

# THE SAFE OPERATOR'S GUIDE

Revised 2017



Whilst every effort has been made to ensure the information provided is accurate, it should not be treated as a complete or authoritative statement of law. If you are in any doubt you should seek your own legal advice

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# Section One

## Introduction

# Section 1:

## INTRODUCTION

### **About this Guide**

The Driver & Vehicle Agency (DVA) has produced this Guide to explain the operator's licensing system and to help make sure that all goods and passenger carrying vehicles are used **safely and legally**.

The procedures and systems explained in this Guide are useful for both new and established users of goods and passenger vehicles. The guidance applies to everyone – whether you already hold an operator's licence or, because of the size of your vehicles or their use, you do not need a licence.

### **New operator**

If you are a new operator, you will find this Guide useful for advice on the types of systems and procedures to put in place for your employee drivers, loaders and other staff. If you follow the advice given in this Guide, you can make sure you are complying with the law and that your compliance can be monitored and controlled.

### **Experienced operator**

If you are an experienced and established operator, you will be able to use this Guide as a benchmark to assess whether the systems you already have in place are comprehensive enough or whether they need reviewing and improving.

### **Easing the burden on the compliant**

To avoid causing inconvenience and disruption to good operators, DVA examiners are now targeting operators that are more likely to be a risk to road safety or are non-compliant. Those operators shown to be a greater risk to road safety are more likely to be stopped for an enforcement check, while those shown to pose the least risk will be allowed to go on their way without a full check.

### **What does this Guide contain?**

The procedures and systems described in this Guide relate to the monitoring and control of drivers' hours, record keeping, speeding, driver licensing and the maximum permitted weights of vehicles.

This Guide:

- summarises best practice advice on safety procedures relating to various aspects of employees' duties (such as driving and loading);
- summarises general procedures for managers of commercial road transport businesses to make sure they comply with all licensing regulations and contribute to road safety; and
- explains the legal position of operators in relation to compliance.

It also highlights the importance of training drivers, loaders and support staff, and explains the compliance checks that drivers and other staff will come across in their jobs (such as road checks, operator visits, compliance audits and vehicle testing).

### **Other guides and codes of practice**

There are many guides, manuals and codes of practice available relating to all aspects of a transport business. **Please note that this Guide is primarily concerned with monitoring systems to help with compliance.** Although some best practice advice is included (such as on the loading of vehicles and training of drivers), it is in summary form only and therefore should not be taken as comprehensive guidance on the subjects.

We have produced a booklet called Guide to Maintaining Roadworthiness, which gives details about the systems you need to put in place for maintaining vehicles in a roadworthy condition. Drivers' hours rules and record keeping requirements are explained in Drivers' Hours and Tachograph Rules for Goods Vehicles in Northern Ireland and Europe and Drivers' Hours and Tachograph Rules for Passenger Vehicles in Northern Ireland and Europe. We have also produced leaflets on Compliance Audits, Goods Vehicle (Licensing of Operators) Act, Roadside Compliance and the use of Tractors and Trailers for commercial transport which you may also find useful.

We recommend you read and keep these guides for future reference. There are also codes of practice available relating to various aspects of transport operations, including the weighing of vehicles and the safety of loads on vehicles. The European Commission has produced a guide, European Best Practice Guidelines on Cargo Securing for Road Transport, which can be downloaded from its website: [https://ec.europa.eu/transport/road\\_safety/topics/vehicles/cargo\\_securing\\_loads\\_en](https://ec.europa.eu/transport/road_safety/topics/vehicles/cargo_securing_loads_en)

### **Nobody's perfect**


DVA recognises that operators of goods or passenger carrying vehicles will not be perfect all of the time. However, we do want you to be vigilant and responsible.

The penalties for and consequences of non-compliance to you the operator – and to the general public – can range from the inconvenient to the very serious and, sometimes, to the catastrophic. You and your staff may be prosecuted and your vehicles may be prohibited and possibly immobilised or impounded. At worst, you may cause serious injury or fatal collisions.

### **How does the law affect me?**

The Department for Infrastructure has the power to revoke, suspend or curtail your operator's licence. It may also impose various conditions on the way you operate authorised vehicles if you don't comply with the requirements of the licensing system. If you haven't got an operator's licence or use a heavy goods vehicle when your licence has been revoked, your vehicle and any goods carried in it may be impounded and your assets may be lost.

The Department may also suspend or revoke a driver's vocational licence on the grounds of non-compliance with drivers' hours rules and/or other driver licensing legislation.



When an operator's licence is granted, the holder makes written commitments to the Department that, among other matters, he/she will have a working system in place to make sure that the drivers abide by drivers' hours/record keeping regulations and that the vehicles will be maintained properly and used within the weight limits.

The person holding the operator's licence must report to the Department, within 28 days, any convictions relating to drivers or to the holder of the licence or any event affecting the good standing of the operator such as an authorised vehicle being detained or seized by HM Revenue & Customs when found to be using illegal fuel.

### **Health and Safety (Risk Assessments)**

In addition to the operators responsibilities in respect of Road Safety due consideration must be afforded to the Health, Safety and Welfare of staff. Health and Safety best practice should be ingrained in all aspects of planning relating to the correct operation of a road transport business.

### **How does the law affect me?**

An employer must provide, "as far as is reasonable", a safe, risk-free workplace and systems of work. To comply with regulations, the employer has to carry out suitable and sufficient risk assessments, record the significant findings and make sure that employees are given the information, instruction, training and supervision necessary to ensure their safety.

The information given to employees can be provided in whatever form is most suitable, but it must be relevant and easily understood by everyone.

Research shows that more work-related deaths and injuries occur on the road than in the "static" workplace. In the light of this research, the Department for Transport (DfT), together with the Health and Safety Executive (HSE), have published a useful guide called Driving at Work – Managing Work-Related Road Safety. This publication can be downloaded at: [www.hse.gov.uk/pubns/indg382.pdf](http://www.hse.gov.uk/pubns/indg382.pdf)

Risk assessments should be a compulsory part of any transport business. We advise you to carry out a separate risk assessment for each and every type of duty carried out by drivers, all other staff, vehicles and premises.





# Section Two

Monitoring Procedures and Systems

# Section 2

## MONITORING PROCEDURES AND SYSTEMS (IN GENERAL)

This section gives best practice advice on the procedures and systems to put in place in order to comply with the law. It covers tachograph monitoring, speed limiter monitoring, record keeping, including duty rosters and timetables for certain services.

As an operator, it is your responsibility to put proper arrangements in place to make sure that, where relevant, each vehicle and driver complies with all the items listed below.

We recommend that each item in the list has a related procedure for **checking the standard of compliance and a system for immediately acting on any non-compliance**. It is important to have a system for immediate action so that the situation can be corrected, procedures can be introduced for training, and control measures can be introduced to prevent non-compliance happening again.

You must make sure that vehicles are operated as safely as possible. There is little point in having a good monitoring system in place if faults and bad behaviour (minor or serious) are seen and acknowledged but just allowed to continue.

All monitoring systems should make sure that you or the responsible manager are aware of all critical dates for mandatory and safety checks on vehicles and components.

| Items to be monitored | Action/information available   |
|-----------------------|--|
| Tachographs           | When installed and when last calibrated, check for malfunction or repairs needed.  |
| Speed limiters        | When fitted or repaired, check for malfunction.  |
| Record keeping        | Issue, return, check/analyse, store/file tachograph charts or manual record books including daily rosters and timetables for certain services. Download, store and analyse digital data from driver smart cards and digital tachographs. Ensure that adequate numbers of company cards are available to manage and download data on digital tachographs. |
| Drivers               | Check driving licences, driver smart cards, training, scheduling of duties and rotas, hours of work, record keeping and control measures around non-compliance. Also check drivers other employment and in particular other driving  |
| Testing               | Check dates and details of vehicle tests including storage of associated paperwork.  |
| Insurance             | Check extent and relevance of cover, and check dates of expiry for each vehicle.   |
| Vehicle excise duty   | Check that correct duty has been paid. Check reduced pollution certificates.   |

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| <b>Loads</b>  | Check details of consignments (quantity, weight, details of consignor(s) and/or delivery points). Check that you stick to legal weight limits.   |
| <b>Operator licensing (authorisation and discs)</b> | Update authorisation and specification of current vehicles. Monitor public service vehicle (PSV) licence discs on vehicles in service or being used to carry passengers. Check that all sub-contracted operators hold operators' licences.   |
| <b>Vehicle condition and maintenance</b>            | Complete records of safety maintenance inspections and repairs should be retained to demonstrate that the vehicles have been kept in a roadworthy condition. This is equally important when the maintenance is contracted out. Ensure you are aware of any prohibition or defect notices issued to vehicles and any issues are rectified with paper records maintained. Check and retain drivers walk round records. |

### Scheduling and planning duties

Any operator of goods or passenger carrying vehicles should have a good system in place for scheduling drivers' duties to take account of all the relevant drivers' hours, working time and health and safety regulations.

Planned journeys must be practical and must not jeopardise road safety. You should allow some time for general congestion on routes, especially around places where delays often occur. You should also consider the limitations on the hours that the driver can work and take into account any known disruptions to traffic on highways, at ports, etc.

Allow extra time for inexperienced drivers and for drivers unfamiliar with any given route or vehicle. Relief drivers, who are often the newest and most inexperienced of a company's drivers, are sometimes given routes or vehicles not favoured by the regular drivers. We suggest that it may be more sensible, in the interests of road safety, for you to use only the more experienced drivers on difficult journeys, especially if unfamiliar vehicles are being used.

Remember to consider driver, load and vehicle security if the vehicle is to be parked somewhere overnight. Good forward planning, including time spent on researching safe stopping/parking places, is essential to the driver and the company.

#### Golden rules for planning schedules and work rosters



- Never compromise road safety by exerting pressure on drivers to complete journeys when insufficient time has been allowed to ensure proper compliance with regulatory requirements
- Take into account a driver's experience, familiarity with the type of vehicle and knowledge of the route.

Items for monitoring from the table on pages 10 & 11 are now examined in more detail.

### Tachograph monitoring system

If you are using vehicles that are subject to the EC Drivers' Hours and Record Keeping Regulations, you need to have a system in place that makes sure the tachograph is functioning correctly. Make

sure that procedures are in place for malfunction reporting by the driver and for swift action to be taken to solve any problems. Also, the system should make sure that the operator knows about significant dates coming up so that the necessary inspections can be carried out.

Your tachograph monitoring system should include a way of registering essential information, including:

- the date of the initial calibration and a record of the calibration details (if they are not on the certificate);
- a “bring forward” date for a reminder to book vehicles in for two-year inspection and six-year inspection/recalibration (analogue tachographs) and two-year calibration (digital tachographs);
- the type approval “e” number of the tachograph and the corresponding record sheet type number (so that correct charts can be issued to drivers);
- a record of the details of all submitted driver defect reports concerning malfunctioning tachographs and actions taken to solve the problems (including relevant dates);
- details of any minor or major repairs, including any seals broken and replaced; and
- a system to check tachographs for any malfunction or tampering (e.g. to find any fitted illegal wires, templates, blocking devices, etc) and to record that checks have been carried out.

### **Speed limiter monitoring system**

We recommend you put a system in place for checking that the speed limiter is functioning correctly at all times, otherwise road safety may be compromised. The system should check:

- installation date;
- the position of the speed limiter plate and the accuracy of its details;
- any speed limiter malfunction and a record that any checks have been carried out;
- evidence from tachograph records that the vehicle has exceeded the regulated speed limit; and
- records of all submitted driver defect reports concerning malfunctioning speed limiters and actions taken to solve the problems (including relevant dates).



**Note:** if you find any malfunction of the instrument or any evidence of speeding, you should discuss it with the driver concerned as soon as possible.

