



# Legislation calendar 2008–2009

Date	Legislation	Date	Legislation
1 January 2008	Speed limiters	10 September 2008	Driver Training Directive – psv drivers
1 January 2008	EU drivers' records changes	Expected October 2008	Operator licence changes
1 January 2008	ADR additional fire extinguishers	Expected early 2009	Graduated fixed penalties
4 February 2008	Low Emission Zone in London – phase 1	31 March 2009	Retrofit of close proximity mirrors
31 March 2008	Parking penalty charge notice changes	1 April 2009	Statutory holiday increases – phase 2
1 April 2008	Incomplete sideguards at annual test	Expected September 2009	Euro 5 for cars and vans
1 April 2008	Rebated fuel changes	10 September 2009	Driver Training Directive – lgv drivers
1 April 2008	Biofuel	1 October 2009	Euro 5 emission standard
6 April 2006	Corporate manslaughter	10 October 2009	Retro reflective markings
Expected mid 2008	Vehicle recovery arrangements		
7 July 2008	Low Emission Zone in London – phase 2		

## Speed limiters – 1 January 2008

The final phase of European legislation to introduce speed limiters to vehicles over 3.5 tonnes was completed at the beginning of 2008. Vehicles used on international journeys already had to comply, as did vehicles between 7.5 and 12 tonnes, which were first registered on or after 1 January 2005.

From 1 January 2007, Euro 3 diesel-engined vehicles over 3.5 tonnes (up to 12 tonnes) registered between 1 October 2001 and 31 December 2004, must have had their speed limiter set to 56mph. From 1 January 2008 this also applied to all vehicles between 3.5 tonnes and 7.5 tonnes registered from 1 January 2005 and used only in the UK. Once the limiters are set, all affected vehicles are banned from using the outside lane of motorways with three or more lanes.

## **EU drivers' record changes – 1 January 2008**

The previous requirement for drivers to be able to produce charts and manual records for the current fixed week and the previous 15 calendar days has been changed. From 1 January 2008, drivers must be able to produce records for the current day and the previous 28 calendar days.

## **ADR – additional fire extinguishers – 1 January 2008**

From 1 January 2008, vehicles over 7.5 tonnes are required to carry extra extinguishant capacity up to a total of 12kg dry powder. This is an increase from the previous 8kg limit. There should be a minimum of a 2kg cab extinguisher and load space extinguishant capacity of 10kg, of which at least one extinguisher must be at least 6kg in these vehicles. Vehicles at or below 3.5 tonnes must continue to have a minimum of a 2kg cab extinguisher and 2kg load extinguisher. Vehicles above 3.5 tonnes, but not over 7.5 tonnes gvw, must have a minimum of a 2kg cab extinguisher and a 6kg load extinguisher.

## **Low Emission Zone (LEZ) in London (phase 1) – 4 February 2008**

Transport for London will introduce the UK's first LEZ on 4 February 2008. The zone will cover all London boroughs (generally lying inside the M25) and will initially apply to diesel-engine commercial vehicles over 12t gvw that do not meet Euro 3. The zone will be introduced in phases by vehicle category and weight. For more detailed information see the FTA compliance guide Greater London Low Emission Zone.

## **Parking penalty charge notice changes – 31 March 2008**

New regulations have been put in place under the Traffic Management Act 2004 in an effort to make parking enforcement more consistent. One change is new legislation which will increase the time allowed to pay Penalty Charge Notices (PCNs) at the discounted rate sent by post from 14 to 21 days. PCNs affixed to a vehicle's windscreen will continue to have a 14 day discount period.

## **Incomplete sideguards at annual test – 1 April 2008**

There has been confusion within the industry as to the annual test and legal requirements for sideguards. In 2000, the Vehicle and Operator Services Agency (VOSA) advised that vehicles with sideguards of an incorrect dimension should not be failed at annual test. As a result it became apparent that some vehicles have had sideguards fitted that do not comply with legislation. However, a further VOSA instruction made in October

2006 resulted in the tightening of test standards for sideguards, particularly where part of the sideguard was missing. This has caused problems for operators of vehicles which had previously passed an annual test but were being failed after October 2006. Those particularly affected are:

- short bodied vehicles with cranes mounted behind the cab
- vehicles with sleeper cabs
- tankers

Following representations on behalf of members by FTA, VOSA has agreed to relax the standards of sideguard compliance until 1 April 2008. Operators of vehicles that would normally fail the test on the grounds that part of the sideguard is missing will not be failed, but instead will receive an advisory warning that it will fail in future.

