

TE LEGAL UPDATE

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REGULATORY

Changes to headlight aim tests

Headlight aim is the most common truck failure item at MOT. In April 2015, DVSA introduced a new headlamp test for heavy vehicles offering a simple, more consistent standard that aligns with relevant EU directives.

The tolerance band for headlamp centres has been extended to 850mm, while requirements to test the 'image break' point have also been changed.

New online system

The Office of the Traffic Commissioner has been working with DVSA to improve Operator Self Service - replacing it with an online system. The new system will allow operators to submit applications and upload supporting documents, receive help when making

applications and, hence reduce waiting times.

The OTC's staff will have access to electronic casework management, improved search facilities and an interface with Companies House records.

A small group of operators is testing the system and feedback has been positive. A full public version is due to be rolled out now. If operators are not yet using 'Self Service', they should register now. Current users should check their details are up to date.

IVA inspection

DVSA has published a series of IVA (Individual Vehicle Approval) 'help to get a pass' guides aimed at operators and bodybuilders with vehicles to be registered in the UK but without a Certificate of Conformity.

Each guide explains the top 10 reasons vehicles fail IVA inspections - including for

HGVs, headlamp aim, lateral protection (side guards) and tyres. They explain how each item is inspected, what to check beforehand and the required standard.

due to the consequent financial burden. While it's unlikely to have a significant impact on drivers' wages, operator's must factor it in for employees in lower paid roles.

EMPLOYMENT LAW

Sickness absence

2015 saw the roll out of a health and work assessment and advisory service offering free occupational health assistance for employees, employers and GPs. The service can provide an assessment after four weeks of absence and may be worth bearing in mind when dealing with employees on sick leave.

National Living Wage

From 1 April 2016, a new National Living Wage will be introduced for those over the age of 25. The rate is initially set at £7.20 per hour, rising to £9 by 2020. This news has not been popular in some sectors

Gender pay reporting

2016 sees the introduction of compulsory gender pay reporting for employers in the private and voluntary sector with at least 250 staff. It will require them to report on any differences in pay between male and female employees.

Tax-free childcare scheme

From early 2017 a new tax-free childcare scheme is set to come into force, replacing the existing Employer Supported Childcare. Eligible families can claim 20% of qualifying childcare costs for children under five (or with disabilities under 17) with claims capped at £2,000 per child. In its first year, the scheme will be for children under 12.

CONSULTATIONS

DVSA Earned Recognition scheme

DVSA is developing a useful scheme which rewards operators that are able to prove a strong track record of compliance. They must allow DVSA to access their real-time driver and vehicle data, as well as their records and maintenance programmes (tachograph, MOT and servicing data, etc).

Rewards include reduced or eliminated routine roadside checks. Eligibility will depend on entry criteria, including very high annual test pass rates.

For compliant operators and those who can be compliant with support, as well as potential rule-breakers, the Remote Enforcement Office will request

documents and DVSA examiners will audit remotely.

For non-compliant and seriously or serially non-compliant operators, enforcement will be led by DVSA's Strategic Management Office. The aim is to make non-compliance economically non-viable.

The earned recognition scheme has been piloted in the South East since October 2015.

Penalties for carrying immigrants

Operators and their drivers can currently be fined up to £2,000 per illegal immigrant if they do not have effective systems to secure vehicles. However, government, working with industry, has set out

proposals to strengthen the civil penalty regime.

The existing standard (in place for 10 years) neither recognises nor rewards operators that take extra steps to secure vehicles. The aim now is to ensure that the clandestine civil penalty regime incentivises operators to invest in high-quality security.

This could be through enhancements to the accreditation scheme, a more graduated or discounted charging regime, or faster clearance processes. This will punish the worst offenders but not sanction operators where they can show they have implemented required security standards.