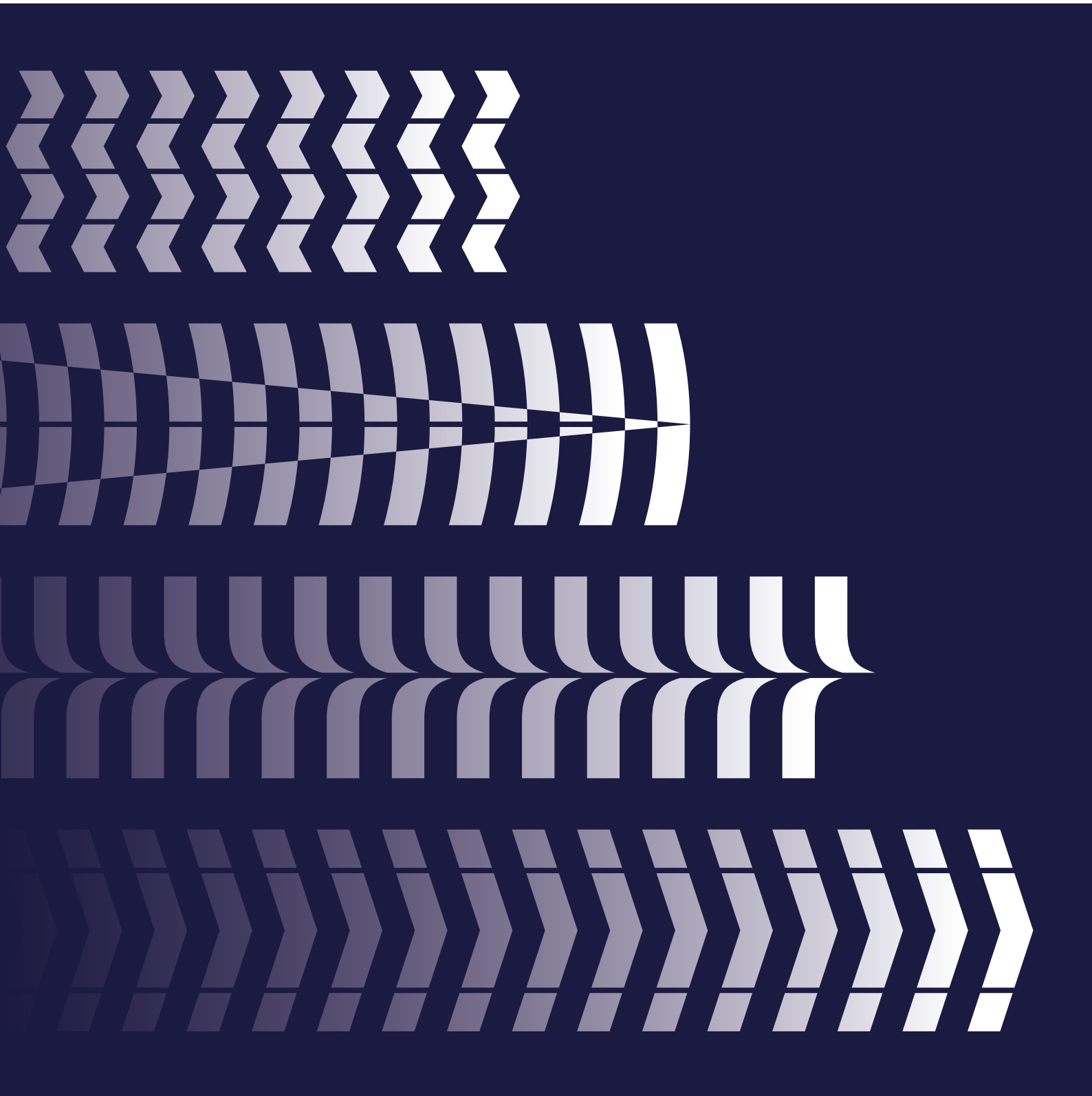


Compliance Briefing 2022-23

TRANSPORT MANAGER CALENDAR



This paper is designed to provide members with an insight into some of the changes we can expect to see throughout the remainder of 2022 and into 2023 and is correct at time of writing.

