

## **CODE OF PRACTICE ON VEHICLE SAFETY DEFECTS**

### **INTRODUCTION**

This Code of Practice on vehicle/component/part safety defects (hereafter referred to as the “Code”), has been developed by;

- Vehicle and Operator Services Agency (VOSA) representing the Secretary of State for Transport
- The Society of Motor Manufacturers and Traders Limited (SMMT)
- The Motor Cycle Industry Association Limited (MCI)
- Commercial Trailer Association (CTA)
- The National Caravan Council (NCC)
- Independent Commercial Importers
- British Independent Motor Trade Association (BIMTA)
- Automotive Distribution Federation (ADF)
- Retail Motor Industry Federation (RMIF)
- British Rubber Manufacturers Association Ltd (BRMA)
- National Trailer and Towing Association (NTTA)
- British Vehicle Rental and Leasing Association (BVRLA) \*

This Code concerns cases where manufacturers, concessionaires or official/independent importers become aware of the existence of safety defects (as defined below) in units that are available for supply in the UK.

The Code deals with information provision to VOSA and the owner/registered keeper in respect of passenger cars, commercial vehicles, passenger carrying vehicles, two and three wheeled motorcycles, quadricycles, commercial trailers, agricultural equipment, motor homes/caravans, trailer caravans, private trailers, components fitted as original equipment and parts and accessories supplied to the automotive market.

This Code does not cover bicycles or tyres, wheels and associated parts for which there are separate Codes.

### **DEFINITIONS**

**Safety Defect** - is a feature of design or construction liable to cause significant risk of personal injury or death.

**Supplier** - is taken to mean vehicle or component/part producer/manufacture, official/ independent importer, distributor or concessionaire.

**Unit** - describes the affected component/part or vehicle

## **CASES COVERED BY THE CODE**

- a; where evidence indicates the existence of a safety defect in the unit; and
- b; the defect appears to be common to a number of units; and
- c; units are available for supply in the UK.

It will be a matter of VOSA/supplier judgement to decide whether the number of units affected is sufficient to justify invoking the Code. A fixed numerical limit cannot be specified as the decision will take account of the degree of seriousness of any possible hazard involved.

## **RECALL ARRANGEMENTS WITH INDIVIDUAL MANUFACTURERS**

VOSA will require a supplier to notify it of the names of a recall coordinator and deputy with safety recall campaign responsibility.

## **CASES AFFECTING COMPONENTS OR PARTS**

Safety defects covered by the Code include those relating to components or parts bought by suppliers from other (component/parts) manufacturers and (component/part) suppliers, whether sold with the vehicle as original equipment or supplied to the automotive aftermarket.

## **NOTIFICATION TO VOSA**

Primary responsibility is that of the supplier to inform VOSA as soon as safety defect evidence requiring remedial action amounts to a case under the terms of the Code.

The Supplier shall at that stage indicate:

- the nature of the defect and estimated number of units involved;
- the nature of the safety hazard involved; and
- action planned at that time to remedy the defect

In cases where the defect appears to stem from a fault in a component/part produced by another supplier, that other supplier will also be notified and VOSA advised accordingly.

The Supplier will also inform VOSA of all subsequent decisions on remedial action. This includes cases in which component suppliers are involved, unless in the circumstances of the case it is agreed between the vehicle supplier and the appropriate component supplier for all remedial action to become the

responsibility of the component supplier, in which case the latter shall keep VOSA informed.

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## **INITIATIVES BY VOSA IN PARTICULAR CASES**

VOSA may wish to seek information from a supplier about safety defects that have been brought to their attention. In these cases, the supplier will pass all relevant information available, and cooperate with VOSA in establishing whether a defect is present.

The primary responsibility for deciding on remedial action lies with the supplier, but VOSA may, at its discretion, offer views and make recommendations on the measures proposed.

## **NOTIFICATION TO UNIT OWNERS**

The supplier will take all reasonable action to contact affected owners/registered keepers and recall their vehicles/components/parts for inspection and, if necessary, rectify components or assemblies the supplier believes are safety defective.

In consultation with VOSA the supplier will send communication, in layman's terms, to the owner/registered keeper, directly or through the franchised dealer network or through other methods explaining the nature of the defect and its safety significance. VOSA must be given the opportunity to comment on the content of and method of communication prior to instigating a campaign.

If the supplier or franchised dealer receives no response from the owner/registered keeper then further communication will be sent.

If requested, the DVLA will furnish the supplier with names and addresses of the owner/registered keepers shown on their record, in accordance with existing procedures. Alternatively DVLA can address and dispatch letters from the supplier to the owner/registered keeper at the suppliers request and cost.

Suppliers will notify VOSA of the response rate at three monthly intervals, until the recall action is complete or it is mutually agreed that the campaign be closed for reporting purposes.

## **PUBLICATION OF INFORMATION ON VEHICLE/COMPONENT/PART DEFECTS BY VOSA**

VOSA reserves the right, under Ministerial authority, to publish at any time information of public interest. Before doing so, VOSA will consult the supplier, and where appropriate the component/part manufacturer/supplier concerned.

VOSA will not disclose publicly information on matters of commercial confidence unless there appear to be overriding safety considerations. Subject to this proviso, VOSA will also make public at regular intervals, summary information on action taken on cases notified under the Code. It will normally divert to a supplier more specific requests on particular cases.

### **IMPORTED UNITS**

In the case of a recall affecting units imported by an independent importer, that importer shall bear the responsibilities specified in this Code.

If the independent importer is not available to undertake this obligation, then VOSA will contact the manufacturer of the affected units.

This Code will also apply to personally imported units, insofar as the supplier is able to identify the unit's presence in the UK.

### **EXPORTED UNITS**

The Code does not cover exported units. Measures to be taken in relation to these will depend upon the legal and administrative arrangements prevailing in the country of import. However, the sponsors of the Code are prepared to participate in any international discussions/agreements designed to harmonise arrangements governing notification of defects and related remedial action.

### **FURTHER INFORMATION**

This Code of Practice is drawn up and has been revised as a consequence of the implementation of Directive 2001/95/EC on general product safety and the General Product Safety Regulations 2005 and is not intended to interpret, qualify or supplement English Law.

You retain your rights under the Regulations and copies can be obtained from The Stationery Office

Any further information is obtainable by contacting VOSA via the details provided below.

This Code of Practice is produced in tandem with the VOSA Guide to Recalls and acknowledged within the Europe Recall Guide.

For Further Information Contact: Vehicle Safety Branch, Vehicle and Operator Services Agency, Berkeley House, Croydon Street, Bristol, BS5 0DA. Tel: 0117-9543300 or [www.vosa.gov.uk](http://www.vosa.gov.uk)

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#### Document History

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