

# MOT SPECIAL NOTICE

**Issue Number**

**10 - 2009**

**Issue Date**

**December 2009**

**All Authorised Examiners and Designated Councils in Classes**

**All Classes**

**The last Special Notice issued was**

**9 - 2009 All Classes**

Is it mandatory to print this Special Notice?	<b>Printed Copy Not Required</b>
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## **Item 1: Introduction of an additional disciplinary outcome: Short Term Cessation**

VOSA's disciplinary policy is set out in Section I of The MOT Testing Guide. After a review of this policy in conjunction with representatives from the trade, VOSA is to introduce an additional disciplinary outcome; Short Term Cessation (cessation for 28 days). This new outcome will be introduced from 01 January 2010 and will provide a more balanced range of outcomes for dealing with a wide range of disciplinary cases.

The outcome of any formal disciplinary action arising on or after 01 January 2010 could therefore result in:

- No further action,
- Advisory Warning Letter,
- The issue of a Formal Warning (with or without additional training/demonstration test),
- Cessation of an NT's approval or an AE's authorisation in the form of either;
  - i. Short Term Cessation (for a period of 28 calendar days), or
  - ii. Cessation (for 2 or 5 years).

In determining the outcome of a disciplinary case the principles set out in Section I will continue to apply but where the outcome is likely to result in cessation then Short Term Cessation will be considered in the first instance. In deciding the appropriate course of action to be taken shortcomings that constitute a threat to road safety will be treated with the utmost seriousness and carry more weight in the determination of the final outcome. In the same way as a Formal Warning, a Short Term Cessation will be considered should further disciplinary action be contemplated within 5 years of the decision being notified to the AE or NT, although this may be reduced to 2 years in circumstances detailed in Appendix 8.4.

The maximum level of sanction normally considered appropriate for any particular points score is set out in Annexes A and B. Where the outcome is Short Term Cessation this will become effective 35 working days after the issue of the Notice of Cessation notifying the NT or AE of the decision. NTs and AEs subject to Short Term Cessation will have the right to appeal as set out in Section I8 of The MOT Testing Guide. There will be no provision for Short Term Cessation to be applied retrospectively for disciplinary cases arising before the 01 January 2010.

### **Returning to the MOT Scheme following Short Term Cessation**

An NT or AE subject to Short Term Cessation must reapply to be accepted back into the MOT Scheme.

- An NT must demonstrate that he meets the acceptable criteria for becoming a Nominated Tester as specified in section E2 of The MOT Testing Guide. In addition he must also successfully attend an appropriate initial NTT course and complete a practical demonstration.
- Reapplication for an AE will normally take the form of a declaration confirming the authorisation remains unchanged. In addition, the AEDM may have to attend an MOT Managers course if he has not done so in the previous 2 years.

VOSA will accept such applications at any time after the issue of the Notice of Cessation, and for an AE, up until the end of the cessation period. (A full application on a VT01 Part A-C will be required if an AE application is made after the end of the Short Term Cessation period.) Testing may only resume after the 28 day cessation period and once these conditions have been met.

The MOT Testing Guide pages will be updated at the next available opportunity to incorporate the above changes

### **Item 2: Revised Credit points**

From 01 January 2010 the credit points which may be taken into consideration where disciplinary action could result in cessation will be amended as follows:

<b><i>Credit for</i></b>	<b><i>Points for NT</i></b>	<b><i>Points for AE</i></b>
Training	15 maximum	15 maximum
Proven satisfactory testing	15 per event	15 per event
Satisfactory operation of test station	Not applicable	10 points per year

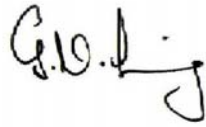
The MOT Testing Guide pages will be updated at the next available opportunity to incorporate the above changes

### **Item 3: Review of Structural Integrity - Appendix 'C'**

Guidance for testers on aspects of vehicle structure, corrosion and acceptable methods of repair has been published in Appendix 'C' of the Inspection Manual since the mid-seventies with very little change over the years. However, advances in vehicle design, construction materials and manufacturers' recommended repair techniques have changed considerably.

As a result, Appendix 'C' has been rewritten to reflect these changes and to simplify the guidance. The diagrams have also been replaced to better illustrate modern vehicle construction. The new electronic pages of the Inspection Manual will be available on the VTS Device from the 14 December 2009. Replacement hard copy pages however, will not be available until the work to integrate Classes 3, 4, 5 & 7 into one IM has been completed.