### **Drivers' hours and tachograph record keeping system (EC Regulations)**

It is essential for road safety reasons that you can show that your drivers are keeping to the hours and record keeping regulations. You should therefore have a good monitoring and control system in place.

Digital tachographs require the electronic downloading of data from driver smart cards and tachographs – this will support improved methods of analysis but requires different administrative processes to those used for analogue tachograph records. It is vital that your system works properly and that it covers the following:



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| <p><b>Issuing tachograph record sheets (charts) and print rolls for digital tachographs</b></p>  | <p>The transport manager (or delegated person) should keep a record detailing:</p> <ul style="list-style-type: none"> <li>• the quantity and type of charts/print rolls issued (i.e. make and type approval number); and</li> <li>• the driver's name and date of issue.</li> </ul>  |
| <p><b>Returning tachograph record sheets (charts) and printouts from digital tachographs</b></p> | <p>The transport manager (or delegated person) should keep a record detailing:</p> <ul style="list-style-type: none"> <li>• the date and time of return of the charts or printouts; and</li> <li>• any other relevant details, including the quantity, the date of each chart/printout, the reasons for the printout and any unusual aspect (e.g. damaged or defaced charts, missing charts).</li> </ul>   |
| <p><b>Checking and downloading of driver smart cards</b></p>                                     | <p>The transport manager (or delegated person) should ensure that downloading of the data from the driver smart cards is carried out whenever it is necessary to ensure that data is not overwritten or otherwise lost and in any event before the expiration of specific periods according to the data concerned namely:</p> <ul style="list-style-type: none"> <li>• in the case of data stored on the driver card, a period of 28 days;</li> <li>• in the case of data stored on a driver card where an enforcement officer has reason to believe that an offence under the Road Traffic (Northern Ireland) Order 1981 has been committed.</li> </ul>   |
| <p><b>Lock-in and lock-out of digital tachographs using a company card</b></p>                   | <p>Company cards are provided to assist operators in managing digital data. They are the “key” that enables operators to identify data recorded on digital tachographs generated while the vehicle is in their care, and to prevent downloading by unauthorised persons. In the event of a tachograph failure away from base, the company card will help the tachograph workshop to identify and return data to the operator.</p> <p>The use or non-use of a company card does not provide any proof of control of the vehicle or impose any liability on an operator. For the reasons stated above, and to support the operator in managing electronic data, it is recommended that company cards are used.</p> |

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| <p><b>Downloading digital data from digital tachographs</b></p> | <p>The transport manager (or delegated person) should ensure that downloading of the data from a digital tachograph is routinely conducted, using a company card, at a frequency no greater than 90 days and often enough to ensure that data is not lost.</p> <p>This enables the operator to ensure the completeness and accuracy of data captured from driver smart cards and to take timely remedial action to resolve any problems. The tachograph will have a record of all driving and will enable identification of all driver cards used and periods of driving where no card has been used.</p> <p>In addition to driver activity, the data will include information such as the record of "events" and "faults" recorded by the tachograph, consideration of which should form part of the routine analyses of the records.</p>  |
| <p><b>Inspecting tachograph record sheets (charts)</b></p>      | <p>You should nominate a competent person to be responsible for checking or analysing the record sheets (charts). This person may be the transport manager, another employee or an independent contractor. Record sheets should be checked for obvious errors immediately on their return and analysed as soon as possible. If drivers are required to undertake a daily walk round check of the vehicle prior to use check to ensure this is recorded on their record as "other work" Particular items that should be checked for omissions or errors include:</p> <p><b>On the centrefield</b></p> <ul style="list-style-type: none"> <li>• driver's surname and first name;</li> <li>• date(s);</li> <li>• start/finish places and odometer readings; and</li> <li>• vehicle registration mark (including any required change of vehicle information on the reverse of the chart).</li> </ul>  |
|   | <p><b>Recordings</b></p> <ul style="list-style-type: none"> <li>• check correct use of the mode switch mechanism; and</li> <li>• look for any interference with the recordings, such as bent styli, interference in the electrical supply, opening of the tachograph head and missing kilometres (including any discrepancies in the odometer readings/distance trace totals or in the distances recorded between known locations).</li> </ul> <p><b>Charts</b></p> <p>Checks on the charts should be made to ensure that the recordings (or manual entries) show the time that the driver started his/her duty and that he/she stuck to all rest, break and driving periods, as well as to the speed limiter settings. Charts should also be scrutinised for drivers exceeding speed limits, including when driving on single/dual carriageway roads, where these can be identified in the recordings.</p> <p>The information on the charts can and should be compared with other relevant documents, such as time sheets (or job/journey sheets), to check any discrepancies in the times that duties started or ended, times and places of picking up/dropping off (especially for passenger carrying vehicles) or loading/delivery (especially for goods carrying vehicles), and overnight stops and distances travelled.</p> |

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| <b>Analysis of digital data</b>                             | <p>Digital data, downloaded from digital tachographs and driver smart cards, requires IT equipment and software to enable analysis. This equipment can be installed at the operator's premises for analysis by the operator or their staff.</p> <p>Alternatively, analysis can be conducted remotely by a third party. Analysis of the data follows the same rules as provided above for the inspection of tachograph record sheets (charts) used with analogue tachographs. Digital data must, however, be available to anyone from the operating centre authorised to inspect it.</p>   |
| <b>Records of analysis of driver records</b>                | <p>You should keep a record of the analysis and the results for both analogue and digital tachograph records. This can include reasons why particular journeys have not been completed as originally scheduled (e.g. unforeseen breakdowns or weather/traffic problems) and whether or not the driver has endorsed the back of the chart or printout in such a case.</p> <p>If an independent analysis bureau is used, the charts should be sent to the bureau as soon as possible and the analysis reports checked immediately they are received. In the case of digital data copies of the original files, these can be sent for analysis while the original file is retained for inspection if required. The contracted service should be customised to suit your needs as an operator and you should monitor the analysis reports for accuracy.</p> |
| <b>Listing faults and offences (both serious and minor)</b> | <p>You should list all drivers' hours and records offences relating to each driver and vehicle (including speeding and tachograph faults) that you find during the analysis.</p> <p>You should have a procedure in place for quickly bringing this list to the attention of the person(s) responsible for the running of the transport business (i.e. the transport manager (Certificate of Professional Competence holder), the actual operator or the controlling director).</p>  |
| <b>Monitoring and training drivers</b>                      | <ul style="list-style-type: none"> <li>• In the interest of road safety, you should put a system in place to interview drivers when offences are discovered, so that you can discuss and arrange a suitable training programme and, where necessary, impose sanctions.</li> <li>• Your system should make sure that:</li> <li>• each driver is dealt with in a just, fair and unprejudiced way;</li> <li>• any agreed training programme is relevant to the offences or problems discovered;</li> <li>• a progressive disciplinary procedure is in place to deal with drivers committing repeated offences; and</li> <li>• a record is kept of any action or training programme begun concerning a driver.</li> </ul>   |
| <b>Repairing tachographs</b>                                | <p>You should put a procedure in place for acting on the information gained from the analysis of the charts so that you can correct any tachograph malfunctions found. The law says it is an offence to use a vehicle with a defective tachograph.</p>  |

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| <b>Storing record sheets and printouts</b>               | <p>The law says that you must keep the tachograph record sheets (charts) and printouts for at least one year from the date of their use. You should store/file them in a safe and easily accessible place. There are various methods of storing the charts (e.g. on pegs, in envelopes, in folders, etc). However, both the charts and the printouts must be kept in date order, either under the registration number of each vehicle or the name of each driver.</p>  |
| <b>Storing digital data</b>                              | <p>Data downloaded from digital tachographs and from driver smart cards must also be stored for at least one year.</p> <p>For the purposes of confirming the authenticity of data, it must be stored in its downloaded format, and operators must ensure that the equipment they, or any contracted third party agencies, use is able to fulfil this requirement.</p> <p>Data may be stored remotely from the operating centre, e.g. on the server at an analysis bureau, providing it can readily be made available (e.g. by email transfer).</p> |
| <b>Keeping and filing Working Time Directive records</b> | <p>The law says that you must keep a record of the hours worked by all employees, including mobile workers. This can be in a very simple form, such as through the normal payroll system.</p> <p>These records should be stored/filed for at least two years after the end of the period covered.</p> <p>You must be able to give employed drivers and other workers copies of the records of hours worked if you are asked.</p>   |

### Duty rosters and timetables (passenger vehicles on regular services)

It is not only crucial that your drivers carry, and keep to, published timetables but also important that you keep a record of the driver and vehicle being used on any journey in case you are questioned about it by the Department, the police or DVA Examiners.

### How does the law affect me?

**National regular passenger services** on a route of **over 50 km** using vehicles with nine or more passenger seats come under Community Regulation (EC) 561/2006.

Regular passenger services up to and including 50km are not subject to the EC Tachograph & Drivers Hours regulations when the driver is engaged **solely** on such journeys. Time spent on this type of journey must be recorded as 'other work' when a driver carries out mixed driving under EU and Northern Ireland Domestic Drivers Hours rules. However, they are usually subject to the domestic regulations (including regulations made under the Vehicles (Drivers' Hours of Duty) Regulations (Northern Ireland) 1991) and, where local services are operated; the routes of these services need to be registered with DfI Public Transport Services Division. In the UK there is no obligation on the driver to keep any records when he/she is engaged on such journeys, but the time spent on this type of journey is counted as "other work" in respect of the EC Regulations.

Therefore if the same driver carries out EC driving at any time in the same 24 hour period, time spent driving under Northern Ireland Domestic drivers hours rules must be recorded on the Tachograph. This must be done by making a manual entry on the drivers chart in the case of a



vehicle equipped with an analogue Tachograph or on the memory of a digital Tachograph where one is fitted. This time must be recorded as 'other work'.

### **Record books (goods vehicles)**

Operators using goods vehicles under one of the exemptions contained in Articles 3 or 13 of Regulation (EC) 561/2006 are usually subject to the domestic rules – requiring drivers to use written record books. As the operator, you should keep a register of the issue and return of the record books. You should closely check the entries, and any offences discovered should be dealt with as explained above in relation to the use of tachograph record sheets. You must keep the record books for at least **one year**.



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# Section Three

Drivers (employing, contracting  
and safety issues)

# Section 3:

## DRIVERS (EMPLOYING, CONTRACTING AND SAFETY ISSUES)

**This section concentrates on drivers and gives best practice advice on their recruitment, licensing and training. It also offers best practice advice on using agency drivers and sub-contracted operators, while clearly stating your legal position.**

### **Recruiting drivers**

The driver is the face of the transport business to the general public. This includes most of the customers and, therefore, the driver can be seen as the ambassador for your company. Reliable and motivated drivers are an important asset and this should be considered at the time of recruitment.

In relation to road safety it is important that, when recruiting a new driver, you pay enough attention to his/her driving style, attitude to driving and other road users, and accident history. It should be obvious from the wording of the job description and the impression given to the recruit at the first interview that you attach great importance to a safe, defensive driving style and to road safety in general.

Always include a test drive as part of the recruitment process. However, try to remember that a driver who normally drives well may drive badly due to nerves and equally that an unreliable or erratic driver may manage to control their natural inclinations for the purposes of the test. Consider the results of any test drive carefully.

We recommend that any offer of a contract of employment should only be made subject to a satisfactory medical examination and, if relevant, references and a background check.

### **Driver Licensing**

It is important to put a rigorous procedure/system in place to enable each driver's licence to be thoroughly and frequently checked, to avoid possibly serious infringements of the licensing laws. This is something that can be incorporated into a driver's contract of employment so that, once the driver is employed, there is no problem about asking the driver to produce the licence for inspection and copying. You should always check the validity of any self-employed (e.g. agency supplied) driver's licence.

It has been known for drivers to continue driving despite being disqualified by the courts. It is your responsibility as operator to make sure that employed drivers hold valid licences, not just because a driving offence would be committed and the vehicle's insurance invalidated, but also because of the road safety implications.

