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## Brake testing bettered

### REGULATORY

According to a recent e-shot by the Office of the Traffic Commissioner, brake failures still feature as one of the top ten reasons for MOT failures. However, statistics relating to 2017/18 have shown a distinct improvement compared with data from 2013/14. In 2017/18 there were almost 10,000 fewer failures for service brake performance than compared with 2013/14. Some 5,500 more trailers passed their braking test first time in 2017/18 than in 2013/14.

According to OTC, frequent brake testing issues raised at public inquiry include:

- "The operators/transport managers are misunderstanding the information provided on the printouts."
- "Technicians conducting brake tests are failing to identify potentially serious



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road safety issues."

- "Printouts saying 'pass' but where it is clear that one or more brakes are not working as they should."
  - "Vehicles and trailers being brake tested unladen with wheels locking at very low brake efforts."
  - "A lack of understanding that the standard to be applied at PMI inspection must be above the minimum MOT requirement (if the vehicle or trailer is to remain safe and compliant until it is next inspected)."
- While the latest data is encouraging, there were still 22,000 annual test failures in service brake performance in 2017/18. The industry needs to remain proactive and mindful that there is still much to be done. Operators can address this by a number of compliance management mechanisms. They include:
- Continual refresher training for transport managers and engineering/ops departments
  - Arranging an independent compliance review of maintenance documents to highlight what you are doing correctly, what you aren't, and your key areas of risk
  - Attending free meetings such as industry seminars and trade association events
  - Keeping abreast of the sector by reading industry news.

### REGULATORY

The government reports that the UK will join the Interbus Agreement. This will allow the international carriage of passengers by bus or coach. It applies to the EU, Albania, Bosnia and Herzegovina, North Macedonia, Montenegro, Moldova, Turkey and Ukraine. It will also allow

international occasional services to continue. The Interbus Agreement does not yet cover regular or special regular services but it should do, according to the UK government. In addition, operators will be able to drive through countries that are not in the Interbus Agreement, but they cannot be a destination.

### REGULATORY

The DVSA enforcement sanctions policy, available via [www.is.gd/orubug](http://www.is.gd/orubug), has been updated. The tachograph section has been split between EU and International Road Transport (AETR) rules. Traffic order offences in Kent (near the port of Dover) have also been added.

### Fact File

## Social media liability limit

There have been a number of cases where employers have been found vicariously liable for the actions of their employees, even where these take place outside the workplace if they are in some way linked to work. However, in the case of *Forbes v LHR Airport Limited*, the Employment Tribunal and Employment Appeal Tribunal both decided that an employer would not be held responsible for the actions of an employee when she posted a racist image to her Facebook friends (including a work colleague) on her own device and in her own time.

The EAT said that, in order for the employer to be held responsible, there had to be a link between what was posted and their employment. In this case, there was not, as the employee had not shared the image among her colleagues and, in fact, had only sent it to one colleague who was in her friends list - who in turn showed it to the claimant.