COMMERCIAL VEHICLE ROADWORTHINESS (ROADSIDE ENFORCEMENT) REGULATIONS 2018
S.I. No. 161 of 2018

COMMERCIAL VEHICLE ROADWORTHINESS (ROADSIDE ENFORCEMENT) REGULATIONS 2018

I, SHANE ROSS, Minister for Transport, Tourism and Sport in exercise of the powers conferred on me by sections 32 and 36 of the Road Safety Authority (Commercial Vehicle Roadworthiness) Act 2012 (No. 16 of 2012) and for the purpose of giving effect to Articles 4, 10 and 16(2) of Directive 2014/47/EU of the European Parliament and of the Council of 3 April 2014¹, hereby make the following regulations:

Citation and commencement
1. (1) These Regulations may be cited as the Commercial Vehicle Roadworthiness (Roadside Enforcement) Regulations 2018.

(2) These Regulations shall come into operation on 20 May 2018.

Interpretation
2. (1) In these Regulations—

“Act of 2012” means Road Safety Authority (Commercial Vehicle Roadworthiness) Act 2012 (No. 16 of 2012);

“combination of vehicles” means a mechanically propelled vehicle and a vehicle or vehicles drawn thereby;

“Commissioner” means Commissioner of the Garda Síochána;


“dispose of” includes sell or scrap;

“immobilisation device” means any device or appliance designed or adapted to be fixed to a vehicle for the purpose of preventing it from being driven or otherwise put in motion;

“initial inspection” has the meaning given to it by Regulation 4;

“inspection report” means—

(a) an inspection report referred to in Regulation 5,

¹OJ No. L 127, 29.4.2014, p. 134
²OJ No. L 127, 29.4.2014, p. 134

Notice of the making of this Statutory Instrument was published in “Iris Oifigiúil” of 18th May, 2018.
(b) an inspection report under the European Communities (Random Roadside Vehicle Inspection) Regulations 2003 (S.I. No. 227 of 2003) or a form used in lieu of that form under—

(i) the European Communities (Commercial Vehicles Roadside Check Forms) Regulations 2010 (S.I. No. 103 of 2010), or

(ii) the European Communities (Commercial Vehicles Roadside Check Forms) (Irish Language Form) Regulations 2011 (S.I. No. 88 of 2011),

or

(c) a technical roadside inspection report issued by a competent authority or inspector of another Member State in accordance with the Directive or Directive 2000/30/EC of the European Parliament and of the Council of 6 June 2000;3

“more detailed inspection” has the meaning given to it by Regulation 4;

“public services card” has the meaning given to it by section 263(1) (inserted by section 9(1) of the Social Welfare and Pensions Act 2010 (No. 37 of 2010)) of the Social Welfare Consolidation Act 2005 (No. 26 of 2005);

“vehicle detention notice” means a notice under Regulation 6;

“vehicle release form” means a form under Regulation 7;


(2) A word or expression that is used in these Regulations and is also used in the Directive has, unless the contrary intention appears, the same meaning in these Regulations as it has in the Directive.

(3) In these Regulations a reference to an Annex is to an Annex to the Directive.

(4) The following regulations are revoked:

(a) the European Communities (Random Roadside Vehicle Inspection) Regulations 2003 (S.I. No. 227 of 2003);

(b) the European Communities (Random Roadside Vehicle Inspection) (Amendment) Regulations 2004 (S.I. No. 98 of 2004);

(c) the European Communities (Commercial Vehicles Roadside Check Forms) Regulations 2010 (S.I. No. 103 of 2010);

(d) the European Communities (Commercial Vehicles Roadside Check Forms) (Irish Language Form) Regulations 2011 (S.I. No. 88 of 2011);

3OJ No. L 203, 10.8.2000, p. 1
(e) the European Communities (Random Roadside Vehicle Inspection) (Amendment) Regulations 2011 (S.I. No. 608 of 2011).

Application

3. (1) Subject to paragraph (2), these Regulations apply to the following vehicles irrespective of the country of registration of the vehicle:

(a) vehicles with more than 8 seats, excluding the driver's seat, used for the carriage of passengers and their luggage (categories M2 and M3) with a design speed exceeding 25km/hr;

(b) goods vehicles (categories N1, N2 and N3) with a design speed exceeding 25km/hr;

(c) trailers (categories O3 and O4) with a design speed exceeding 25km/hr;

(d) wheeled tractors in category T with a maximum design speed exceeding 40km/hr.