You should check the original driving licence(s) and not a photocopy (which could have been altered). Check all the details, especially name, address, issue number, entitlement (categories of vehicles), expiry date and endorsements. However, we recommend that each time it is checked you keep a photocopy of the licence for the office file.

It is up to you how often you make checks on a driver's licence, but you should certainly make a thorough check when a driver is first employed, before they drive any vehicle. We recommend that you then make regular checks on the licence (e.g. every six months or so) so that the ongoing situation can be closely monitored. If there is any stalling by the driver about producing his/her licence, you should enquire about the validity of the licence.

Operators can check directly with the Driver & Vehicle Agency (DVA) for the accurate current licensing position of any driver. Please note that this can be done only with the approval of the driver, but his/her refusal may indicate a possible problem with their licence.

If you are in any doubt, contact a DVA Vehicle Examiner so that an investigation can take place.

### **Driver smart cards**

A driver smart card does not provide proof of an entitlement to drive. Without a driver smart card, however, a driver cannot legally drive a vehicle that falls within the scope of EU Drivers' Hours Regulations if the vehicle is fitted with a digital tachograph.

The data on drivers smart cards must be downloaded from the card at the latest every 28 days.



### **Driver Certificate of Professional Competence**

All professional bus, coach and goods vehicle drivers are now required to hold a Drivers Certificate of Professional Competence (CPC). If you held vocational entitlement for a bus or coach prior to the 10th of September 2008 or a goods vehicle prior to the 10th the September 2009 you will be required to complete the 35 hours training within 5 years from the dates specified above. However, if you acquire vocational entitlement after the relevant dates specified above you must obtain the initial Driver CPC qualifications prior to driving a bus, coach or goods vehicle professionally. All drivers must complete 35 hours of training every 5 years to keep their drivers CPC valid.

Further details can be found on the NI Direct website at <https://www.nidirect.gov.uk/information-and-services/driving-living/driver-certificate-professional-competence>

### **Driver training**

A driver who has received proper training should be able to:

- drive more safely than a driver who has not received proper training;
- work more efficiently than a driver who has not received proper training;
- make risk assessments and understand risk management;
- provide good customer service; and
- contribute to your transport business's positive image.

As a transport operator, if you pay attention to traffic safety from the start of the training period, you will help your drivers understand that safety and reliability are the first priorities.

### **What sort of training is needed?**

Training should cover all aspects of a driver's work, and you should put a system/procedure in place for each separate duty carried out. We recommend that you set out each system/procedure in an operations instruction manual so that everybody, from driver and trainer through to top management, knows exactly what procedure needs to be carried out for each item and can refer to it at any time.

The operations instruction manual should cover the following duties:

- handling the specific vehicles used by the operator;
- drivers' hours and record keeping (including relevant legislation);
- following vehicle maintenance procedures and systems;
- carrying out all safety precautions (before, during and after driving), such as walk-round checks;
- the correct control of speed;
- safe, secure and legal loading;
- safe and secure parking (both at your company's base and away from it);
- refuelling safely;
- driver behaviour;
- company procedures and administration;
- route knowledge; and
- completing border formalities.

You may also wish to include the correct procedures to be followed:

- in the event of sudden emergencies;
- when stopped and checked by enforcement staff who have the power to stop all vehicles;
- for overnight stops;
- on ferry/Eurotunnel crossings; and
- when travelling abroad.

Remember: training programmes are not just for new drivers. You should organise refresher courses for each driver, ideally every year. You should also arrange special training for drivers who change vehicle type or who are given a different type of transport operation.

## Safety first

Road users and pedestrians expect a lot from a professional driver, and safety is vital. Therefore, you should pay specific attention to defensive and anticipatory driving.

## Customer satisfaction

Customer satisfaction depends greatly on the driver's competence, attitude and ability to deal with all kinds of people, each with their own needs. The degree of customer service needed depends on the type of transport operation, but it is vital that you familiarise your drivers with the importance of the "ambassadorial" approach.

It is important that the person carrying out and/or managing driver training also has a good reputation in respect of road safety, defensive driving style, customer service and courtesy. This person should lead in these areas by good example and, whether or not they are an experienced driver, must be respected by their colleagues and the trainees.

You can use your own staff to provide in-house training. Alternatively, many other organisations supply excellent training courses for drivers and management in all areas of goods and passenger carrying transport operations.

## Driver handbook (or manual)

We recommend that you produce a driver handbook (or manual) which should:

- explain clearly and in detail how a driver is expected to carry out all of his/her duties;
- be easy to use; and
- give clear, practical work instructions, with special attention given to safety procedures.

It is good practice to involve your drivers in the preparation and championing of the handbook so that they are happy to use it. You should update the handbook regularly to make sure it stays relevant and does not become so out of date that drivers ignore it.

## Contents of the driver handbook (manual)

We recommend that your driver handbook includes information on the following:

- **Vehicle:** daily inspection and general use of the vehicle, use of vehicle documents and advice on reporting defects.
- **Tachograph:** use of instrument, keeping records and returning record sheets, downloading driver smart cards.
- **Driver:** championing the transport company, maintaining customer satisfaction, dealing with various situations (e.g. at a roadside enforcement or roadworthiness check).
- **Driving:** instructions on safe and reliable driving techniques, driving hours and breaks, plus advice on complying with maximum speed limits relevant to the type of vehicle and road, and driving at low speeds in adverse weather/road conditions.
- **Management:** procedures to follow when specific incidents occur (e.g. collisions), form filling, record book completion and general administration (e.g. reporting illness).



## **Saving fuel and protecting the environment**

There are a number of government-recognised organisations that offer help and assistance in considering fuel consumption and protection of the environment.

**The Energy Saving Trust** works to cut greenhouse gases and air pollution in the road transport sector. The Trust promotes cleaner, lower-carbon vehicles and fuels, eco-friendly driving techniques and low-carbon transport alternatives.

**Fuel Champ** provides a range of driver development and fuel efficiency advice services aimed at reducing the impact which the road haulage and passenger transport industry has on the environment. The Fuel Champ service package includes the DfT-approved SAFED (Safe and Fuel Efficient Driving) programme, which has demonstrated average fuel savings of more than 10 per cent; a corresponding reduction in fuel costs and in carbon and CO<sub>2</sub> emissions; and a reduction in gear changes of 37 per cent. It is expected that SAFED, soon to be accredited, will qualify as a training module under the EU Training Directive requirements.

## **Using agency drivers**

When you need to use an agency to supply a driver, it is important to list all the conditions of the driver's temporary employment in a binding contract with the agency. These conditions should include issuing instructions to the driver; using the vehicle and any equipment or property, and returning tachograph record sheets. You should also make sure you are happy that proper arrangements are in place at the agency for checking drivers' licences and for you to personally check the supplied driver's current driving licences and driver smart cards (including access to the card to ensure adequate availability to conduct the duties you wish to assign to the driver).

Regulation of Employment Agencies is the responsibility of the Department for the Economy through the Employment Agency Inspectorate. Further details are available on their web site: <https://www.economy-ni.gov.uk/eai> or by calling 02890 257554.

There have been problems within the industry around the use of agency drivers. One problem is the failure of the agency (and the driver) to tell operators about recent work carried out by the driver that could result in a breach of drivers' hours regulations and adversely affect road safety.

Another problem is in securing the return of charts to the operator when agency drivers have been employed for driving duties. This would also include the provision of digital data downloaded from driver smart cards.

Both of these issues should be written into any contractual agreement with an agency. The contract should also provide for you (as the operator) to request relevant information from the agency driver and to check the driver's tachograph record sheets and/or driver smart card to ensure that the driver has had sufficient rest and is able legally to carry out the required duties for you.

There should be contractual arrangements in place to secure the return of the record sheets and any printouts of data within the required period. Even with that arrangement, a situation might arise where the original tachograph record sheets are not returned to the operator within the required time.



**Therefore, we recommend that:**

1. you (the operator) make a photocopy of the chart(s) of agency drivers and/or take a download record of the driver smart card;
2. the driver retain the original(s) in order to comply with Article 36 of Regulation (EU) No 165/2014;
3. you (the operator) then seek to obtain the return of the chart from the driver or agency within the required period.

If the original tachograph record sheet cannot be produced, we suggest that (in the case of agency drivers), provided that the employer (the operator) can produce a photocopy and has taken all reasonable steps to try to get the original returned, that could be deemed acceptable evidence of compliance.

Regulation 7A of the Passenger and Goods Vehicle (Recording Equipment) Regulations (Northern Ireland) 1996 (in reference to the Inspection of Records and Other Documents and Data Relating to Recording Equipment) states:

- (1) An officer may, on production if so required of his authority, require any person to produce, and permit him to inspect, remove, retain and copy:
  - (a) if that person is the owner of a vehicle to which regulation 3 applies, any document of that person which the officer may reasonably require to inspect for the purpose of ascertaining whether the provisions of the regulations have been complied with;
  - (b) any record sheet or hard copy of electronically stored data which that person is required by the Community Recording Equipment Regulations to retain or to be able to produce;
  - (c) any book, register or other document required by the applicable Community Rules or which the officer may reasonably require to inspect for the purpose of ascertaining whether the requirements of the applicable Community Rules have been complied with.

Regulation 7D of the Passenger and Goods Vehicles (Recording Equipment) (Amendment) Regulations (Northern Ireland) 2006, in relation to failing to comply with a requirement or obstructing an officer; states:

- (1) A person commits an offence if he:
  - (a) fails without reasonable excuse to comply with any requirement imposed on him by an officer under any of the Regulation 7A to 7C of the regulations; or
  - (b) obstructs an officer in the exercise of his powers under regulation 7B to 7F of the Regulations.
- (2) A person guilty of an offence under subsection (1)(b) of this regulation is liable on summary conviction to a fine not exceeding level 5 on the standard scale (currently maximum of £5,000).

Although Regulation 7D makes no mention of a “reasonable excuse”, DVA would, in cases involving agency drivers, treat each case on its merits. If you can produce a photocopy record and the examiner can be satisfied that all reasonable steps have been taken to secure the return of the original record sheet, we may consider it inappropriate to prosecute you for failing to produce the original record(s).

### **Using sub-contracted operators**

It is part of any transport business's responsibility to make sure that all sub-contracted operators are fully licensed to operate their own vehicles and drivers. Quite often, sub-contractors are one-vehicle owner-drivers who, partly because they may not feel able to turn down opportunities, are vulnerable to overworking and cutting corners. This problem is not helped by a tendency for operators to give their more difficult journeys to these sub-contractors and, in some cases, to then shut their eyes to the consequences of possible offences being committed.

To avoid these problems, before sub-contracting work to another operator, you should make adequate enquiries about the sub-contracted operator's legality, suitability and reliability. You can do this by requesting that the sub-contracted operator sends you relevant references and details of their operator's licence. We also recommend that you draw up and sign a suitable contract.

Finally, always treat the sub-contracted operator with the same respect you would expect yourself.

### **Working Time Regulations (application)**

The Working Time Regulations 1998 were introduced in order to implement the EC Working Time Directive (93/104/EC) across the United Kingdom. The regulations set out minimum health and safety requirements for the organisation of working time with which all non-mobile workers have to comply.

In March 2005, the Road Transport Directive (RTD) (2002/15/EC) came into effect for employee drivers and crew members when the Road Transport (Working Time) Regulations (Northern Ireland) 2005 were introduced.

### **How does the law affect me?**

The 2005 Regulations (implementing the RTD) apply to employed drivers and crew of vehicles being used “in scope” of the EC Drivers' Hours Regulations (561/2006/EC) or the European Agreement Concerning the Work of Crews of Vehicles Engaged in International Road Transport (AETR).

The purpose of the RTD was to establish minimum requirements relating to the organisation of working time. In this way, the RTD will improve the health and safety of people performing mobile road transport activities, improve road safety and align conditions of competition.