Although there are no changes to the Methods of Inspection or Reasons for Rejection, it is important that testers familiarise themselves with the revised guidance, particularly in respect of acceptable repair methods, before making decisions regarding structural integrity.



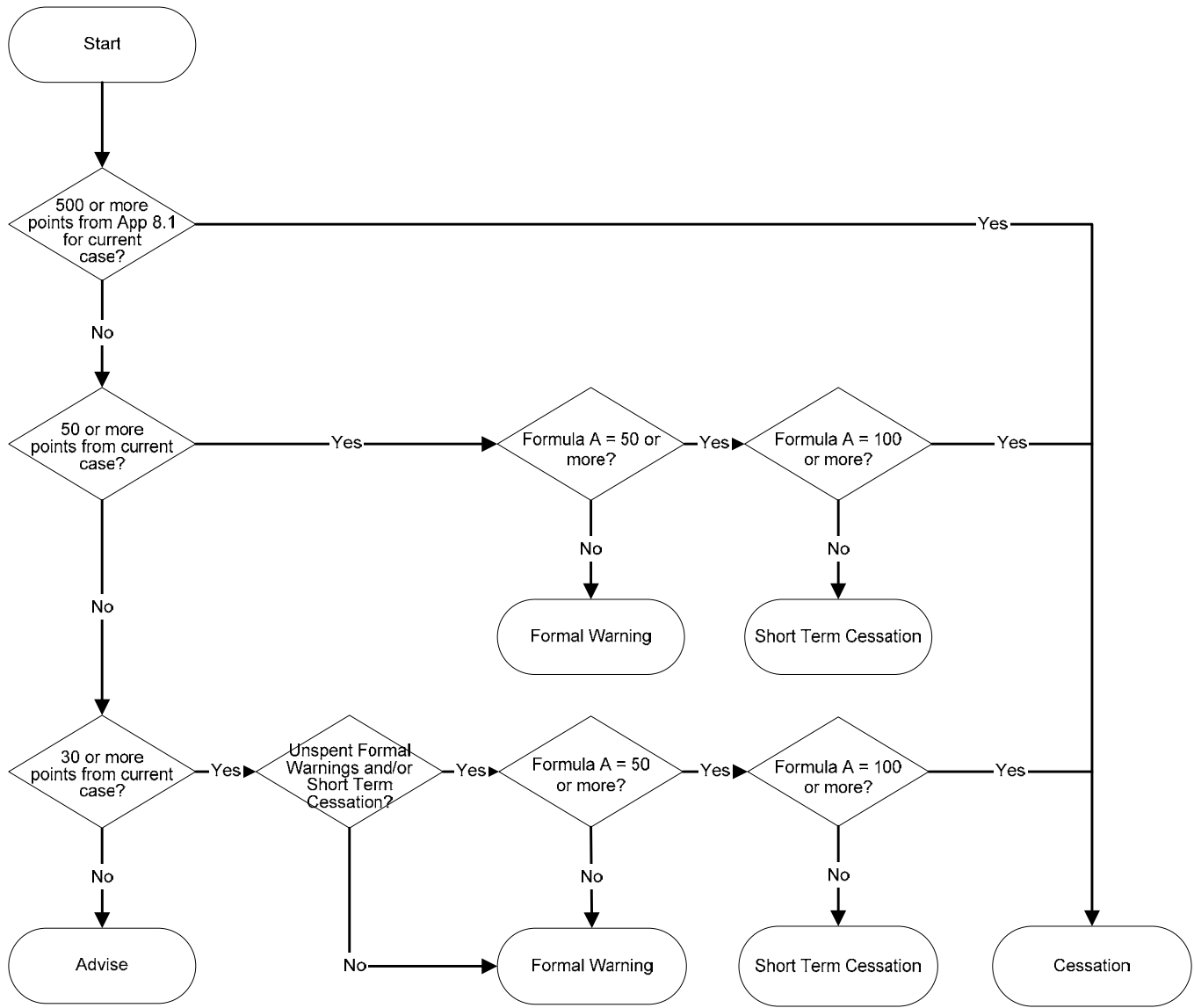
Neil Cumming

Head of Roadworthiness and Testing Policy Group

**All Nominated Testers must acknowledge via the VTS Device that they have read and understood the contents of this Special Notice.**

