

Consumers' guide to vehicle safety defects



GUIDE

Who this guide is aimed at

This guide is aimed at members of the public / companies who have safety concerns about an automotive product that they have purchased and wish to report these concerns.

Introduction to the Vehicle and Operator Services Agency (VOSA)

VOSA is an executive agency of the Department for Transport.

VOSA provides a range of licensing, testing and enforcement services with the aim of improving the roadworthiness standards of vehicles, ensuring the compliance of operators and drivers with road traffic legislation and supporting the independent Traffic Commissioners.

VOSA achieves this through a variety of means such as annual tests, targeted checks and enforcement activity and through the licensing of drivers of large goods and passenger carrying vehicles, as well as operator licensing.

Vehicle Safety Branch

VOSA is the competent authority for automotive safety issues in the UK and it has a specific team, the Vehicle Safety Branch (VSB), which is responsible for this work. If you have any queries about safety defects or recalls, you can contact VSB. Contact details for the team can be found at the end of this guide.

VSB looks at issues of design or construction and works to two Codes of Practice (details in the next section). They will request that the manufacturer, producer or supplier starts an enquiry if there is evidence that a design and construction defect exists which is present in a significant number of vehicles sold for use in the UK. This will be monitored by VSB.

VSB looks at the wider picture to identify issues that may be present in a large number of products. **Please note that VOSA is unable to assist in any claim for reimbursement of repair costs or any other form of compensation.**

VSB is responsible for the registration and monitoring of the UK safety recall scheme.

Codes of Practice

Vehicle Safety Branch works to two Codes of Practice. These are:

- ▶ Code of Practice on vehicle safety defects - this covers 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, parts and accessories supplied to the automotive market

- ▶ Code of Practice for safety defects on tyres, wheels and associated parts in the vehicle aftermarket

What is the safety recall scheme?

The safety recall scheme is the means by which manufacturers, producers and suppliers in the automotive sector recall products that may have a safety defect, as defined by the Codes of Practice.

What products does it cover?

VSB looks at a large range of products. These include;

- ▶ cars
- ▶ motorcycles, quadricycles or tricycles
- ▶ caravans, motor caravans or horse boxes
- ▶ agricultural equipment
- ▶ trucks
- ▶ coaches, buses or minibuses
- ▶ child car seats
- ▶ restraint systems
- ▶ component / aftermarket parts
- ▶ tyres

What is a safety defect?

The definition of a safety defect under the Code of Practice is;

“A feature of design or construction which is liable to cause significant risk of personal injury or death”.

This is an issue that happens suddenly and without warning and can have catastrophic results for the user and others around them.

In order to assist you in defining whether or not an issue is a safety defect under the code, we have detailed some general examples:

- ▶ Steering components that break suddenly, resulting in partial or complete loss of vehicle control
- ▶ Airbags that deploy under conditions for which they are not intended to deploy

- ▶ Problems with fuel system components that can result in leakage of fuel and may cause fire
- ▶ Child car seats that may be defective (belts buckles or components)
- ▶ A defective tyre that may suddenly fail

What isn't a safety defect ?

In order to fully understand what the definition of a safety defect under the Codes of Practice is, it is important to understand what it is not. Please see following examples of issues we can not take forward:

- ▶ defects that can be identified during routine maintenance/ service
- ▶ marked changes in handling
- ▶ unusual noises
- ▶ warning lights illuminated on the dash board
- ▶ high cost items that need replacing or have failed
- ▶ misuse or external factors

The examples below show why we would not take these issues forward.

Example 1 – Warning lights

Situation: You are travelling along the public highway when an engine management warning light illuminates. You continue to drive the vehicle for a period of time and then the vehicle cuts out and you have to call the breakdown services.

Conclusion: This is not a safety defect as the vehicle informs the driver that it has a fault by displaying the warning light. This light tells the driver to return the vehicle to their repairing agent. There is no catastrophic failure.

Example 2 – Defects that can be identified by service / maintenance

Situation: You take your vehicle into your preferred repair agent. They identify that a system or component is faulty. You choose not to have the work undertaken and continue to drive the vehicle and the failure then occurs causing an incident.

Conclusion: This is not a safety defect as during the normal routine maintenance/ service schedule the manufacturer, producer or supplier has built in checks and recommendations to ensure that this does not occur. You have decided not to act on the advice of your repair agent.

Example 3 – High cost non-safety items that need replacing or have failed

Situation: A high cost non-safety item needs replacing or has failed on your vehicle and you are faced with a large bill. You think that this should not have failed as early as it has, and you want the manufacturer, producer or supplier to pay or contribute to the costs involved.

Conclusion: Cost alone has no bearing on whether a safety defect exists. However, you may have an issue that needs to be discussed with the manufacturer, producer or supplier or your local Trading Standards department.

What you need to do

If you have a concern that you consider falls within the remit of the Codes of Practice detailed above, please complete our safety defect reporting form. You can complete it online or contact us at the address at the end of this publication.

What happens next?

Once VSB has received your completed safety defect reporting form, your details will be registered on the VOSA database and a Defects Engineer will be assigned your case.

The engineer will make an initial assessment of the issue and will decide if this meets the terms of the relevant Code of Practice. If it does, they will progress the matter with the manufacturer, producer or supplier.

VSB will notify you of the outcome of any investigation.

Possible outcomes

There are a number of outcomes that may result from an investigation:

- ▶ no action – there is no evidence to suggest that a safety defect, under the terms of the relevant Code of Practice, exists
- ▶ service campaign/ customer satisfaction campaign – there is an issue that needs addressing but it does not come under the terms of the relevant Code of Practice. The manufacturer, producer or supplier instigates this work when the vehicle is returned to the dealerships for other work (you can check if your vehicle is outstanding any works by ringing your local dealer and quoting your VIN number which is available on your registration document). This is normally free of charge
- ▶ production change – this is when there is a decision to change the way the vehicle is produced to ensure that this issue does not recur. This can be in conjunction with a service campaign or a safety recall
- ▶ safety recall – this is when the manufacturer, producer or supplier will write directly to customers (when dealing with registered product) using either their company data or DVLA data, to request that they return their vehicle to the dealership for a rework free of charge

Contact details

Vehicle and Operator Services Agency
Vehicle Safety Branch
Berkeley House
Croydon Street
Bristol
BS5 ODA

Email: VSB@vosa.gov.uk

VOSA website: www.dft.gov.uk/vosa

Visit our websites:

for commercial customers
www.businesslink.gov.uk/transport

for private motorists
www.direct.gov.uk

for corporate information
www.dft.gov.uk/vosa

Contact us:

E-mail
enquiries@vosa.gov.uk

National Number
0300 123 9000*

Monday to Friday - 7.30am until 6.00pm
(normal working hours)