(2) These Regulations do not apply to vehicles owned or operated by the Garda Síochána or the Defence Forces.

(3) In this Regulation “category”, “goods vehicle” and “tractor” each has the same meaning as it has in the Vehicle Testing Regulations.

Roadside inspection

4. (1) An initial technical roadside inspection (“initial inspection”) shall include at least one of the following:

(a) a visual assessment of the maintenance condition of the vehicle when stationary;

(b) an examination of—

(i) any inspection report issued in respect of the vehicle no earlier than three months prior to the date of the initial inspection, or

(ii) any documentation attesting to the vehicle’s technical roadworthiness in particular, in the case of a vehicle put into service in a Member State, any certificate of roadworthiness or other proof that the vehicle has undergone a statutory technical roadworthiness test in accordance with the Directive or Directive 2009/40/EC of 6 May 2009\(^4\) on roadworthiness tests for motor vehicles and their trailers;

(c) an examination of the vehicle to verify that any defects indicated in a report or other documentation referred to in paragraph (b) has been rectified;

\(^4\)OJ No. L 141, 6.6.2009, p. 12
(d) subject to paragraph (5), an inspection for irregularities in relation to one or more of the items specified in point 1 of Annex II.

(2) Based on the outcome of the initial inspection a CVR inspector shall determine whether or not to carry out a more detailed technical roadside inspection (“more detailed inspection”) of the vehicle.

(3) Where a CVR inspector determines that a more detailed inspection is required the inspector may require that the vehicle be transported to a CVR testing centre for the purposes of the inspection.

(4) A more detailed inspection shall cover those items listed in Annex II that the CVR inspector considers necessary and relevant having regard, in particular, to the safety of the brakes, tyres, wheels and chassis, the particular defect, and the recommended methods applicable to the testing of those items.

(5) A CVR inspector shall have regard to the documents referred to in paragraph (1)(b) before carrying out a more detailed inspection and where these documents show that an inspection of an item listed in point 1 of Annex II was carried out during the period of three months immediately preceding the initial inspection, that item shall not be inspected again unless the CVR inspector is satisfied that there is an obvious defect or irregularity affecting such item.

Inspection Report

5. (1) On the completion of an inspection of a vehicle the CVR inspector shall draw up a report relating to the inspection and give a copy of it to the driver of the vehicle either—

(a) by hand, or

(b) with the consent of the driver, in electronic form by email.

(2) An inspection report shall be in the form set out in Schedule 1.

(3) The CVR inspector shall send a copy of the inspection report and any other documentation relating to the technical roadside inspection of a vehicle to the Authority.

Detention, immobilisation, removal and storage of vehicle

6. (1) Where a CVR inspector—

(a) is of the opinion that a vehicle is not roadworthy,

(b) is prevented from inspecting a vehicle, or

(c) believes that a vehicle is being used in breach of a direction, or of a requirement of a CVR inspector under section 34 of the Act of 2012,

he or she may detain, immobilise, remove and store the vehicle or make an arrangement with any other person for such immobilisation, removal and storage.
(2) Where a vehicle is detained under this section the CVR inspector who detains the vehicle shall do one of the following:

(a) place a notice stating that the vehicle, or part of a combination of vehicles, is under detention (referred to in these regulations as a “vehicle detention notice”) on or in the vehicle;

(b) hand a vehicle detention notice to the driver of the vehicle;

(c) with the consent of the driver, give the driver a copy of the vehicle detention notice in electronic form by email.

(3) A vehicle detention notice shall be in the form set out in Schedule 2.

(4) A person shall not remove or interfere with a vehicle detention notice or an immobilisation device affixed to a vehicle under this Regulation unless authorised to do so by an authorised officer or a member of the Garda Síochána.

Vehicle Release Form

7. (1) A vehicle detained under regulation 6 shall only be released on the production of a form signed by a member of the Garda Síochána authorising the release of the vehicle (“vehicle release form”).

(2) It shall be presumed, unless stated otherwise in the vehicle release form, that it is a condition of the release of the vehicle that it be towed.

(3) A vehicle release form may specify conditions to which the release of a vehicle is subject.