### **How do the Road Transport (Working Time) Regulations 2005 (as amended) affect me?**

Drivers and crew of vehicles that are “in scope” under EC Regulation 561/2006 or the AETR benefit from the provisions concerning paid annual leave and the right to health assessments for night workers.

Health assessments must be offered before a driver starts working nights and then on a regular basis. In addition, drivers must be requested to complete a questionnaire relevant to the type of night driving work to be carried out. If the answers in the questionnaire cast any doubts on a driver's fitness to carry out such night work, he/she must be asked to attend a medical examination.

### **The EC Road Transport Directive (RTD) (2002/15/EC) and self-employed drivers**

The RTD became applicable to self-employed drivers within NI from 11th May 2012 and, because the definition of a self-employed driver is a narrow one under this Directive, we have given it here in full.

#### **The law states:**

“Self-employed driver” shall mean anyone whose main occupation is to transport passengers or goods by road for hire or reward within the meaning of Community legislation under cover of a Community licence or any other professional authorisation to carry out the aforementioned transport, who is entitled to work for himself and who is not tied to an employer by an employment contract or by any other type of working hierarchical relationship, who is free to organise the relevant working activities, whose income depends directly on the profits made and who has the freedom to, individually or through a co-operation between self-employed drivers, have commercial relations with several customers.

For the purposes of this Directive, those drivers who do not satisfy these criteria shall be subject to the same obligations and benefit from the same rights as those provided for mobile workers by this Directive.

This means that drivers working for one operator but who are not on the PAYE (pay as you earn) system would probably not qualify as self-employed under this definition. This is because they are usually not free to work for others. Agency drivers are also unlikely to qualify as self-employed because they are usually paid by the hour and have no share of the profits from the work.

Other ‘mobile workers’ (i.e. employed drivers exempt from the EC Drivers' Hours Regulation (561/2006/EC) but subject to the UK domestic regulations) can also now benefit from some of the provisions contained in the 1998 Working Time Regulations.

#### **How do the Working Time Regulations 1998 affect me?**

Mobile workers under domestic rules are subject to the “working time limits” (maximum average 48 hours per week). Although they are excluded from the “night work limits”, mobile workers are entitled to “adequate rest” (i.e. regular rest periods that are long and continuous enough that their (and anybody else's) health is not damaged).

There is an opt-out for drivers in these regulations in relation to the average 48-hour weekly limit. The opt-out allows an employee to agree, in writing, to work longer hours. However, there is **no such opt-out in the RTD**.

#### **Keeping records of employees' working time under the RTD**

Records are normally kept by the employer. However, they will need to be kept by the agency if the driver has a contractual relationship with them, rather than with the hirer, or is paid by them.

## How does the law affect me?

The 2005 Regulations state that employers must:

- be responsible for recording the working time of mobile workers;
- keep the records for **at least two years after the end of the period covered**; and
- upon request, give mobile workers copies of the records of hours worked.

In consequence of the introduction of the RTD and the subsequent Road Transport (Working Time) Regulations (Northern Ireland) 2005, which allow the use of tachograph records to monitor working time, drivers now have to use the crossed-hammers mode for “other work” and only use the hatched box symbol for periods of availability (POAs) (when known in advance).

## Alcohol and drugs

You may think that it is obvious to all staff that consuming alcohol or taking drugs before driving could have a catastrophic effect on the whole transport business. Nevertheless, it is very important for management to set out in clear terms to all employees the consequences of such actions and the sanctions (including possible dismissal) that will be imposed on anybody found to be using such substances.

We recommend that you introduce random alcohol and drug testing and develop such a policy in consultation with the workforce/trade union. When setting your policy for alcohol testing you should decide whether to use the UK legal limit or the lower limit considered safe in most European countries.

Drivers who start work early in the day are particularly at risk of having excess alcohol left in their system from the night before.

## Driver fatigue

It is a concern of all responsible operators that one of their goods or passenger carrying vehicles could be involved in a fatal collision caused by an employed driver falling asleep at the wheel. Of course, sensible operators will do everything they can to avoid such disasters by implementing the monitoring systems detailed earlier in this Guide (see section 2) about drivers' hours and record keeping.

It is your responsibility as operator to be satisfied that your drivers are properly rested when they start work and that they do not become tired in the course of their driving duties.

There are several factors that may cause drivers to become too tired to drive safely. You may find it helpful to read the recent comprehensive study carried out by the Sleep Research Centre at Loughborough University, headed by Professor J.A. Horne



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Section Four  
Vehicles

# Section 4

## VEHICLES (USE, LOADING, ETC)

**Keeping your paperwork in order is essential for the efficient running of any transport business. This section offers best practice advice on keeping records on your vehicles.**

### **Vehicle monitoring**

We recommend that it is good practice to set up a filing system with a folder for each individual vehicle. The folder should contain all documents related to that vehicle such as test certificates, registration document, tachograph calibration/ two-year inspection certificates, etc.

We also recommend that you set up a forward planning system (manual or electronic) to store bring-forward dates about tests, tachograph inspections, vehicle excise duty (VED) renewal, vehicle servicing, etc.

### **Driver defect reports**

We recommend that you put a robust system in place to allow drivers to report immediately (both orally and in writing) any defects relating to the vehicle, including problems relating to the functioning of the tachograph or speed limiter.

Your system should include a procedure to prioritise action on such reports, depending on the seriousness of the defect. For example, if there is a danger to road safety your procedure should enable the defect to be corrected as a matter of urgency. It also follows that when a very urgent repair or component replacement is needed, there should be a procedure to allow the vehicle to be taken off the road immediately preferably without disrupting the business (e.g. the facility to hire in a similar vehicle at short notice). This would allow the repair or replacement of the vehicle to be carried out by, and at the premises of, your transport business, or by an outside company at its premises.

You must write a report of the fault and of the correction made and keep this report with the other documents relating to that vehicle. These records must be retained for at least 15 months under the operator licensing scheme. You should also consider asking drivers, when they carry out their pre-driving checks, to complete and sign a written report, or make out a nil report as appropriate.

### **Load details (consignor, type, weight)**

There are some types of journey (e.g. international) and some types of load (e.g. Hazchem) that, by regulation, require the driver to carry a considerable amount of information about the load. However, even when it is not mandatory, it is advisable for some details to be carried by the driver, especially details relating to the type and weight of the load, the name(s) and address(es) of consignors, passenger lists, pick-up points and delivery places. Carrying these details will save time for the driver and your transport business if an incident happens during a journey, or if the vehicle is subject to an enforcement check.



We recommend that you keep all the relevant details described above either in a register, as loose sheets, or in electronic form, and that you have a system in place to keep that information safe and easily available for inspection.

### **Load safety**

It is important that you make sure your vehicles are loaded properly and that drivers and all other staff involved in the loading of vehicles are fully trained. Insecure loads are an obvious danger to the general public, and overloading may make the vehicle difficult to control and therefore dangerous to road safety. Overloaded vehicles may also damage road surfaces, buildings, bridges and other structures.

There are codes of practice about loading vehicles safely and weighing vehicles. Extracts of the codes are contained in this Guide, but we recommend that you keep copies of these codes for your managers, drivers and loaders to read.

### **Severe weather warnings (high winds)**

Large vehicles are at risk of being blown over in high winds, and this could result in serious injuries to or the deaths of not only the crew of your vehicle but also other road users. With the possibility that climate change may make such severe weather conditions more common in the future, operators should be aware of any warnings issued in respect of high winds, etc, and act accordingly.

Such warnings are usually given well in advance by weather forecasters or by the Roads Service, the police or trade associations. To avoid any imminent danger, suggested measures include delaying vehicles before they leave base or, if they are already on the road, informing the driver of the problem so that the vehicle can be sheltered in a safe place.



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# Section Five

## Compliance Checks



## Compliance checks

Throughout this Guide we have referred to the possibility that your driver and vehicle (while on the road) may be subject to compliance checks by various enforcement agencies. But there are other driver and vehicle checks that may be made in an enforcement agency's office or at your business premises. This section explains most of the major compliance checks you may come across.

## Roadside and port checks

Most enforcement agencies employ staff who carry out checks on vehicles and drivers at the roadside or at ports. Some of these checks involve staff from more than one agency. Several times a year, multi-agency road checks take place simultaneously at numerous sites province wide.

The following list of government agencies explains their main duties and powers affecting road transport businesses. **Your driver may be checked on the road at any time by staff from any one of these agencies.**

| Enforcement Body                        | Scope/Duties carried out  |
|---|---|
| Driver & Vehicle Agency (DVA)           | <ul style="list-style-type: none"><li>• Checks on mechanical condition (including exhaust emissions), loading (including overloading), tachographs, speed limiters (using special testing instruments), drivers' hours and record keeping. DVA has the power to prohibit a non-compliant vehicle and to issue a fixed penalty notice or prosecute a driver and/or operator.</li><li>• Checks on licensing (driver's, operator's and vehicle excise), testing, permits and authorisations and on all mandatory documents carried by the driver. DVA has the power to report for prosecution a driver or operator, and to impound a goods vehicle (with its load) operating other than under the authorisation of an operator's licence.</li><li>• DVA's Examiners have powers to stop vehicles. This is often used in conjunction with automatic number plate recognition (ANPR) equipment. Examiners use these powers to stop and direct goods carrying vehicles and passenger carrying vehicles to a place where the vehicle and driver can be checked for compliance in relation to the items mentioned previously.</li><li>• Checks on vehicle excise licensing, driver licensing and roadworthiness. DVA has the power to report for prosecution.</li><li>• Powers to enter premises to inspect vehicles, assess paperwork, make enquiries and assess equipment and facilities.</li></ul> |
| HM Revenue & Customs (HMRC)             | <ul style="list-style-type: none"><li>• Checks on fuel being used and on the load being carried in relation to any duty paid and legality (drugs, etc).</li><li>• HMRC has the power to seize a non-compliant vehicle and load, and to arrest and prosecute the driver and/or operator/owner.</li></ul>   |
| Department for Social Development (DSD) | <ul style="list-style-type: none"><li>• Checks for fraudulent claims of benefits.</li></ul>   |
| Police                                  | <ul style="list-style-type: none"><li>• Checks on all aspects of a transport operation. They have many powers (including the power to stop, direct and prohibit vehicles and to arrest drivers).</li><li>• Police officers are usually present to assist at the checks organised by the other listed agencies.</li></ul>  |

### **Checks on insecure loads**

These checks can take place at any time and at any place where a vehicle is seen to be, or suspected of being, insecurely loaded. In extreme cases it is obvious that the load is insecure because an item falls off the vehicle, but in many situations a vehicle is seen with insufficient or loose restraints. Sometimes a vehicle is just not the suitable size or type for the goods (or passengers) being carried.

### **Checks on overloading**

Checks on the train, gross or axle weight of vehicles are carried out at weighbridges or on portable weigh pads at sites anywhere in the United Kingdom. The Enforcement Weighing of Vehicles Consolidated Code of Practice gives best practice advice for those carrying out enforcement weight checks to make sure the results produced are reliable. However, alternative methods, equipment and sites exist, so the Code does not prevent an enforcement officer from using alternative methods as long as a court can be satisfied that the results are accurate.

### **Graduated fixed penalty and deposit scheme**

Examiners are able to issue a fixed penalty notice to a driver of a goods or passenger carrying vehicle who is found to be committing an offence.

### **Graduation of offences**

Most offences that are considered suitable to be dealt with using fixed penalties (which include those that are endorsable) are graded in band levels in relation to the degree of seriousness and the potential impact that each may have on road safety. Drivers' hours offences and overloading offences are graduated in relation to the extent of the offending: so, for instance, a person exceeding the daily driving period by 30 minutes would receive a lower-level fixed penalty than one who exceeded the driving period by two hours.