Contact Logistics UK Member Advice Centre for further information:
0370 605 0000 – MAC@logistics.org.uk

Subjects covered include:

- Highway Code
- Enforcement of moving traffic conventions
- Clean Air Zones
- VECTO use for trailers
- Dangerous Goods Safety Advisors
- ADR dangerous goods rules
- Financial Standing
- Customs Declaration Service
- Category B driving licence
- Glasgow Low Emission Zone
- GB vehicle Type Approval Scheme
- HGV Road User Levy
- Smart Tachograph 2
- London Ultra Low Emission Zone
- Wales speed limits

1 July 2022

Highway Code amended to include rules on use of self-driving vehicles

Following the introduction of ‘hierarchy of road users’ (January 2022) and ‘use of mobile phones’ (March 2022), the pattern of regular updates to the Highway Code continued with a new section to include rules on the use of self-driving vehicles in Great Britain. Although at the time of writing no vehicles are approved for self-driving, the changes to the Code lay foundations to accommodate the new technology and will help ensure when introduced that they will be used safely.

A self-driving vehicle is capable of driving itself without human intervention, as opposed to assisted driving systems such as lane keeping and cruise control which are designed to assist a fully engaged driver. Not all journeys will be fully self-driving, certain situations during a journey may affect the capability such as road type or time of day, the manufacturer’s instructions will inform on how and when to use the self-driving function safely.

The changes define responsibility, noting that drivers are not responsible for driving while the vehicle is in self-driving mode and may turn their attention from driving. Drivers can view content within the vehicle not related to driving on built-in display screens. However it is clear that they must remain fit to drive and be prepared to resume control in a timely way if they are prompted to, for example when a vehicle is approaching a motorway exit.

Whilst viewing content on built-in equipment is acceptable, it will still be illegal to use mobile phones in self-driving mode given the greater risk they pose in distracting drivers as shown in research.

27 July 2022

Highway Code driving offence penalties amended

This Highway Code amendment was focused on annex 5 (penalties), it reflected a change in the law affecting driving offence sentences. ‘Causing death by dangerous driving’ and ‘causing death by careless driving under the influence of drink or drugs’ have both had their maximum sentence increased from 14 years’ imprisonment to life imprisonment.

Additionally, the obligatory licence disqualification period for both offences has gone from a minimum of a two-year ban to a minimum of five years.

A new offence has also been created for ‘causing serious injury by dangerous driving’ which carries a maximum penalty of two years’ imprisonment, an obligatory driving disqualification and an unlimited fine.

Revised sentence summary

Offence	Maximum Prison Sentence	Minimum licence disqualification	Maximum fine
Causing death by dangerous driving	Life	Five years	Unlimited
Causing death by careless driving under the influence of drink or drugs	Life	Five years	Unlimited
Causing serious injury by dangerous driving	Two years	Obligatory driving disqualification, minimum not specified	Unlimited

July 2022

Enforcement of moving traffic contraventions in England

On 31 May 2022 local authorities were able to apply to Department of Transport (DfT) for new additional powers allowing them to enforce moving traffic contraventions in England by issuing penalty charges. Examples of moving traffic conventions include yellow box junctions and banned turns.

These new powers bring English local authorities into line with London local authorities who have been able to manage moving traffic and issue penalty charges for contraventions for many years. Statutory Guidance published by DfT for local authorities applies to the enforcement of bus lanes as well as the new moving traffic contraventions and applies to all local authorities in England outside London. Local Authorities in London are encouraged to comply with the Guidance too.

Local authorities outside London who would like to be able to enforce contraventions must first apply to DfT for a Designation Order and pass an audit before they can obtain the powers. At the time of writing we understand that 12 authorities, across England, have applied and enforcement started in July. Also, as part of a plan to ensure that enforcement is used only where it is absolutely necessary to achieve compliance, those who have applied are committed to enforce at a limited number of locations in each local authority area.

