

LEGAL
UPDATE

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Bridge strikes plague road network

SAFETY

According to Network Rail, the number of bridge strikes peaks in October, rising to almost 10 per day.

In one recent real-life case, a driver failed to safely stow a digger bucket on the back of his truck (which is not pictured). It required the A23 between London and Brighton to be shut in both directions while the security of the bridge was inspected by engineers.

The arm collided with a bridge with such force that the impact severed the digger bucket from the vehicle.

The driver, a Mr Schofield, then continued to drive until he was stopped by police. Further investigation revealed that the truck also had two defective tyres at risk of exploding.

The driver failed to stow the



digger bucket safely despite the vehicle being fitted with an alarm system warning the driver of the fault.

It is the responsibility of drivers to make sure their vehicle is roadworthy and that the load has been safely secured or stowed.

Subsequently the driver admitted to dangerous driving at Brighton

Magistrates Court and was disqualified from driving for a year, had to complete 100 hours of unpaid work and must take an extended re-test before he is allowed to drive again. He also had costs awarded against him.

Last year, Network Rail relaunched its 'Wise Up, Size Up' campaign for HGV operators (www.is.gd/uliyul).

Fact File

IS THE END NIGH FOR EU-DERIVED LAWS?

Could we be seeing the end of TUPE, paid annual holiday, the 48-hour working week and even the part-time, fixed-term worker and agency regulations?

In recent days it's been announced that the Retained EU Law (Revocation and Reform) Bill, if passed, will automatically repeal any retained EU law as of 31 December 2023 (or a later date before 23 June 2026, if agreed) unless a decision has been made to preserve or replace them beforehand.

The government has stated that it "will ensure that only regulation that is fit for purpose, and suited for the UK will remain on the statute book".

While it's unlikely that we will see the end of the likes of TUPE altogether, Backhouse Jones does anticipate that there may be a very significant upheaval of employment rights in the coming years. It will of course continue to provide updates on further government actions.

REGULATION

Maintenance issues identified three months after MOT

Recent DVSA data has uncovered a link between the time passed following an annual test (MOT) and vehicles being issued a roadworthiness prohibition. Commercial vehicles are issued 10 times more prohibitions three months after their MOT. DVSA examiners encountered what they called a 'concerning' 25-percentage point increase in prohibitions compared to the first month after an MOT. This

indicates that some vehicles are not being adequately maintained following their test.

The same DVSA data has apparently shown that more than 60% of HGV prohibition defects are the type which could have been reported by drivers had they carried out a thorough walk-around check before beginning their journey or noticed the defect while the vehicle was in service.

DVSA reminds operators that they have a responsibility to ensure roadworthiness standards of vehicles are being maintained year-round.

REGULATION

Motorway blitz results

One in 10 vehicles were found to have the most dangerous mechanical issues during a day of coordinated action by Driver and Vehicle Standards Agency (DVSA), National Highways and police forces on 29 September.

Issues encountered included problems with steering, suspension, wheels, tyres and brakes. Affected vehicles were immediately removed from the road by agency teams.

There were 83 deliberate or negligent traffic offences

recorded, including the falsification of documents, licence issues, no operator licences, drivers' hours offences and carrying excess weight.

In total, 150 prohibitions were handed out during the operation that saw 410 heavy goods vehicles (HGVs) and 108 vans and light goods vehicles checked across the country.

DVSA said this day of action shows that the majority of the commercial vehicle industry is safe and operating legally.