### **Payment of a fixed penalty (UK address holders)**

Any driver who gives a satisfactory UK address and accepts a fixed penalty notice will have 21 days to pay the penalty or to request a court hearing. If a driver fails to notify the Fixed Penalty Office of an intention to attend court or does not pay the fixed penalty fee within the allocated time limit, the fine will be registered with the local court where the notice was issued and the penalty will be increased by 50 percent.

Payments can be made by cash at the counter within the Fixed Penalty Office in Courts Service, Lagside by credit card cheque or by postal order.

More serious offences, such as those relating to fraud, will not be subject to fixed penalties and will continue to be liable for prosecution through the courts.

### **Fixed Penalty & Court Deposits**

Where an examiner is satisfied that the driver can provide an address where the driver can be found they will issue a Fixed Penalty Ticket. Where the examiner is not satisfied that the driver can be found at an address provided by the driver then the examiner will issue a Fixed Penalty Deposit requirement to the driver. In such cases the driver must pay the full value of the deposit notice(s) to the examiner at the roadside. Failure to make payment will result in the vehicle being

immobilised at the roadside and recovered into DVA custody until all outstanding payments have been paid, including the costs of vehicle recovery, storage and subsequent release. However, if the offence is deemed too serious for the offer of a fixed penalty, the driver will be required to pay a larger deposit against any future court fine. The deposit payments can be made by debit/credit card or cash in sterling.

The rights of appeal still apply to the driver, and any deposit will be refunded should the driver be found not guilty in court. Any refusal to pay the deposit will result in the vehicle being prohibited from continuing on the journey. These prohibited vehicles could also be immobilised until the deposit payment is received or the case disposed of by a court.

### Compliance checks at an operator's premises

The aim of the operator licensing system is to promote road safety through the safe and proper use of commercial goods and passenger carrying vehicles, to ensure fair competition within the industry and to protect the environment around operating centres.

Therefore it follows that, as someone holding an operator's licence, you should accept that compliance checks will be made not only on the road but also at your business's premises. Usually, Vehicle Examiners employed by DVA carry out these checks. It is the role of the Examiners to investigate on behalf of the DOE and to support the operator licensing system.

### The main checks made at an operator's premises are as follows:

| Compliance Item                          | Scope of check  |
|--|---|
| Assessing facilities                     | Examining the operator's facilities, especially the arrangements for maintaining vehicles, parking vehicles and monitoring the work of the drivers.   |
| Fleet and individual vehicle checks      | Checking the roadworthiness of vehicles, including all mechanical aspects (such as emissions, tachograph and speed limiter equipment).  |
| General document checks                  | Checking all documents, including vehicle maintenance records, driver's licences, , testing, speed limiter and tachograph calibration certificates.   |
| Drivers' hours and record keeping checks | Checking all tachograph record sheets (charts), digital data taken and stored by the operator from digital tachographs and driver smart cards, manual record books, duty rosters, timetables, and any other document that can indicate adherence to drivers' hours regulations (including wage books, scheduling sheets and driver work/duty sheets). |
| Monitoring working time                  | DVA are responsible for ensuring operators comply with: <ul style="list-style-type: none"> <li>• The Road Transport Working Time Directive</li> <li>• The Working Time Directive (where applicable)</li> </ul>  |

### **Type of operator visit (advisory, compliance audits or investigative)**

The Department has a legal duty to make sure operators comply with the legislation surrounding the use of goods and passenger carrying vehicles. This relates particularly to goods and passenger carrying vehicle operator licensing, driver licensing, vehicle roadworthiness, drivers' hours of work and record keeping.

The Department through its various branches and agencies also has an important advisory role for transport businesses. On occasions DVA will provide seminars for operators, drivers and engineering staff, DVA Examiners can be contacted to give advice on any compliance-related subject.

### **Types of Operator Visits**

DVA staff may undertake both unannounced and announced visits to an operators business for a number of reasons including:

#### **Advisory visit**

This visit is designed to provide an operator with information or education.

#### **Compliance Audit**

This visit is designed to check an operator's compliance with their statutory undertaking or licence conditions and will include an assessment of the operators systems, processes and records in particular in respect of vehicle maintenance, equipment and facilities, driver's hours, rest periods and tachographs, vehicle loading (weights) and Transport Managers.

#### **Investigation**

This visit will be to investigate alleged infringements and will be subject to the nature and extent necessary to enable the investigation to be completed.

#### **Interview**

This visit will be to obtain information and/or evidence in respect of alleged infringements and may include a formal interview.

Please note that some visits may be unannounced as these are necessary to give a true picture of fleet condition and/or driver compliance.

### **Visiting operators**

DVA recognises that in particular Compliance Audits and investigations at an operator's premises can cause some disruption to the regular working of the staff however we will endeavour to minimise any resulting inconvenience. During such a visit the examiner(s) may need to inspect documents to check whether you and your drivers are complying with the law. These may include charts and other relevant documents relating to drivers' hours, tachographs and speed limiter regulations.

Examiners are also responsible for checking that the Road Transport (Working Time) Regulations 2005 are being complied with and that the relevant agreements are being kept. Also, there may be inspections of documents relating to vehicle and driver licensing and vehicle records, including roadworthiness certificates.



- we identify areas where repeated problems are occurring and take steps to improve our service.

Our objective is to put things right for customers wherever possible, learn from where we went wrong, and make sure that we do not make the same mistake again.

## **Vehicle Examiners' checks concerning licences, drivers' hours/records and other documentation**

### **How does the law affect me?**

Operators must comply with European and domestic regulations on drivers' hours, drivers' licences and operators' licensing, as appropriate. You must also maintain equipment in working order and keep documentation relating to your drivers and vehicles. Tachograph charts and other records (such as duty rosters) must be kept for at least one year from the date of their use, and operators must carry out sample checks on them as often as necessary to monitor drivers' compliance.

An Examiner may inspect:

- **documents**, to check you are complying with various regulations at your premises and to see whether you and your drivers are complying with the law. These documents may include charts and other documents relating to drivers' hours, tachograph and speed limiter regulations, plus vehicle and driver licensing related documents and records.
- **tachograph charts and downloaded digital data at your premises**. If this is not possible or the Traffic Examiner suspects that an offence has been committed, the Examiner may remove the charts or a copy of the data for later analysis at a DVA office. In these circumstances, the Examiner will allow you to photocopy the charts for your records. The Examiner will also give you a written receipt listing details of the tachograph charts, data, record books and any other documents removed for further examination (e.g. time sheets, wage sheets and work schedules).



# Annex 1A

## GOODS VEHICLES

### **The role of the Transport Regulation Unit**

The Transport Regulation Unit is the licensing and regulatory authority for the goods vehicle industry in Northern Ireland.

### **How does the law affect me?**

The Transport Regulation Unit has power to take a range of regulatory actions from the issue of a warning letter through to the ultimate revocation of an operator's licence.

Any such disciplinary action is likely to be considered at a public inquiry.

## APPEALS

### **How does the law affect me?**

An applicant for, or holder of, an operator's licence may appeal to the Upper Tribunal. If he/she is unhappy with a decision made on an application for, or to vary an operator's licence; or in connection with any disciplinary action taken by the Transport Regulation Unit.

## PUBLIC INQUIRIES

### **How does the law affect me?**

The Transport Regulation Unit may call you (as operator) to a public inquiry in relation to any of their statutory functions if they think it is necessary. These inquiries may be arranged if there is evidence of non compliance with licensing requirements such as a breakdown in the maintenance system, any breach in the conditions attached to your operator's licence, failure to adhere to an undertaking given or where offences have been committed or convictions recorded. If convictions have been recorded you must notify the Transport Regulation Unit in accordance with your licence conditions.

At a public inquiry, the Transport Regulator will listen to evidence given by DVA Examiners and other witnesses, representations from you as the operator and, if relevant, your drivers or any other employees before they make a decision.



# Annex 1B

## GOODS VEHICLES

### **Transport Regulation Unit guidance for transport managers in the road haulage industry**

The Transport Regulation Unit is always concerned that their approach to all decision making is consistent. The case of transport managers is no exception. As a result broad guidance is available (in the form of various policy documents) to staff on when to undertake a transport manager compliance audit. The detail of the findings may be referred to the TRU for consideration as a consequence they may wish to consider the suitability of the transport manager at a public inquiry.

The relevant factors will include:

- the number of Operator's Licence's for which that transport manager will be responsible;
- the amount of time which the transport manager will spend on in carrying out his/her duties for the operator;
- the number of operating centres and number of authorised vehicles for which the transport manager is responsible, both on that licence and any other operators' licences;
- the geographical location of the transport manager in relation to the operator's licence and the operating centres on that licence;
- any other employment or activities in which the proposed transport manager is engaged which may restrict his/her ability to devote sufficient time to the duties of the transport manager on that operator's licence; and
- the terms upon which the proposed transport manager is to be employed.
- Compliance with the requirements placed on the transport manager.

### **Conclusion**

This guidance is not definitive but mirrors the concern of the Transport Regulation Unit to make sure that only people who can fulfil the statutory requirements for having "continuous and effective responsibility" for the transport operations under an operator's licence are given the authority to fulfil those requirements.

Each case must be considered on its individual merits. If the suitability of a proposed transport manager is called into question, that person and the relevant operator will be given an opportunity to state their case at a public inquiry.

# Annex 1C

## BUSES

### **The Role of DVA Passenger Transport Licensing Division PTLD**

In Northern Ireland, the licensing of Bus Operators is undertaken by the Driver and Vehicle Agency's Passenger Transport Licensing Division (PTLD).

## ROLE OF THE REGULATION UNIT

### **How does the law affect me?**

The PTLD broadly mirrors the role of the Transport Regulation Unit which regulates freight operator licensing. PTLD will monitor the operator licensing performance of Bus Operators and will take action where necessary ensure that operators address any shortfalls in their performance. Failure to adequately address any shortfalls identified could ultimately result in the suspension or revocation of the operator's licence. Decisions of this nature will be taken by a case panel established to consider serious operator licensing or vehicle maintenance non compliance.

## REGULATORY ACTION

### **How does the law affect me?**

Following referral to the Case Panel, the DVA Passenger Transport Licensing Division has the power to withdraw, suspend or revoke a bus operators licence.

## APPEALS

### **How does the law affect me?**

If you have been told that your application for a bus operators licence has been refused, you can appeal the decision to the County Court within 28 days from the service of the notice, also giving written notice to the Department.

# Annex 2

## DVA EXAMINERS (AUTHORISATION AND POWERS)

### How does the law affect me?

#### 1. Warrants are issued by an Assistant Secretary of the Department for Infrastructure to:

- Vehicle Examiners who can undertake a variety of tasks including assessing driver records for drivers hours/rest periods, assessing documentation such as drivers' and operators' licences, testing or insurance certificates, motor tax, weighing vehicles and includes vehicle condition assessment and the inspection of compliance monitoring systems including maintenance records

#### 2. The warrant authorises an Examiner to:

- inspect any goods or passenger carrying vehicle and, for that purpose, detain the vehicle for as long as it takes to carry out the inspection. An Examiner may issue a prohibition notice to a defective vehicle which will be in accordance with DVA's published Categorisation of Defects. An examiner may prohibit a vehicle if the driver has contravened drivers' hours or record keeping regulations or issue a defect notice for less serious defects;
- ask the driver to move the vehicle to a suitable place to have the vehicle subjected to a mechanical roadworthiness inspection or weighed to verify compliance with maximum laden weight limits;
- in certain circumstances (i.e. when a goods vehicle is being used by a known unlicensed operator), confiscate and detain the vehicle and its load;
- at any time which is reasonable given the circumstances, enter any premises on which the Examiner has reason to believe that a goods or passenger carrying vehicle is kept and inspect that vehicle;
- review and if necessary investigate an operator's systems for vehicle inspection and maintenance system, including the engineering facilities and vehicle maintenance records, drivers hours, vehicle weighing or transport manager responsibilities;
- inspect tachograph charts or data, drivers' records such as driver's licences and drivers' hours related documents (e.g. payment records), and to remove those items where an offence is suspected; and
- instigate, on behalf of the Department, prosecution proceedings in court.
- issue fixed penalty notices.

