

MOT SPECIAL NOTICE



Vehicle & Operator Services Agency

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All Authorised Examiners and Designated Councils in Classes :

All Classes

The last Special Notice issued was

5 - 2007 All Classes

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Item 1 Introduction of Formal Warning Review

VOSA's disciplinary policy is set out in Section I of The MOT Testing Guide. Essentially, when shortcomings are found in testing or in the operation of the testing scheme, VOSA will take action according to the circumstances. For minor shortcomings this will usually consist of advice or counselling, but for more serious cases (or repeated minor shortcomings) VOSA may consider taking formal disciplinary action against the NT and AE. The possible outcomes of formal disciplinary action are:

- i. The NT or AE shall cease to be approved or authorised.
- ii. A Formal Warning may be issued to the NT or AE which may be taken into account in the event of future formal disciplinary action. The Formal Warning may carry a requirement for the NT to successfully complete additional training within a specified time period.

NTs who have ceased to be approved and AEs who have ceased to be authorised following disciplinary action have a statutory right of appeal against the action to the Secretary of State (The MOT Testing Guide Section I subsection 8).

There is currently no statutory right for an NT or AE to appeal against the issue of a Formal Warning at the time it is issued, but after discussion with the trade VOSA is introducing a non-statutory provision for a NT or AE to request a review of a Formal Warning.

From the 1st July 2007 if an NT or AE believes that the issue of a Formal Warning issued on or after that date was unjustified, and/or the disciplinary points allocation was excessive he may request a review of the decision.

An NT or AE wishing to request such a review must do so in writing - no later than 14 working days after the date of issue of the Formal Warning letter – via the VOSA local office that issued the Formal Warning. The Formal Warning will be reviewed by VOSA MOT Appeals Section.

There is no provision for a retrospective review of Formal Warnings issued before the 1st July 2007. However where cessation is contemplated and previous Formal Warnings cited, NTs and AEs may make representations about all cited Formal Warnings, irrespective of those that have already been formally reviewed.

Item 2 Changes to Class V Lightweight (VL) threshold

SN. 5/2003 introduced a concession allowing Class VII Authorised Examiners, to test Class VL vehicles.

From the 1st July 2007 Class VL will be extended to cover private buses with over 12 passenger seats not exceeding 5000Kg DGW which is a change from the maximum 16 passenger seats and 3500Kg DGW. Of course this is providing they can be adequately and safely tested on your approved facilities.

Class VL **does not** include any vehicle, which is required to undergo a seatbelt installation check. These vehicles must be presented at a Class V station authorised to carry out these checks.

For any Class VII VTS not currently approved for Class VL an application must be made using the VT01 application form, ensuring that Class VL is printed in section C. No other method of application will be accepted.

NT's wishing to test these vehicles must demonstrate an acceptable Class VL test to their local Vehicle Examiner before being allowed to test these vehicles. They should familiarise themselves with the additional procedure and standards in the Class V inspection manual before contacting their local area office to arrange a demonstration test.

This SN supersedes SN 5/2003 which should now be destroyed.



Alan Wilson

Head of Private Vehicles Scheme Management

All Nominated Testers must acknowledge via the VTS Device that they have read and understood the contents of this Special Notice relevant to the classes they test. Please print off a copy of this SN and retain on your files for reference.