



## ROAD TRANSPORT FORUM

### DVSA Remote Enforcement Office Trial Ending

The DVSA has announced that its Remote Enforcement Office (REO) trial is coming to an end. The office is based in the Western Traffic Area and the DVSA believes that “it provides a more streamlined enforcement service that poses less of a burden to compliant operators and frees up resource to focus on serious and serial law breakers.”

The remote enforcement allows operators to submit their compliance records electronically which means that, rather than having to spend time with the DVSA officer and not running their business, operators can submit their records at a time which is convenient to them and their business needs.

The DVSA states that “Operators who we know to be generally compliant, and who may have made an innocent mistake, will find that the REO recognises their compliant culture and provides the support they need to put things right – avoiding more expensive and burdensome enforcement action.”

It is expected that the use of remote enforcement will be introduced nationwide in due course, partly due to costs saving benefits to the authorities but also because it should allow them to monitor more operators with the same amount of officer hours. The DVSA says that it is “taking a careful look at the results of the trial, to make sure that the lessons we’ve learned are included in our future thinking about enforcement.”

#### What should operators do if they receive a request?

Jared Dunbar says “I would recommend forwarding your records to a transport solicitor first. They can review your documents and advise you on what problems you have and how best to deal with them. It would be prudent that, at the same time as providing the information to the DVSA, you advise them of the steps you are taking to improve things.”

### Increased weight and speed limits for agricultural tractors and trailers announced.

Claire Perry MP announced on the 17th October 2014 that the Government will increase the weight and speed limits of agricultural tractors and trailers.

Initial changes to weights and speed limits will be introduced by March 2015 through amendments to the Road Vehicles Construction and Use Regulations. There will be the following changes:

- An increase to the maximum combination weight limit for tractors and trailers from 24.39 tonnes to 31 tonnes. (The maximum laden weight of trailers will remain unchanged (at 18.29 tonnes) and the maximum axle weights for tractors and trailers will not change.)

### Appealing Fixed Penalty Notices

#### How they work

An increasing number of offences are now dealt with my way of a Fixed Penalty Notice. Offences can cover anything from vehicle defects through to tachograph offences or no insurance.

#### Action to Take – Payment or Appeal to Court

Advice should be sought immediately from a specialist transport solicitor on any occasion a Fixed Penalty Notice is received.

Operators and drivers should consider carefully what to do regarding a Fixed Penalty Notice. It is all too easy just to pay the small fine and not challenge it, even when you are innocent of the alleged offence.

However, both operators and drivers need to consider the regulatory action which could result from just paying the fixed penalty. In other words, for an operator it could lead to a Public Inquiry and for a driver it could lead to Driver Disciplinary Hearing. Both could result in disciplinary action being taken on the respective licences of the company or driver, which could include either suspension or loss of the licence.

Anyone receiving a fixed penalty notice has up to 28 days to decide whether to appeal it or pay it. If you appeal the notice, then a court summons will be issued in due course and you are able to then put forward your defence at Court.

#### Going to Court

To appeal the matter to Court, individuals need to complete the relevant section of the fixed penalty notice and return it to DVSA/Police without any payment. This must be done within 28 days of the notice being issued.

- An effective speed limit of 25 mph will be applied for conventional tractors, which is an increase of 5mph. (Those tractors allowed to exceed 25 mph will continue to be subject to tighter design and regulatory requirements.)

Mrs Perry MP stated that “The regulations governing tractors and trailers are outdated and the limits were set in the 1980s and do not reflect the significant advances in technology that have been made in this sector. As well as having improved braking systems today’s tractors are heavier.”

## Department of Transport Reviews its Powers of Entry

The Department for Transport is responsible for a considerable number of powers of entry. Much of these laws relating to transport have their origin in legislation dating from the mid-19th to the mid-20th centuries.

A recent review has taken place which has concluded that about two thirds of the current powers of entry will be retained. The Department for Transport does not consider that people will regard this as an intrusion into their civil liberties.

A report has recently been published which sets out the results of the Department's review of its powers of entry and what action will be taken. The table below sets out the number of powers of entry owned by the Department and a breakdown of action that will be or has been taken.

<b>Total powers of entry in scope of review</b>	<b>99</b>
1. Total powers of entry to be repealed	5
2. Total powers of entry to be retained with additional safeguards	36
3. Total powers of entry to identified for consolidation	4
4. Total powers of entry to remain unchanged	54
<b>Net Total</b>	<b>92</b>

### Next steps

The DfT will release a consultation document setting out the detail about the powers of entry which it is proposing to amend. This will be made available on [www.gov.uk/dft](http://www.gov.uk/dft)

For advice on transport law, contact **Jared Dunbar** at Dyne Solicitors on **01829 773 100**.

*Content is believed to be correct at time of writing. Content written on 27.11.14.*

## Changes to the Tachograph Rules in 2015



From the 2 March 2015, some vehicles will no longer need to be fitted with tachograph recording equipment and their drivers will not have to comply with EC drivers' hour rules.

EEC 3821/85 is being replaced by a new European regulation (EU 155/2014). This regulation sets out the requirements for the construction, installation, use, testing and control of tachograph recording equipment.

The new regulation increases the journey distance for exemptions from 50km to 100km from the operator's base. This will apply to:

1. Vehicles or vehicle and trailer combinations with a maximum weight of 7,500 kg which are:
  - used to carry materials, equipment or machinery for the driver's use in the course of his work and when driving the vehicle is not the driver's main activity;
  - used to carry goods and which are propelled by natural or liquefied gas or electricity.
2. Vehicles used to carry live animals from farms to local markets, or from markets to local farms or slaughterhouses.

From 2 March 2015, these vehicles will no longer have to be fitted with tachograph recording equipment and the drivers will not have to comply with EC drivers' hour rules. Instead, drivers of these vehicles must meet GB domestic drivers' hours rules.

## New Operator's Licence Financial Requirements reduced for 2015

Financial requirements for an Operator's licence are reviewed annually in an attempt to address any impact of fluctuating exchange rates would have on financial standing for an Operator's Licence.

To decide the financial requirements for Operator's Licences each year, the EU regulation requires traffic commissioners to utilise the exchange rates as published in the Official Journal of the European Union on the first working day of the previous October

The financial standing requirements for a Standard Licence are due to decrease from 1st January 2015 to:

- **First vehicle**                      **£7,000** (down from £7,400)
- **Each additional vehicle**      **£3,900** (down from £4,100)

The requirements for a Restricted Licence remain unchanged at £3,100 for the first vehicle and £1,700 for subsequent vehicles.

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