# Roadworthiness: Industry Best Practice for third party trailer operators

Produced by the North Western Goods Vehicle Maintenance Liaison Committee in conjunction with the IRTE, a professional sector of SOE

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This publication is a result of work conducted by the North West Goods Vehicle Maintenance Liaison Committee. For more information about IRTE technical activities please contact technical@soe.org.uk

#### **Preface**

This document has been compiled by a subcommittee of North Western Goods Vehicle Maintenance Liaison Committee<sup>[1]</sup> in response to industry concerns regarding the exposure of an operator's licence holder when hauling third party trailers.

The Committee have identified a lack of a relevant best practice guide with regards to this type of operation and hope this reference document will assist affected operators to ensure they are applying the highest possible legal, safe and roadworthy standards, but it is also hoped that the principles outlined here could be applicable to a wide range of operators under various circumstances.

This document has been prepared to address specific issues and should be considered supplementary to both *The Guide to Maintaining Roadworthiness*<sup>[2]</sup> and to *Roadworthiness – Industry Best Practice*<sup>[3]</sup>.

[1] The North Western Goods Vehicle Maintenance Liaison Committee is a voluntary group who meet at least four times per year and report to Beverley Bell, the Traffic Commissioner for the North West of England. The Committee includes representatives from major fleet operators, Vehicle and Operator Services Agency (VOSA), Society of Operations Engineers IRTE Professional Sector, Freight Transport Association and the Road Haulage Association.

[2] The Guide to Maintaining Roadworthiness is published by TSO and is available from this link https://www.gov.uk/government/publications/guide-to-maintaining-roadworthiness

[3] Roadworthiness - Industry Best Practice is published by the IRTE and is available free from this link http://www.soe.org.uk/resources/technical-guides/

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#### Introduction, purpose and aims

It is always the case that the "user" of the vehicle (and trailer) bears legal responsibility for its roadworthiness. The user is generally defined as either the driver (in the case of an ownerdriver) or the operator who employs the driver (including agency drivers).

# Industry Tip - Any defects found on the vehicles or trailers you use will be registered against your operators licence - regardless of who owns the equipment or who instructed you to use it

When the vehicles and trailers you use are always on your fleet, you can exert direct control to ensure they are maintained in-line with the stated schedule recorded against your operators licence. In circumstances where the vehicles or trailers you use are not always under your direct control (i.e third party equipment) you have to apply additional procedures to demonstrate you are acting as responsibly as possible.

The purpose of this guide is to define and explain those additional procedures that will ensure you are applying expected best practice.

#### **First Use Driver Check**

On collecting a trailer, the driver MUST carry out a roadworthiness check to fulfil their legal responsibility to ensure the vehicle or combination is free from any defects on the parts of the trailer the driver is able to examine. Drivers should be instructed in the importance of performing a thorough visual examination and must be trained on how to undertake the checks. Records should be kept on file concerning the issued instructions (i.e copy memos or contracts of employment) and the training undertaken. The time taken to perform the check should be recorded as "other work" on the drivers tachograph and they should be issued with any necessary equipment (i.e a working torch) that might be required to perform the check. A report listing the items checked and their condition must be produced and retained as proof (see appendix I on page 15 for a sample driver check sheet).

Industry tip – you can use an internal audit to ensure your drivers are performing their inspections properly. Once a driver has completed a check at the yard, you can then re-inspect the vehicle to ensure all the procedures have been followed and that you agree with his findings (see appendix II on page 16 for a sample audit form).

#### **Roadworthiness Declaration**

The driver is only able, and only expected, to inspect certain elements of the trailer during their pre-use inspection. To satisfy themselves that the parts of the trailer they are able to check are mechanically sound they need to know when the trailer was last free of defects and declared roadworthy following an inspection by a competent person. They also need to know when that a competent person expected the trailer to be inspected again, as this would affect their judgment when assessing the potential wear and tear on various components.

This can be achieved by -

- Noting the details on a sticker or plate or other indicator attached to the trailer that lists the last date the trailer was declared roadworthy and the next anticipated inspection date.
- Examining a copy of the last preventative maintenance inspection sheet as stored in a secure document holder (such as a pouch or tube) affixed permanently to the trailer. The PMI sheet would have to include a signed roadworthiness declaration and the date of the next anticipated inspection date.
- Obtaining copies of the last PMI sheet (that includes a signed roadworthiness declaration and the date of the next anticipated inspection date) by contacting the trailer owner or your principle.
- Accessing an electronic database containing the Inspection/Service Data.



