



Vehicle & Operator Services Agency

From: **Information Access**
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Our Ref: **F0002562**

Date: 9th April 2010

Dear

FREEDOM OF INFORMATION ACT 2000

I refer to your letter of 6th April 2010 requesting information about guidance in respect of Formal Warning Reviews within the MOT Scheme.

You have asked for is as below:

This specific information is to assess guidance has been followed by the appeal team

How a case is determined what guidance is laid down and followed by the appeal team

In particular guidance (reviewing formal warnings)

The response in respect of this request is as follows:

The work undertaken by MOT Appeals in relation to statutory appeals and the non statutory review of formal warnings is conducted using the following documentation sets;

The Motor Vehicles (Tests) Regulations 1981(as amended)

The MOT Testing Guide (5th and 6th editions as appropriate)

The MOT Inspection Manuals appropriate to the class of vehicle

Special Notices issued in respect of specific classes of vehicle or general MOT Scheme information as in issue at the time.

VOSA Operating Instructions for the relevant MOT activity.

All disciplinary action is subject to a review on the basis of lawfulness, reasonableness, fairness and proportionality.

All judgements are made on the basis of balance of probability as detailed in Section I.2.2 of The MOT Testing Guide (6th Edition).

If you have any queries about this letter, please contact us, quoting reference **F0002562**.

If you are unhappy with the response provided, you may ask for an internal review. To request an internal review, please write to:

VOSA Corporate Office,
Berkeley House,
Croydon Street,
Bristol,
BS5 0DA

or email vosa.corporateoffice@vosa.gsi.gov.uk

giving the reasons for your dissatisfaction. It will help us if you quote the reference number for your case.

If you do not agree with the outcome of the internal review, you may lodge an appeal with the Information Commissioner (www.informationcommissioner.gov.uk). The Information Commissioner is an independent official appointed by the Crown to oversee the Data Protection Act 1998, the Freedom of Information Act 2000 and the Environmental Information Regulations 2004.

The Information Commissioner can consider complaints about any aspect of the way in which requests for information have been handled. Please note: the Information Commissioner would be unlikely to consider your complaint if you have not first requested an internal review.

You can write to the Information Commissioner at:

The Information Commissioner's Office
Wycliffe House,
Water Lane,
Wilmslow,
Cheshire
SK9 5AF

Yours sincerely

VOSA Information Access