# Annex 3A

## LOAD SAFETY

We recommend that you follow the advice contained in the European Best Practice Guidelines on Cargo Securing for Road Transport and that common sense should always prevail. As a responsible operator you should, at the very least, give your drivers and anybody else involved in loading vehicles the following advice from the code:

The 2014 version of this guide can be downloaded from the EU Publications website: <https://publications.europa.eu/en/publication-detail/-/publication/30c7c1dc-f26e-44af-bd4c-2434b43edd7e/language-en/format-PDF/source-533112211>

### Do

- Check the weight of the load to be carried.
- Make sure that the vehicle is capable of carrying the size and type of load involved..
- Remember that the size, type and weight of the load will affect the handling of the vehicle.
- Check the load before moving off and whenever items are added or removed.
- Remember that loads can settle and shift during a journey causing lashings to slacken.
- Check the load at regular intervals and after heavy braking or sudden changes in direction.
- Make sure safe systems of work are devised and followed when loading and unloading vehicles.

### Do not

- Overload the vehicle or the axles.
- Load the vehicle to a great height.
- Reduce the load on the steered axles by positioning the load too far back.
- Move the vehicle with any part of the load not restrained.
- Climb on the vehicle or its load unless it is essential and there is a safe means of access.
- Take risks.

# Annex 3B

## ENFORCEMENT WEIGHING

The Enforcement Weighing of Vehicles Consolidated Code of Practice is explained below.

The main aim of check weighing is to enforce NI law concerning weight limits. Weight limits exist to reduce damage to roads and bridges, to protect the environment, to improve road safety and to help ensure fair competition.

Vehicles may be weighed by either a DVA examiner on behalf of the Department for Infrastructure or a police officer authorised by a Chief Constable.

### **How does the law affect me?**

These officers have written authority to check and weigh vehicles and, as authorised officers, may require vehicles to be weighed at any time.

Drivers must comply with any lawful instruction given by an authorised officer.

### **How does the law affect me?**

Failure to comply with an authorised officer's instructions will constitute an offence and may lead to prosecution of the offender.

It is the driver's responsibility to inform the authorised officer who requires the vehicle to be weighed of any unusual characteristics of the vehicle or load.

Vehicles that will receive special consideration include vehicles carrying:

- passengers (or a PSV meeting a deadline);
- livestock;
- perishables or loads which rapidly deteriorate;
- high value loads;
- dangerous loads;
- abnormal indivisible loads;
- loads sealed by Customs; and
- fluid loads.

A vehicle may be directed some distance but the following applies.

## How does the law affect me?

If a vehicle is directed more than five miles to a weigh site and is found to be **within** the permitted weight limits, certain provisions for the payment of expenses may apply. The five mile distance is measured along a practical route on roads suitable for the vehicle.

If the weight recorded is **above** the permitted limit, the driver, or any other person who uses, causes or permits the use of the vehicle (which could include the consignor), may be liable for prosecution.

An authorised officer may prohibit movement of a vehicle if it is overweight. If this happens, a prohibition notice, which may contain particular conditions, will be issued to the driver with immediate effect.

While a prohibition notice is in force, it is an offence for the vehicle to travel on a road. A prohibition notice must be cleared in writing by an authorised officer before the vehicle can proceed. The vehicle may have to be reweighed to establish that it is within the legal weight limits. An authorised officer has discretion to give a written direction that a prohibited vehicle may be moved to a place where it can be parked or where off-loading of excess weight may safely be carried out. Conditions may be imposed on this movement.

Where a prohibition is issued, it is the responsibility of the driver and his/her employer to make satisfactory arrangements for, and meet the costs of, the off-loading of the excess weight and the security and safe-keeping of any off-loaded goods. Authorised officers will make sure that prohibitions are removed as soon as reasonably practicable.

In the case of a vehicle specified on an operator's licence any prohibitions should be notified to the Transport Regulation Unit.

# Annex 4

## DRIVER FATIGUE

A recent comprehensive study was carried out by the Sleep Research Centre at Loughborough University. Professor J. A. Horne headed the Research Centre and we have reproduced some of the relevant findings below.

Although this report was commissioned by the Department for Transport (DfT), the findings and recommendations are those of the authors and do not necessarily represent the views of DfT or DVA.

### Study (general summary)

- From accident surveys undertaken with many UK police forces we [at the Sleep Research Centre] have found that sleepiness accounts for 15–20% of accidents on monotonous roads, especially motorways. Typically, these accidents involve running off the road or into the back of another vehicle, and are worsened by the high speed of impact (i.e. no braking beforehand). Many of these accidents are work-related (e.g. truck, goods vehicle and company car drivers).
- The body's natural biological clock has a major influence on sleepiness, as these accidents peak around 02:00h–07:00h and 14:00h–16:00h, when daily sleepiness is naturally higher.
- Sleep-related vehicle accidents are more evident in young male drivers in the early morning and among older male drivers during the mid-afternoon, as the afternoon 'dip' tends to become more apparent as one gets older. Of course, young men are more likely to be on the road in the early morning. However, as the effects of sleep loss and sleepiness are more profound in younger than in older people, which young men tend to deny, they are at a much greater risk when driving during the small hours.
- Using a real-car simulator we have been undertaking laboratory studies of falling asleep at the wheel. In the earlier Phases 1 and 2 of this DfT-sponsored research programme we examined the process of falling asleep at the wheel and the extent to which sleepy drivers are aware of their sleepiness. We also evaluated practical methods for the driver to overcome sleepiness. Our methodology has been validated on a real driving track. We have shown that sleep does not occur spontaneously without warning, but is preceded by feelings of increasing sleepiness to the point that drivers who fall asleep would previously have reached the stage of 'fighting-off' sleep when they will try and keep themselves awake, for example, by winding down the window for cold air, turning up the radio, stretching at the wheel, etc. They must be aware of these acts and their sleepiness at the time. Nevertheless, after having fallen asleep at the wheel, drivers are unlikely to recollect having done so, and may even claim that it was an unforewarned 'sleep attack'. What many sleepy drivers do not appreciate is that sleep itself can ensue more rapidly than they imagine, and that their driving impairment is worse than they realise. Sleepiness can also cause mild euphoria and increased confidence in one's driving ability.
- Continuing to drive while sleepy, and relying on cold air to the face and turning up the car radio, are of limited benefit – effective for only a matter of minutes – sufficient only to enable the driver to find a safe spot to take a break. The fact that drivers are aware of their sleepiness

underlies the decision of the DfT to instigate the erection of permanent signs on most motorways: 'Tiredness can kill – take a break.'

- In taking a break (e.g. 30 minutes), what should the sleepy driver do? We have found that exercise (e.g. brisk walking) is of little use. Short naps (less than 15 minutes) are very effective, as is caffeine (150mg – as in about two cups of coffee or two cans of 'functional energy drinks'). Better still, take this caffeinated drink and then take the nap. Caffeine takes 20–30 minutes to be absorbed and act on the brain; hence there is the opportunity for a nap.

Caffeine (200mg) in the form of a beverage is particularly good for the early morning driver who has had little sleep that night. These findings from Phases 1 and 2, concerning caffeine and naps, have been incorporated into the latest edition of the Highway Code.

### **Key findings**

Our research at the Sleep Research Centre has indicated that:

1. Sleep-related vehicle accidents (SRVAs) are more likely to result in serious injury than the 'average' road accident.
2. Few accidents we investigated seemed to have alcohol as a contributory cause.
3. Men aged 30 years and under are more likely to have an SRVA, and seem to be at a higher risk.
4. Drivers from skilled manual occupations are also more likely to have an SRVA, probably because of a higher exposure to driving.
5. Driving between 02:00h and 07:00h presents a particular risk for SRVAs, as this is when one's 'body clock' is in a daily trough. There is another, smaller, trough between about 14:00h and 16:00h.
6. Low traffic density is probably not a major risk factor for SRVAs. It is the associated factors, such as driving in the early morning, during the 'trough', when traffic density also happens to be low.
7. About 40% of SRVAs are probably work related, inasmuch as they involve commercial vehicles (HGVs, light goods vehicles and vans, etc).
8. Sleepy drivers are aware of their sleepiness, particularly when they reach the stage of 'fighting sleep' (i.e. doing things to keep themselves awake, such as winding down the window).
9. Reaction time devices are of little practical use in detecting driver sleepiness.
10. Drivers already chronically mildly sleepy (e.g. due to chronic levels of sleep disturbance or insufficient sleep) are more vulnerable to any transient, additional sleep loss, and may not so easily perceive this increase in sleepiness.
11. Caffeine (150mg) is an effective countermeasure to sleepiness, as is a short (less than 15 minutes) nap or doze. The two combined together (caffeine in the form of a caffeinated drink, then a nap) are particularly effective. The efficacy of these treatments will depend on the magnitude of the sleepiness. Even 'relaxing with the eyes closed' is worthwhile.
12. Sleep-related accidents should no longer be viewed as 'accidents' but as road crashes due to easily preventable human error.



13. It is the view that driver education, linked to greater public awareness of the potential dangers of sleepiness, together with greater employer responsibility with regard to their employees' fitness to drive, present the best approaches for reducing sleep related crashes.

# Annex 5

## PASSENGER CARRYING VEHICLES: SUMMARY OF TYPE OF USE

Compliance needed in relation to licensing and hours regulations very much depends on the type and size of vehicles and on the way in which they are being used at any particular time. A summary of the requirements is set out below.

### **Vehicles adapted to carry more than eight passengers**

#### **How does the law affect me?**

Anyone using a motor vehicle that is constructed and equipped to carry more than eight passengers (in addition to the driver), or causing such a vehicle to be used, to carry passengers and their luggage for reward (which means receiving consideration of any kind) must have a "bus operators licence". A licence is only valid when used by the holder and it must be used in compliance with the statutory requirements and any conditions set out in the licence.

The driver will require an unrestricted Category D1 or Category D driving licence to drive a vehicle which requires a bus operators licence.

# Annex 6

## SUMMARY OF THE EC ROAD TRANSPORT DIRECTIVE (RTD) (2002/15/EC)

The RTD initially only applied to employee drivers of vehicles used “in scope” of the EC Drivers’ Hours Regulations, i.e. Community Regulation (EC) 561/2006. The legislation that brings the provisions of the RTD into force in Northern Ireland is the Road Transport (Working Time) Regulations (Northern Ireland) 2005. An amendment was produced in May 2012 bringing self employed drivers within scope of the regulations.