Example Inspection Schedule Plaque

#### Inspection in accordance with your operators licence

As the trailer will become YOUR responsibility, it must be used in compliance with your operator's licence undertakings. This means that the time since the trailer was last declared roadworthy MUST be within your specified inspection interval for trailers, and the proposed next inspection date under which that inspection was done MUST not have been exceeded.

Examples -

Collection Date	Your Trailer Inspection interval	Date of Last Roadworthiness Declaration	Proposed Next Inspection Date	
October 7	6 weeks	September 15	October 13	✓ OK to use today - roadworthiness is valid and latest inspection is within your interval.
October 7	6 weeks	September 15	October 6	★ Cannot use today – the latest inspection was only looking 4 weeks ahead. Despite your interval being 6 weeks, the roadworthiness declaration is now invalid.
October 7	6 weeks	August 15	October 3	Cannot use today – the roadworthiness declaration is invalid and the latest inspection is outside your inspection interval.

Valid Annual test

The trailer may display information concerning an annual test. Any such information should indicate the trailer is within any necessary test period.



#### Legality of the Load

The driver must be satisfied that the load is suitably secured to allow for safe transportation. DVSA apply their Load Security Matrix (see appendix III on page 16 for details) when assessing the condition of a load and so the driver should ensure the trailer complies or that they understand any potential discrepancies (the load risk assessment at appendix IV on page 17 may also be useful).

The weight of the load should not exceed operational limits (on either gross weight or axle weight – see appendix V on page 18 for details on calculating axle weights). UK law does not recognise "consignor liability", so once you use the combination on the public highway any weight offences will be the responsibility of the driver and the operator.

Any necessary adjustments to the load should be made before the trailer is collected - the only legal uses of an overweight vehicle or trailer is that you are proceeding to the nearest available weighbridge to weigh the combination or the nature of the load is such that the conditions since the start of journey means the weight has increased (for instance, heavy rain on route has added to the weight of the exposed timber on the load).

#### If the trailer is found to be unroadworthy

If the trailer is considered unroadworthy due to an identified defect, the driver must produce a report listing the issue, apply the company reporting procedure and await further instructions.

If no roadworthiness declaration information is available, or the information is incomplete, a responsible person should check if the information can be provided. If the information is not available, the trailer would require a preventative maintenance inspection before it can be used.

If the load is not adequately secured or is overweight then arrangements need to be made to make the load suitable for transportation.

## When collecting from a rental company

Reputable rental companies will provide a checklist concerning the condition of the trailer. While the checklist will contain much of the necessary information, it does not alter the users responsibility for roadworthiness and so your driver must still apply your first use procedure (see appendix VI on page 19 for a sample rental company checklist).

#### **Specialist equipment and operations**

Trailers may have additional equipment installed (freezer units, tail lifts, hydraulic floors, hi-abs etc) or the nature of the cargo may require additional considerations (hazardous goods, food stuffs etc). Under these circumstances, any inspection should be appropriate to the type of equipment present and additional information (dates of PUWER/LOLER inspections, current cleaning certificates etc) may be required before the trailer and equipment can be used.

#### Penalties for failure to comply

Under any circumstances where you are found to be using a vehicle or trailer in an unroadworthy condition, the driver and operator will be penalised. Even if you have applied the systems and procedures explained in this best practice guide, if you are stopped at the roadside and found to be using a non-compliant vehicle or trailer you will still be liable to be issued with a Graduated Fixed Penalty Notice or a Prohibition Notice. An accumulation of GFPN or Prohibitions may result in a Public Inquiry into your fitness to be a haulier where the Traffic Commissioner is empowered to suspend, curtail or revoke your operators licence as well as pass judgment on your good repute. Accepting and paying GFPN may add points to a drivers licence that could increase the costs of vehicle insurance for many years to come and potentially result in a driver becoming unemployable.

While the responsibility at a roadside check is unavoidable under the current legal system, applying this best practice guidance should either ensure you refuse to use an unroadworthy trailer or you have a collected sufficient evidence to offer a potential defence to the Traffic Commissioner or a Magistrate concerning your use of the trailer. Under circumstances where you have done everything reasonably possible (i.e your trained and fully equipped driver as undertaken as thorough an examination of the trailer as possible, you have determined the trailer has a valid roadworthiness declaration in place and that the latest preventative maintenance inspection was performed in-line with your maintenance schedule, your driver was satisfied that the load was properly secured and within operational weight limits and any additional equipment had been properly assessed and certified) and have evidence to demonstrate your actions and efforts, it is much easier to plead for leniency.

