

**COVID-19
Monthly
Roundup**

March 2020

BACKHOUSE
JONES

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Vehicle Maintenance

MOT testing suspended

DVSA announced on 20 March 2020 that, due to the COVID-19 pandemic, it is suspending heavy vehicle testing (MOTs) of all PSVs, HGVs and trailers for up to 3 months from 21 March 2020:

<https://www.backhousejones.co.uk/covid-19-mot-testing-suspended/>

Then, on 25 March 2020, DVSA announced that, from 30 March 2020, MOT due dates for cars, motorcycles and light vans will be extended by six months:

<https://www.backhousejones.co.uk/coronavirus-covid-19-mots-for-cars-vans-and-motorcycles-due-from-30-march-2020/>

Dangerous Goods Vehicle Testing suspended

DVSA have announced that dangerous goods vehicle (ADR) annual inspections have been suspended from 21 March 2020 in response to the COVID-19 pandemic.

If your annual inspection is due and you wish to continue transporting dangerous goods you will need to apply for a waiver and follow certain rules:

<https://www.backhousejones.co.uk/coronavirus-covid-19-dangerous-goods-vehicle-adr-annual-inspections/>

Vehicle Approval tests suspended

DVSA announced on 23 March 2020 that, due to the COVID-19 pandemic, it is suspending all vehicle approval tests for up to three months to help prevent the spread of the virus:

<https://www.backhousejones.co.uk/coronavirus-covid-19-vehicle-approval-tests-suspended/>

LOLER testing

The HSE enforces several pieces of legislation that contain requirements for time-bound statutory inspections, including the Pressure Systems Safety Regulations (PSSR) 2000 and the Lifting Operations and Lifting Equipment Regulations (LOLER) 1998.

The HSE has announced that it is not, at present, considering any exemptions or relaxation of the requirements for examinations of equipment which is subject to statutory inspection time limits. This will, however, be kept under review.

Prohibition Clearance/Removal

DVSA have provided temporary instructions for the removal of prohibitions for HGVs and PSVs, which remain in place until further notice:

<https://www.backhousejones.co.uk/prohibition-removal-instructions-for-hgv-and-psv/>

PMI Intervals

The Senior Traffic Commissioner has issued temporary guidance allowing operators to extend PMI intervals by up to 50%:

<https://www.backhousejones.co.uk/stretched-pmi-intervals/>

Drivers' Hours

Temporary relaxation of the EU and GB drivers' hours rules

The Department for Transport (DfT) has announced temporary relaxations of the EU and GB drivers' hours rules, which apply to *all* sectors engaged in the carriage of goods by road and apply from Monday 23 March 2020 until 23:59 on Tuesday 21 April 2020 (albeit continuation of the relaxations after Sunday 5 April 2020 is subject to specific review):

<https://www.backhousejones.co.uk/drivers-hours-update-as-at-30-march-2020/>

Driver Licensing

Driving tests and theory tests postponed

Due to the COVID-19 pandemic, all driving and theory tests are postponed. At present, theory tests have been put on hold up to and including 20 April 2020 and practical driving tests are suspended for up to three months. This applies to all theory tests, driving tests and driving instructor (ADI) standards checks:

<https://www.backhousejones.co.uk/coronavirus-covid-19-driving-tests-and-theory-tests/>

Driver CPC Training

Suspension of classroom-based training

DVSA has advised trainers to suspend the delivery of any classroom-based Driver CPC training. As a temporary measure (until 12 June 2020), the DVSA will allow approved Driver CPC course to be delivered remotely via digital platforms:

<https://www.backhousejones.co.uk/dvsa-advises-suspension-of-classroom-delivery-introduces-option-for-remote-training/>

Temporary Suspension of Driver CPC requirement

On 31 March 2020, temporary measures have been announced to suspend the requirement for Driver CPC training for drivers whose Driver Qualification Card expires between 1 March 2020 and 30 September 2020:

<https://www.backhousejones.co.uk/coronavirus-covid-19-temporary-changes-to-driver-cpc-requirements/>

Bus Registrations

The Secretary of State for Transport has confirmed that, due to the COVID-19 pandemic, the time limit for Local Authorities to consult on short notice applications for temporary variations of services has been reduced from 28 days to 24 hours:

<https://www.backhousejones.co.uk/bus-service-registrations/>

LONDON LEZ, ULEZ and Congestion Charges

TfL has announced that all road user charging schemes in the capital will be temporarily suspended. None of the charges – congestion charges, ULEZ and LEZ - are in operation from Monday 23 March until further notice:

<https://www.backhousejones.co.uk/tfl-suspends-all-road-user-charging-schemes-to-help-critical-workers/>

Driver Welfare

Traffic Commissioners have been made aware of concerns that a number of drivers have been refused access to handwashing and toilet facilities amid the current COVID-19 pandemic. Preventing access is against the law. Public Health England have issued a letter to the RHA, which is being circulated to drivers to produce when they are denied access to wash facilities:

<https://www.rha.uk.net/getmedia/11bc9304-822a-476e-af2e-df77fdd6f65e/HPZ-777836-Letter-to-Road-Haulage-Association.pdf.aspx>

DVSA

Desk-Based Assessments

During the COVID19 pandemic, we anticipate that Desk-Based Assessments are likely to be utilised by DVSA in lieu of traditional fleet inspections, maintenance investigations and traffic investigations.

You will receive a letter from the DVSA Remote Enforcement Office (REO) requesting: (i) details of your compliance systems; and (ii) a sample of your records (vehicle maintenance and drivers' hours etc).