(4) An applicant for a vehicle release form shall—

(a) attend at a Garda station specified in the vehicle detention notice, and

(b) produce to a member of the Garda Síochána—

(i) a copy of the vehicle detention notice,

(ii) by way of identification, a valid driving licence, valid passport or valid public services card,

(iii) the vehicle registration book, vehicle licensing certificate, vehicle registration certificate or trailer certificate that names the registered owner of the vehicle,

(iv) in the case of a vehicle subject to a lease or similar arrangement, evidence of the identity of the person entitled to possession of the vehicle,

(v) where the applicant is not the owner of the vehicle or is not entitled to possession of the vehicle a statement signed by the owner authorising the applicant to obtain a vehicle release form
in respect of the vehicle and to recover and, subject to any con-
dition under which the vehicle is released, drive the vehicle,

(vi) where the applicant wishes to drive the vehicle on its release—

(I) evidence that, since the vehicle was detained, any defects that
resulted in the vehicle being detained have been repaired and
that the vehicle has been tested,

(II) a valid driving licence licensing the applicant to drive the
vehicle, and,

(III) a policy of insurance in respect of the use of the vehicle by
the applicant.

(4) A vehicle release form shall be in the form set out in Schedule 3.

**Release of detained vehicle**

8. (1) A vehicle that has been detained, immobilised, removed and stored in
accordance with Regulation 6 shall not be released until the person claiming
the vehicle—

(a) pays to the person who is in charge of the vehicle at the place where
it is detained the charges in respect of the detention, immobilisation,
removal and storage of the vehicle in accordance with Regulation
9, and

(b) produces to the person who is in charge of the vehicle at the place
where it is detained—

(i) a vehicle release form authorising the release of the vehicle to that
person, and

(ii) by way of identification, a valid driving licence, valid passport or
valid public services card,

and

(c) satisfies the person who is in charge of the vehicle at the place where
it is detained that the release is in accordance with any conditions
specified in the vehicle release form.

(2) Where a claimant satisfies the requirements specified in paragraph (1) the
vehicle shall be released as soon as is reasonably practicable.

(3) Where a vehicle is released under this section, the person who is in charge
of the vehicle at the place where it is detained who releases the vehicle shall
issue to the person claiming the vehicle a receipt stating—

(a) the name of the person who is in charge of the vehicle at the place
where it is detained who releases the vehicle,
(b) the registration number of the vehicle,

c) the date on which the vehicle was first stored under Regulation 6,

d) the address at which the vehicle was stored,

e) the amount of charges paid in respect of the detention, immobilisation, removal and storage of the vehicle in accordance with Regulation 9,

(g) the date and time at which the charges referred to in paragraph (e) were paid, and

(h) the reference number of the receipt.

Charges for detention, immobilisation, removal and storage

9. (1) Where a vehicle has been detained, immobilised, removed and stored in accordance with Regulation 6, the charges in respect of such detention, immobilisation, removal and storage of the vehicle shall be as follows:

(a) in the case of a vehicle with a design gross vehicle weight not exceeding 3,500 kg—

(i) €125 in respect of its detention, immobilisation, removal and storage for one day or a part of a day, and

(ii) €35 in respect of each further day or part of a day that it is stored, and

(b) in the case of a vehicle with a design gross vehicle weight exceeding 3,500kg—

(i) €250 in respect of its detention, immobilisation, removal and storage for one day or part of a day, and

(ii) €50 in respect of each further day or part of a day that it is stored.

(2) In the case of a combination of vehicles, each vehicle in the combination shall be subject to a charge under this Regulation.

(3) In this Regulation “design gross vehicle weight” has the same meaning as it has in the Vehicle Testing Regulations.

Disposal of unreleased vehicle

10. Subject to section 36(3) of the Act of 2012, where the owner of a vehicle which has been detained, immobilised, removed and stored in accordance with Regulation 6 has not claimed the vehicle or has not paid the charges due in accordance with Regulation 9, the Commissioner may, subject to Regulation 11, dispose of the vehicle in any manner he or she thinks fit.
Notice of intention to dispose of vehicle

11. (1) Where the Commissioner proposes to dispose of a vehicle in accordance with Regulation 10, the Commissioner shall—

(a) serve on the owner of the vehicle a notice of its intention to dispose of the vehicle, or

(b) where after reasonable enquiry, it has not been possible to ascertain the name and address of the owner of the vehicle, publish in at least one daily newspaper circulating in the area in which the vehicle was detained—

(i) a notice of intention to dispose of the vehicle, and

(ii) the Internet address of the website where the notice of intention to dispose of such vehicle may be viewed.