## Monitoring

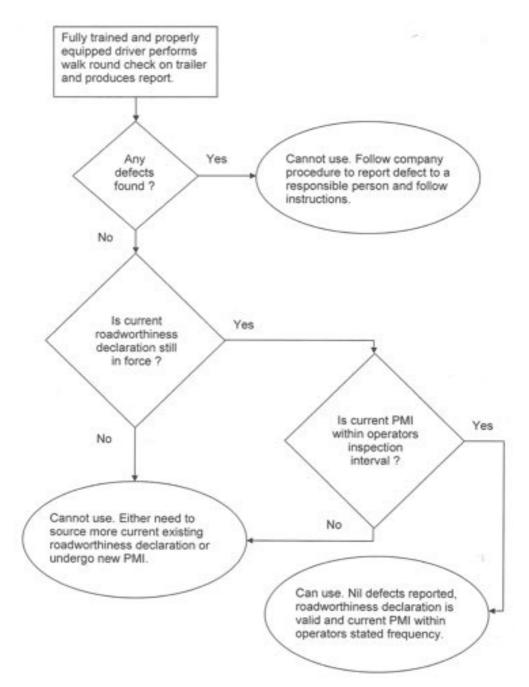
The application of this best practice guide will generate an amount of information concerning the condition of the third party trailers you encounter. It is anticipated a responsible haulier would monitor this information to determine the quality for your third party trailer suppliers and that if necessary you would communicate your findings to those suppliers. Ultimately, should one or more of your suppliers prove to be consistently unreliable, the authorities would expect you to have to consider refusing to work for that supplier until the maintenance or loading problems had been addressed and rectified.

## **Ensuring co-operation**

While the legal responsibility for the roadworthiness of the vehicles and trailers you operate always remains with the Operator, the application of this best practice guidance will require co-operation from the owner of the trailer/s.

To help you negotiate this assistance, appendix VII is a suggested letter wording summarising the trailer owner role in your compliance with your Operators licence undertakings.

#### **Procedural Flow Chart**



# Appendix I - Driver Defect report

Driver's name	Date
Vehicle no., make and type	
Trailer fleet/serial no.	Odometer reading

Daily or shift check (tick or cross) *Items refer to articulated lorry and trailer		ems refer to articulated lorry and trailer combinations
Fuel/oil leaks	Lights	Brake lines*
Battery security (condition)	Reflectors	Coupling security*
Tyres and wheel fixing	Indicators	Electrical connections*
Spray suppression	Wipers	Brakes
Steering	Washers	Security of body/wings
Security of load	Horn	Markers
Mirrors	Excessive engine exhaust	smoke Glass

REPORT DEFECTS HERE	RECTIFIED

Write NIL here if no defects found	Driver's signature

Defects rectified by	
Signaturo	Data
Signature	Date

**Drivers Walk Round Check Audit** 

Vehicle Number	Drivers Name	Name	Date	te	1
Audit location			Time	ne	1
Checklist Completed ? YES / NO		Nil Defects indicated ? YES / NO	d ? YES / NO		
Company Procedures Completed ? YES / NO	? YES/NO	Drivers Check Reco	Drivers Check Recorded on Tacho ? YES / NO	S / NO	
tems Checked During Audit					
Fuel/Oil Leaks	Lights		Brake Hoses*		
Battery security	Reflectors		Coupling security*		
Tyres and wheel fixing	Indicators		Electrical connections*		
Spray suppression	Wipers		Brakes		
Steering	Washers		Security of body/wings		

Notes ? Further Action Required ?

