

# TE LEGAL UPDATE

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### REGULATORY

#### Direct Vision consultation

Transport for London (TfL) has issued a consultation document for its proposed new 'direct vision' requirement for HGVs operating on the capital's roads due to come into force starting in 2020. At present, it is unclear which vehicles will be affected by the regulation's two stages of introduction.

That said, off-road specified vehicles (N3G 32-tonne tipper is the example given), artics with larger cabs for long-distance trunking, and possibly other specialist HGVs are likely to be affected in 2020. A wider range of vehicles (rigids at 26 tonnes and possibly standard artics) may be affected as the regulation tightens in 2024. More information is anticipated by the end of May 2017.

#### Keeping your O licence

Time is running out to make paper operator licence applications and renewals. The Office of the Traffic Commissioner envisages that the process will be paperless and online by 2019. Operators are under a duty to ensure that information on the system is correct. Since much of this has been extracted from sources

such as Companies House, it is important to register online and check that data held on your business is accurate. If it isn't, you may be committing an offence and putting your operator's licence at risk.

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, you must resolve this as a matter of urgency. Also, ensure that the Traffic Commissioner's Office has an up-to-date email address for you.

#### Changes to OCRS

Following a review, 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 also due, aimed at enabling operators to demonstrate a truer picture of their compliance overall, rather than solely via roadside checks.



#### 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. 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.

#### 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 this year and will apply to all drivers, including HGV, in England, Scotland and Wales. 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.

#### Driver CPC

DfT relaxed exemptions to Driver CPC rules in January last year 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.