

## The legal update page is brought to you by specialist transport law firm Backhouse Jones

### REGULATORY

#### Roadworthiness tests

Before 20 May 2017, EU member states (including the UK) must adopt and publish the laws, regulations and administrative measures necessary to implement Directive 2014/45 of the European Parliament on periodic roadworthiness tests for motor vehicles and their trailers. The Directive establishes minimum requirements for a regime of periodic roadworthiness tests and will apply in member states from 20 May 2018. A consultation from the Department for Transport is expected soon.

#### Apprenticeship Levy

Last month the Apprenticeship Levy came into force, set at a rate of 0.5% of an employer's pay bill. Due to a £15,000 allowance offered to employers, the levy will only apply to companies with wage bills in excess of £3 million.

#### Changes to 'View Driving Licence'

Further changes have been incorporated into the DVLA's 'View Driving Licence and Share Driving Licence' service to include information on the tachograph card and driver CPC qualification card held

by the driver. Additional information now available includes: the issue/expiry data, status (lost, valid or stolen) and the tachograph number; as well as whether the card was renewed. Also shown are the DQC (driver qualification card), expiry date and applicable vehicles. Training data will not be shown; however, you can get this from DVSA.

#### Common IVA failures

IVAs (Individual Vehicle Approvals) are required of companies that manufacture or import a truck or trailer to ensure that the product meets the European law technical requirements. DVSA has reported the top five reasons that HGVs fail their IVA inspection. 1: In general construction, the most common failure is inadequate securing of piping or wiring. They should be clipped into place every 300mm; securement should also take the conditions of the truck into account. 2: Poor headlamp aim: the DVLA advises manufacturers to make sure that headlamps dip correctly by having them tested. 3: As sideguards are used as lateral protection, they should be a sufficient length to protect road users from being dragged underneath. 4: Rear and side retro reflectors are required



Overcoming a common IVA pitfall: long sideguards on a DAF/Don-Bur rigid

to be fitted to the vehicle correctly, with the right symbol. 5: Statutory plates should be fitted to the truck at all times throughout the manufacturing process containing information such as manufacturer, approval number, vehicle identification number (marked on chassis), maximum laden mass, maximum train weight and maximum laden mass per axle.

#### 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 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 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](http://gov.uk). Users of this service 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. You will also be kept up to date by email with your application's progress so you know when action is required.

### 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 Lock is owed.

#### National Living Wage

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

#### 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).