The following is a list of the main requirements:

|   |  |
|---|--|
| Weekly “working time”   | <ul style="list-style-type: none"> <li>• This is restricted to a 48-hour week averaged over the reference period.</li> <li>• Break periods and “periods of availability” do <b>not</b> count as working time.</li> </ul>   |
| Periods of availability   | <ul style="list-style-type: none"> <li>• These include accompanying a vehicle on a ferry crossing and waiting for a vehicle to be loaded or unloaded.</li> <li>• These periods and their approximate duration must be known to the driver in advance (i.e. just before the start of the period in question).</li> </ul>  |
| Subject to the upper limit of an average of 48 hours, it is possible to work up to 60 hours in a single week  | <ul style="list-style-type: none"> <li>• Provided that the average working time does not exceed 48 hours per week, it is possible to work up to 60 hours in a single week.</li> <li>• Drivers are unable to opt out of the average 48-hour weekly limit even if they want to work longer.</li> </ul>   |
| Night workers   | <ul style="list-style-type: none"> <li>• Night workers are limited to 10 hours work in each 24-hour period.</li> </ul>   |
| Derogations   | <ul style="list-style-type: none"> <li>• Derogations may be permitted from the 10-hour daily limit for night work.</li> <li>• The reference period for the 48-hour average week can also be increased from four to six months.</li> </ul>  |
| Breaks and rest in respect of “other work” and “mixed work”<br><br>Note: Where mixed driving and working is carried out, the EC Drivers’ Hours Regulations on breaks (Regulation (EC) 561/2006) take precedence | <ul style="list-style-type: none"> <li>• Workers must have a break after 6 hours.</li> <li>• A break of 30 minutes is required for 6–9 hours’ work (this is interpreted as meaning that a break of at least 15 minutes must be taken at the completion of 6 hours’ work).</li> <li>• A break of 45 minutes is required for over 9 hours’ work.</li> <li>• Breaks can be divided into 15-minute slots.</li> </ul> |

# Annex 7A

## AGENCY DRIVER QUESTIONNAIRE AND DECLARATION

This is a suggested procedure to help you when employing temporary drivers:

1. Make sure the temporary driver fully completes and signs the questionnaire and declaration.
2. Keep a photocopy of the driving licence on record for each period of employment.
3. Carefully check licence groups for the class of vehicle intended to be driven.
4. Examine any tachograph charts and driver card data for the driver's current week.
5. At the end of the shift, make sure a photocopy of the day's chart is taken.
6. Follow up all photocopies of the charts for return of the originals and printouts or data to you within the required period.
7. Ensure that drivers who are employed or at the disposal of more than one transport undertaking provide sufficient information to each undertaking to enable it to fully comply with the requirements imposed through Chapter II of EC Regulation 561/2006.

**Sample questionnaire and declaration to be completed by the temporary driver**

Name of agency: .....

Name of driver: ..... Date of birth: .....

Vehicle reg. no: ..... Date: ..... Route no: .....

Are you on the books of any other company or employment agency? Yes  No

If 'Yes', give details: .....

.....

.....

When did you last finish work? (enter date and time):.....

When did your last weekly rest finish? (enter date and time):.....

Have you worked for any other company or carried out any other employment since your last weekly rest? Yes  No

If 'Yes', which days (S/M/T/W/Th/F/Sat) and which company [did you work for] or [what] employment [did] you carried [carry] out? Include driving times, breaks and rest periods: .....

.....

.....

.....

.....

.....

I understand the requirements of drivers' hours and tachograph legislation.

I understand the UK speed limits for large goods vehicles.

I agree to inform you of any reason why I should not undertake the work required in respect of statutory rest, driving duty, etc.

I agree to access to my driver card while I am working for this transport undertaking.

I agree to return ALL tachograph charts used on [at] work in accordance with the EC Regulations.

I understand the operation of the vehicle and undertake to leave it in the condition in which it was taken out. I will complete a Driver's Inspection Report.

I understand that the answers to the above questions are correct.

Driver's signature: ..... Date:.....

**Form to be completed by the transport manager or supervisor**

Start time: ..... Finish time: ..... Total hours: .....

Above data checked from driver's charts and card: ..... Yes  No

Driver's licence number: .....

Photocopy taken ..... Yes  No

Driver issued with new chart numbers:.....

Number of days driver employed: .....

Photocopy of charts taken at end of employment ..... Yes  No

Any other information: .....

.....

.....

.....

Signature of manager/supervisor: ..... Date: .....

# Annex 7B

## Driver's licence checks

DVA provides a service that will enable employers to verify a driver's entitlement to drive. This information can normally be given only to the record holder or his/her legal representative. However, a third party enquirer may apply for details providing the application is accompanied by a signed mandate from the licence holder, along with a fee of £7.50 (please check this amount with DVA in case of fee increase).



**Note:** A document purporting to be a driver licence does not necessarily have to be forged for it to be invalid.

### Some useful DVA numbers:

0845 402 4000 – For a driver to check details of his/her licence

028 7034 1589 – For digital smart card enquiries

Provided the signed mandate is correct and contains the licence holder's personal details, which must correspond with the driver's records, a printout will be posted out as quickly as possible.

# Annex 8

## SPEED LIMITERS THRESHOLDS

### Passenger Carrying Vehicles – Set Speed 100 km/h

Passenger carrying vehicles (PCV) include all buses and minibuses with more than 8 passenger seats.

Bus/Coach requiring a speed limiter;

- A bus/minibus/coach with a design gross weight exceeding 10 tonnes, and first used after 1 January 1988 requires a speed limiter.
- A bus/minibus/coach fitted with a diesel engine first used on or after 1 October 2001 requires a speed limiter, (unless on the specific exemptions listed on page 51).
- A bus/minibus/coach used on or after 1 January 2005 requires a speed limiter, regardless of weight.

### Goods Vehicles – Set Speed 90 km/h

A goods vehicle is exempt from needing a speed limiter if its construction means it cannot exceed 90km/h.

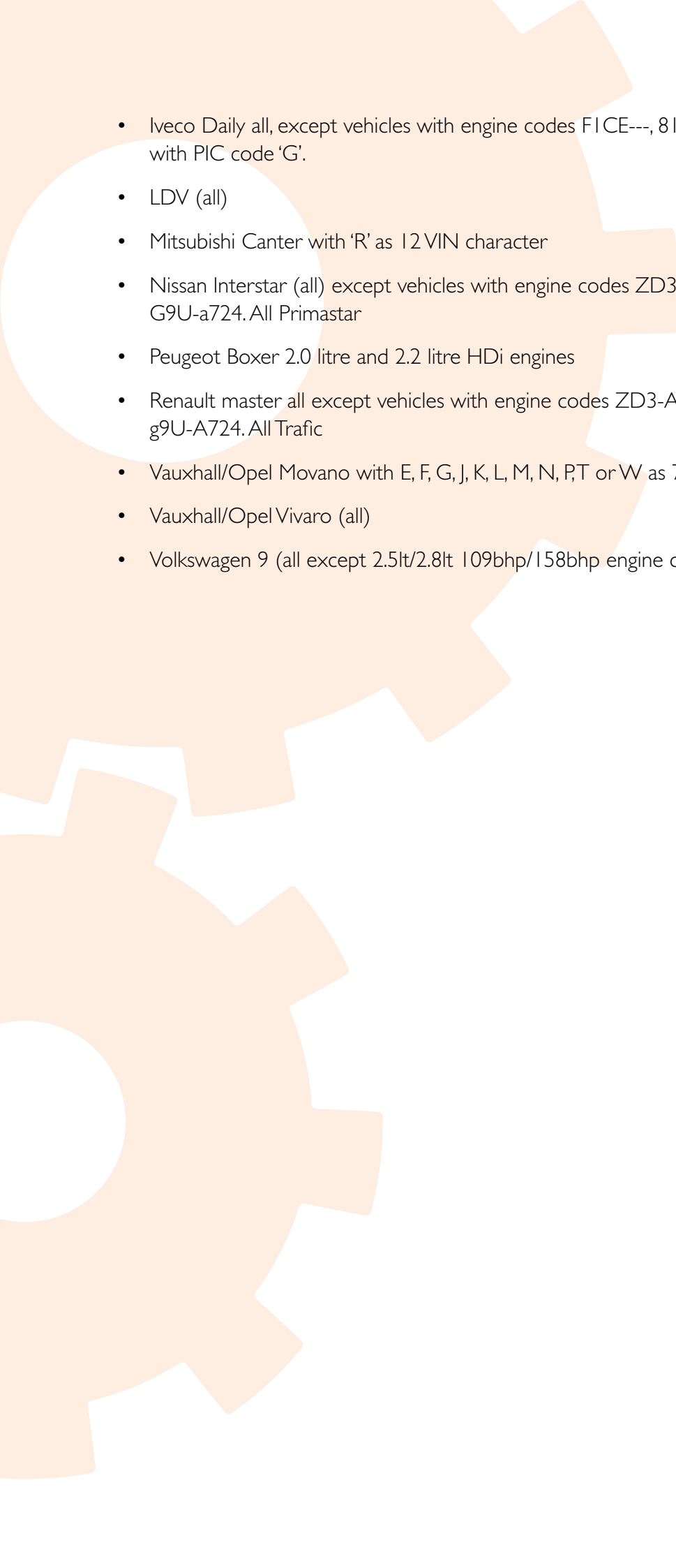
Goods vehicles requiring a speed limiter:

- A vehicle with a design gross weight of more than 12 tonnes, and first used on or after 1 January 1988 requires a speed limiter.
- A vehicle fitted with a diesel engine and having a design gross weight exceeding 3.5 tonnes, first used from 1 October 2001 requires a speed limiter, (unless on the specific exemptions listed on page 51)
- A vehicle with a design gross weight exceeding 3.5 tonnes first used on or after 1 January 2005.

### Specific Exemptions

The following goods vehicles and buses are exempt from speed limiter fitment if first used from 1 October 2001 to 31 December 2004:

- Any petrol engine or petrol engine converted to run on LPG
- Citroen Relay 2.0 litre and 2.2 litre engines
- DAF 45, 7.5 ton vehicles (all) except DAF 45 marked as LF
- Fiat Ducato with 2.0 engines
- Ford Transit (all)
- Isuzu models NPR, NQR and NKR with T,V,W,X or I as the 10th VIN character
- Iveco Cargo all, except vehicles with engine code F4AE---

- 
- Iveco Daily all, except vehicles with engine codes FICE---, 8140.43B, 8140.43N and 8140.43S with PIC code 'G'.
  - LDV (all)
  - Mitsubishi Canter with 'R' as 12 VIN character
  - Nissan Interstar (all) except vehicles with engine codes ZD3-A202, G9U-A754, S9W-A702 & G9U-a724. All Primastar
  - Peugeot Boxer 2.0 litre and 2.2 litre HDi engines
  - Renault master all except vehicles with engine codes ZD3-A202, G9U-A754, S9W-A702 & g9U-A724. All Trafic
  - Vauxhall/Opel Movano with E, F, G, J, K, L, M, N, P, T or W as 7th VIN character
  - Vauxhall/Opel Vivaro (all)
  - Volkswagen 9 (all except 2.5lt/2.8lt 109bhp/158bhp engine codes AVR & AUH respectively)



# Annex 9

## VEHICLE TESTING (TAKING YOUR LGV OR PCV TO A TEST CENTRE)

Before presenting your vehicle for test, you should make a booking with your chosen DVA test centre. You can choose any test centre and the booking can be made by application direct to the test centre or online. When using the online booking service to book an annual test for a heavy goods vehicle, trailer or a bus, you will be provided with a booking reference number only. You will then have to contact your selected test centre to obtain your test date and time. An appointment letter will be issued when the booking has been confirmed with the test centre.

You will need to tell the test centre the vehicle registration number, vehicle class, number of axles and, for buses or coaches, the number of passenger seats in the vehicle.

Operators/presenters must ensure that the correct vehicle/trailer is presented or that any amendments are reported 1 clear working day before the test appointment. Operators/presenters must ensure that all outstanding fees are paid in advance – including retest and prohibition fees.

It is necessary, in most cases, to keep a tachograph record when driving a goods or passenger carrying vehicle to the test centre.

### **At the test centre**

First, the presenter (driver) must park the vehicle in the correct lane.

Vehicle presenters need to arrive at the appointed time (this will minimise the time that customers are on site and maximise the efficiency of our staff). Customers who arrive early may be asked to wait and customers who arrive late could, in busy periods, be refused a test.

The appointment letter and last test certificate relating to the vehicle/trailer must be provided upon arrival. A test lane will be designated to the presenter on the appointment letter.

He/she should then wait in the vehicle until an inspector directs the vehicle to be moved forwards. The inspector/tester will tell the driver what to do throughout the test, including asking the driver to carry out certain movements with the steering wheel and brake pedal. The driver must inform the inspector if he/she has never been to a test centre before or does not understand the instructions.

