

New load security rules were published by DVSA earlier this year. John Challen investigates what has changed and the new enforcement philosophy

May 2022 saw an update to the DVSA's categorisation of vehicle defects guidance that is used by examiners, with the new rules coming into force on the first of the month. One of the most notable changes was an expansion of the section covering load security, which was effectively doubled in length from two pages to four. The extra guidance saw more specific details added about particular types of loads and how they should be dealt with under examination.

One of the other major alterations to the guidance document was the removal of the reference to the load security matrix. To understand the thinking behind this move, a brief history lesson might be useful. DVSA introduced and published the load security matrix in 2012 to assist its examiners in their decision making. Specifically, the matrix allowed them to determine what action to take after they had established that an examined load was insecure. DVSA argued that the introduction of the matrix also helped to make the enforcement process more transparent and was designed to add a greater level of consistency across the enforcement network. The matrix was supported by DVSA's load securing vehicle operator guidance, which was published in 2015 on the government website and has been subsequently amended over the years.

Since the introduction of the matrix, DVSA and HSE have accumulated a great deal of data and information relating to load shifts and subsequent



enforcement action. As a result they have acquired a better understanding of the trends and issues identified at roadside encounters (such as a recent enforcement blitz that included an overweight LCV, pictured below and at right), as well as incidents caused by load shifts.

DISCOVERIES

What the agencies found was that some operators were using the matrix as a guide to make decisions on whether a load needed securing, purely on the basis of potential enforcement action. Essentially, argues DVSA, operators may have been taking the position that a low-risk load didn't need to receive the same amount of attention as a



high-risk load because the jeopardy of enforcement action was less.

Some clarity was needed, because operators could look at the matrix and come to a conclusion that a tonne of hay was considered less dangerous than a tonne of bricks because of the way different loads were categorised. "This is obviously not the case, as any load, irrespective of type, can present a danger or nuisance to all road users," said a spokesperson from the agency.

DVSA now states that its enforcement policy, supported by the changes in the categorisation of vehicle defects, means that 'enforcement action will be taken when an examiner establishes that a load is insecure irrespective of what the load is'. In other words, the new policy is more robust and goes further than the old matrix.

The changes allow DVSA examiners "greater flexibility to assess and choose a specific reason as to why the load is insecure rather than a general 'insecure load' defect type," states the agency.

Reassuringly, the DVSA spokesperson states that in most cases there will be no changes as to how a load should be secured. "We have, however, tightened up on the requirements to cover loose loads in



categorisation of defects now includes revised definitions of when you can't use pallets more than 400kg. A few well-described examples are stated for consideration."

At the time of going to press, Owens was waiting on the confirmation of an updated version of the existing load securing vehicle operator guidance, that was originally scheduled for the end of September, but is still under development. However, he admitted there weren't too many fundamental changes from the previous document. "The revisions are primarily in response to operators wanting better clarity," he reveals.

The latest revised document has been seen by Owens and his peers and he confirms that a rigorous and thorough process has been undertaken to ensure extra clarity and relevance has been added in. "A draft has been written and forwarded to a number of different stakeholders in the industry," he explains. "The feedback from that draft is being considered. What I can say, from a personal standpoint, is that I feel that the guidance is more contextually useful and more specific. It is an improvement to the old guidance, which will be useful for operators and the wider transport community."

Furthermore, Owens reassures drivers and operators that there won't be any surprises in the new documentation, whenever it is published. "Compliance and enforcement comes down to the interpretation by both operators and enforcement officials," he says. "The new guidance will strive to clarify minimum requirements in a number of situations." [TE](#)

tippers and other vehicles because failures in this area have resulted in serious and fatal incidents."

AT THE STEERING WHEEL

Richard Owens, marketing manager at trailer manufacturer Don-Bur, is very familiar with the subject and the changes to the documentation. He sits on the load restraint steering committee with the HSE and a number of other transport industry stakeholders. While the committee doesn't deal with the final decisions, it does discuss existing and proposed guidance and considers how it will affect the industry.

"The changes mean the details within the categorisation of defects document are more prescriptive," he explains. "DVSA and HSE wanted things to be more clearly defined, rather than what could have been more open to interpretation."

While the updated detail helps DVSA and enforcement officials, it does also make a lot of things clearer for operators and the wider sector, believes Owens.

"The industry has been calling for some clarity in this area for a while now. The law is relatively simple - don't cause a danger to any person - but the

question is, how do you interpret the dangers and provide suitable solutions?" he reasons. "That's partly why the steering committee exists; to identify industry challenges with existing regulations and best practice guidance such as 'Safety of Load on Vehicles'.

"One issue is that neither DVSA nor HSE are in a position to rubber-stamp a solution," continues Owens. "Their responsibility is to investigate, identify potential problems and potentially take punitive action, but they won't necessarily say what the solution to the problem is."

The Don-Bur man says that numerous representatives from the industry have commented on this conundrum. Many drivers, for example, have questioned why they have been pulled over on the roadside and questioned some grey areas around enforcement, which has resulted in potential pushback from transport operators. "DVSA still isn't giving us a solution, but it has redefined what is actually wrong," he confirms.

Owens cites a few examples that clarify the point. "For instance, the new