Importantly, the Guidance requires local authorities to issue a warning notice the first time a vehicle is seen contravening a restriction during the first six months of any new enforcement commencing. If at any time after the warning notice has been issued, the same vehicle is seen again, a PCN may then be issued.

It is important to remember that these are not new restrictions, but new means of enforcement by local authorities using their Civil Enforcement powers, previously

these restrictions have only been able to be enforced by the Police. If members receive a warning letter, they are advised to ensure the driver of the vehicle at the time is made aware of it.

Logistics UK has been working with the British Parking Association, whose members include local authority enforcement teams, to ensure the roll-out of moving traffic enforcement takes account of the needs and concerns of the logistics industry. Following members' experience of moving traffic enforcement in London and Wales, Logistics UK is calling for sensible and pragmatic enforcement, particularly relating to larger vehicles in yellow box junctions.

The guidance can be viewed here <https://www.gov.uk/government/publications/bus-lane-and-moving-traffic-enforcement-outside-london>

26 September 2022

Clean Air Zones – Bradford

Bradford is introducing a Class C+ Clean Air Zone (CAZ). HGV vehicles exceeding 3.5t MAM will have to be a minimum of Euro 6 to enter Bradford's new CAZ. Vans up to and including 3.5t have to be a minimum of Euro 6 if they are diesel powered, or Euro 4 if they are petrol or LPG powered.

The zone will include Bradford city centre, from and including the outer ring road (A6177), extending out along the Aire Valley corridor to include Shipley and Saltaire.

If your vehicle does not meet the required emission standards, or is not exempt, you will need to pay a daily charge to drive in the Bradford CAZ. A non-compliant truck will cost £50 per day, a van £9.

Limited exempted vehicles include military, emergency response and showman's vehicles. Specialist vehicles such as gritters and breakdown vehicles are also exempt. Local small and medium sized businesses can also apply for exemptions for up to three vehicles.

Full details can be found at <https://www.bradford.gov.uk/breathe-better-bradford/breathe-better-bradford/>

28 November 2022

Clean Air Zones – Bristol

Bristol is introducing a Class D Clean Air Zone (CAZ). This will include all petrol and diesel vehicles with the exception of:

- Euro 6 diesel vehicles.
- Euro 4 and better petrol vehicles.
- Fully electric or hydrogen vehicles.

The zone covers a small area of the city centre towards the West of the city, stretching from the A3029 across to the Bristol Temple Meads train station. If your vehicle is not compliant you must pay the daily charge:

- Cars and light goods vehicles (3.5t MAM and under) are £9.
- Trucks, buses and coaches are £100.

There are a small number of exemptions designed for local residents, for full details visit <https://www.bristol.gov.uk/streets-travel/bristol-caz>

At the time of writing there are no more confirmed dates for future CAZs. Greater Manchester was due to be implemented in 2022 but there has been no confirmation as to exactly when. Sheffield and Newcastle are also both due to have schemes, but implementation remains unconfirmed. For the latest information including information on temporary exemptions, how to sign up for alerts and whether operators are eligible for financial support to ensure compliance, see the CAZ briefing note at <https://logistics.org.uk/compliance-advice/environment/air-quality/clean-air-zones-briefing-note>.

December 2022

VECTO use for trailers

Since 2019, European type approval schemes have utilised a simulation tool called VECTO (Vehicle Energy Consumption calculation TOol) to determine CO₂ emissions and fuel consumption on trucks and buses. The EU is planning to extend this to include medium trailers (Category O3, 3.5t-10t) and heavy trailers (Category O4, over 10t).

Using software designed solely for trailers, VECTO will group trailers into segments based on number of axles, trailer type and bodywork. Each trailer will be modelled to determine the energy efficiency, the customer will receive a 'consumer file' setting out the certified energy efficiency so as to provide transparency.

Note at the time of writing the regulation has yet to be adopted by EU Member States. Trailers may be included in EU CO₂ performance standards, UK government policy on trailer CO₂ remains uncertain.

