



## Transport Engineer's legal update page is brought to you by specialist transport law firm Backhouse Jones

### REGULATORY

#### Changes for technical applications

DVSA is no longer accepting technical applications for the HGV, PSV, trailer, and carriage of dangerous goods by road (ADR) and approval schemes by email. Instead, you must apply online through gov.uk. Using this service, you can apply for: Individual Vehicle Approval tests; test certificates for trucks, trailers, buses or coaches; and to let DVSA know about changes to coaches or buses. The online application system should speed up processes. You will also be kept up to date by email with your application progress so you know when payments and/or appointments are required.

#### Mobile phone usage

Drivers found using a handheld mobile phone will soon get six points on their licence and face a £200 fine. The new rules are likely to come into effect during the first half of this year and will apply to all drivers, including HGV, in England, Scotland and Wales. They will not apply to Northern Ireland. Another sanction suggested

is that motorists caught for the first time will no longer be able to choose a remedial course instead of receiving points. Also, newly qualified drivers face revocation of their driving licence.

#### Weight increase for efficient trucks

Trucks that carry new equipment aimed at reducing emissions will be allowed to run up to 45 tonnes, although payload must not be increased. An updated EU weights and dimensions directive comes into force on 7 May this year. However, no dates are available for implementation into UK law and Brexit may slow the process.

#### Driver CPC

DfT relaxed exemptions to Driver CPC rules in January last year for those whose main activity is not driving HGVs. Included are technicians. The radius a vehicle can be driven without a Driver CPC holder increased from 50km to 100km, provided the vehicle is unladen. Amended regulations also allow HGV drivers to use a truck with an automatic gearbox when taking a Driver CPC practical test.

#### AEBS and LDWS introduction

Under EC Regulation 661/2009, since 1 November 2015, newly registered HGVs over 7.5 tonnes have been required to have Level 1 AEBS (autonomous emergency braking system) and LDWS (lane departure warning system) fitted. Level 2 AEBS became mandatory for new types from 1 November last year and will apply to all new vehicles from 1 November 2018.

#### New-generation tachographs

European Regulation 165/2014 mandates the introduction of a new generation of digital tachographs. These will be required on newly registered vehicles from 2019, and will use a global navigation satellite system to produce location stamps at the start and end of each drive, and at three-hourly intervals. They will include wireless to alert enforcement officers to possible manipulation.

### EMPLOYMENT LAW

#### Diabetic drivers

Changes to DVLA licence renewals for diabetic drivers follow approval from the Secretary of State for Transport's Honorary Medical Advisory Panel. They now

require a GP examination for every other renewal, with only a self-declaration and independent diabetologist examination every year. The rules surrounding driving with diabetes are complex. It is important that drivers are transparent with the DVLA.

#### Licence form guide

DVLA has developed a guide to help vocational driving licence applicants complete the vocational application forms D2 and D4. The guide has been produced to give an overview of how the licensing system works. It is an attempt to streamline the application process and decrease delays and rejections from DVLA.

#### Vehicle maintenance checks

Now that winter is upon us, severe weather could strike at any time, making keeping your business on the road more challenging. It is important that you keep an eye on weather forecasts for your areas of operation so you can plan and reschedule if necessary. Highways England - which operates, maintains and improves England's motorways and major A-roads - has produced an information pack to help drivers and operators prepare. These packs are available on the gov.uk website. It is prudent to distribute them to drivers and pin them on depot notice boards.