

LEGAL
UPDATE

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Local appeals offered for heavy vehicle annual tests (MOTs)

REGULATORY

DVSA has introduced a local appeals process for lorry, trailer and bus/coach annual test (MOT) results. Vehicle operators will be able to ask DVSA to review part of a test or the test result, without having to make a statutory appeal. This is being done so it can offer a quick review of an annual test decision and provide a consistent service to ATFs.

Apparently, if the person presenting the vehicle for annual test is not able to discuss or resolve any issues at the time of the test, a local appeal can be made. To register a local appeal, the presenter/operator can either send an email to technicalofficers@dvsa.gov.uk or ring the customer service centre (0300 123 9000, opt 1).



The local appeal should be registered within two working days of the test result (excluding weekends or bank holidays). Those making a local appeal by email should include: the vehicle registration/trailer ID and VIN number, the date and time of test, the ATF name, the address and phone number of the presenter/operator, details of the disagreement, and the

customer name and address.

DVSA is meant to contact the appellant within two days of receiving the request with further details, and arrange a re-inspection if required. Only failure items will be checked, not the whole vehicle/trailer.

DVSA aims to complete the local appeal within five days and to produce a report to indicate whether the original decision stands, or a new decision has been made. The outcome will be recorded against the vehicle or trailer and sent to the person who made the appeal.

Operators still have the right to make a statutory appeal to the secretary of state at any time during this process by using form VTG17 or VTP17. Making a local appeal will not affect any later statutory appeal.

Fact File

TIME OFF ON TACHOS

Did you know you now have to record your holidays and sick days on your tachograph records? This is just one of the changes to the tachograph record keeping obligations for drivers of vehicles covered by the EU tachograph rules that came into force in August 2020, but which most drivers and operators are still unaware of.

There has been no official guidance of substance from anyone, including the DfT or the Office of the Traffic Commissioner, and the change has not been widely publicised.

From January 2022, DVSA has changed its approach to the changes and has been enforcing them both at the roadside and during operator investigations. It is perhaps therefore no surprise that Backhouse Jones is now receiving numerous queries from operators.

REGULATORY

EU posting declaration portal now available for use online

The EU posting declaration portal (previously referred to as EU posting of drivers portal) is now available to use. From 2 February 2022, new EU rules mean that operators performing loaded goods journeys in and between European member states (cabotage or cross-trade) may need to register information digitally about their journeys. The new web-based portal can be accessed via www.is.gd/jesada.

REGULATORY

New N1 IVA

The N1 (light goods) IVA inspection manual has been updated. The changes are being made to section 25 (headlamps) along with updates to some other sections. The changes clarify the requirements for headlamp cleaning and self-levelling devices as part of the installation standards for dipped beam headlamps. The update will also clarify the standards for the components needed. In some cases, the change may

require additional evidence relating to components and/or installation such as a test report or certificate of conformity. It is available via www.is.gd/ofecir.

REGULATORY

New COVID rules

From 1 April 2022 the government will remove the current guidance on voluntary COVID-status certification and no longer recommends that certain venues use the NHS COVID Pass. It is also updating guidance setting out the ongoing steps that people with COVID-19 should take to

minimise contact with other people. This will align with the changes to testing, as it will no longer provide free universal testing for the general public in England. It will also remove the health and safety requirement for every employer to explicitly consider COVID-19 in their risk assessments, and replace the existing set of 'Working Safely' guidance with new public health guidance.

The changes recommend, rather than require, that individuals with coronavirus stay at home. This is likely to lead to potential conflicts with staff.