The current position is that VOSA has issued a guidance memo to trade associations which gives details of revised dimensional criteria. It is FTA's opinion that there remain issues with compliance to these guidelines, particularly with crane vehicles and retrofitment.

FTA is currently working with VOSA and the Department for Transport (DfT) to establish a pragmatic, common approach by both organisations.

## **Rebated fuel changes – 1 April 2008**

From 1 April 2007, following consultation, HM Revenue and Customs issued legislation to implement changes to the list of vehicles permitted to use rebated fuel (red diesel). However, a few outstanding actions remain. Road construction vehicles will no longer be an excepted vehicle category, instead two new categories of tar sprayer and road surfacing vehicles will be added. These changes will come into force on 1 April 2008.

## **Biofuel – 1 April 2008**

The Renewable Transport Fuel Obligation Programme (RTFO) is due to come into effect from 1 April 2008 and will place an obligation on fuel suppliers to ensure that a certain percentage of their aggregate sales is made up of biofuels. The effect of this will require five per cent of all UK fuel sold on UK forecourts to come from a renewable source by 2010.

Volume targets have been set as follows.

Of total fuel sales	Deadline
2.5%	2008/09
3.75%	2009/10
5%	2010/11

The programme is in response to the European Parliament Biofuels Directive (2003/30/EC). The level of obligation for 2010/11 falls below the level of 5.75 per cent set out in the directive. However, the directive allows member states to set different targets provided that any differentiation is justified. The UK Government set the level at five per cent as it was not confident that higher levels of biofuels can be delivered as yet. The five per cent by volume target also represents the maximum biofuel content allowed by European specifications to be sold on the forecourts as standard petrol or diesel.

The RTFO is modelled on the existing Renewables Obligation in the UK electricity supply industry. The RTFO will work through a system of certification. Under the scheme certificates can be claimed when renewable fuels are supplied and fuel duty is paid on them. At the end of an obligation period, these certificates may be redeemed to demonstrate compliance and certificates can be traded. If any obligated supplier does not have enough certificates at the end of an obligation period, it has to 'buy-out' of the balance of its obligation by paying a buy-out price. The buy-out will need to be kept sufficiently high and regularly reviewed to ensure that suppliers do not routinely resort to using it.

The RTFO will result in operators running on a proportion of biodiesel.

### **Corporate manslaughter – 6 April 2008**

Legislation is in place to introduce a new offence for holding organisations to account for gross failings by their senior management, which result in a fatality. For further information see the FTA compliance guide *Corporate manslaughter*.

### **Vehicle recovery arrangements – expected mid 2008**

Currently, vehicles that are abandoned, broken-down or damaged on the roads are removed either by the owner making their own private arrangements for recovery, or the police intervene using their statutory powers to remove vehicles. The establishment of the National Vehicle Recovery Project will allow Highways Agency traffic officers to remove or arrange the removal of abandoned or broken-down vehicles from motorways and trunk roads in England.

The programme to allow the Highways Agency to take over recovery/removal on the English motorway and trunk road network includes:

- the appointment of a National Recovery Manager
- Highways Agency traffic officers given the power to remove vehicles

- new statutory charges for the removal and storage of vehicles

### **Low Emission Zone (LEZ) in London (phase 2) – 7 July 2008**

Transport for London (TfL) will introduce the second phase of the London Low Emission Zone on 7 July 2008. It will apply to diesel-engine commercial vehicles over 3.5t and up to 12t and also buses and coaches with more than nine seats and over 5t gvw which do not meet Euro 3 standards. For more detailed information see the FTA Greater London Low Emission Zone Compliance Guide.

### **Driver Training Directive – 10 September 2008 for pcv drivers and 10 September 2009 for lgv drivers**

In a bid to improve road safety, fuel efficiency and to promote driving as a career, a European directive requiring the continuous training of vocational drivers takes effect from September 2008. The training is referred to as a Driver CPC (Certificate of Professional Competence) but should not be confused with the CPC required for transport managers. Driver CPC regulations will apply to new drivers acquiring a pcv licence from 10 September 2008 and for drivers acquiring a lgv licence from September 2009. Those who already hold a vocational licence before these dates will be given acquired (grandfather) rights, however all drivers must complete 35 hours' periodic training every five years.