### **The test**

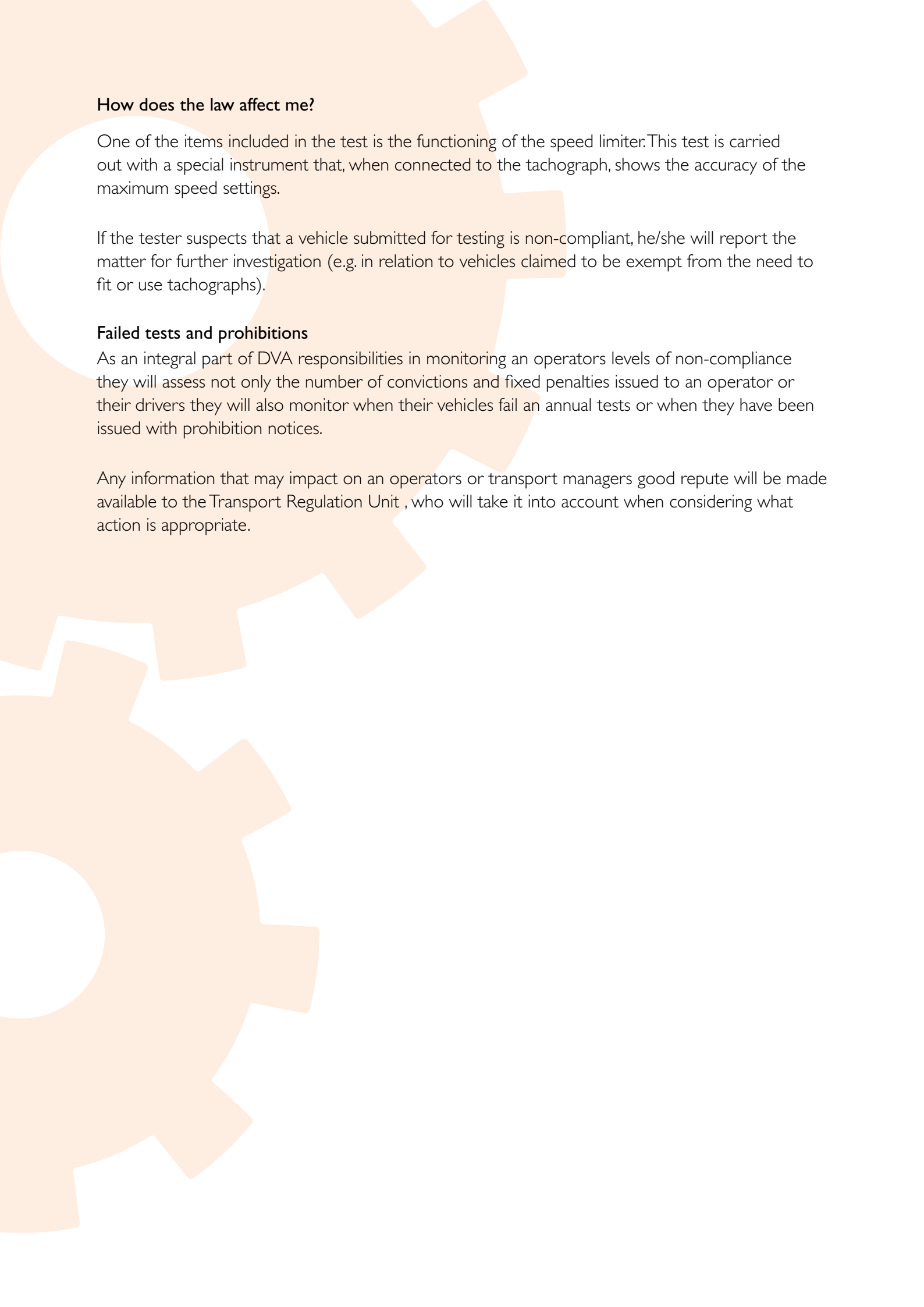
The test consists of four parts:

Stage A: Topside

Stage B: Roller Brake Test.

Stage C: Underside (carried out over the pit)

Stage D: Lights



## How does the law affect me?

One of the items included in the test is the functioning of the speed limiter. This test is carried out with a special instrument that, when connected to the tachograph, shows the accuracy of the maximum speed settings.

If the tester suspects that a vehicle submitted for testing is non-compliant, he/she will report the matter for further investigation (e.g. in relation to vehicles claimed to be exempt from the need to fit or use tachographs).

## Failed tests and prohibitions

As an integral part of DVA responsibilities in monitoring an operator's levels of non-compliance they will assess not only the number of convictions and fixed penalties issued to an operator or their drivers they will also monitor when their vehicles fail an annual test or when they have been issued with prohibition notices.

Any information that may impact on an operator's or transport manager's good reputation will be made available to the Transport Regulation Unit, who will take it into account when considering what action is appropriate.

# Annex 10

## COUNTRIES SUBJECT TO THE EC REGULATIONS AND THE AETR

The EC Regulations apply when travelling wholly within or between these countries

|                |                |                 |                 |
|----------------|----------------|-----------------|-----------------|
| Austria        | Finland        | Latvia          | Romania         |
| Belgium        | France         | Lithuania       | Slovak Republic |
| Bulgaria       | Germany        | Luxembourg      | Slovenia        |
| Cyprus         | Greece         | Malta           | Spain           |
| Czech Republic | Hungary        | The Netherlands | Sweden          |
| Denmark        | Irish Republic | Poland          | United Kingdom  |
| Estonia        | Italy          | Portugal        |                 |

The AETR rules apply to the whole of any journey if any part of it passes through any of these AETR countries

|                        |               |             |                                |
|------------------------|---------------|-------------|--------------------------------|
| Andorra                | Croatia       | Moldova     | Turkey                         |
| Azerbaijan             | Kazakhstan    | Norway      | Turkmenistan                   |
| Belarus                | Liechtenstein | Russia      | Uzbekistan                     |
| Bosnia and Herzegovina | Macedonia     | Switzerland | Federal Republic of Yugoslavia |

# Annex I I

## RELEVANT LEGISLATION

The following is a list of relevant Acts and Regulations for reference. It should be noted that many of these Acts and Regulations have been amended several times by various Statutory Instruments, so it is not always very helpful just to read the original. You are advised to seek professional legal advice before acting on any original first edition text of this listed legislation.

- Motor Vehicles (Driving Licences) Regulations (Northern Ireland) 1996
- Goods Vehicles (Testing) Regulations (Northern Ireland) 2003
- Motor Vehicles (Authorised Weight) Regulations (Northern Ireland) 1999
- Motor Vehicle (Construction and Use) Regulations (Northern Ireland) 1999
- Motor Vehicles Testing Regulations (Northern Ireland) 2003
- Passenger and Goods Vehicles (Recording Equipment) Regulations (Northern Ireland) 1996
- Public Service Vehicles (Condition of Fitness, Equipment and Use) Regulations (Northern Ireland) 1995
- Public Service Vehicles Regulations (Northern Ireland) 1985
- Public Service Vehicles Accessibility Regulations (Northern Ireland) 2003
- Road Traffic (Northern Ireland) Order 1981
- Road Traffic (Northern Ireland) Order 1995
- Road Traffic (Northern Ireland) Order 2007
- Road Vehicles (Display of Registration Marks) Regulations 2001
- Road Vehicles Lighting Regulations (Northern Ireland) Order 2000

- EC Regulation 1071/09 on rules to pursue on the occupation of road transport operator
- EC Regulation 1072/09 on rules for access to the international road transport market
- EC Regulation 1073/09 on rules for access to the international market for coach and bus services
- EC Regulations 2135/98 and 1360/2002 (digital tachographs)
- EC Regulations 561/2006, 165/2014 and 3821/85 (drivers hours and tachograph regulations)
- EC Directive 104/93 (Working Time) (as amended by EC Directive 34/2000)
- EC Directive 15/2002 (working time on road transport re. drivers 'in scope' of 3821/85)
- Transport Act (Northern Ireland) 1967
- Working Time Regulations (Northern Ireland) 1998
- Road Transport (Working Time) Regulations (Northern Ireland) 2005
- Goods Vehicles (Licensing of Operators) Act (Northern Ireland) 2010

# Annex 12

## USEFUL ADDRESSES

### **Driver and Vehicle Agency**

Enforcement Section  
148-158 Corporation Street  
Town Parks  
Belfast  
BT1 3DH  
Tel: 028 9025 4100  
Email: [dva.enforcementadmin@infrastructure-ni.gov.uk](mailto:dva.enforcementadmin@infrastructure-ni.gov.uk)

### **Freight Transport Association**

109 Airport Road West  
Belfast, BT3 9ED  
Tel: 02890 466699  
[www.fta.co.uk](http://www.fta.co.uk)

### **Road Haulage Association**

Scotland & Northern Ireland  
Kirkton House  
Allen Road  
Kirkton North  
Livingston, EH54 6TQ  
Tel: 01506 412335  
<https://www.rha.uk.net/about-the-rha/office-locations>  
Email: [scotland-northernireland@rha.uk.net](mailto:scotland-northernireland@rha.uk.net)

### **Federation of Passenger Transport (NI)**

The Ecos Centre  
Broughshane  
Ballymena, BT43 7QA  
Tel: 028 2563 8938  
Fax: 028 2563 8984  
Email: [info@ftpni.org](mailto:info@ftpni.org)

### **Department for Infrastructure**

Transport Regulation Unit  
Bedford House  
16 – 22 Bedford Street  
Town Parks  
Belfast  
BT2 7FD  
Tel: 0300 200 7831  
<https://www.infrastructure-ni.gov.uk/articles/transport-regulation-unit>  
Email: [tru@infrastructure-ni.gov.uk](mailto:tru@infrastructure-ni.gov.uk)

## DVA TEST CENTRES

### **Armagh**

47 Hamiltonsbrown Road  
Ballynahome More  
BT60 1HW  
Tel: 028 3752 2699

### **Ballymena**

Pennybridge Industrial Est  
Larne Rd  
Ballycraigy, BT42 3ER  
Tel: 028 2565 6801

### **Belfast**

Balmoral Road  
Malone Lower  
BT12 6QL  
Tel: 028 9068 1831

### **Coleraine**

2 Loughan Hill Industrial Est  
Gateside Rd  
Loughan Hill, BT52 2NJ  
Tel: 028 7034 3819

### **Downpatrick**

Cloonagh Rd  
Flying Horse Rd  
Ballymote Upper, BT30 6DU  
Tel: 028 4461 4565

### **Enniskillen**

Chanterhill  
Moneynoe Glebe, BT74 6DE  
Tel: 028 6632 2871

### **Larne**

Ballyboley Road  
Ballyloran, BT40 2SY  
Tel: 028 2827 8808

### **Lisburn**

Ballinderry Industrial Est  
Ballinderry Rd  
Knockmore, BT28 2SA  
Tel: 028 9266 3151

### **Cookstown**

Sandholes Road  
Coolkeeghan, BT80 9AR  
Tel: 028 8676 4809

### **Craigavon**

3 Diviny Dr. Carn Industrial Est  
Tarsan, BT63 5RY  
Tel: 028 3833 6188

### **Londonderry**

New Buildings Industrial Est  
Victoria Rd  
Ballyore  
Glenaden Complex, BT47 2SX  
Tel: 028 7134 3674

### **Mallusk**

Commercial Way  
Hydepark Ind Est  
Grange Of Mallusk, BT36 8YY  
Tel: 028 9084 2111

### **Newry**

51 Rathfriland Road  
Carneyhough, BT34 1LD  
Tel: 028 3026 2853

### **Newtownards**

Jubilee Road  
Scrabo, BT23 4XP  
Tel: 028 9181 3064

### **Omagh**

Gortrush Industrial Est  
Gt Northern Road  
Mullaghmenagh Upper  
BT78 5EJ  
Tel: 028 8224 2540