

TE LEGAL UPDATE

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REGULATORY

Roadside payments

The DVSA recently sent out an email alert about the new method of roadside payments introduced on 29 January. A new payment portal has replaced chip and PIN payments at DVSA enforcement sites. If a driver receives a fixed penalty, he or she will need to provide a telephone number or email address. A link to the payment portal and a unique code will then be sent by text message or email. This system allows drivers to nominate someone else, such as their employer, to pay a fine. Following queries, DVSA has confirmed that UK-based drivers will still have 28 days to pay fixed penalties. The new payment system does not change the rules of payment, only the means to do so.

Compliance advice

A new series of bulletins from the Office of the Traffic Commissioner offers tips designed to help maintain and promote O licence compliance, including key issues raised in public inquiries. As regards downloading tachograph data, it advises:

- Take a risk-based approach
- Contemplate the following

factors that might increase risk of non-compliance: drivers who are away from base, drivers with a history of previous offences, and drivers on strict schedules

- Choose the appropriate period within the maximum download interval (28 days for the driver; 90 days for the vehicle)
- Be aware of the possibility of data from driver cards being overwritten if the maximum download interval for driver cards has been exceeded.

In addition, as regards driver defect reporting, the guidance recommends:

- Operators should be aware that drivers may hide extra driving or other work at the beginning of the day
- Drivers should immediately place their card in the slot and select "other work", every time they drive. This should be habitual; failing to do so may be a deliberate attempt to conceal unauthorised driving
- Look out for tachograph reports that begin with immediate driving, as this would indicate unrecorded walk-around checks - or no checks at all - meaning that the records are incomplete.

Digital impressions

When the new Vehicle Operator Licensing (VOL)



Service launched in 2016, it gave operators the chance to do more online. Gov.uk Verify also allowed operators to sign an application digitally for the first time. From 1 April 2018, operators were no longer able to download paper forms; by the end of the year, the whole system (www.is.gd/yezise) will be paperless. However, the system is only as good as the data entered into it. Consequently, it is recommended that operators periodically check the information held on the system. It is the operator's responsibility to ensure that the records held are correct.

Smart tachographs

Probably one of the biggest changes to tachograph regulation in 12 years will begin in June 2019, when 'smart tachographs' will become mandatory in all new vehicles. All new company and driver cards issued from early 2019 should be compatible with the new smart tachographs. The old tachographs should be compatible with the new cards and vice versa; however, tachograph centres must hold a smart compatible workshop card used for calibration purposes. It is expected that they will be reissued on 1 April, and be valid for one year. Despite the upcoming change, there are no retrofit requirements for domestic operators. For those

vehicles that will be crossing international borders, a smart tachograph must be fitted by June 2034.

Tyre safety

A robust tyre management system should not be underestimated. According to the charity TyreSafe, over one particular five-year period, 5,375 road accident casualties were caused due to tyre-related incidents. Furthermore, tyres under-inflated by as little as 6psi below the recommended level are estimated to require an extra 3% of fuel. Recently, DVSA has revised the Guide to Maintaining Roadworthiness (www.is.gd/yahodu), and included new tyre management criteria. Among other things, the Guide issues updated recommendations in respect of the age of tyres and safety inspection intervals based on your tyre operation.

Good repute

Traffic commissioners have a serious role as gatekeepers for the haulage, bus and coach industries. This includes tackling disreputable operators. For example, Joan Aitken, traffic commissioner for Scotland, recently rejected a haulier's application for an operator's licence after he tried to deceive others into believing he had permission to run vehicles of genuine operators. Aitken stated that the applicant had no place in vehicle operation.