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## Insolvency measures extended

### LEGAL

The Corporate Insolvency and Governance Act 2020 came into force on 26 June 2020, introducing temporary measures to relieve the burden on businesses during the Covid-19 pandemic. Backhouse Jones previously published an article ([www.is.gd/iyyam](http://www.is.gd/iyyam)) summarising the measures introduced, focusing on the provisions which invalidated contractual clauses that allowed for the termination of a contract where the company had entered into a formal insolvency process.

The measures were due to expire on 30 September 2020 but it has now been confirmed that a number of the measures will be extended.

The issuing of Statutory demands and winding-up petitions for COVID-19 related debt will continue to be restricted until 31 December 2020.

Termination clauses in supplier contracts will continue to be



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invalidated where the company has entered into an insolvency process. This prevents suppliers from ceasing their supply or asking for additional payments while a company is going through a rescue process. However, a supplier that is a 'small entity' may still be entitled to terminate a contract due to a company's insolvency where the insolvency process occurs between the date that the act came into force and 30 March 2021.

The modifications to the new

moratorium procedure that relax the entry requirements to it will also be extended until 30 March 2021. Companies are now able to enter into a moratorium if they have been subject to an insolvency procedure in the previous 12 months. It will also be easier for companies that have been subject to a winding up petition to access the moratorium.

Also, firms will be protected from eviction from commercial properties until 31 December.

### REGULATORY

The latest version of the Individual Vehicle Approval (IVA) inspection manual for N2 and N3 (heavy goods vehicles) has been published. IVAs are required for those making or importing a single or very few vehicles. See also [www.is.gd/afuxan](http://www.is.gd/afuxan).

### REGULATORY

A new version of form PSVA1 has been released to book an accessibility certificate test for a public service vehicle for

those that were not previously approved. Accessibility Certificates last the lifetime of the vehicle as long as you do not make any further alterations to it. For more information, see [www.is.gd/izoqug](http://www.is.gd/izoqug).

### BEST PRACTICE

The Timber Transport Forum has published a revised fifth edition of its Road Haulage of Round Timber guidance, available via [www.is.gd/obetuy](http://www.is.gd/obetuy).

A new sheet on strapping

round timber states: "Recheck the load straps before moving from forest road to public road. Use additional straps as required for shorter/debarked timber or when road conditions are challenging." It also includes diagrams of recommended strapping.

Timber up to 3.3m on the front bay nearest the cab should be held down with two straps if there is no headboard. This has also been referred to in DVSA's Load securing: vehicle operator guidance ([www.is.gd/oxizog](http://www.is.gd/oxizog)).

### Fact File

## Relaxing drivers' hours

The Department for Transport has updated guidance on emergency exemptions and temporary relaxations of drivers' hours and working time rules.

The rules state that industry must continue to put contingency plans in place to deal with emergency and urgent situations - "particularly to deal with adverse weather conditions, which can normally be expected during the winter period."

However, drivers are allowed to breach GB domestic drivers' hours rules due to 'unavoidable delay in the completion of a journey arising out of circumstances that they could not reasonably have foreseen.' And EU drivers' hours rules can be broken to ensure the safety of persons, the vehicle or its load, provided that road safety is not jeopardised. Planned breaches of the rules are not allowed.

The update also clarifies that exempt from the rules are those driving vehicles 7.5t or less delivering goods produced on a craft basis where the transport is not carried out for hire or reward.

The guidance is available via [www.is.gd/cotipa](http://www.is.gd/cotipa).