

CVR-7

APPLICATION FOR Transfer of a CVR test operator authorisation held by a natural person to a company controlled by the CVR test operator.



Tástáil Ródacmhainneachta um Fheithiclí Tráchtála
Commercial Vehicle Roadworthiness Testing

Who this application form is for:

Sole traders or partnerships who hold an existing authorisation as a CVR test operator and wish to transfer his or her authorisation to a company in which he or she holds a majority of the shares must use this form.

How to fill this form

Print the form and fill it in manually in **black ink**, using CAPITAL LETTERS.

When you have filled in the form, print it out, **sign the declaration** at section 7, and submit it, along with the supporting documents, to the address shown below.

**Submit this application form
along with the required
supporting documents to:**

**CVR Authorisation Unit
Road Safety Authority
Clonfert House
Bride Street
Loughrea H62 ET93
Co. Galway**

If you require any further information concerning the completion of this form, you can contact us by email at CVRAuthorisations@rsa.ie.

Checklist

Applications will be accepted only if they are fully completed with all necessary documentation enclosed. Incomplete application forms will be returned to the applicant. Please tick the checklist below to confirm that all necessary documentation is enclosed.

For clarity the transferor referred to in this document is the natural person/sole trader/partnership and the transferee is the proposed limited liability company.

Tick	Required Documentation
<input type="checkbox"/>	Proof of the proposed limited liability company's current tax compliance (see Section 5.2 of this form for further information).
<input type="checkbox"/>	Documentation demonstrating that the proposed limited liability company has sufficient financial resources to provide CVR testing in respect of the authorisation being sought to be transferred or has access to such resources (see Section 5.1 of this form for further information).
<input type="checkbox"/>	A letter from the proposed limited liability company's insurance company (<i>not its broker</i>) detailing the insurance cover provided (see Section 5.3 of this form for further information).
<input type="checkbox"/>	If applicable, a completed and signed Conviction Notification Form. See Appendix A.
<input type="checkbox"/>	Proof that you, i.e. the transferor, owns a majority of shares in the proposed limited liability company, i.e. the transferee (see Section 4.1 of this form for further information).

The Road Safety Authority reserves the right to seek additional information from you regarding your application.

Data protection

Please note that all of the information requested on this form is necessary for the purposes of processing your application. If you fail to answer any of the questions set out in the application form, it will not be possible to process your application for the transferral of your existing authorisation to the proposed limited liability company.

The details set out in your application form will be processed by the RSA and/or its service providers solely for the purposes of processing your application and, where you are successful, managing your authorisation as a CVR test operator or as otherwise permitted by law including, but not limited to, any use or disclosure of data permitted under the Road Safety Authority (Commercial Vehicle Roadworthiness) Act 2012.

The RSA will process your details in accordance with its obligations under the General Data Protection Regulation (“GDPR”) and the Data Protection Act 2018 (the “DPA”). This includes taking all reasonable steps, including appropriate technical and organisational security measures, to protect personal data. Further details on the RSA privacy policy can be found on <https://rsa.ie/Utility/Privacy/>

The RSA may disclose personal data to its agents, contractors and service providers to the extent reasonably required for the purposes described above.

You have the following rights, in certain circumstances and subject to certain restrictions, in relation to your personal data:

- The right to access your personal data
- The right to request the rectification and/or erasure of your personal data
- The right to restrict the use of your personal data
- The right to object to the processing of your personal data

If you wish to exercise any of the rights set out above, please contact us at dataprotection@rsa.ie.

1. Current authorised operator (transferor) details: individual/sole trader/partnership

	First name	Surname
Sole Trader		
Partnership/Unincorporated Association (List first and last names for all partners)		
Partnership/Unincorporated Association (Specify the number of association officers)		
CVR test operator Authorisation Number		
Trading name		
Testing Centre Address		

2. Proposed Limited Liability Company (transferee) details:

General details

Company name	
Trading name (if different from above)	
Registered address	
Business address	
Company registration number	
Phone number	
Email address	

Contact person in relation to this application

First name			
Surname			
Position			
Phone number		Mobile phone number	
Email address			

Nature of business activity

Please indicate the nature of your business activity — tick all the boxes that apply.