# Annex A - Appendix 8.6 – Normal sanction level - Nominated Tester

Points used are those remaining after representations have been considered



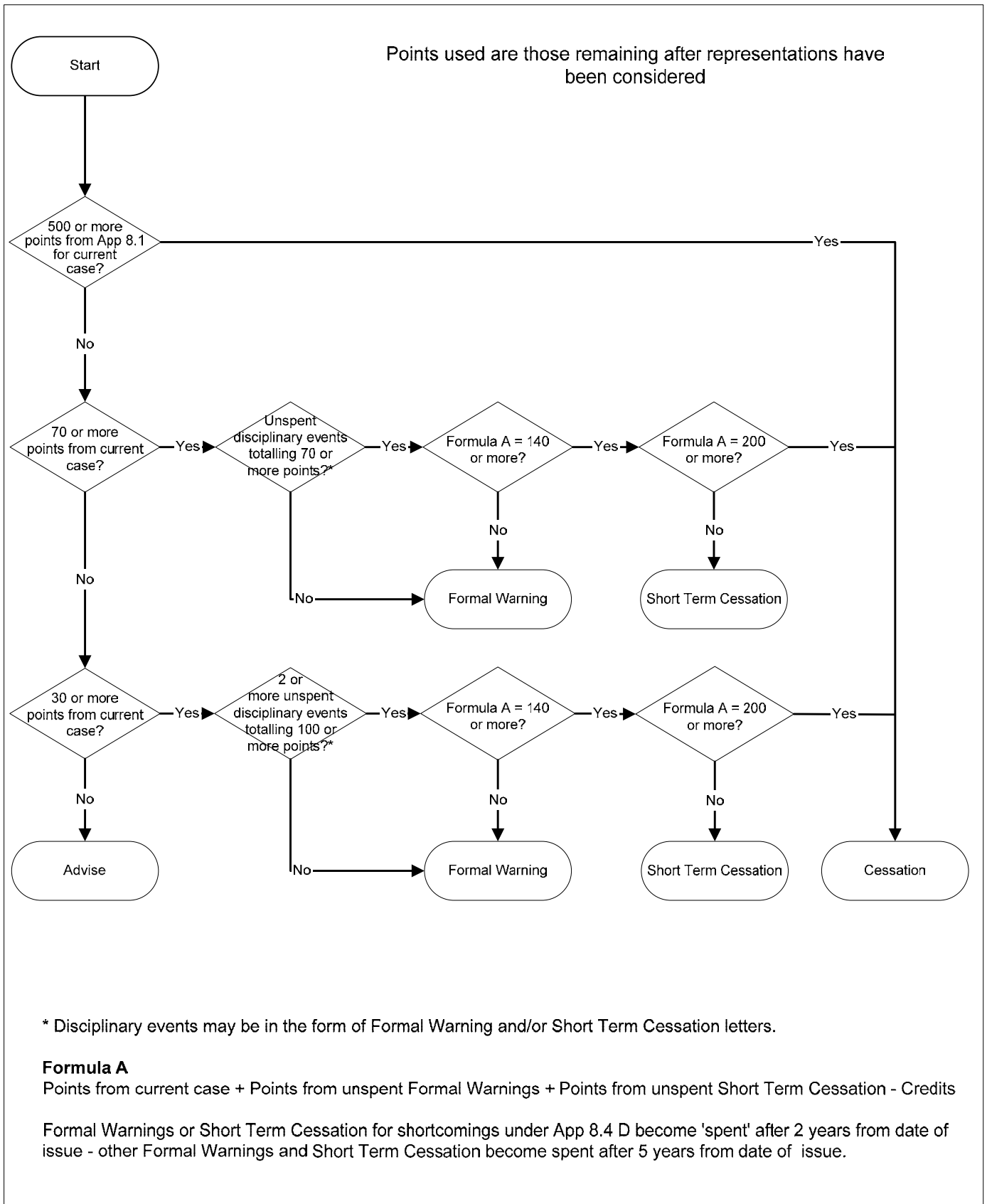
**Formula A**

Points from current case + Points from unspent Formal Warnings + Points from unspent Short Term Cessation - Credits

Formal Warnings or Short Term Cessation for shortcomings under App 8.4 D become 'spent' after 2 years from date of issue - other Formal Warnings and Short Term Cessation become spent after 5 years from date of issue.

All known mitigating and other circumstances are to be taken into consideration before deciding on any level of formal disciplinary action.

# Annex A - Appendix 8.7 – Normal Sanction Level - Authorised Examiner



All known mitigating and other circumstances are to be taken into consideration before deciding on any level of formal disciplinary action.