



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

### REGULATORY

#### Mobile phone usage

Since 1 March 2017, motorists in England, Scotland and Wales found using a handheld mobile phone at the wheel will get six points on their licence and face a £200 fine. Motorists caught for the first time will no longer be able to choose to take a remedial course instead of receiving points. Drivers caught breaking the law for a second time will face a £1,000 fine and a six-month driving ban. Drivers of buses and heavy goods vehicles could receive a maximum fine of £2,500. Newly qualified motorists face revocation of their driving licence.

#### Keeping your O licence

Time is running out to make paper operator licence applications and renewals. The Office of the Traffic Commissioner envisages that the process will be paperless and online by 2019. Operators are under a duty to ensure that information on the system is correct. Since much of this has been extracted from sources such as Companies House, it is important to register online and check that data held on

your business is accurate. If it isn't, you may be committing an offence and putting your operator's licence at risk.

#### Direct Vision consultation

Transport for London (TfL) has issued a consultation document for its new 'direct vision' proposal for HGVs operating on the capital's roads due to come into force starting in 2020. At present, it is unclear which vehicles will be affected by the regulation's two stages of introduction. However, off-road specified vehicles (N3G 32-tonne tipper is the example given), artics with larger cabs for long-distance trunking, and possibly other specialist HGVs are likely to be affected in 2020. A wider range of vehicles (rigids at 26 tonnes and possibly standard artics) may be affected as the regulation tightens in 2024. More information is anticipated in May.

#### Changes to OCRS

Following a review, DVSA (Driver and Vehicle Standards Agency) has introduced changes to the OCRS (Operator Compliance Risk Score) system. These include: a new combined score; removal of 'straight to red'; verbal

warnings during a roadside check; and a reduction of points for prosecution cases and Band 5 offences. Further changes are also due, aimed at enabling operators to demonstrate a truer picture of their compliance overall, rather than solely via roadside checks.

#### 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. 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.

#### 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. However, no dates are available for implementation

into UK law and Brexit may slow the process.

### EMPLOYMENT LAW

#### Holiday pay

The Supreme Court has refused permission to appeal to British Gas in the holiday pay case Lock vs British Gas. The case will go back to the employment tribunal to calculate the amount Mr Lock is owed.

#### National Living Wage

This month sees rate changes as follows: workers over 25 see the hourly rate increase to £7.50 (formerly £7.20); for 21- to 24-year-olds the rate increases to £7.05 (£6.95); 18-20 increases to £5.60 (£5.50); 16-17 rises to £4.05 (£4.00). Apprentice rates increase to £3.50 (£3.40).

#### Apprentice levy

From 6 April, employers with an annual payroll of more than £3 million are now required to pay the Apprentice Levy of 0.5% of their total pay bill.

#### Compensation limits

New limits in employment tribunals have come into effect. Weekly pay rates are capped at £489 (previously £479). The unfair dismissal award is now capped at £80,541 (£78,962). The guarantee payment for lay-off periods rises to £27 per day (£26).