

TE LEGAL UPDATE

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REGULATORY

In-service ATP

If you own or operate vehicles that transport perishable foodstuffs across international borders, they must have ATP certificates (for all signatory countries to the Agreement on the International Carriage of Perishable Foodstuffs).

In-service inspections can be performed at ATP designated stations – at the Refrigerated Vehicle Test Centre, Cambridge, and Conway Bailey Transport, Redruth, or at an operator's site (by Cambridge Refrigeration Technology staff).

New-generation digital tachographs

European Regulation 165/2014 mandates the introduction of a new generation of digital tachographs. These will be required on newly registered vehicles from 2019. They will use a global satellite system to produce location stamps at the start and end of each drive, and at three-hourly intervals. They

will include wireless to alert enforcement officers to possible manipulation, and will integrate with telematics.

AEBS introduction

Under EC Reg 661/2009, since November 2015, Level 1 AEBS (autonomous emergency braking systems) and LDWS (lane departure warning system) have been mandatory on newly registered HGVs over 7.5 tonnes. Level 2 AEBS follows for new types from 1 November 2016 and all new vehicles from 1 November 2018.

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 has increased from 50km to 100km, provided that the vehicle is unladen and the driver only drives trucks from 'time to time'.

Online system

The Office of the Traffic Commissioners' Self Service facility is being replaced with an online system that allows truck and bus 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.

EMPLOYMENT LAW

Modern slavery act

This act consolidates offences relating to slavery and human trafficking. UK firms with a turnover of £36m or more are required, under Section 54 (since 29 October 2015), to publicly state actions taken to ensure they are slavery free.

Statements have no prescribed form or length, but must be approved by the board and signed by directors. They must be available on websites and to anyone making a written request within 30 days.

Trade union act

The act came in on 4 May 2016 and introduces several reforms. To validate a strike, at least 50% of membership must now vote. For 'important public services' at least 40% of voters must be in favour.

The act also changes timescales. A strike mandate is valid for six months and up to nine if the union and employer agree. Notice periods for industrial action are doubled to 14 days.

Gender pay reporting

2016 sees the introduction of compulsory gender pay reporting for employers with at least 250 staff. If approved, the regulations come into force on 1 October 2016. However, employers will have 18 months to publish the required information.

Tax-free childcare

From early 2017 a new tax-free childcare scheme will come into force, replacing the Employer Supported Childcare scheme.

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 show exemplary compliance. DVSA will access real-time driver and vehicle data, as well as tachograph, MOT, inspection and maintenance data, etc.

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

Penalties for carrying immigrants

Although operators and drivers can 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.