



# ROADWORTHINESS

## Manager's Fact Sheet

### Why is this important?

Whilst there is no legal requirement for the operator or driver of a vehicle under 3500 kgs to carry out pre use checks, a company does have obligations under the Health & Safety at Work Act and Road Traffic Act to ensure that vehicles are in a safe condition and fit for purpose.

- Unsafe vehicles are major cause of incidents on the roads and can have severe impact on the safety of other road users.
- Drivers are responsible for ensuring that the vehicle they are driving is roadworthy.
- Safety related defects such as lights, brakes, tyres carry penalties for both driver and company.
- National Highways may recover associated costs back from a company where one of their vehicles has caused damage to the highway.
- Vehicles under 3500 kgs are generally maintained to the manufacturer's specifications, with MOT testing after 3 years old, should the vehicle be used in certain applications this maintenance regime may not be sufficient to ensure it remains roadworthy – the driver is responsible for highlighting any defects as they become known.
- A company also has a duty to ensure any equipment, including vehicles are maintained and fit for purpose, with suitable maintenance systems in place.
- Unroadworthy vehicles often cause incidents on the road which result in delays and inconvenience for other road users.
- Unroadworthy and unreliable vehicles can affect customer service and reliability, reflecting on a poor company brand image.
- Roadworthiness does not stop with company vehicles, any driver has the responsibility of their vehicle, whether business or personal.



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### What are the legal requirements?

The legal requirements under the Health & Safety at Work Act, Road Traffic Act, and Construction & Use Regulations are clear, around vehicles being in a safe and serviceable condition, both driver and owner / company have obligations to ensure vehicles are maintained in a roadworthy condition.

- Using a vehicle with known defects can have serious consequences. The resulting penalties can be categorised under legislation as severe as Causing Death by Dangerous driving.
- Whilst a driver is liable for prosecution under the Road Traffic Act, an employer, company, and their management/directors are also culpable for any prosecution for works vehicles.
- Penalties can be financial and incur penalty points on a driver's licence.
- Drivers can receive a fine of up to £2,500 for driving a defective vehicle.
- Roadworthiness includes trailers also, and those trailers which include specialist plant.
- A driver is within their rights to refuse to take an unroadworthy vehicle on the road.
- Any defect highlighted by DVSA at a roadside stop will be formally notified on a defect notice, it may contain specific requirements regarding notifications once the defect has been repaired.

### What is best practice?

Best practice is around education, awareness, and compliance (audit trail)

- Managers should have in place a first use check system, digital or paper based. A process must be in place to report and record any identified defects.
- Any checks should also include specialist equipment which forms a part of the vehicle.
- Vehicle checks are often carried out at the end of a shift to ensure any defects are reported and repaired ahead of the pre use check the following day.
- Whilst vehicles under 3,500kgs generally are maintained to a manufacturer's specification, consideration should be given to if a more periodic inspection is needed e.g., every 16 weeks as a safety inspection.
- The company should make drivers aware of whether they are required to carry out any minor roadworthiness repairs themselves, and what should be rectified by a maintenance provider.
- Managers should utilise any telematics systems and reports to identify trends, as they can provide insight into a driver's behaviour and impact on the vehicle's roadworthiness.



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### What is best practice? (continued)

- Drivers should be aware of who DVSA are, their powers, and how to deal with, and who to inform when roadworthiness notifications are received. They should also understand the impact to them and the company.
- Drivers should be made aware of who provides service/assistance for incidents involving tyres, glass, breakdown, and maintenance.
- Any load or load security issue can also be categorised under roadworthiness, insecure/loose items or unevenly distributed loads can impact on a vehicle's roadworthiness.

### Where can I find further information?

[www.gov.uk/check-vehicle-safe](http://www.gov.uk/check-vehicle-safe)

[www.gov.uk/government/publications/van-drivers-daily-walkaround-check](http://www.gov.uk/government/publications/van-drivers-daily-walkaround-check)

[https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/1033118/guide-to-maintaining-roadworthiness-commercial-goods-and-public-service-vehicles.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/1033118/guide-to-maintaining-roadworthiness-commercial-goods-and-public-service-vehicles.pdf)

[www.tyresafe.org/van-tyre-safety/](http://www.tyresafe.org/van-tyre-safety/)

[https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/1100593/categorisation-of-vehicle-defects.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/1100593/categorisation-of-vehicle-defects.pdf)

[www.gov.uk/roadside-vehicle-checks-for-commercial-drivers](http://www.gov.uk/roadside-vehicle-checks-for-commercial-drivers)