

# TE LEGAL UPDATE

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## **REGULATORY**

### **Roadworthiness guide updated**

The DVSA has issued a revised and updated edition of its 'Guide to Maintaining Roadworthiness': <https://is.gd/ilovap>. There are changes in many areas; highlights are listed below.

**Tyre management** has been highlighted in a new section that also includes monitoring tyre age and a link to a detailed tyre management guide (<https://is.gd/acosok>), as tyre defects are some of the most common defects identified by enforcement agencies.

**Safety inspection intervals** used to be calculated by a graph, previously included in Annex 4 of the guide, that has been removed. It was felt that this was too rigid, and didn't encourage developing safety inspection intervals around real-life considerations. Instead, there is now a table with examples of frequency for various operating conditions using case studies. This is intended to encourage operators to take a proactive, evidence-based approach to the management of safety inspection intervals.

Safety **inspection and repair facilities** must be

checked by the operators to make sure they are adequate, even if inspections are contracted out. This point has been emphasised in the new edition. It also strongly recommends that workshops and technicians demonstrate their competence by achieving a recognised accreditation [IRTE's Workshop Accreditation and irtec are two prominent examples].

Safety **inspection records** have been updated to include brake temperatures and an amended report sign-off in the example report included in Annex 4.

**Brake testing** is strongly advised at every safety inspection, in the form of a laden roller brake test. Advice on using EBPMs (electronic braking performance monitoring systems) and more comprehensive advice on brake testing is now included. New recommendations for those using road tests to assess brakes is to measure brake temperature readings and record them on the safety inspection report.

Drivers' **daily defect reporting** example reports (included in Annex 3) have been updated to include vehicle height and AdBlue



system checks.

**Emissions and air quality** issues are discussed in a new section that highlights the importance of correctly maintaining the vehicle's emissions control system.

**Public service vehicle accessibility** guidance has been updated.

The vehicle operator licensing system (**VOL**) can be used for recording maintenance - the guide includes advice.

The **monitoring** section now covers details about the Earned Recognition scheme, changes brought about by the EU Roadworthiness Directive and prohibition assessment criteria.

Other guidance on **IT for vehicle maintenance systems** and for EBPMs, published since the guide was last updated in 2014, is now incorporated so it can all be accessed in one location.

### **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 from 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.

### **Operators: apply online**

Since 1 April, vehicle operators have not been able to download printable application forms on [www.gov.uk](http://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 online for major goods and PSV 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 access to the digital services.