

DON'T DO IT

Falsifying maintenance or other documentation in any way may land you in serious trouble, warns

Andrew Woolfall

In recent months a new enforcement trend has emerged, with VOSA (the Vehicle and Operator Services Agency) checking both the accuracy and authenticity of operators' maintenance records. This often happens as part of a more detailed maintenance or tachograph and drivers hours' investigation.

PMI (preventative maintenance inspection) sheets are checked to ensure that information, such as dates or odometer readings, match other documents – for example tachograph records, work or duty rosters and holiday lists. In several cases I have dealt with, this has revealed discrepancies that are then investigated further and frequently show that an operator, or its maintenance department, is falsifying records.

The most common falsification involves inserting the wrong date for an inspection. However, some cases have involved rectification work, with documentation indicating defect repair dates that don't stand scrutiny, while in others entire inspection sheets have been falsified.

Time shifts

Inserting the wrong inspection date is generally done to indicate that the PMI occurred at the correct time, in accordance with an operator's inspection frequency (four or six weeks, or other period declared to the traffic commissioner). Cases have included late inspections recorded as done on time, but also early inspections post-dated to appear to fall within the declared inspection cycle – so not impacting future due dates.

However, the investigating authorities may well compare the declared date with other information – for example, to establish what the vehicle was actually doing on that day. Some have shown the vehicle in continuous use, so not capable of being in the workshop. VOSA can use digital tachograph information, the vehicle's own recording devices and the operator's telematic data. Similarly, checks can be made on the technician's

activities. In one case, a technician was shown to be driving at the other end of the country when he was supposedly carrying out an inspection at base. Incidentally, in my experience, VOSA also sometimes obtains intelligence from disgruntled former employees.


Where instances of falsification are found, two possible actions arise. The first is a prosecution where, at best, if one individual is prosecuted, he or she might face proceedings before the magistrates' court in relation to creating a 'false instrument'. However, matters are usually prosecuted against several persons who, it is alleged, have 'conspired' to commit the offence. Such proceedings can only be dealt with before the crown court and carry the risk of custodial sentences. While, to date, no one has been sent to prison for such offences, substantial fines have been imposed.

But in addition to criminal proceedings, both the operator and key people are likely to face regulatory action, brought by the traffic commissioner. This could put the operator's licence in jeopardy. Individuals, such as transport managers, face a loss of repute, while company directors could be disqualified. At the very least, the traffic commissioner is likely to want to see that individuals no longer have day-to-day management responsibilities or control of the business. He or she will also want to be satisfied that there has been no financial gain or



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unfair commercial advantage. More importantly the traffic commissioner will want to know if road safety has been compromised and whether there has been an adverse impact on maintenance.

Too many operators, engineers and technicians do not fully appreciate the consequences that may follow when information is incorrectly recorded. It is often seen as something akin to a 'little white lie' – the justification being that the inspection was done just a few days late. However, this is not how the courts and traffic commissioners treat such matters. False declarations are treated seriously and can have a huge impact on the individual and/or the business. 

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