Claim by owner after disposal

12. Where, before the expiration of the period of one year commencing on the date of disposal of a vehicle by the Commissioner, a person satisfies the Commissioner that he or she was the owner of the vehicle at the time of its disposal, the Commissioner shall pay to him or her any proceeds from the disposal less the sum of the charges due for the detention, immobilisation, removal and storage of the vehicle and the expenses reasonably incurred in the disposal of the vehicle.
SCHEDULE 1

TECHNICAL ROADSIDE INSPECTION REPORT
EU Directive 2014/47/EU

1. PLACE OF CONTROL
   AREA CODE/COUNTY: LOCATION AND ROAD NUMBER:
   ENFORCEMENT OFFICER: DATE: TIME:

2. VEHICLE
   REGISTRATION NUMBER: CRW Expiry Date: CATEGORY: VIN: MILES/MAI:

3. TRAILER
   REGISTRATION NUMBER: CRW Expiry Date: CATEGORY: VIN:

4. OPERATOR/OWNER DETAILS
   OPERATOR/OWNER TRAILER OWNER
   NAME: NAME:
   ADDRESS: ADDRESS:
   RTO/ NUMBER: NATIONALITY:
   PHONE NUMBER: NATIONALITY:

5. DRIVER DETAILS
   NAME: DRIVER’S LICENCE NUMBER:
   DATE OF BIRTH: PHONE NUMBER:

6. INFRINGEMENTS (Initial Inspection)

   - CRW expired
   - CRW not displayed
   - Authorisation plate not compatible
   - Presenting vehicle weight exceeds plated weight
   - Authorisation plate missing
   - Presenting axle weight exceeds plated weight
   - Previous inspection report (Within 3 months)
   - Previous inspection report (Within 3 months)

7. DEFECTS (Detailed inspection)

<table>
<thead>
<tr>
<th>VEHICLE</th>
<th>TRAILER</th>
<th>RESULT OF CHECK</th>
</tr>
</thead>
<tbody>
<tr>
<td>PASSED</td>
<td>FAILED</td>
<td>NOT CHECKED</td>
</tr>
<tr>
<td>PASSED</td>
<td>FAILED</td>
<td>NOT CHECKED</td>
</tr>
<tr>
<td>VEHICLE</td>
<td>TRAILER</td>
<td></td>
</tr>
</tbody>
</table>

   - Identification
   - Braking equipment
   - Steering
   - Visibility
   - Lighting equipment & electric systems
   - Ares, wheels, tires, suspension
   - Chassis and chassis attachments
   - Other equipment incl. Tachograph & speed limitation device
   - Noise including emissions and spillage of lubricant and/or oil

8. OUTCOME

<table>
<thead>
<tr>
<th>V T</th>
<th>V T</th>
</tr>
</thead>
<tbody>
<tr>
<td>No action required</td>
<td>Warning/advice/education</td>
</tr>
<tr>
<td>Partial CVR test in ___ days</td>
<td>Produce CRW</td>
</tr>
<tr>
<td>Vehicle taken off road</td>
<td>New authorised plate and confirmation from authorised workshop requested in ___ days</td>
</tr>
<tr>
<td>Proof of trailer licence in ___ days</td>
<td>New authorised plate and confirmation from authorised workshop requested in ___ days</td>
</tr>
<tr>
<td>Prohibition – immediate</td>
<td>Prohibition – delayed</td>
</tr>
<tr>
<td>Put forward for prosecution</td>
<td></td>
</tr>
</tbody>
</table>

9. SIGNATURE
   VEHICLE INSPECTOR’S SIGNATURE: DRIVER’S SIGNATURE:

PLEASE NOTE: A limited visual assessment of the condition of the vehicle has been conducted under restricted circumstances and without the use of test equipment, such as a trailer brake tester. As such, there may be defects on the vehicle that have not been identified but which could affect the roadworthiness of the vehicle. It must not be interpreted that the vehicle has undergone a full examination and is otherwise free from defects. It is the responsibility of the owner of the vehicle that an effective maintenance system is in place to ensure that it is maintained in a roadworthy condition. Where Court proceedings are initiated by the Road Safety Authority against a person or company for alleged offences of road transport related regulation, relevant details of the person or company convicted and the penalty applied by the Court are published on the RSA website at www.tra.ie

