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## Brexit impact for hauliers clarified

### REGULATORY

The government has agreed with the EU an extension of the UK's EU membership until 31 October 2019 at the latest. The DVSA has recently released new guidance on this for hauliers, which is summarised below. The extension means that UK hauliers can continue to operate across the EU as usual, without needing an ECMT permit, until 31 October 2019 at the earliest.

The government hopes that the UK will leave the EU before 31 October 2019, although that is only likely to happen if a deal is agreed. If that happens, it would allow continued permit-free access arrangements to continue until 2021.

In addition, the EU has



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passed a new law ensuring that, even if the UK leaves the EU without a deal on 31 October 2019, more than 90% of journeys to the EU will not require an ECMT permit for the remainder of 2019.

Operators will still have to monitor regulations around

insurance, drivers' licences, cabotage and driver CPC, which may not be clarified until very late in the day if there is no deal. It remains very important to monitor the government and RHA websites to get the latest position as the final deadline approaches.

### REGULATORY

#### 4.25t gvw derogation

The law has changed to allow category B (passenger car) licence holders to drive alternatively fuelled vehicles (AFVs) up to 4.25 tonnes. The 750kg derogation of EU Driving Licence Directive 2006/126/EC is intended for electric, natural gas, LPG, biogas or hydrogen drivetrains. It is applicable to drivers who are transporting goods, have completed at least five hours' training, are not towing a trailer and are not driving outside of Great Britain. Training must be provided by a company on the National Register of LGV Instructors, or the National Vocational Driving Instructors' Register. EU drivers' hours rules, which

include fitment of tachographs, do not apply to trucks under 7.5t gvw fuelled by electricity, LPG, natural gas or electricity, carrying goods within 62mi of the company base.

### REGULATORY

#### Register your trailers

Regardless of when the UK leaves the EU, UK hauliers must register any trailers they plan on using for journeys outside the UK and Ireland. This obligation came into force on 28 March 2019. If this is not done, hauliers may be fined or subject to other enforcement action.

### REGULATORY

#### PSV changes

The Department for Transport has consulted on changes to PSV

licence applications and formal tribunal rules. As regards the former, traffic commissioners can give HGV applicants temporary authority (called an interim licence) while they're waiting for the full licence to come up for approval. At the moment, this isn't available for PSV operators. The consultation looked at how this could be introduced. As regards the latter, tribunal rules are used to make sure cases get dealt with fairly and justly and to manage them. Tribunal rules also make the meetings more accessible, and will help those who are appearing before commissioners to comply with what they've been asked to do. The consultation looked at whether formal tribunal rules will be beneficial. It closed in June.

### Fact File

#### Smart tachographs introduced

Since 15 June 2019, smart tachographs are mandatory for all new vehicles. The new 'Annex 1C' compliant tacho aims to reduce administrative processes and digital tachograph tampering. The '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 tachos, they will need to update their download tools and analysis software. Stopping vehicles to check the tachograph will no longer be necessary, as enforcement officers are able to use short range devices to check tachos up to 190m away. Information recorded by the tachograph, such as the most recent security breach attempt, whether the driver has a valid card, and motion data errors, will be transmitted. Drivers' hours and break times will also be included, to indicate if the driver has exceeded daily driving limits.