<input type="checkbox"/>	Repair garage
--------------------------	---------------

<input type="checkbox"/>	Dealership
--------------------------	------------

<input type="checkbox"/>	Testing centre
--------------------------	----------------

<input type="checkbox"/>	Licensed road haulage operator
--------------------------	--------------------------------

<input type="checkbox"/>	Own account haulage operator
--------------------------	------------------------------

<input type="checkbox"/>	Bus operator
--------------------------	--------------

<input type="checkbox"/>	Other
--------------------------	-------

If Other, please specify:

--

Number of company officers

Specify the number of company officers (directors) and company secretary

--

Details of company directors and the company secretary

Please provide details of **all** directors and **the company secretary**.

First name			
Surname			
Position			
Address			
Email address		PPS Number	
Phone number		Mobile phone number	

First name			
Surname			
Position			
Address			
Email address		PPS Number	
Phone number		Mobile phone number	

First name			
Surname			
Position			
Address			
Email address		PPS Number	
Phone number		Mobile phone number	

Provide additional copies of this page if necessary

Additional page no _____

3. Date of application

Enter the date of application

4. Effective date of transfer requested, i.e. the date on which you would like the transfer to come into effect.

Enter requested date of transfer

4.1 Evidence that transferor(s) holds a majority of shares in the transferee company.

Provide evidence that the transferor holds a majority of shares in the transferee company.

Please provide a certified copy of transferee company's Register of Members showing the transferor(s) as majority shareholder(s) in the company together with a statement confirming the validity of the Register and that the Register is up to date.

5. Financial resources, tax clearance and insurance requirements

5.1 Financial resources

Applicants are required to demonstrate that the proposed limited liability company (transferee) has, or has the capacity to obtain, the necessary financial resources to provide CVR testing in respect of the authorisation being sought to be transferred.

Applicants are required to submit financial statements of the proposed limited liability company (transferee) as set out below. If the proposed limited liability company (transferee) is a subsidiary of a group, the information is required for both the subsidiary and the parent company.

- (a) **If audited accounts are available:** a copy of audited annual accounts in the name of the transferee that cover the last two years of trading or, if the transferee has been trading for less than two years, for the period of trading that is available.
- (b) **If audited accounts are not available:** a copy of unaudited annual accounts that cover the past two years of trading or, if the transferee has been trading for less than two years, for the period of trading that is available. If submitting unaudited accounts, the following must also be submitted:
 - (i) An accountant's letter stating that, to the best of their knowledge and based on the information provided to them, the accounts are a fair representation of the financial position of the transferee; and
 - (ii) A letter from the transferee's bank confirming that the transferee has the necessary financial resources.

In either case (a) or (b), the following must also be submitted:

A cash flow projection showing the timing and level of investment required for the testing business. This must be accompanied by an accountant's letter stating that, to the best of their knowledge and based on the information provided to them, in their opinion, the transferee has the resources in place to provide testing under the authorisation being sought to be transferred.

5.2 Tax clearance

It must be demonstrated that the proposed limited liability company (transferee) is tax compliant at the time of this application. This requirement can be fulfilled by providing the Tax Reference Number and the Tax Clearance Access Number for the transferee company, which can be printed from the Revenue Online Service (ROS) (Tax Clearance Application Result section).

5.3 Insurance cover

A letter from the transferee's insurance company (not its broker) is required to be submitted with this application specifying the level of insurance cover held by the transferee for public liability and professional liability. This cover should meet the requirements set out in the RSA's *Premises and Equipment Guidelines for CVR Test Operators*, which is available on the RSA website at <https://www.cvrt.ie/en/About-CVRT/Pages/Become-a-CVR-test-centre.aspx> The RSA will be seeking confirmation that the transferee complies with the minimum levels of insurance cover.