* Periodic CVR test as defined by the Commercial Vehicle Roadworthiness (Vehicle Testing) (Amendment) Regulations 2018 (S.I. No. 127 of 2018)
* Partial CVR test as defined by the Commercial Vehicle Roadworthiness (Vehicle Testing) Regulations 2013 (S.I. No. 347 of 2013)
### DEFECT CATEGORISATION

#### 3. IDENTIFICATION OF THE VEHICLE

<table>
<thead>
<tr>
<th>CATEGORY OF VEHICLE</th>
<th>N1 (≤ 3.5 tonnes)</th>
<th>N2 (≤ 3.5 tonnes to 12 tonnes)</th>
<th>N3 (≤ 12 tonnes)</th>
<th>M1 (&lt; 9 seats ≤ 5 tonnes)</th>
<th>M3 (&gt; 9 seats ≤ 5 tonnes)</th>
<th>O3 (&gt; 3.5 tonnes to 10 tonnes)</th>
<th>O4 (&gt; 10 tonnes)</th>
<th>Tractor (Categories 7 &gt; 40km/h)</th>
<th>OTHER VEHICLE CATEGORY</th>
</tr>
</thead>
</table>

#### 1. BRAKING EQUIPMENT

| 1.1 | Mechanical condition and operation | 2.2 | Steering wheel condition | 4.9 | Tell-tale mandatory for lighting equipment | 7.1.4 | Safety belt pre-tensioners |
| 1.1.1 | Service brake pedal pivot | 2.2.2 | Steering column & dampers | 4.9.1 | Condition and operation | 7.1.5 | Airbag |
| 1.1.2 | Footwear | 2.3 | Steering play | 4.9.2 | Compliance with requirements | 7.1.6 | SRS system |
| 1.1.3 | Pedal | 2.4 | Wheel alignment | 4.10 | Electrical connections between towing vehicle and trailer or semi-trailer | 7.2 | Fire extinguisher |
| 1.1.4 | Pedal condition and travel of brake operating device | 3 | VISIBILITY | 4.13 | Battery | 7.3 | Locks and anti-theft device |
| 1.1.5 | Pedal condition | 3.1 | Field of vision | 5 | AXLES, WHEELS, TYRES AND SUSPENSION | 7.6 | Wheel chocks (wedges) |
| 1.1.6 | Visibility | 3.2 | Condition of glass | 5.1 | Axles | 7.7 | Airbag warning device |
| 1.1.7 | Hand-operated brake control | 3.3 | Rear-view mirrors or devices | 5.1.1 | Axles | 7.8 | Speedometer |
| 1.1.8 | Brake lights | 3.4 | Windscreen wipers | 5.1.2 | Stub axles | 7.9 | Tachograph |
| 1.1.9 | Service brake light | 3.5 | Windscreen wipers | 5.1.3 | Wheel bearings | 7.10 | Speed limitation device |
| 1.1.10 | Parking brake | 3.6 | Dimming system | 5.2 | Wheels and tyres | 7.11 | Odometer |
| 1.1.11 | Parking brake actuating (spring brakes) | 4 | LAMPS, REFLECTORS, ELECTRICAL EQUIPMENT | 5.2.1 | Road wheel hub | 7.12 | Electronic stability control (ESC) |
| 1.1.12 | Parking brake (electric and pneumatic) | 4.1 | Headlamps | 5.2.2 | Wheels | 8 | MIRROURS |
| 1.1.13 | Energy storage system pressure tank | 4.1.1 | Condition and operation | 5.2.3 | Tyres | 8.1 | Noise suppression system |
| 1.1.14 | brake servo unit | 4.1.2 | Alignment | 5.3 | Suspension system | 8.2 | Exhaust emissions |
| 1.1.15 | Master cylinder (hydraulic systems) | 4.1.3 | Switching | 5.3.1 | Springs and stabilisers | 8.2.1 | Petrol engine emissions |
| 1.1.16 | Master cylinder | 4.1.4 | Compliance with requirements | 5.3.2 | Shock absorbers | 8.2.1.1 | Exhaust emission control equipment |
| 1.1.17 | Brake pipe, hose | 4.1.5 | Leveling devices | 5.3.3 | Torque tubes, radius arms, wishbones and suspension arms | 8.2.1.2 | Gaseous emissions |
| 1.1.18 | Brake pipes, etc. (steel, brake hoses) | 4.1.6 | Headlamp cleaning device | 5.3.4 | Suspension joints | 8.2.2 | Diesel engine emissions |
| 1.1.19 | Brake drums, brake discs | 4.2 | Front and rear position lamps, side marker lamps and emergency marker lamps | 5.3.5 | Air suspension | 8.2.2.1 | Exhaust emission control equipment |
| 1.1.20 | Brake drums, brake disc | 4.2.1 | Rearview mirror | 5.3.6 | Spare wheel carrier | 8.2.2.1.1 | Opacity |
| 1.1.21 | Disc brakes | 4.2.2 | Switching | 5.3.7 | Chassis or frame attachments | 8.3 | Electromagnetic interference suppression |
| 1.1.22 | Automatic operation of trailer brakes | 4.2.3 | Switching | 6.1 | Chassis or frame attachments | 8.4 | Other items relating to the boat |