The DVSA will undertake an analysis of your systems and procedures (based on your description of these and the records you have provided) and invite you to respond to any issues before the investigation is either deemed 'satisfactory' or reported to the Traffic Commissioner (for consideration of further action – most likely Public Inquiry).

In our experience, all too often the Operator either provides too little detail, misunderstands what is being requested or provides incorrect information, which leads to unsatisfactory findings.

We are able to assist you with the response to any request from DVSA's REO so that you: (i) provide comprehensive details of your compliance systems and the correct information/documentation at the outset; and (ii) mitigate at the earliest possible opportunity any shortcomings that you may have in your compliance systems.

Traffic Commissioners

Senior Traffic Commissioner Emergency Guidance

Senior Traffic Commissioner, Richard Turfitt, has issued an emergency Statutory Document and accompanying 'Advice Note for Operators' setting out interim guidance on the approach being adopted by the Traffic Commissioners in response to the COVID-19 outbreak.

The guidance specifically deals with:

- Financial Standing – temporary steps to assist operators who cannot meet the required levels
- Transport Manager – what to consider if a Transport Manager is unable to attend work or your TM arrangements

change (e.g. TM working from home due to being 'vulnerable')

- Operating Centres – how to deal with loss of access to your operating centre
- The process to apply for a 'Period of Grace' if the mandatory requirements for holding an Operator's Licence cannot be met
- Applications for temporary exemptions to the mandatory requirements for holding an Operator's Licence
- Bus Registrations – the approach to be adopted for short notice requests for changes
- Community Passenger Transport – applications to provide services through community transport arrangements
- Hearings – attendance and postponements

<https://www.backhousejones.co.uk/senior-traffic-commissioner-issues-emergency-statutory-document-to-deal-with-covid-19/>

Electronic Communications Only

All communications from Central Licensing Unit and the Office of the Traffic Commissioner will be sent *electronically* during the outbreak period and operators are being asked to contact the OTC electronically during this time.

Operators should therefore *check that their contact email address is current* so that they can, and do, receive any emails sent:

<https://www.backhousejones.co.uk/traffic-commissioners-electronic-correspondence-only/>

Essential Workers

On 30 March 2020, the Department for Transport (DfT) confirmed to the RHA and FTA that the logistics sector forms an essential part of the response to the COVID-19 pandemic.

A letter sent by the DfT provided much needed clarity on the definition of 'essential workers' and confirmed that all those working within the logistics sector, not just those involved in the supply of food and medical supplies, are essential during this current crisis.

Drivers should be provided with a copy of the DfT's letter to carry with them to produce to the relevant authorities if necessary:

<https://www.backhousejones.co.uk/logistics-sector-gets-government-letter-as-proof-of-essential-working/>

Proof of Delivery

We have had a number of enquiries from operators who are experiencing challenges at the point of delivery with customers who are concerned and reluctant to sign Proof of Delivery documents/tablets due to concerns that they may contract the coronavirus through cross contamination of the electronic pad or paperwork. We provide practical guidance here:

<https://www.backhousejones.co.uk/covid-19-proof-of-delivery-a-practical-response/>

Procurement Policy Note

The Cabinet Office has issued a Procurement Policy Note (PPN) setting out information and guidance for public bodies on payment to their suppliers (*even if products and services are not being delivered*) during the COVID-19 pandemic:

<https://www.backhousejones.co.uk/covid-19-procurement-policy-note-public-bodies-should-continue-to-pay-their-suppliers/>

Removals Companies

The Government advice to date has failed to provide removal companies with much certainty as to whether their business can, or should, continue to provide removal services. We provide our views here:

<https://www.backhousejones.co.uk/guidance-for-removal-companies/>

Financial Packages

On 17 and 20 March 2020, the Chancellor set out a package of temporary measures to support businesses, public services and people through the difficulties caused by COVID-19, which included:

- Coronavirus Job Retention Scheme;
- Self-employment Income Support Scheme.
- statutory sick pay reimbursement;
- business rates holiday;
- grants;
- loans and lending facility;
- mortgage holiday;
- insurance claim clarity; and
- Taxation deferral.

<https://www.backhousejones.co.uk/what-help-is-the-government-offering-me-coronavirus-financial-help-explained/>

Employment

Coronavirus Job Retention Scheme

We are literally inundated with calls relating to the Government's Coronavirus Job Retention Scheme. Read our full guidance on the Furlough scheme here:

<https://www.backhousejones.co.uk/covid-19-update-operator-employment-support/>

What if I am Self Employed?

<https://www.backhousejones.co.uk/covid-19-what-about-if-i-am-self-employed/>

Cross Sector Collaboration

The Chartered Institute of Logistics and Transport (CILT) (supported by RHA, FTA and CPT) is calling for cross-sector collaboration to ensure that as a country we are equipped to respond to the Coronavirus crisis.

The CILT believes that we can work together to meet this challenge and is providing a service to match organisations together so that those who have capacity can help those in need, by making available staff, vehicles and expertise to support the supply chain:

<https://www.backhousejones.co.uk/cross-sector-collaboration/>

BHJ Support

At Backhouse Jones, we are assisting, supporting and advising literally hundreds of operators each and every day of the crisis. We understand how the coronavirus pandemic is affecting transport businesses and have put together a range of support packages to help including **FREE telephone advice, FREE updating webinars and an online COVID19 Resources Hub:**

<https://www.backhousejones.co.uk/wp-content/uploads/2020/03/BACKup-support-to-operators-from-BHJ-2.pdf>

Please note: This publication does not constitute legal advice

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