

Annex 5 - Example of a maintenance contract

Example contract between the operator and a contractor, agent or hire company for safety inspections and/or repair of vehicles and trailers subject to operator licensing. For multiple licence holders, details of the licences included in this contract should be listed in schedule 1.

The Agreement is made on the day of, 20.... , between:

a.

The operator	
Registered office	

and

b.

The contractor	
Registered office	

of the one part, and:

- 1. The contractor agrees** that they will, in relation to any vehicle or trailer submitted by the operator as mentioned in Schedule 2, or after, the date of this contract:
 - a. correctly inspect and assess all the relevant items specified in the safety inspection report currently published in the guide to maintaining roadworthiness (GTMR)
 - b. detail the method of the braking performance assessment
 - c. include any additional inspection items as agreed in Schedule 2
 - d. carry out the inspection on the planned date within the ISO week the vehicle was submitted for inspection
 - e. if the operator authorises, carry out necessary repairs to the correct standards to ensure that the vehicle is in a safe and roadworthy condition
 - f. correctly complete the safety inspection form and associated maintenance documents to show:
 - (i). contractor’s details (or stamp).
 - (ii). which items were in good working order and complied with the relevant statutory requirements when the vehicle was submitted.
 - (iii). which (if any) items were not in good working order or failed to comply with those requirements when the vehicle was submitted but have been replaced or repaired so that those requirements are satisfied.

- (iii). which (if any) items were not in good working order or failed to comply with those requirements when the vehicle was submitted and which have not been replaced or repaired.
- (iv). which (if any) items that need to be monitored and possibly maintained before the next scheduled safety inspection.
- g. provide the operator, responsible person or delegated individual with the completed safety inspection record or access to the fully completed electronic record before the vehicle returns to service.
- h. by exception to clause (g)¹, provide written confirmation that the vehicle is declared roadworthy before the vehicle returned to service.
- i. The operator is informed of any subcontracted maintenance arrangements and their details listed in schedule 3.
- j. Any work carried out by a subcontractor must meet the conditions of this contract.

1. The operator agrees that they will –

- a. submit to the contractor each vehicle mentioned in Schedule 2 below in order that the contractor may, as regards that vehicle, comply with the provisions of Article 1 above:
 - b. pay to the contractor such reasonable charges as the contractor may make pursuant to their obligations under Article 1 above
 - c. retain, and make available for inspection by an officer mentioned in Section 42 of the Goods Vehicle (Licensing of Operators) Act 1995 or Public Passenger Vehicles Act 1981, every maintenance record mentioned in Article 1 above for a period of at least 15 months commencing with the date of its issue.
2. The contract should be reviewed periodically and updated when required.
3. This contract may be ended by either party giving an agreed period of notice in writing of their intention to terminate the contract.
- a. The agreed period of notice is (.....)

Schedule 1

Details of the operator license/s covered by this contract.

Licence Number	Centre address

¹ It will normally be expected that the safety inspection record will be provided or be available to the operator before the vehicle returns to service. However, exceptionally where it is not possible to provide the record at this time the contractor should supply written evidence that the vehicle is declared roadworthy in advance of the record.

Schedule 2

(Motor vehicles and trailers which are/which it is intended shall become used in accordance with an operator’s licence held/applied for by the operator under the Goods Vehicles (Licensing of Operators) Act 1995 or Part II of the Public Passenger Vehicles Act 1981)

1. Motor Vehicles
2. Trailers

The schedule provides: -

- Vehicle registration mark (VRM) and vehicle identification number (VIN)
- Trailer identification number (TIN) and trailer chassis number
- Make and model
- Any inspection items in addition to the safety inspection report detailed in the current GTMR
- Required safety inspection frequency for each vehicle and trailer asset

Schedule 3

Details of subcontractors

Subcontractors Name	Premises address	Vehicle/trailer details

Name & Signature(s), of operator

Name & Signature(s) of contractor

.....

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Whilst there is no longer the requirement to submit a maintenance contract to the Office of the Traffic Commissioner, it remains a requirement to have a contract in place with all providers including vehicles on rental and maintenance (R&M) contracts. Contracts must be retained on file and provided for inspection when required.