| 1.1.23 | Parking brake | 4.2.4 | Stop lamps | 6.1.1 | General condition | 8.4.1 | Visible smoke |
| 1.1.24 | Test connections | 4.2.5 | Switching | 6.1.2 | Exhaust pipes and silencers | 8.4.2 | Fluid leaks |
| 1.1.25 | Overrun | 4.2.6 | Switching | 6.1.3 | Fuel tank and pipes (including heating fuel tank and pipes) | 9 | SUPPLEMENTARY TESTS FOR CATEGORY M2 & M3 VEHICLES |
| 1.1.26 | Overlap | 4.2.7 | Switching | 6.1.4 | Bumpers, lateral protection and rear under runs devices | 9.1 | Doors |
| 1.1.27 | Service braking performance and efficiency | 4.3 | Compliance with requirements | 6.1.5 | Spare wheel carrier | 9.1.1 | Entrance and exit doors |
| 1.1.28 | Service braking performance and efficiency | 4.3.1 | Condition and operation | 6.1.6 | Coupling mechanisms and towing equipment | 9.1.2 | Emergency exits |
| 1.1.29 | Secondary (emergency) braking performance and efficiency | 4.3.2 | Switching | 6.1.7 | Transmission | 9.2 | Demisting and defrosting systems |
| 1.1.30 | Secondary (emergency) braking performance and efficiency | 4.3.3 | Compliance with requirements | 6.1.8 | Engine mountings | 9.3 | Ventilation & Heating Systems |
| 1.1.31 | Secondary (emergency) braking performance and efficiency | 4.3.4 | Flicking frequency | 6.1.9 | Engine performance | 9.4 | Seats |
| 1.1.32 | Secondary (emergency) braking performance and efficiency | 4.3.5 | Compliance with requirements | 6.1.10 | Suspension | 9.4.1 | Passenger seats |
| 1.1.33 | Secondary (emergency) braking performance and efficiency | 4.4 | Compliance with requirements | 6.2 | Chassis and bodywork | 9.4.2 | Driver's seat |
| 1.1.34 | Secondary (emergency) braking performance and efficiency | 4.4.1 | Condition and operation | 6.2.1 | Condition | 9.5 | Interior lighting & destination device |
| 1.1.35 | Secondary (emergency) braking performance and efficiency | 4.4.2 | Switching | 6.2.2 | Mounting | 9.6 | Gangways, standing areas |
| 1.1.36 | Secondary (emergency) braking performance and efficiency | 4.4.3 | Complacency | 6.2.3 | Doors and door catches | 9.7 | Seats |
| 1.1.37 | Secondary (emergency) braking performance and efficiency | 4.4.4 | Switching | 6.2.4 | Floor | 9.8 | Passenger communication system |
| 1.1.38 | Secondary (emergency) braking performance and efficiency | 4.4.5 | Compliance with requirements | 6.2.5 | Driver's seat | 9.9 | Seats |
| 1.1.39 | Secondary (emergency) braking performance and efficiency | 4.4.6 | Reversing lamps | 6.2.6 | Other seats | 9.10 | Requirements regarding the transportation of children |
| 1.1.40 | Secondary (emergency) braking performance and efficiency | 4.4.7 | Compliance with requirements | 6.2.7 | Driving controls | 9.10.1 | Doors |
| 1.1.41 | Secondary (emergency) braking performance and efficiency | 4.4.8 | Switching | 6.2.8 | Cab steps | 9.10.2 | Signalling and special equipment |
| 1.1.42 | Secondary (emergency) braking performance and efficiency | 4.4.9 | Compliance with requirements | 6.2.9 | Mudguards (wings), spray suppression devices | 9.11 | Requirements regarding the transportation of persons with reduced mobility |
| 1.1.43 | Secondary (emergency) braking performance and efficiency | 4.4.10 | Rearview plate lamp | 6.3 | Additional equipment | 9.11.1 | Doors, ramps and lifts |
| 1.1.44 | Secondary (emergency) braking performance and efficiency | 4.4.11 | Rearview plate lamp | 6.3.1 | Additional equipment | 9.11.2 | Wheelchair restraint system |
| 1.1.45 | Secondary (emergency) braking performance and efficiency | 4.4.12 | Compliance with requirements | 6.3.2 | Additional equipment | 9.11.3 | Signalling and special equipment |
SCHEDULE 2