Auditor Signature \_\_

Driver Signature \_\_

# Appendix II Driver Audit Form

\*ARTIC COMBINATIONS ONLY

Excessive engine exhaust smoke

Horn

Security of load

Mirrors

Markers

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#### Load security assessment

The following vehicle body types should be assessed for load security: Flatbeds, curtain-siders, lowloaders, skip lorries, car transporters, bulk tippers

The following vehicle body types do not need to be assessed for load security unless there is reason for concern:

Box-siders, refrigerated trailers, containers transported on vehicles fitted with twist locks, tilts, live animal transporters

Туре А	Туре В	Туре С
Metal pipes, sheet or bar Reinforced concrete Bricks, stone or concrete Vehicles (including scrap) Plant machinery Reels (steel, wire or paper) Kegs and barrels Stacked loaded skips Empty skips stacked > 3 high Metal castings Glass Containers/work cabins	Timber FIBCs/bulk powder Roll cages Bagged aggregate Empty skips stacked 3 high Heavy palletised goods (1)	Clothing Wood chip Waste paper Coal bags Bulk material (in tipper) Packaging material Single loaded skips Empty skips < 3 high Light palletised goods (2)
Category 1	Category 2	Category 3
No load securing	>30cm gap between load a vehicle headboard (5)	ind Lashings on ropehooks (6)
>1m gap between front of load and vehicle headboard(3)	Unsheeted load in bulk tip or skip	per Minor damage to headboard not affecting structural integrity
Unstable load affecting vehicle stability or likely to topple from vehicle	Inadequate load securing leading to likely risk of har	M Unsuitable load securing
Severe structural damage to headboard or gaps in headboard that would allow load penetration	Unsuitable stacking of load items likely to lead to risk harm	l of Poor condition of securing equipment
Items loaded over height of headboard (4)	Height of load likely to affe vehicle stability	ct Unsuitable vehicle for load
Load ty	pe Defect	category
	1	2 3
A	Р	P A

#### Notes

(1) Pallet weight greater than 400kg

с

- (2) Pallet weight 400kg or less
- (3) Unless other means of preventing forward movement have been used

ВРР

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(4) This refers to individual items, such as a bundle of pipes. A single indivisible item may be loaded over the height of the headboard as long as the headboard supports it to the height of the centre of gravity.

Α

Α

Δ

- (5) As for (3)
- (6) This is always poor practice but there may be no other suitable attachment points.

# Appendix IV – Load Assessment Checklist

RHA
Load Information and Securing Risk Assessment Guide
The Road Vehicles (Construction and Use) Regulations 1986 set out a requirement for the load carried on a vehicle to be secured so that it is does not present a likely risk of danger or nuisance to any other road user. To fulfil these legal responsibilities and secure the load so that a force equivalent to the entire weight of the load is secured in the forward direction and half the weight of the load to the sides and rear, the following load securing system has been used.
Check to ensure the trailer/vehicle is suitable to carry the load being considered i.e. no damage to securing equipment, headboard and floor of the loading deck, correct construction?
Headboard used as part of system: Yes 🖬 No 📮
If no, the load is prevented from moving forward by:
Blocking 🗖 Bulkhead 🗖 Additional lashings 🗖 Chocks 🗖
Other Means:
The load is otherwise secured by:
Positive fit Load 🔲 retaining bars 🔲 Load-rated nets/tarpaulin 🔲 Lashings 🔲
Lashings were calculated using: BS EN12195:2010 📮 IMO/ILO/UNECE guidelines 📮 VDI 2700 📮
Other Means: tonnes
Is The Load Secured Safely?
Can the load slide or topple forward or back?
Yes – review, repack, reload and re-secure with suitable equipment, use of headboard etc.
Can the load slide or topple off the side?
Yes - source suitable retention equipment, consider use of sideboards/bars, repack or reload,
Is the load unstable?
Yes – do not move the vehicle seek immediate assistance and reload in a correct/safe manner
Is load securing equipment damaged or worn?
Yes – do not use, source and replace with suitable alternative equipment
Is there anything loose that might fall off?
Yes – review/reassess the load and securing equipment, repack or reload if necessary
Further Information available on loading and lashing: <u>Here</u> or contact <u>r.engley@rha.uk.net</u>

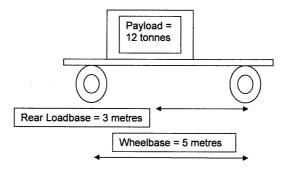
#### Appendix V – Axle Weight Calculation

## **Axle Load Calculation**

When loading a vehicle, it may be simple to avoid exceeding the Gross Vehicle Weight, but it is still necessary to ensure that no axle weights are exceeded due to the position of the load.

To work out the axle load we need to know the weight of the payload, the wheelbase of the vehicle (the distance between the centres of the axles) and the rear loadbase (this is the distance from the centre of the load to the rear axle).

