



Driver & Vehicle
Standards
Agency

GUIDE

A guide to safety recalls in the used vehicle industry



Definitions

Aftermarket parts – means any product manufactured to be fitted to a vehicle after it has left the vehicle manufacturer’s production line.

Code of Practice on Safety Defects and Recalls – Code relating to safety defects affecting vehicles/ machines that have been sold for use in the United Kingdom. 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 on safety defects and recalls in the vehicle aftermarket - Code relating to safety defects affecting any product manufactured to be fitted to a vehicle after it has left the vehicle manufacturers production line.

Driver and Vehicle Licensing Agency (DVLA) – is the government agency that manages the vehicle keeper information for all registered vehicles in the UK.

Driver and Vehicle Standards Agency (DVSA) – The government agency responsible for a wide range of services including the management of the safety recall scheme in the UK.

Forthwith – is taken to mean immediately or without delay.

General Product Safety Directive 2001 (GPSD) – the European directive on product safety.

General Product Safety Regulations 2005 (GPSR) – the UK product safety legislation from the GPSD.

Producer and distributor – are taken to have the meanings attributed to them in the General Product Safety Regulations 2005.

Manufacturers’ Guide to Recalls in the Automotive Sector – A document that provides guidance on the implementation of a safety recall.

Non-Code Action – This is a proactive and proportionate action registered with DVSA, which falls outside the scope of a safety recall. The issue may affect the long term safety of the product or its ability to satisfy legislative requirements.

Product – Any vehicle, component, aftermarket part or accessory that is automotive related.

Safety Recall - The action taken when a defect is identified which meets the definition of a safety defect - as described below - that could result in a risk of serious injury.

For more information about the UK recall process see the [Manufacturers’ Guide to Recalls in the Automotive Sector](#).

Safety Defect - A safety related defect is a failure due to design and/or construction, which is likely to affect the safe operation of the product without prior warning to the user and may pose a significant risk to the driver, occupants and others. This defect will be common to a number of products that have been sold for use in the United Kingdom.

Unit - describes the affected component/part or vehicle.

User/Owner – is a person, a business or group of people that are owner or final users of goods or services.

Who this guide is aimed at

Any person(s) or company who is in the vehicle supply chain which results in the sale of a used vehicle or product to a consumer.

Introduction to DVSA

The Driver and Vehicle Standards Agency (DVSA) is an executive agency of the Department for Transport.

DVSA will be formed in 2014 by the merger of the Driving Standards Agency and the Vehicle and Operator Services Agency. We will improve road safety in Great Britain by setting standards for driving and motorcycling, and making sure drivers, vehicle operators and MOT garages understand and follow roadworthiness standards. We will also provide a range of licensing, testing, education and enforcement services.

Vehicle Safety Branch

DVSA has a dedicated team - it's Vehicle Safety Branch (VSB) – which acts as the Competent Authority for automotive issues in the UK. It is the main contact for all safety defect and recall matters.

VSB looks at issues of design or construction and operates under two Codes of Practice (details in the next section). It will request the producer and/or distributor to start an enquiry where there is sufficient evidence of a safety defect and a significant number of vehicles are affected. VSB will monitor the investigation until a conclusion has been reached.

VSB is responsible for the registration and monitoring of the UK safety recall scheme. It ensures that all parties in the chain between the manufacturer and the consumer understand their responsibilities with regard to safety recalls.

Codes of Practice

Vehicle Safety Branch works to two codes of practice. These are:

- ▶ Code of Practice for Vehicle Safety Defects and Recalls
- ▶ Code of Practice on safety defects and recalls in the vehicle aftermarket

What products do we cover?

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

Our aim is to improve road safety by ensuring that products subject to safety recall are identified and rectified or removed from the market place.

What is a safety recall?

The action taken when a defect is identified which meets the definition of a safety defect that could result in a risk of serious injury. It is a precautionary action taken by the manufacturer, when they have identified a significant safety issue on a product that has been sold to a consumer in the United Kingdom.

This action is taken where there is a design or construction defect liable to cause significant risk of a serious personal injury or death. The safety recall ensures that the consumer is notified about the issue and has the opportunity to return the product to the dealership or supplier for repair, exchange or refund (depending on the product presented).

