulances (special purpose vehicles in category M)



GIVEN under my Official Seal,
10 September 2013.

LEO VARADKAR,
Minister for Transport, Tourism and Sport.

EXPLANATORY NOTE

(This note is not part of the Instrument and does not purport to be a legal interpretation).

These Regulations specify requirements in relation to the maintenance and repair of certain commercial vehicles in accordance with the Road Safety Authority (Commercial Vehicle Roadworthiness Act 2012). The Regulations provide for the following:

- (a) the categories of commercial vehicles to which the Regulations apply;
- (b) a requirement for the owner of a commercial vehicle to put in place a system for the regular inspection and on-going maintenance of such vehicle;
- (c) the matters to be taken into account when determining the frequency of inspections and maintenance of vehicles;
- (d) the carrying out of an inspection of vehicle before a vehicle is driven in a public place and the reporting of defects detected by the driver to the owner of the vehicle;
- (e) the carrying out of repairs of vehicles, or other actions to rectify or prevent the occurrence of a vehicle defect, by a suitably qualified person;
- (f) the records to be retained by the vehicle owner in relation to the inspection, maintenance and repair of vehicles;
- (g) the making of an annual declaration by the owner of a commercial vehicle to the Road Safety Authority in respect of the inspection, repair and maintenance of such commercial vehicle; and
- (h) the matters that may be taken into account in determining a risk rating in respect of the owner of a commercial vehicle for the purposes of section 39 of the Road Safety Authority (Commercial Vehicle Roadworthiness) Act 2012.

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