Example -



PAYLOAD X REAR LOADBASE Front Axle Load = ------

WHEELBASE

The Front Axle Load is equal to 7.2 tonnes

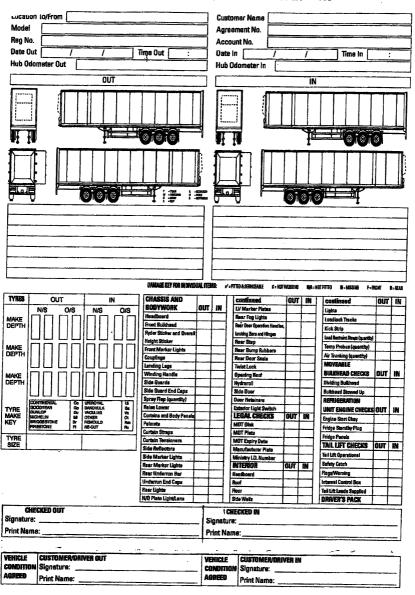
Rear Axle Load = PAYLOAD – FRONT AXLE LOAD

= 12 tonnes – 7.2 tonnes = 4.8

The Rear Axle Load is equal to 4.8 tonnes

Add your results to the unladen axle weights and check against the plated axle weights of your vehicle and, if required, re-position the load to ensure compliance and avoid unnecessary overloading convictions.

## Appendix VI -Sample Rental Company Checklist



#### VEHICLE DAMAGE CONTROL - TRAILER No

#### Appendix VII – Co-operation request letter to trailer owner

Dear Trailer Owner/Transport Principle,

As you may be aware, we are a haulier involved in transporting your trailers.

To be able to provide this service to you and your customers, we are legally obliged to hold an Operators licence that imposes a range of binding undertakings on our company designed to ensure fair competition throughout the industry and safe standards for all road users. Should we fail to achieve these undertakings we are at risk of losing our licence and our ability to do business and therefore take these responsibilities extremely seriously.

I am writing to you today as I hope you can assist us to achieve our legal responsibilities by making a minor adjustment to your own procedures.

As you can see in the enclosed best practice guide, it would be extremely useful for my drivers to know the last date your trailer was declared roadworthy by your maintenance providers and what inspection frequency was applied to that examination. This could be achieved by a range of methods, including an indicator sign on the trailer listing the relevant dates or the trailer carrying a copy of the relevant inspection paperwork in a prominent and accessible position. I can assure you that providing this information does not expose you to any liability as the responsibility for the roadworthiness of the vehicles and trailers we transport will always remain with us as the operators licence holder, but it would be a very helpful supplement to our current procedures and I trust such a system could also prove useful in the management of your internal maintenance system.

I hope you will be able to introduce a suitable system without undue delay and would appreciate your confirmation of what my drivers should look for on your equipment. If we can be of any assistance concerning the development or delivery of a suitable system or if you would like further clarification concerning the contents of this request, then please do not hesitate to contact the undersigned.



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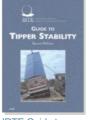


#### **SOE Publications**



Wheel Loss – No longer a mystery

The SOE's guide to wheel loss is based on BS AU50 Part 2 section 7a (1995). The guide explains the mechanisms of wheel loss and provides helpful best practice guidance to assist those specifying and maintaining commercial vehicles to reduce wheel loss incidents.



IRTE Guide to Tipper Stability

Essential guidance for those wishing to implement best practice when operating tipping vehicles or tipper trailers.



Coupling and Uncoupling of Large Goods vehicle Trailers

The IRTE code of practice is aimed at managers, supervisors and trainers but has good advice for everyone who has responsibility for the safety of large goods vehicles and drivers.



Tail Lift – Specification Guide for Road Vehicles

Guidance for manufacturers, specifiers, installers, suppliers and users of tail lifts as to the safety issues associated with tail lift installations.



A simple guide for Tail Lift Operators

This guide provides some basic information and highlights the user's legal responsibilities in the use. maintenance and examination of tail lifts. It is written in a simple question and answer format and is intended to be used as a basic quide to clarify current legislation that applies to tail lifts and tail lift manufacturers' recommendations

GUIDE TO WHEEL SECURITY	
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ATS.	Encode and a second and a

#### Guide to Wheel Security

The associated quick reference poster for Wheel Loss - No longer a mystery booklet

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