Published by: The Society of Operations Engineers

President: Chris Grime lEng MSOE MIRTE FCILT

Chief Executive: Nick Jones FCA

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Registered Office: 22 Greencoat Place, London SW1P 1PR Tel: 020 7630 1111 Fax: 020 7630 6677 Email: soe@soe.org.uk www.soe.org.uk

Editor: John Challen Email: jchallen@findlay.co.uk

Editorial Director: Brian Tinham BSc CEng MInstMC FSOE FIPlantE FIRTE Email: btinham@findlav.co.uk

Contributing Editors: Dan Gilkes, Dave Young, John Kendall, Keith Read

Art Editors: Martin Cherry, Neil Young Illustrations: Phil Holmes Production Manager: Nicki McKenna Email: nmckenna@findlay.co.uk

Advertisement Manager: Craig Molloy Email: cmolloy@findlay.co.uk Tel: 01322 221144

Publisher: Peter Knutton

Transport Engineer is the official journal of IRTE.
Produced on behalf of IRTE and The Society of Operations Engineers by Findlay Media Ltd, Hawley Mill, Hawley Road, Dartford, Kent DA2 7TJ
Tel: 01322 221144
Fax: 01322 221188
www.transportengineer.org.uk

Transport Engineer is distributed free of charge to SOE members, dependent on membership sector. For nonmembers, the annual subscription rate (12 issues) is £68 UK and EU, or £70 airmail outside EU. For other SOE members, the discounted rate is £27.

Printed by: Holbrooks Printers Ltd, Portsmouth ISSN: 0020-3122

Views expressed in Transport Engineer are those of the writers and do not necessarily reflect the views of The Society of Operations Engineers or of Findlay Media Ltd.

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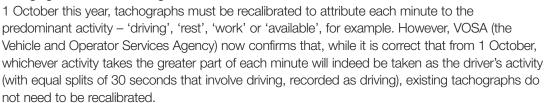
RTE engineering success

Legal interpretation or regulatory requirement?

egal matters are rarely simple. We all understand why: on the one hand, the devil is in the detail, so precision is key; but, on the other, a primary object is to limit interpretation, as far as possible, to that intended. In short, lawmakers tread a troublesome tightrope and those governed by the results sometimes scratch their heads.

So it should come as no surprise that the new regulations over digital tachographs – designed to address the problem of 'rounding-up' that forces full minutes to be recorded as driving, even though they weren't – are causing confusion.





As Gordon Humphreys, managing director of Foster Tachographs, explains: "The legislation applies solely to the vehicle tachographs, not vehicles manufactured after 1 October. Since it is probable that some new vehicles will have old-style tachographs fitted, because they will have been manufactured in advance of the deadline these do not have to be recalibrated."

He concedes that operators may retrospectively change their tachograph heads from old to new, using models manufactured after 1 October, if they believe there are commercial benefits in doing so, but makes the point that this is not required in law or by VOSA.

And while we're on legal detail, most operators believe the Road Transport Directive permits up to 56 driving hours in a week, with a maximum of 90 hours in any two, as long as the average (calculated over 17 weeks or 26, if extended) remains at 48 hours. In fact, while the 48 hours is correct, maximum driving time in any one week, under the Working Time Directive, is 60 hours.

Further, that week is formally defined as from 0000 hours on Monday to 2400 hours on the following Sunday, which may not coincide with the operators' real-world requirements. So 11-hour driving days from Monday to Friday (55 hours) would be legal, but, if your driver is asked to do another six, starting on Sunday, you're in breach.

It's a complicated business, mired in well-intended, but tricky detail. Hence the huge tome that is the FTA's (Freight Transport Association) International Road Transport Guide. And hence also the flourishing legal practices in this country, specialising in the haulage industry.

Best advice for transport managers visiting the upcoming CV Show 2011 (NEC, Birmingham, 12–14 April) is to spend at least some of your time visiting the IRTE and FTA stands, taking soundings from the experts on matters that may concern you. You can also avail yourselves of the latest essential information: IRTE, for example, is launching its truck rollovers guide at the event. And then it's time for the vehicles, workshop equipment and services. You'll be busy.

Brian Tinham BSc CEng MInstMC FSOE FIRTE

