

Best test quest

The changes to the Testing Directive may have come into force, but VOSA's three-month grace period has been welcomed by many fleet managers. Industry lawyer Andrew Woolfall outlines why non-compliance could be detrimental to operators

1 January 2012 saw new items added to the annual Ministry of Transport test for commercial vehicles. This evolution in testing will be another step in a series of changes relating to the way in which vehicles are inspected. VOSA (the Vehicle and Operator Services Agency) is pursuing a strategy of increasing the number of ATFs (Authorised Testing Facilities), while reducing the number of goods vehicle testing stations and, in due course – in an attempt to counterbalance the new items being introduced – we may see some of the more traditional inspection items removed.

The purpose of the annual MOT test is to certify that, on a given day at a given time, the vehicle meets the minimum roadworthiness criteria. Many operators mistakenly believe that passing the test somehow guarantees that the vehicle is safe for use for some considerable time. That is not the case: the test simply certifies the vehicle at a 'snapshot' in time.

Test changes

The annual test changes follow an EU Directive passed in 2009 that sought to standardise, across EU member states, many of the items being inspected. The directive takes into account developments in vehicle design and technology, and now introduces checks of several components not currently part of the UK test.

These include checking airbags, seatbelt pretension devices, electronic braking systems (EBS) and electronic stability control systems (ECS). Furthermore, the way in which brake performance is calculated will now be assessed in terms of a vehicle's maximum authorised mass, rather than its design weight.

While VOSA will be inspecting all new items from the start of 2012, a period of grace will be applied and no vehicle will actually fail the test on these points before 6 April 2012. If, during this period, a vehicle does not pass the new checks, an improvement notice will be issued.

From 6 April, however, if the minimum standards are not met, a failure will be recorded.

Indeed, VOSA and the Traffic Commissioners are increasingly taking a dim view of operators that are unable to submit vehicles that pass the test at the first time of asking. Their thinking is that, if an operator or its maintenance contractor cannot meet the minimum standards for roadworthiness when they know that VOSA will be inspecting the vehicle, what hope is there that on a regular preventive maintenance inspection the vehicle is being prepared well above the base line?

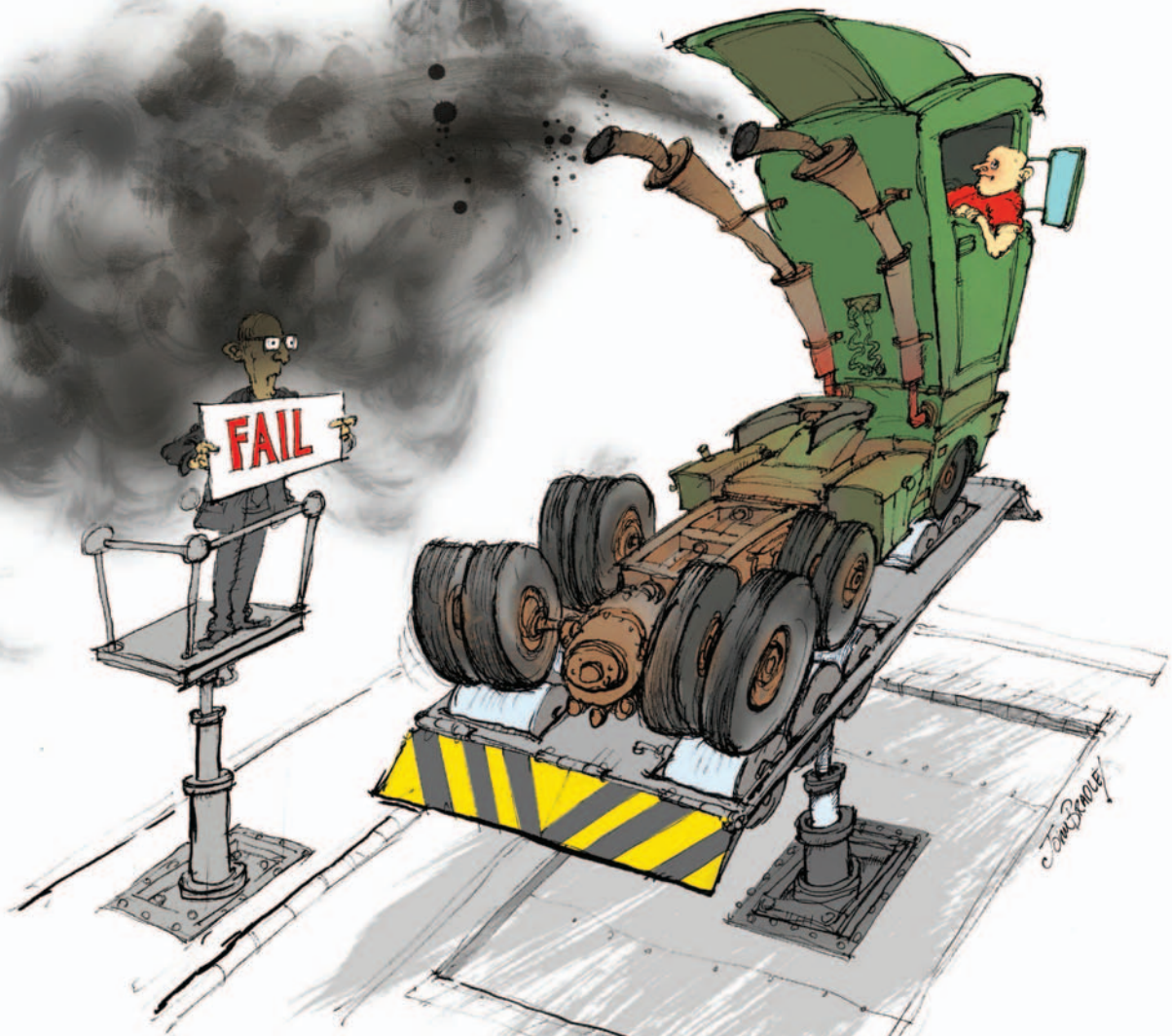
Quite simply, the authorities take the view that a vehicle's condition deteriorates over time. So, when it is given its regular four or six weekly inspection, it should not simply meet the minimum MOT standard, but far exceed it. Only in that way is it possible to be sure that by the time the next inspection falls due, despite a normal decline in its standard, the vehicle will still meet or exceed the minimum requirements.