31 December 2022

A Dangerous Goods Safety Adviser (DGSA) is required for businesses that only act as consignors

A Dangerous Goods Safety Adviser (DGSA) is needed if your company regularly fills, packs, loads, transports or unloads dangerous goods sent by road, rail or inland waterways.

The European agreement concerning international transport of dangerous goods (ADR) defines a consignor in chapter 1.2 as:

'Consignor' means the enterprise which consigns dangerous goods either on its own behalf or for a third party. If the transport operation is carried out under a contract for carriage, consignor means the consignor according to the contract for carriage.

Until 31 December 2018, The Carriage of Dangerous Goods and Use of Transportable Pressure Equipment Regulations meant that if you only acted as a consignor (the sender) of dangerous goods you didn't have to appoint a DGSA. From 1 January 2019, that exemption was removed and consignors have until 31 December 2022 to appoint a DGSA. The same applies in Northern Ireland through separate but similar legislation.

There are some exemptions from appointing a DGSA, depending on how often dangerous goods are handled and in what quantities:

- If quantities handled are less than those referred to in ADR chapters 1.1.3.6, 1.7.1.4, and in chapter 3.3, 3.4 and 3.5.

- If handling dangerous goods is not your operation's main or secondary activity and you are only occasionally engaged posing little danger or risk.
- If your operation complies with the conditions specified in the *Road Derogation 11 (RO-bi-UK-1) The crossing of public roads*, as set out in the *Carriage of Dangerous Goods: Approved Derogations and Transitional Provisions document 2012*.
- If your operation complies with the conditions specified in ADR chapter 1.1.3.

The above is a summary, for full details see ADR chapter 1.8.3 or contact the MAC. Please note that these exemptions do not apply to international movements.

Companies can decide whether to train one of their own staff to be a DGSA or contract to a third party such as Logistics UK to act as a DGSA. Duties include monitoring compliance, training and preparing an annual report. For a full list of responsibilities see ADR chapter 1.8.3.3.

DGSA training courses vary from two to five days depending on the provider (Logistics UK course is five days). DGSAs must pass written examinations, on successful completion a DGSA certificate is issued specifying the mode/s of transport (road, rail, inland waterway) and the classes of dangerous goods that the DGSA is qualified to monitor and advise on.

Valid for five years, the DGSA certificate must be renewed by passing written examination. You can apply in the last year of the certificate's validity and the new certificate will remain valid from the expiry date of the previous certificate.

The Dangerous Goods team at Department of Transport have created a video to explain the changes, https://www.youtube.com/watch?v=3wi36XFN_qU

1 January 2023

Changes to ADR

The international rules regarding the carriage of dangerous goods (ADR) are updated every two years, 2023 is a change year. Operators may operate under the outgoing or the incoming rules from January to June 2023, but from 1 July 2023 must adhere to the new rules.

1 January 2023

Financial standing rates have not changed

When applying for a standard goods vehicle, the Goods Vehicles (Licensing of Operators) Act 1995 Section 13A(2) (c) states applicants must be of the appropriate financial standing. For existing licence holders, Traffic Commissioners (TCs) must revoke a standard licence if it appears that the licence holder no longer satisfies the requirements to be of appropriate financial standing.

Financial standing resources are required not only for operating and maintaining authorised vehicles safely, but also for the proper administration of the whole business.

The financial limits set by EU Regulation 1071/2009 are 9000 Euros for the first vehicle and 5000 Euros for each subsequent vehicle. Due to the UK not participating in monetary union, the rate had to be revised every year on 1 January to reflect the exchange rate. However, following

the UK exit from the EU, the Licensing of Operators and International Road Haulage (Amendment etc.) (EU Exit) Regulations 2019 amend Regulation (EC) No 1071/2009 to set the rates in GBP. From 1 January 2021 the rates will continue as follows:

Licence type	Vehicle	Light commercial*	Goods	Public service
Standard	First	£1,600	£8,000	£8,000
	Each additional	£800	£4,500	£4,500
Restricted	First	N/A	£3,100	£3,100
	Each additional	N/A	£1,700	£1,700

* Vehicles between 2.5t and 3.5t MAM used on international movements for hire and reward.