The Road Safety Authority reserves the right to seek additional information from either you or the transferee regarding the transferee's financial resources and insurance cover.

6. Fit and proper person requirement

The Road Safety Authority **must** be satisfied that the transferee is a 'fit and proper person' to hold an authorisation as a CVR test operator. If the Road Safety Authority determines that the transferee is not a 'fit and proper person' to hold such authorisation, it may consequently refuse the application for the transferal of the authorisation from the transferor to the transferee.

6.1 Notification of specified offences

In applying for transfer of authorisation from a CVR test operator who is a natural person to a company, the applicant(s) must notify the Road Safety Authority if either they or the transferee, including **each director and the company secretary of the transferee**, has been convicted in the State or in any other jurisdiction of any of the offences specified in Section 12(1) of the Road Safety Authority (Commercial Vehicle Roadworthiness) Act 2012 (See Appendix A of this form).

Step	Question	Please answer by ticking the appropriate boxes below, and then proceed as indicated.	
Step 1	Have you (as a sole trader) <i>or</i> any director or the company secretary of the transferee <i>or</i> any partner or member of the committee of management of your unincorporated association ever been convicted of an offence specified in Section 12(1) of the 2012 Act?	No	Proceed to Section 7 (next page)
		Yes	Proceed to Step 2 (i.e. next row).
Step 2	Have details of ALL such conviction(s) previously been submitted to the Road Safety Authority?	Yes	Proceed to Section 7 (next page)
		No	Proceed to Step 3 below.
Step 3	Enclose with your application a Conviction Notification Form completed by each person convicted, in respect of each specified offence of which they were convicted (see Appendix A).		

WARNING: Failure to notify the Road Safety Authority of such a conviction or providing information to the Authority knowing it to be false or misleading is a criminal offence and may result in the Road Safety Authority determining that **you are not a fit and proper person** to hold an authorisation and the refusal of the application to transfer the authorisation to the transferee and/or the suspension or revocation of the existing authorisation held by you.

7. Declaration

I/We confirm that all information concerning the authorisation of the transferor as provided for in the original application for authorisation as a CVR test operator remain accurate and valid.

I/We wish to apply for transfer of the transferor's authorisation as a CVR test operator to the transferee.

I/We hereby confirm that the transferor(s) holds a majority of shares in the transferee company.

I/We hereby declare that the information furnished in this application is complete, true and accurate.

I/We consent to the Authority verifying the accuracy of any information furnished in this application.

I/We confirm that that the transferee has the capacity to obtain the necessary financial resources to provide CVR testing under the authorisation if transferred.

I/We hereby confirm that we will notify any changes to any details in this application to the Authority during the application process (for example, change of address, change in financial status, changes to directors or the secretary of the company, or any other changes) that might affect the authorisation.

I/We confirm that we will (during the period of authorisation) notify the Road Safety Authority if we are convicted of any of the offences specified in Section 12(1) of the Road Safety Authority (Commercial Vehicle Roadworthiness) Act 2012 within 28 days of the expiry of the time allowed for appealing such conviction or the determination or withdrawal of the appeal of such conviction

Who must sign:

Transferor:

- For an application from an individual / sole trader: the individual must sign.
- For an application from an unincorporated association: each partner or member of the committee of management must sign.

First name	Surname	Position	Signature

Transferee:

- Each director and the company secretary must sign.

First name	Surname	Position	Signature

Provide additional copies of this page if necessary.

