

UK CODE OF PRACTICE ON VEHICLE SAFETY DEFECTS
(Revised January 1992)

1. INTRODUCTION

- 1.1. This “Code of Practice on Vehicle Safety Defects” (hereinafter referred to as “the Code”), which has been drawn up by the Vehicle Inspectorate representing the Secretary of State for Transport and the Society of Motor Manufacturers and Traders Limited [SMMT], concerns cases where vehicle manufacturers and concessionaires become aware of the existence of safety defects (as defined in paragraph 1.3 of this introduction) in vehicles that have been sold in the UK.
- 1.2. The Code deals with information to be given to the Inspectorate and to the owner/registered keeper in respect of passenger cars, commercial vehicles, passenger service vehicles, and components fitted as original equipment. This document does not cover motor cycles, trailers, motor caravans or components supplied to the automotive aftermarket, or any vehicles more than ten years old.
- 1.3. A “safety defect” is a feature of design or construction liable to cause significant risk of personal injury or death.

2. CASES COVERED BY THE CODE

- 2.1. The cases covered by the Code are those where:
 - a) the evidence indicates the existence of a safety defect in the vehicles; and
 - b) the defect appears to be common to a number of vehicles; and
 - c) some of the vehicles involved have already been sold for use in the UK.
- 2.2. In some cases, it will be a matter of judgement to decide whether the number of vehicles affected by a defect is sufficient to justify invoking the Code. No fixed numerical limit can be specified because the decision must also take account of the degree of seriousness of any possible road hazard involved.

3. RECALL ARRANGEMENTS WITH INDIVIDUAL MANUFACTURERS

- 3.1. The Inspectorate will require a vehicle manufacturer to supply it with the names of a co-ordinator and his/her deputy responsible for dealing with vehicle safety recall campaigns.

4. CASES AFFECTING COMPONENTS

- 4.1. Safety defects covered by the Code include those relating to components bought by vehicle manufacturers from other manufacturers and suppliers and sold with the vehicle as original equipment.

5. NOTIFICATION OF THE VEHICLE INSPECTORATE

- 5.1. The primary responsibility is with the vehicle manufacturer to decide when evidence of a safety defect amounts to a case notifiable under the terms of the Code. The Inspectorate will be notified as soon as the vehicle manufacturer has concluded that there is evidence of a safety defect which requires remedial action. The vehicle manufacturer shall at that stage indicate:
- a) the nature of the defect and estimate number of vehicles involved;
 - b) the nature of the safety hazard involved;
 - c) the action planned at that time to remedy the defect.
- 5.2. In cases where the defect appears to stem from a fault in a component produced by another manufacturer, that other manufacturer will also be notified and the Inspectorate advised accordingly.
- 5.3. The vehicle manufacturer will also inform the Inspectorate of all subsequent decisions on remedial action. This includes cases in which component manufacturers are involved, unless in the circumstances of the case it is agreed between the vehicle manufacturer and the appropriate component manufacturer for all remedial action to become the responsibility of the component manufacturer, in which case the latter shall keep the Inspectorate informed.

6. INITIATIVES BY THE INSPECTORATE IN PARTICULAR CASES

- 6.1. The Inspectorate may wish to seek information from a vehicle or component manufacturer of safety defects which have been brought to the Inspectorate's notice. In these cases, the manufacturer will supply all the relevant information known to him, and cooperate so far as is reasonable with the Department in establishing whether a defect is present.
- 6.2. The primary responsibility for deciding on remedial action lies with the vehicle manufacturer, but the Inspectorate may, at its discretion, put its own views on the measures proposed.

7. NOTIFICATION OF VEHICLE OWNERS

- 7.1. The manufacturer will take all reasonable action to contact all owners/registered keepers and call in any affected vehicles for inspection and, if necessary, rectify components or assemblies which the manufacturer believes are safety defective. In consultation with the Inspectorate the manufacturer will arrange the dispatch of a letter which will explain in layman's terms the nature of the defect and its safety significance to the owner/registered keeper. The letter will be sent directly or through the franchised dealer network. If the vehicle manufacturer or franchised dealer receives no response from the owner/registered keeper then a further letter will be sent by recorded delivery.
- 7.2. If requested by the manufacturer, the Driver and Vehicle Licensing Agency will, on repayment terms, and in accordance with existing procedures, either supply the vehicle manufacturer with the name and address of the owner/registered keeper shown on the Centre's records, or address and dispatch a letter from the manufacturer to the owner/registered keeper.

7.3. Vehicle manufacturers will notify the Inspectorate of the response rate at three monthly intervals until the recall action is complete or it is mutually agreed that the campaign be closed as any remaining unactioned vehicles are unlikely to be traced.

8. PUBLICATION OF INFORMATION ON VEHICLE DEFECTS BY THE VEHICLE INSPECTORATE

8.1. The Inspectorate reserves the right, under Ministerial authority, to publish at any time any information of which it is notified, where this seems necessary in the public interest. Before doing this, the Inspectorate will consult the vehicle manufacturer, and where appropriate the component manufacturer concerned and will not disclose publicly information on matters of commercial confidence unless there appear to be overriding safety considerations. Subject to this proviso, the Inspectorate will also make public at regular intervals, summary information on action taken on cases notified under this Code. It will normally divert to a manufacturer more specific requests on particular cases.

9. IMPORTED VEHICLES

9.1. The above provisions of the Code are also to apply to imported vehicles, with the qualification that the appropriate UK concessionaire will assume on behalf of his vehicle manufacturer the obligation of the latter under the Code. The Code applies to privately imported vehicles so far as the concessionaire is able to identify their presence in the UK.

10. EXPORTED VEHICLES

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

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