

# TE LEGAL UPDATE

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## REGULATORY

### New generation digital tachographs

European Regulation 165/2014 mandates the introduction of a new generation of digital tachographs. These new units will be required on newly registered vehicles from 2019.

New tachographs will use a navigation satellite system to produce location stamps at the start and end of each drive, as well as at three-hourly intervals. They will include a wireless function to alert enforcement officers to manipulation, and will integrate with telematics equipment.

### Introduction of AEBS

Under EC 661/2009, since 1 November 2015, newly registered HGVs over 7.5 tonnes have been legally required to have Level 1 AEBS (Autonomous Emergency Braking systems) and LDWS (lane departure warning system) fitted. Level 2 AEBS will become mandatory for new types from 1 November 2016

and all new vehicles from 1 November 2018.

AEBS uses sensors to identify vehicles, cyclists and pedestrians in the path of the vehicle. It alerts drivers to potential collisions and automatically slows or stops vehicles if they take no action. Analysis shows AEBS leads to a 38% reduction in rear-end crashes at low speed.

### Driver CPC

Since 25 January 2016, the DfT has relaxed exemptions to Driver CPC rules for those whose main activity does not involve driving HGVs - such as vehicle technicians. The radius a vehicle can be driven without a Driver CPC holder is now 100km, provided the vehicle is unladen.

Amended regulations also allow professional HGV drivers to use a truck with an automatic gearbox when taking a Driver CPC test.

### Online system

The Office of the Traffic Commissioners' Self Service facility is being replaced with

an online system which allows operators to submit applications, upload documents and get help when making applications. OTC staff also gain access to electronic casework management, improved search facilities and Companies House records. The outcome should be reduced waiting times. If operators are not using Self Service, they should register now; existing users should update their details.

## EMPLOYMENT LAW

### Brexit implications

Almost all UK employment law is derived from the EU. Examples include discrimination rights and TUPE - Transfer of Undertakings (Protection of Employment) - and family friendly rights, such as maternity leave.

Although an exit from the EU might theoretically suggest chaos for UK employment law, since the UK could repeal all EU-derived laws, that outcome is extremely unlikely. Also, there would be a long

transition period before any changes were implemented.

### National Living Wage

From 1 April 2016, the National Living Wage has been introduced for those over the age of 25. The rate is initially £7.20 per hour, rising to £9 by 2020. While this is unlikely to have a significant impact on drivers' wages, operators must factor it in for employees in lower paid roles.

### Gender pay reporting

2016 sees the introduction of compulsory gender pay reporting for employers in the private and voluntary sector with at least 250 staff.

### Tax-free childcare

From early 2017 a new tax-free childcare scheme will come into force, replacing the Employer Supported Childcare scheme. Eligible working families can claim 20% of qualifying childcare costs for children under five (children with disabilities under 17) with claims capped at £2,000 per child.

## CONSULTATIONS

### Increasing penalties for drivers using hand-held mobile phones

The current fixed penalty for use of a hand-held mobile phone while driving is a fine of £100 plus three penalty points. The DfT has released a consultation paper considering increasing the fine to £150 and the penalty points to four for non-HGV drivers and to six for HGV drivers, and those driving PCVs capable of carrying 16 or more passengers.

### Earned Recognition

DVSA is developing a scheme that rewards operators able to prove exemplary compliance. DVSA will access real-time driver and vehicle data, as well as tachograph, MOT, inspection and maintenance data, etc, to ensure continued compliance.

Benefits include reduced or eliminated routine roadside checks. The scheme has been piloted in the South East since October 2015.

### Carrying illegal immigrants

Although operators and drivers can currently be fined up to £2,000 per illegal immigrant if they do not have effective security systems, the government has set out proposals to strengthen the civil penalty regime.

The aim is to incentivise operators to invest in high quality security. This could be through enhancements to the accreditation scheme, graduated or discounted charging, or faster clearance processes.