Drivers employed or used by undertakings which use goods vehicles in categories C1, C1 + E, C or C + E are in scope, together with drivers of passenger vehicles in categories D1, D1 + E, D or D + E. Pre-1990 licences with equivalent categories (such as HGVI) are also included, as are those driving vehicles on entitlements obtained by a passing a car test before 1997, such as C1 or D1. The legislation applies to the activity of driving the in-scope vehicles, so people who hold vocational entitlement but who do not actually drive those vehicles will not come into scope. There are also several exemptions.

There are two types of training included in the legislation – initial and periodic. Initial training is for new drivers and involves various modules and a test. For periodic training, required by all drivers, there is no formal test element. Instead the driver must attend approved courses. Each course must be a minimum of seven hours' long and the driver must complete a total of at least 35 hours over a five year period.

The date from which a driver must obtain his/her Driver CPC depends on whether they are classed as new

Type	Criteria	Initial Driver CPC	Periodic Driver CPC
New goods vehicle drivers	N/A	From 10 September 2009	Within 5 years of initial Driver CPC
Acquired rights goods vehicle drivers	Must hold relevant category of driving licence on 10 September 2009	Not required	By 10 September 2014
New passenger vehicle drivers	N/A	From 10 September 2008	Within 5 years of initial Driver CPC
Acquired rights passenger vehicle drivers	Must hold relevant category of driving licence on 10 September 2008	Not required	By 10 September 2013

drivers or have acquired rights, as well as the type of vehicle driven.

Those wishing to deliver periodic training to drivers will need to become approved training providers and obtain approval for their intended courses from the Joint Approvals Unit for Periodic Training (JAUPT) set up by the Driving Standards Agency (DSA).

## Operator licensing changes – expected October 2008

### Revised fee structure

○ licensing fee restructuring is currently expected for April 2009 and is intended to simplify the structure of licensing and testing fees and reduce the number of financial transactions between operators and VOSA. Licence fees are made up of:

- application fees that cover the cost of processing the application
- licence fees that are payable when a licence is granted and at the five yearly review stage
- vehicle fees that contribute to the cost of VOSA's enforcement effort

Additionally, operators also pay the roadworthiness test fee on a yearly basis. Following lengthy debate and negotiation (this issue only) the vehicle fee will be incorporated into the annual roadworthiness test fee. Application and licence/renewal fees will continue to be paid as at present. Previously there has been no contribution to enforcement costs in respect of trailers. It is therefore intended for the first time to introduce a trailer fee that will be incorporated into the annual trailer roadworthiness test fee. FTA has pressed for the vehicle and trailer enforcement aspect of annual test fees to be transparent in all transactions. Arrangements for giving credit to operators for vehicle fees paid in advance under the existing system will be subject to further consultation.

## Abolition of vehicle discs and margin concession for goods vehicles

It is proposed to abolish ○ licence windscreen discs, however timescales have been delayed due to the change being linked to removing the 'margin concession' at the same time. Most operators currently apply for authorisation to operate more vehicles than they have under their control at any given time. This margin allows for vehicles to be hired at short notice without the need to specify them on the licence and the vehicles can be operated for up to a maximum of 28 days before specifying the details on the licence – this 28 days is known as the 'margin concession'. New roadside enforcement technology linked to the VOSA database means that enforcement officers no longer rely on windscreen discs to ascertain if a vehicle is licensed, therefore the Government has also proposed removing the concession to operate a vehicle for 28 days without specifying it on a licence. A joint industry/VOSA working group in which FTA was heavily engaged highlighted a number of practical problems that could result if very short term hire vehicles were required to be specified immediately, not least being the capability of Operator Licensing Business Services (OLBS) to deal with the volume and audit trail of transactions. Whilst FTA members supported the principles of the proposals, DfT and VOSA have been made aware of concerns that, even with the proposed 24 hour telephone line for notification, a requirement for 'immediate' notification could impose a significant administration burden. This issue is likely to be reviewed again this year.

## Graduated fixed penalties – expected early 2009

Under current legislation fixed penalties may only be issued by police officers and the level of penalty is not related to the severity of the offence. New legislation however, will enable VOSA officers to issue fixed penalties at the roadside. Fixed penalties will be set at different amounts depending on the offence. Additionally,