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specialist transport law firm
Backhouse Jones

COVID-19 compliance changes

REGULATORY

Government has swept aside the regulatory regime in response to the COVID-19 pandemic.

DVSA suspended heavy vehicle testing (MOTs) of all PSVs, HGVs and trailers for up to three months from 21 March 2020. From that same date, dangerous goods vehicle (ADR) annual inspections have been suspended. Operators whose annual inspection is due that wish to continue transporting dangerous goods you will need to apply for a waiver and follow certain rules. Also, from 30 March 2020, MOT due dates for cars, motorcycles and light vans will be extended by six months.

Rules for other types of inspection and testing have been similarly relaxed. That includes vehicle approval tests, suspended for up to three months from 23 March. Operators can extend PMI



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intervals by up to 50% to up to 17 weeks. EU and GB drivers' hours rules were relaxed until 31 May.

DVSA has advised trainers to suspend the delivery of any classroom-based driver CPC training. Temporary measures have been announced to suspend the requirement for Driver CPC training for drivers whose driver qualification card expires between 1 March 2020

and 30 September 2020. As a temporary measure (until 12 June), it will allow approved Driver CPC courses to be delivered remotely via digital platforms. All driving and theory tests have been put on hold.

However, HSE announced no changes to requirements for testing of lifting equipment under LOLER and of pressure vessels under PSSR regulations.

REGULATORY

Emergency guidance

Senior traffic commissioner Richard Turfitt has issued an emergency statutory document and accompanying advice note setting out interim guidance on the approach being adopted in response to COVID-19. It covers with financial standing, the presence of transport managers, temporary exemptions and other matters. www.is.gd/itijuk

REGULATORY

No calls

All communications from the central licensing unit and the

office of the traffic commissioner will be sent electronically during the outbreak period. Operators should therefore check that their contact email address is current so that they can, and do, receive any emails sent. www.is.gd/lacuje

CONTRACTS

Procurement note

The Cabinet Office has issued a procurement policy note (PPN) setting out information and guidance for public bodies on payment to their suppliers (even if products and services are not being delivered) during the COVID-19 pandemic.

It states that they should urgently review their contract portfolio and inform suppliers who they believe are at risk that they will continue to be paid as normal (even if service delivery is disrupted or temporarily suspended) until at least the end of June.

BHJ support

Backhouse Jones has put together a range of support packages to help operators affected by COVID-19: www.is.gd/upisux (Please note: This publication does not constitute legal advice).

Fact File

Desk-based Assessments

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During the COVID19 pandemic, Backhouse Jones anticipates that, in lieu of traditional fleet inspections, maintenance investigations and traffic investigations, DVSA will conduct desk-based assessments.

If this does occur, operators will receive a letter from the DVSA remote enforcement office requesting: details of their compliance systems; and a sample of their records (vehicle maintenance and drivers' hours and so on).

DVSA will undertake an analysis of its systems and procedures (based on the description of these and the records they provided) and invite them to respond to any issues.

Then the investigation is either deemed 'satisfactory' or reported to the traffic commissioner for consideration of further action - most likely public inquiry.

In the experience of Backhouse Jones, all too often operators either provide too little detail, misunderstand what is being requested or provide incorrect information, which leads to unsatisfactory findings.