These rates are fixed in legislation and can only change with an amendment to the legislation.

31 March 2023

HMRC's current Customs Handling Import and Export Freight (CHIEF) IT platform being replaced by the Customs Declaration Service as the UK's single customs platform

The Customs Handling of Import and Export Freight (CHIEF) system is HMRC's national computer system recording the movement of goods by land, air and sea. It allows importers, exporters and freight forwarders to complete customs formalities electronically automatically checking for entry errors.

Working with businesses HMRC have developed a replacement for the 30-year-old CHIEF system, called the Customs Declaration Service (CDS), modernising the system and providing increased capacity. The new system is already working having processed over 2.5 million declarations and operators can start using the new system.

The CHIEF system is being phased out in two stages:

- 30 September 2022 you will no longer be able to make import declarations.
- 31 March 2023 you will also no longer be able to make export declarations.

After this date the CDS will be the sole UK customs platform with operators declaring all imported and exported goods in one place. Additionally, you can get postponed import VAT statements, import VAT certificates (to complete VAT returns) and pay customs duty and import VAT.

To subscribe visit <https://www.gov.uk/guidance/get-access-to-the-customs-declaration-service>, you'll need a Government Gateway user ID and password used for:

- Your business or organisation.
- Yourself, if you're applying as an individual.

If someone else submits your declarations for you, ensure they are working with HMRC and able to commit to the change dates.

If you use in-house software then changes will be needed

to make it compatible with the new system, further advice available on GOV.UK.

There is information available to help navigate the new system:

- GOV.UK: search import, export, and customs for businesses' for importing/exporting guidance and trader checklist.
- YouTube: search @hmrcgovuk for videos and recorded webinars on imports, exports, declarations, and rules of origin.
- Phone: International Trade helpline 0300 322 9434, 08:00–22:00 Mon–Fri, 08:00–16:00 Sat–Sun. Call this number for if you need urgent help and option 1 accesses their 24/7 critical care service which could be used for example if your goods are stuck at the border.

4 May 2023

Category B driving licence concession for alternatively fuelled vehicles reviewed

A concession in current regulations allows a Category B licence holder (car licence) to drive alternatively fuelled vehicles up to 4.25t MAM, compared with 3.5t for a normal diesel engine. The concession is designed to allow for extra battery weight whilst still being able to transport a comparable payload.

A five-year review of this concession is due to be completed, however the Office for Zero Emissions Vehicles (OZEV) announced in early 2022, to reassure fleets, that they have no plans to end this flexibility. Instead, they are 'considering how to optimise the rules to support the emerging zero emissions van market'.

1 June 2023

Glasgow Low Emission Zone (LEZ) enforcement commences

LEZs are now in operation across Scotland in Edinburgh, Glasgow, Dundee and Aberdeen. However, grace periods have been applied, meaning that enforcement does not start immediately:

- Glasgow; the LEZ already applies to buses. For other vehicle types, enforcement commences on 1 June 2023 (1 June 2024 for residents within the zone).
- Edinburgh; enforcement commences on 1 June 2024.
- Dundee; enforcement commences on 30 May 2024.
- Aberdeen; enforcement commences on 1 June 2024.

Unlike English Clean Air Zones (CAZ) where you can pay a daily charge for non-compliant vehicles to access the zones, Scottish LEZs are complete bans. Instead, penalty charge notices (PCNs) will be issued to operators who send a non-compliant vehicle into an LEZ. The PCN levels start at £60 and will increase if non-compliant vehicles are repeatedly sent into zones, rising to £420 for vans and £900 for HGVs.

1 July 2023

Vehicle Certification Agency (VCA) implement Full GB Type Approval Scheme

All goods vehicles and trailers require 'Type Approval' to ensure they are built consistently and meet relevant legislation. After exiting the EU, EU type approval legislation was retained in the UK to create two approval regimes:

- The UK (NI) Scheme type approval follows EU law in line with the Northern Ireland Protocol.
- The GB Scheme type approval retained EU legislation as of 31 December 2020 and was called the provisional GB type approval scheme.

