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REGULATORY

Life sentences

The maximum sentences for the offences of causing death by dangerous driving and causing death by careless driving while under the influence of drink or drugs are due to be increased to life imprisonment, following a government consultation. A new offence of causing serious injury through careless driving, punishable by imprisonment, will also be introduced. The maximum sentence for causing death by racing, speeding, or using a mobile phone will also be increased to life imprisonment. In 2016, 157 people were sentenced for causing death by dangerous driving and 32 for causing death by careless driving while under the influence of drink or drugs.

No more exemptions

Certain heavy vehicles based on an HGV chassis will no longer be exempt from plating and testing, including: mobile cranes, breakdown vehicles, engineering plant, asphalt trailers, tower wagons, road construction vehicles (but not road rollers), electric trucks under three years old, heavy goods vehicles and trailers on some Scottish islands,

volumetric concrete mixers, fast tractors and all types of trailers. These vehicles will need either a valid Goods Vehicle Testing Certificate from 20 May 2018, or such a certificate at the time of the unit's vehicle excise duty (VED) renewal date after 19 May 2018.

Financial standing in 2018

The level of funds that standard national and standard international licence holders will be required to demonstrate access to in 2018 has increased by £100 for the first vehicle to £7,950, and £50 for additional vehicles, to £4,400. There is no change to the level of funds that must be available to a restricted licence holder or applicant.

Fitness to drive

On 1 January 2018, the DVLA released an updated 'Assessing Fitness to Drive: a Guide for Medical Professionals'. Changes have been made in advice on: insulin-treated diabetes, neurological disorders, cardiovascular disorders, diabetes mellitus and visual disorders. More information is available for medical professionals - <https://is.gd/pesaso> - and non-specialists - <https://is.gd/ovegip>.



Leeds consultation on clean air zone

Leeds City Council has announced proposals to reduce air pollution that could mean that lorries, buses, taxis and private hire vehicles that do not meet the latest emissions standards could be charged up to £100 per day to enter Leeds city centre as early as October 2018. The consultation is available via <https://is.gd/lacaha> until 2 March 2018.

Statement of weight

New regulations came into force on 1 October 2017 that require shippers and consignors to provide hauliers, prior to the vehicle leaving the depot, with a statement of weight to prevent them from carrying heavier loads than are legally permitted. Failure to provide weight statements to DVSA in a roadside check may result in a prohibition.

EMPLOYMENT LAW

Rest stops

Drivers must be given access to toilets during their working day, the Health and Safety Executive (HSE) has confirmed, following campaigning from the RHA and Truckers Toilets UK and re-examination of the Workplace (Health, Safety and Welfare) Regulations 1992, in particular Regs 20 and 21. In addition to paragraph 127 of the HSE guide to workplace

transport safety (<https://is.gd/tatuje>), which already states that loading and unloading areas should have easy and safe access to toilet, washing and refreshment facilities, HSE guidance will now state that drivers must have access to welfare facilities in the premises they visit as part of their work.

As well as the employment law implications, customers may also be asked by hauliers to provide toilet facilities for drivers; this may in due course become a contractual provision in commercial agreements.

Backdated holiday pay

The European Court of Justice has held that anyone deemed to be a worker is entitled to claim holiday pay for the whole of their employment if they had not been allowed to exercise their right to take it. The ECJ ruled: "A worker must be able to carry over and accumulate unexercised rights to paid annual leave when an employer does not put that worker in a position in which he is able to exercise his right to annual leave."

This ruling could open the floodgates for claims for untaken holiday from self-employed contractors who are deemed to be workers. Employers who continue to use self-employed contractors should seek advice on the real status of their workforce.