

LEGAL
UPDATE

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New changes to Highway Code

REGULATORY

In late January, changes were introduced to the Highway Code. There will be hierarchy of road users so that those who can do the greatest harm – for example, lorry drivers – have the greatest responsibility to avoid hurting others. It places those road users most at risk in the event of a collision at the top of the hierarchy. Pedestrians, particularly children and vulnerable people, are defined as most likely to be injured, followed by cyclists, motorcyclists and horse riders. The hierarchy does not remove the need for everyone to behave responsibly.

The new rules mean that, for example, drivers should not cut across cyclists, horse riders or horse-drawn vehicles going ahead when turning into or out of a junction or changing direction or lane. Do not turn at a junction if to do so would



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cause the cyclist, horse rider or horse-drawn vehicle going straight ahead to stop or swerve.

When stuck in traffic or moving slowly, new rules state that drivers should allow pedestrians and cyclists to cross in front of them.

DVSA has clarified the context of the changes, following a request from *Transport Engineer*. It said: "The hierarchy of road users does not seek to change the

law, but rather to ensure a more mutually respectful and considerate culture of safe and effective road use that benefits all users. Although failure to comply with the 'advisory rules' of the code will not, in itself, cause a person to be prosecuted, the Highway Code may be used in evidence in any court proceedings (under the Traffic Acts) to establish liability. This includes the rules which use advisory wording such as 'should/should not' or 'do/do

Fact File

HIDING A NUMBER PLATE

In early February, DVSA reported that a "minority of operators" are deliberately attempting to conceal their number plates from identification. It said: "To help us better protect people from unsafe drivers and vehicles, we changed how we enforce deliberate number plate tampering from 1 February 2022."

In instances where it believes that there has been an attempt to conceal a vehicle number plate, it will:

- issue an S mark prohibition
- issue either an immediate or delayed prohibition and a £100 fixed penalty notice
- submit a report to the courts or traffic commissioners
- retain fraudulent number plates as evidence for any future investigation.

not'. Enforcement of the law is a matter for the police who will decide, on the evidence of each individual case, whether an offence has been committed and the appropriate action to take."

REGULATORY

Horse box rules republished

Operators of horse boxes do not need an operator licence if they are only transporting horses or goods for non-commercial purposes (such as leisure activities). Similarly, they do not need to follow drivers' hours rules if the horse box or vehicle and trailer weighs less than 7,500kg and is used for non-commercial purposes. An annual MOT is required, and daily walk-around checks should be completed for larger

vehicles. The rules have been republished and are available via www.is.gd/ofonop.

REGULATORY

OCRS updates

DVSA has updated its documentation about enforcement of OCRS, the Operator Compliance Risk Score system, following some procedural changes. DVSA now carries out desk-based assessments, which it uses to calculate an operator's OCRS. DVSA now uses fleet assessments to calculate

an operator's OCRS. DVSA Earned Recognition operators are in the blue band, and DVSA examiners do not carry out a full roadside inspection for these operators. Operators from Northern Ireland have a reduced report based on data captured at the roadside by DVSA examiners and MOT tests carried out in England, Wales and Scotland. There is new guidance for how to appeal or resolve another issue with OCRS. For more information, see www.is.gd/oyehc.

REGULATORY

PSVAR exemptions continued

Buses minister Baroness Vere wrote to coach, rail and local authority representatives on 16 December 2021 regarding the application of the Public Service Vehicles Accessibility Regulations 2000 (PSVAR) to home-to-school (HTS) and rail replacement (RR) coach services. The letter states the government's intention to extend existing exemptions for closed-door HTS services to the end of the 2021 to 2022 academic year in July.