Regulation 6

VEHICLE DETENTION NOTICE

The vehicle specified below has been detained under the Commercial Vehicle (Roadside Enforcement) Regulations 2018.

If the vehicle is not reclaimed in accordance with this notice from the location specified below before __________ 20__, it may be disposed of, sold or destroyed and the proceeds used to pay the charges of its removal, storage and disposal.

Issued at ______________________

on ___ _________ 20___

at _________: _________

Issued by ______________________

Signature of CVR inspector detaining vehicle

__________________________

Name of CVR Inspector (Block Capitals)

__________________________

Signature of Driver

__________________________
### PART A — VEHICLE DESCRIPTION AND REASON FOR DETENTION

<table>
<thead>
<tr>
<th>Registration No./Trailer No.</th>
<th>Make</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Model</td>
</tr>
<tr>
<td></td>
<td>Reason for detention (delete as appropriate)</td>
</tr>
<tr>
<td></td>
<td>Defects rendering vehicle unroadworthy</td>
</tr>
<tr>
<td></td>
<td>Technical Roadside Inspection Report reference number</td>
</tr>
<tr>
<td></td>
<td>Name of driver and driving licence No.</td>
</tr>
<tr>
<td></td>
<td>Name of CVR inspector</td>
</tr>
<tr>
<td></td>
<td>Address of CVR inspector</td>
</tr>
<tr>
<td></td>
<td>CVR Inspector contact details</td>
</tr>
</tbody>
</table>

- Vehicle not roadworthy
- Inspection prevented
- Breach of direction or requirement of CVR inspector under section 34
PART B — VEHICLE RELEASE INFORMATION

In order to have the vehicle specified released, the owner of the vehicle or a person authorised by the owner must attend one of the Garda Stations specified below and obtain a vehicle release form signed by a member of the Garda Síochána.

An applicant for a vehicle release form must bring to the Garda Station each of the following:

- a copy of the Vehicle Detention Notice placed on/in the vehicle or handed to the driver,
- a valid driving licence, public services card or passport in his or her name,
- the vehicle registration book, vehicle licensing certificate, vehicle registration certificate or trailer certificate that names the registered owner of the vehicle,
- in the case of a vehicle subject to a lease or similar arrangement, evidence of the identity of the person entitled to possession of the vehicle,
- where the applicant is not the owner of the vehicle or is not entitled to possession of the vehicle, a statement signed by the owner authorising the applicant to obtain the vehicle release form and to recover and, where permitted, drive the vehicle.

An applicant who wishes to drive the vehicle on its release must also bring with them to the Garda Station each of the following:

- evidence that, since the vehicle was detained, the defects specified in this form have been repaired and that the vehicle has been tested,
- a valid driving licence, licensing him or her to drive the vehicle, and
- a policy of insurance covering the use of the vehicle by him or her.

<table>
<thead>
<tr>
<th>List of Garda Stations</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
</tr>
<tr>
<td></td>
</tr>
<tr>
<td></td>
</tr>
</tbody>
</table>
PART C — RECLAIMING THE VEHICLE

In order to have the vehicle released the applicant must do each of the following:

- attend the storage facility where the vehicle is detained and pay all the charges for the detention, immobilisation, removal and storage of the vehicle, and

- produce to the person in charge, the vehicle release form and the passport, public services card or driver’s license that he or she produced at the Garda Station.

