

This page is brought to you by specialist transport law firm **Backhouse Jones**

REGULATORY

Dangerous operators beware

The London Freight Enforcement Partnership, DVSA, Transport for London, The City of London Police and The Metropolitan Police are all working together to target the most non-compliant operators, drivers and vehicles in London. In just two years, 33,000 vehicles have been stopped; 9,000 of those vehicle checks resulted in fixed penalties and traffic offence reports. From this, a total of 106 arrests and 221 vehicle seizures have been made. In some cases, matters have been referred to the Office of the Traffic Commissioner and revocations have resulted.

AdBlue cheat clampdown

DVSA and Traffic Commissioners are taking a dim view of the use of emulators that effectively disable AdBlue systems designed to reduce levels of air pollution. DVSA is using the discovery of one of these devices as a springboard for a full inspection of the rest of the fleet, including maintenance systems generally. Any evidence of 'emissions cheating' is

resulting in an S-marked prohibition, followed by a full inspection of the rest of a company's fleet.

Backhouse Jones is expecting large numbers of public inquiries arising out of this issue and strongly suggests all operators that have received a prohibition should seek advice. Gathering and preserving evidence at the earliest opportunity could make the difference between keeping the operator's licence or a revocation. All operators are advised to check their fleet for the presence of these devices and remove them.

Brake performance testing

The latest edition of the DVSA's 'Guide to Maintaining Roadworthiness' makes it clear that a metered assessment of vehicle and trailer brake performance must take place at every safety inspection. That guide strongly advises that a calibrated roller brake tester is used at every inspection to measure individual brake performance and overall braking efficiencies. However, it also allows an approved and calibrated decelerometer to test vehicles without trailers to measure overall brake efficiencies.



© Al - stock.adobe.com

Recommended best practice is to test vehicles and trailers in a laden condition to get meaningful results.

Update on driver fines

It was announced in September last year that traffic examiners would be given new powers to issue on-the-spot fines for any drivers' hours offence committed in the last 28 days. Traffic examiners were allowed to start issuing these in March. Fines can be issued for up to five offences per roadside stop, meaning serial offenders could be fined up to £1,500 in a single stop. In November 2017, traffic examiners began fining drivers up to £300 if they spent their full weekly rest break in their vehicle at an inappropriate place, such as parked in a layby. A truck cab may not provide adequate living conditions for such a long period, so spending the equivalent of a weekend in one could prevent drivers from resting properly.

Operators: apply online

Since 1 April, vehicle operators have not been able to download printable application forms on www.gov.uk. Now, they are being positively encouraged to do more online. By 2019, the whole system will be paperless. According to the government, compliant

operators can receive quicker service online. The average processing time for online goods and PSV major applications is currently six weeks. Paper applications take nearly nine weeks. Paper forms are still available through the contact centre (0300 123 9000) for operators who don't have web access.

EMPLOYMENT LAW

Minimum wage rising

The National Minimum Wage (Amendment) Regulations 2018 have been laid before Parliament. They provide for the annual increase to the minimum wage and national living wage with effect from 1 April 2018 by about 30 pence. Salaries for employees over 25 would increase to £7.83 per hour, those 21-24 to £7.38, those 18-20 to £5.90, and those under 18 to £4.20. The accommodation offset will be £7.00 per day (previously £6.40).

Payslips - more information required

The Employment Rights Act (Itemised Pay Statement) (Amendment) Order 2018 will bring into force a requirement for employers to itemise payslips to show the number of paid hours, where a worker is paid an hourly rate. The order is due to come into force on 6 April 2019.