A new law is under development and will implement the full GB type approval scheme. It affects the following vehicles:

- Category M (cars, buses and coaches)
- Category N (goods vehicles)

It applies to new type approvals after 1 July 2023, existing ones which have expired or do not have a provisional GB type approval after this date will also have to apply for the full GB type approval.

Full GB type approval for Category O (trailers) will be implemented the following year, 1 July 2024.

31 July 2023

HGV Road User Levy is to be reintroduced

The levy was introduced by the HGV Road User Levy Act 2013 and began on 1 April 2014 with the intention of ensuring the vehicles affected contribute to reducing road network wear and tear. From 1 August 2020 the levy was suspended as domestic and international operators were 'essential to keeping the country running' and 'play a key role in supporting the UK's economic recovery and growth'.

Mid 2022 a consultation was launched by the government on reforming the HGV levy prior to its reintroduction. It considers two proposals:

- Increase the focus on the environmental performance of the vehicle, using the weight of the vehicle as a representation for carbon dioxide emissions, ie heavier weight means more CO₂ emissions. Note that if this was adopted the majority of UK vehicles will pay less or the same than they did before the levy was suspended.
- Ensure that the levy cost is as closely aligned as possible to when a foreign vehicle is used on a major road. This would clarify that the levy is unambiguously designed in line with the government's international obligations.

The consultation ended on 18 July 22.

Once reintroduced the levy applies to vehicles of 12t MAM or more, the cost depends on the vehicle:

- Weight.
- Axle configuration.
- Emission standard.
- Levy duration.

UK registered vehicles pay levy costs within the same transaction as vehicle excise duty to the DVLA.

Contact: www.gov.uk/contact-the-dvla

Non-UK registered vehicles pay levy costs through a payment system operated by NEC Software Solutions on behalf of the DfT. Contact: hqcustomercare@necsws.com

23 August 2023

Smart Tachograph 2 becomes mandatory in the EU for new vehicles, adopted in the UK through the Trade and Cooperation Agreement

The development of digital and smart tachograph has primarily been to record driving/rest periods and working time, using activity modes, allowing the enforcement of *Social legislation in road transport (Regulation (EC) No 561/2006)*.

Smart tachograph 2 builds on this development through; *Commission Implementing Regulation (EU) 2021/1228* amending *Implementing Regulation (EU) 2016/799*, and requires the tachograph to provide additional information to include:

- Automatic recording of country border crossing.
- Recording of position at loading and unloading activities.
- Recording whether the vehicle is used for carriage of goods or passengers.
- Independent internal motion sensor to detect 'motion conflict' from other motion indicating sources.

The added information provided supports monitoring and enforcement of additional transport legislation; *Cabotage (Regulation (EC) 1072/2009)* and *Posting of workers (Directive 96/71/EC amended in 2018)*.

The Smart Tachograph version 2 will be mandatory for newly registered vehicles as of 21 August 2023. All vehicles involved in international transport must have a smart tachograph 2 fitted as of 21 August 2025.

29 August 2023

London Ultra Low Emission Zone (ULEZ) being expanded

Transport for London (TfL) is proposing to expand the ULEZ out to cover the whole of Greater London (the same area as the Low Emission Zone (LEZ) boundary). The daily charge for non-compliant vans and cars and operating hours will remain unchanged.

September 2023

20mph speed limit introduction in Wales

The Welsh Government is to introduce 20mph speed limits on its restricted roads. A restricted road is usually located in residential and built-up areas where streetlights are placed no more than 200 yards apart.

As these roads normally have high pedestrian activity, benefits from reducing the speed limit from 30mph to 20mph are hoped to include:

- Reduced road collisions.
- Safer roads encouraging more opportunities to walk and cycle.
- Improving the population's health and wellbeing.
- Safeguarding the environment.

There are no changes to enforcement and a 20mph limit contravention attracts the driver a £100 fixed penalty and three points on their licence.

Please contact the Logistics UK Member Advice Centre for clarification on any of the topics summarised above: 0370 6050000 – MAC@logistics.org.uk