Exemptions and OCRS

While VOSA has introduced additional items for test, it has also consulted with the industry on other changes, with ideas including removing some of the components checked and altering the frequency of tests. The government is also reviewing the list of vehicles currently exempt from MOT testing, with a goal of reducing the number of vehicles that do not require examination. Announcements in response to these consultations are expected later this year.

That said, the MOT pass rate, of course, forms an important component in VOSA's calculation of OCRS (operator compliance risk score) ratings. The annual test is classed as one form of 'encounter' and, if the test is failed – whether an outright fail or a pass after rectification at the station – points are added to the operator's score.

A poor MOT pass rate means that an operator has an increased chance of having its vehicle stopped at the roadside by VOSA. Additionally, however, if the operator is called to an inquiry hearing, the Traffic Commissioner will want a clear explanation as to why he or she appears incapable



of maintaining his or her vehicles to the minimum standard. Many commissioners take the view that nothing short of a first-time pass rate in the region of 95–100% is acceptable.

Best practice within the industry now dictates that any vehicle being submitted for test should undergo a period of thorough preparation. Gone are the days when an operator could submit a vehicle to VOSA with the intention of letting the agency's inspectors find the faults that the operator subsequently rectifies before re-submission. Test preparation should nowadays include a voluntary rolling road brake test, checking exhaust emissions and ensuring correct headlamp alignment. These are the primary causes of vehicles failing the inspection.

Maintenance should also be planned well in advance of testing. If, for example, braking components need replacement, this should be done in sufficient time to give them an opportunity to bed in and achieve maximum efficiency, rather than taking the vehicle straight to an inspection.

Operators should carefully monitor their inspection results and pass rates and, if they

contract out their maintenance, they should have close regard to results from the garage. Operators should insist on seeing the test submission forms, so that they can be kept aware if vehicles fail or pass after rectification. Indeed, in an attempt to assist operators, VOSA is now looking at publishing 'pass rates' for those submitting vehicles for test, including independent garages. This should let an operator know just how good the garage is at ensuring the minimum standard is met.

This matters: many public inquiries have centred on an operator failing, with regards to MOT testing. Traffic Commissioners routinely compare an operator's performance with national statistics. A recent inquiry I dealt with saw an operator having to explain why his test pass rate was as low as one in five. The commissioner was, on first reading, minded to revoke the licence.

Prosecutions involving serious accidents also always make mention of poor MOT pass rates. The authorities are minded to say that there can be no excuse for an operator failing to meet the minimum standard. And that is certainly a position with which it is very difficult to argue. **TE**

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