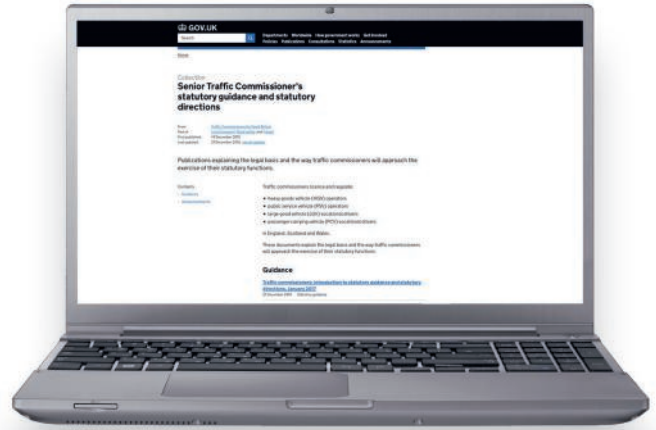


# TE LEGAL UPDATE



## Transport Engineer's legal update page is brought to you by specialist transport law firm Backhouse Jones

### REGULATORY

#### Statutory documents

The updated and republished senior traffic commissioner's statutory documents took effect on 1 January 2017. Licence applicants and operators are advised to pay particular attention to the following:

- **Transport managers:** statutory document 3 has been revised to clarify the findings traffic commissioners can make about competence. It also offers further detail around the requirements for requesting a period of grace.
- **Impounding:** statutory document 7 is updated to clarify evidence hauliers must produce for cabotage operations to conform to the 2009 regulation. It also offers guidance on steps that should be taken to prevent illegal use of vehicles.
- **Case management:** statutory document 9 is revised to reflect the Welsh Language Act 1993 and Welsh Language (Measure) 2011 in the administration of justice.

#### Keeping your O licence

Time is running out to make paper operator licence applications and renewals. The Office of the Traffic

Commissioner expects the process to be paperless and online by 2019. Operators are under a duty to ensure that information on the system is correct. Since much has been extracted from sources such as Companies House, you must register online and check that data held on your business is accurate. If it isn't, you may be committing an offence.

Take this opportunity to check you can log on to the new system at [www.vehicle-operator-licensing.service.gov.uk/auth/login/](http://www.vehicle-operator-licensing.service.gov.uk/auth/login/). If you cannot, resolve this urgently. Also, ensure that the Traffic Commissioners' Office has your email address.

#### Changes to OCRS

DVSA (Driver and Vehicle Standards Agency) has introduced changes to the OCRS (Operator Compliance Risk Score) system. These include: a new combined score; removal of 'straight to red'; verbal warnings during a roadside check; and a reduction of points for prosecution cases and Band 5 offences.

Further changes are due, aimed at enabling operators to demonstrate a truer picture of their compliance overall, rather than solely via roadside checks.

#### Financial Standing update

Since 1 January 2017, standard national and international licence applicants are required to demonstrate £7,850 (previously £6,650) for the first vehicle and £4,350 (£3,700) for each additional authorised vehicle.

Any applicant or licence holder appearing at public inquiry will now be required to satisfy these new levels, if additional evidence of financial standing is requested.

There is no change to the rates of finance that must be available to support a restricted licence or application: £3,100 for the first vehicle and £1,700 for each additional authorised vehicle.

The Senior Traffic Commissioner's Statutory Guidance document on finance indicates that, where a standard licence holder cannot demonstrate financial standing, Regulation (EC) 1071/2009 allows (but does not require) the traffic commissioner to offer a period of time to rectify the situation.

#### Changes for technical applications

DVSA is no longer accepting technical applications for the HGV, PSV, trailer, and carriage of dangerous goods by road (ADR) and approval schemes by email. You must apply online through gov.uk. Using this service, you can apply for: Individual Vehicle Approval

tests; test certificates for trucks, trailers, buses or coaches; and to let DVSA know about changes to coaches or buses. The online application system should speed up processes. You will also be kept up to date by email with your application progress so you know when payments and/or appointments are required.

#### 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 this year. However, no dates are available for implementation into UK law and Brexit may slow the process.

#### 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.