The charges that apply to detained vehicles are as follows:

**Vehicle with a design gross weight of 3,500kg or less**

(a) for the detention, removal & storage of the vehicle: €125.00

(b) after the initial 24 hours for each subsequent 24 hour period or part thereof: €35

**Vehicle with a design gross weight of more than 3,500kg**

(a) for the detention, removal & storage of the vehicle: €250.00

(b) after the initial 24 hours for each subsequent 24 hour period or part thereof: €50

A charge will apply to each vehicle in a combination of vehicles.

<table>
<thead>
<tr>
<th>Name and address of site where vehicle is detained/immobilised</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Contact Details</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
</tr>
</tbody>
</table>

NOTES:

**Prosecution:** You should be aware that you may be prosecuted for the defects that caused the vehicle to be detained and removed to an impound site or for failing to permit an inspection of the vehicle at a roadside check.

You must not take the defects recorded on the roadside check form as an indication that there are no other defects on the vehicle.

**Personal belongings:** Any personal belongings should be removed from the vehicle prior to it being removed from the roadside inspection site.
SCHEDULE 3

Regulation 7

VEHICLE RELEASE FORM

To ____________________________________________

Name and address of the operator of the location at which the vehicle is detained.

This form authorises you to release the vehicle described in Part A to the person named in Part B subject to the conditions contained in Part C on payment of any charges in respect of the detention, immobilisation, removal and storage of the vehicle in accordance with the Commercial Vehicle Roadworthiness (Roadside Enforcement) Regulations 2018.

PART A

<table>
<thead>
<tr>
<th>Vehicle Registration No.</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Trailer Licence No.</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Make</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Model</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
</tr>
</tbody>
</table>

PART B

<table>
<thead>
<tr>
<th>Name of person</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Address of person</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Form of identification:</th>
<th>Record No.</th>
</tr>
</thead>
<tbody>
<tr>
<td>Driving License</td>
<td></td>
</tr>
<tr>
<td>Public Services Card</td>
<td></td>
</tr>
<tr>
<td>Passport</td>
<td></td>
</tr>
</tbody>
</table>
PART C

Release of Vehicle subject to condition that it not be driven: Yes/No [delete as appropriate]

Any other conditions subject to which release is authorised:

Signed: __________________________ Sergeant/Garda

Registered No: _______________________

Station: _______________________

Authorisation Date: _______________________

Garda Station Stamp
## Garda use only

<table>
<thead>
<tr>
<th>No</th>
<th>Documents Presented</th>
<th>Details</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>Copy of notice of detention of vehicle</td>
<td></td>
</tr>
<tr>
<td>2</td>
<td><strong>Evidence of identification:</strong> driving licence, passport, or public services card</td>
<td></td>
</tr>
<tr>
<td>3</td>
<td><strong>Proof of ownership:</strong> Vehicle Registration book, vehicle licensing certificate or trailer certificate that names the registered owner of the vehicle</td>
<td></td>
</tr>
<tr>
<td>4</td>
<td><strong>Evidence of lease or hire purchase agreement</strong></td>
<td>(applicable only in cases where the vehicle is subject to a lease or hire purchase agreement)</td>
</tr>
<tr>
<td>5</td>
<td><strong>Applicants authority:</strong></td>
<td>(a) Authority letter signed by the owner that the applicant is authorised to obtain the vehicle release form; and</td>
</tr>
<tr>
<td></td>
<td></td>
<td>(b) Copy of the owner/operator’s passport, public services card or driving licence as proof of signature</td>
</tr>
<tr>
<td>6</td>
<td><strong>Vehicle to be released to be driven:</strong></td>
<td>(a) Proof that any defects which caused the vehicle to be detained have been repaired and the vehicle tested;</td>
</tr>
<tr>
<td></td>
<td></td>
<td>(b) Valid driving licence in respect of applicant driving the vehicle;</td>
</tr>
<tr>
<td></td>
<td></td>
<td>(c) Valid policy of insurance in respect of the use of the vehicle by the applicant.</td>
</tr>
</tbody>
</table>

GIVEN under my Official Seal,  
14 May 2018.

L.S.

SHANE ROSS,  
Minister for Transport, Tourism and Sport.
EXPLANATORY NOTE

(This note is not part of the Instrument and does not purport to be a legal interpretation).

It is proposed that the attached Commercial Vehicle Roadworthiness (Roadside Enforcement) Regulations 2018 be made under Sections 32 and 36 of the RSA (CVR) Act 2012, in order to facilitate more effective enforcement of roadworthiness requirements at the roadside, improve road safety, and to deliver on a core requirement of the CVR Reform Programme.