Appendix A: Notification of a conviction for an offence specified in Section 12(1) of the Road Safety Authority (Commercial Vehicle Roadworthiness) Act 2012

Section 12 of the Road Safety Authority (Commercial Vehicle Roadworthiness Act) 2012 obliges holders of an authorisation to notify the Road Safety Authority in writing if he or she, or, in the case of a company, any director or the company secretary, or, in the case of an unincorporated association, any partner or member of the committee of management, has been convicted in the State or any other jurisdiction of any of the following offences:

- (a) Murder
- (b) Manslaughter
- (c) A drug trafficking offence (within the meaning of the Criminal Justice Act 1994)
- (d) An offence under the Non-Fatal Offences Against the Person Act 1997
- (e) An offence under section 2 of the Illegal Immigrants (Trafficking) Act 2000
- (f) A sexual offence (within the meaning of section 3 of the Sex Offenders Act 2001)
- (g) An offence under the Criminal Justice (Theft and Fraud Offences) Act 2001,
- (h) An offence under the Criminal Law (Human Trafficking) Act 2008,
- (i) An offence relating to money laundering under Part 2 of the Criminal Justice (Money Laundering and Terrorist Financing) Act 2010
- (j) An offence under the Firearms Acts 1925 to 2009
- (k) An offence under the Road Safety Authority (Commercial Vehicle Roadworthiness) Act 2012
- (l) An offence relating to the fitting of a tachograph manipulation device or the improper use of a tachograph calibration certificate under the European Communities (Road Transport) (Working Conditions and Road Safety) Regulations 2008 (S.I. No. 62 of 2008)
- (m) An offence consisting of attempting or conspiring to commit, or aiding, abetting, counselling, soliciting, procuring or inciting the commission of any offence mentioned in paragraphs (a) to (l)
- (n) An offence under the law of another jurisdiction which corresponds to an offence mentioned in paragraphs (a) to (m), where the conduct constituting the offence under the law of that other jurisdiction would, if committed in the State, constitute an offence referred to in any of those paragraphs

In the case of the holder of an authorisation, this notification should be made within 28 days of the expiry of the time allowed for appealing such conviction or of the determination or withdrawal of the appeal of such conviction.

It is very important that notifications be made in accordance with the provisions of the Act.

It is an offence under Section 12 of the Act for a person to fail to notify information in relation to convictions for the specified offences or for a person to notify information knowing it to be false or misleading. A person guilty of an offence under Section 12 is liable to a Class A fine (€5,000) or to imprisonment for six months on summary conviction, or to both, or on conviction on indictment to a fine up to €100,000 or imprisonment for a term not exceeding 12 months or to both.

In addition to the possible criminal penalties outlined above, where an applicant fails to make a required notification in accordance with Section 12(1), the Road Safety Authority may determine that the applicant is not a fit and proper person to hold an authorisation and, consequently, may refuse the application for authorisation and suspend or revoke any existing authorisation held by the applicant.

Each individual who was convicted of a specified offence must complete and sign a Conviction Notification Form in respect of each such conviction. If more than one conviction is to be notified, a separate Conviction Notification Form must be submitted for each conviction.

Conviction Notification Form

Full name of person convicted			
Address			
Home telephone number		Mobile:	
Email			
Date of birth		PPS number	
CVR test operator authorisation number (if relevant)		CVR tester authorisation number (if relevant)	
Position	(for example, partner, director, secretary), if relevant		
Date of the offence			
Which of the offences (a) to (n) specified in Section 12(1) of the Road Safety Authority (Commercial Vehicle Roadworthiness) Act 2012, (listed in Appendix A) were you convicted of?			
Where was the offence committed?			
Ireland <input type="checkbox"/>	Specify county <input type="text"/>	Other country <input type="checkbox"/>	Specify country <input type="text"/>
Was the offence committed in the course of, or in connection with, a business concerned with the testing, inspection, maintenance or repair of vehicles? If Yes, please provide details	No <input type="checkbox"/>	Yes <input type="checkbox"/>	
Date of conviction			
Details of the Court in which you were convicted (including address details)			
Details of any sentence imposed			
Details of any fine imposed on foot of the conviction			
Details of any disqualification or forfeiture imposed on foot of the conviction			

Conviction Notification Form, continued

Is this conviction one of a number of convictions for the same or different offences?	Yes	No
If Yes, please provide details		

I hereby declare that the information provided by me in this notification is true, complete and accurate.

Signature	
Date of signature	

Provide additional copies of this Notification Form if necessary. Additional page no.