



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

## **REGULATORY**

### **Vehicle load security pilot**

The Driver and Vehicle Standards Agency (DVSA) has begun a vehicle load security pilot in the north of England. Usually, inspectors only check loads when faced with signs of risk; for example, if curtains are bulging. But in this pilot, all curtainsided vehicles will be inspected for load security by a DVSA examiner. It is also investigating driver culpability for load security if S-marked prohibitions are appropriate (but is not issuing them during the pilot). Drivers' cooperation is expected. Because DVSA recognises that pulling the curtains back can be risky, drivers will only be asked to do so when there is no danger to the driver or the examiner. Assistance from operators will be sought if a driver fails to cooperate, and prosecution will take place if this is unsuccessful. The pilot will be reviewed after three months. We anticipate an increased number of prohibitions and fixed penalties being issued due to the pilot.

### **AdBlue checks go nationwide**

A regional clampdown on the use of AdBlue emulators found high rates of non-

compliance. Some 10,000 truck checks between February and August 2018 turned up 388 vehicles with cheating devices fitted (4%). This has triggered the rollout of cheat device checks nationwide, as part of Defra's wider policy to cut emissions. Drivers could be faced with a £300 fine, and even have their vehicle removed from the road if they are caught with an emissions cheat device or faulty emissions control system that is not corrected within 10 days. Commercial vehicle operators will also face follow-up inquiries by the DVSA, who have the power to inform the traffic commissioners.

### **Rubbish danger**

In August, more than 60 fires were recorded on grass verges beside major motorways and A-roads in England. The blazes were started when rubbish thrown from car windows ignited in the heat of the sun. Drivers have been urged by Highways England to stop littering.

### **Inclusive Transport Strategy published**

The needs of disabled travellers have been promoted in DfT's Inclusive Transport Strategy, published on 25 July. In addition, DVSA has

reminded coach operators of their responsibilities concerning passengers with disabilities. They should ensure that wheelchair users can use any available wheelchair space, and not require passengers who use wheelchairs to book any further in advance than passengers who do not. The DVSA will not hesitate to take action against companies breaking the law.

### **Sorting out smart tachos**

From 15 June 2019, smart tachographs are to be made mandatory for new vehicles. The new 'Annex 1C' compliant tacho aims to reduce administrative processes and digital tachograph tampering. These 'smart tachos' will use a GPS to record the start and end location of the drivers' work, and record every three hours of driving time. In order for operators to use the 1C tachographs, they will need to update their download tools and analysis software. Also, stopping vehicles to check the tachograph will no longer be necessary. Enforcement officers will be able to use digital devices to check tachos from a distance of up to 190m away. Information recorded by the tachograph will be transmitted. Drivers' hours and break times will also be sent, to determine if the driver has exceeded daily driving limits.

### **EU exit preparations**

New legislation on cross-border haulage was given royal assent in July. This should help to enable British hauliers to continue operating internationally post-Brexit. Although reciprocal access for road hauliers is the overall aim of the government, a permitting system may still actually be required. A legal framework would be necessary in order to introduce a new administrative structure. The Haulage Permits and Trailer Registration Act allows the government to have this flexibility and hopefully ensure a smooth exit from the EU for Britain. A permit administration scheme and a trailer registration scheme are currently in development by the DVSA and DVLA respectively, with the intention to be open for applications later this year.

### **Which ATF?**

Transporting dangerous or hazardous goods requires form VTG15 as proof of compliance. The type of authorised testing facility (ATF) it goes to is also important. A green ATF is for vehicles declared purged and safe for inspection. An amber ATF should be used if the vehicle has transported certain 'UN' products and is not declared purged. Finally, those carrying other dangerous substances must go to a red ATF.