A safety recall is undertaken by the manufacturer free of charge.

What legislation covers product safety?

The General Product Safety Regulations 2005 covers the areas of product liability and consumer protection in the United Kingdom. Its primary role is to provide a framework to ensure that consumers are protected from unsafe products and sets out the producers and distributors responsibilities.

This legislation is not specific to vehicles but covers a wide range of consumer products, such as clothing and white goods, but excludes medicines and food.

The legislation encourages Codes of Practice. These have been detailed earlier in this brochure and have their place in supporting the process.

Importantly the legislation does not distinguish between new and used products and gives the same responsibilities to producer and distributors to protect the consumer.

It states the following:

“The distributor shall act with due care in order to help ensure compliance with the applicable safety requirements and in particular he...shall not expose or possess for supply or offer or agree to supply, or supply, a product to any person which he knows or should have presumed, on the basis of information in his possession and as a professional, is a dangerous product”

DVSA considers that this identifies that a product with an outstanding safety recall should not be passed to a consumer. Producers and distributors are professionals in their field and should therefore be fully aware that safety recalls exist and that they can occur on any product.

DVSA believes that this paragraph applies to the supply of used products in the automotive sector.

Whilst legislation covers this area, DVSA wishes to encourage cooperation by the trade.

Who does the legislation cover?

This legislation covers anyone in the supply chain between the manufacturer and the consumer and will include anyone who does or does not alter the safety properties of the vehicle.

We consider that will include;

- ▶ Used vehicle outlets
- ▶ Car supermarkets
- ▶ Franchised dealerships
- ▶ Auction houses
- ▶ On-line car sales
- ▶ Non-vehicle automotive sales i.e. trailers, caravans etc
- ▶ Vehicle converters

What are the risks?

Taking into account the information in the previous paragraphs the risks to the consumer and businesses through inaction are clear.

The consumer has the legal right to purchase a safe product. If subsequently it is proved that the product is not safe, then the manufacturer has the responsibility to inform the consumer of the risk and repair, replace or refund (depending on product).

Businesses in the automotive industry pride themselves on doing a good job in supplying safe products. Not checking for outstanding recalls and ensuring they are completed prior to the sale of the vehicle to a consumer threatens your ability to do this.

It is essential you understand your responsibilities so that you can protect yourselves from this risk.

Therefore, when passing a vehicle for sale or selling a vehicle to a consumer it is essential that a check of outstanding recalls is made and the risk removed.

Many thousands of products pass through the used automotive sector and a proportion of them will have outstanding recalls. This is a risk that is constant and needs ongoing mitigation.

Previous owners do not always attend to the risk before selling the vehicle so it is incumbent upon you as professionals, to ensure that you attend to this prior to the sale of the vehicle or product.

What do you need to do?

1. If you are selling a vehicle to a consumer you will need to check for outstanding recalls and these safety recalls **must** be attended to prior to the consumer purchasing the vehicle.
2. If you are passing vehicles within the trade you need to share information about any outstanding safety recalls. At some point a consumer will purchase the vehicle and their need

for protection starts at the point when the vehicle leaves one consumer and ends when it becomes the property of another. The interim time is the responsibility of the persons in the supply chain.

There are a number of ways that you can make these checks.

- ▶ Telephone the dealership requesting information about a particular vehicle – keep information regarding who you spoke to, what the outcome was, any actions agreed and date of discussion
- ▶ Make local agreements with dealerships to email queries to them with guaranteed response times along with agreements for the logistics of getting any recalls undertaken.
- ▶ Many manufacturers have the facilities to check for safety recalls on their websites .You can use this to check and follow up with a local dealer if required.
- ▶ Telephone the manufacturer’s customer service line or recalls helpline to request the information.
- ▶ View the recalls database on the DVSA website. This is make and model specific and will indicate if there is a possibility of outstanding recalls.
- ▶ Discuss with suppliers who provide stock for you how you can work together to minimise this risk.

Remember, it is your responsibility to ensure the vehicle is passed to the consumer with no outstanding safety recalls.

Contact details

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Visit our websites:

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