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CARTEL COMPENSATION

Operators that believe their businesses were affected by the cartel involving DAF, Iveco, MAN, Mercedes-Benz, Renault and Volvo are entitled to claim compensation. To clarify, these manufacturers have been convicted of coordinating the list price of trucks over six tonnes between 1997 and 2011, as well as the timing of emissions technologies (Euro 3 to Euro 6) and passing on associated costs.

While it is accepted that vehicles are rarely sold at list, initial evidence suggests the cartel will likely have had an impact regardless. That applies to anyone acquiring new or secondhand vehicles, whether purchased outright, leased and/or through hire purchase, whether direct from the OEMs and/or via dealers.

Furthermore, the cartel may well have had an impact on other aspects of haulage firms' operating costs during its 14-year operation. Investigations are underway to establish a precise level of damages.

The RHA (Road Haulage Association) intends to pursue a collective compensation

claim both on behalf of members and the wider industry. It will be presented as a collective case to the UK Competition Appeal Tribunal so the RHA now needs to establish numbers wanting to sign up. Hauliers interested should register at www.rhatruckcartelclaim.co.uk.

There will be no cost or risk to operators. However, proceedings are complex and it could take more than three years before this matter is resolved. To assist with the action, Backhouse Jones has been appointed as legal representative.

REGULATORY

Mobile phone usage

Drivers found using a handheld mobile phone will soon get six points on their licence and face a £200 fine. The new rules are likely to come into effect during the first half of 2017 and will apply to all drivers, including HGV, in England, Scotland and Wales once the legislation is in place. They will not apply to Northern Ireland. Another sanction suggested is that motorists caught for the first time will

no longer be able to choose a remedial course instead of receiving points. Also, newly qualified drivers face revocation of their driving licence.

New-generation 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, and will use a global navigation 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.

Weight increase for efficient trucks

Trucks that carry new equipment aimed at reducing emissions will be allowed to run up to 45 tonnes, although payload must not be increased. An updated EU weights and dimensions directive comes into force on 7 May 2017. However, no dates are available for implementation into UK law and Brexit may slow the process.

Driver CPC

DfT relaxed exemptions to Driver CPC rules in January 2016 for those whose main

activity is not driving HGVs. Included are technicians. The radius a vehicle can be driven without a Driver CPC holder increased from 50km to 100km, provided the vehicle is unladen. Amended regulations also allow HGV drivers to use a truck with an automatic gearbox when taking a Driver CPC practical test.

EMPLOYMENT LAW

Licence form guide

DVLA has developed a guide to help vocational driving licence applicants complete the vocational application forms D2 and D4. The guide has been produced to give an overview of how the licensing system works. It is an attempt to streamline the application process and decrease delays and rejections from DVLA.

Diabetic drivers

Changes to DVLA licence renewals for diabetic drivers follow approval from the Secretary of State for Transport's Honorary Medical Advisory Panel. They now require a GP examination for every other renewal, with only a self-declaration and independent diabetologist examination every year. The rules surrounding driving with diabetes are complex. It is important that drivers are transparent with the DVLA.