

**COVID-19
Weekly Roundup**

24 April 2020

BACKHOUSE
JONES

Vehicle Maintenance

COVID-19 - Vehicle Approval Tests – Update

On 23 March 2020, the DVSA announced the suspension of all vehicle approval tests for up to 3 months in response to the coronavirus outbreak. A further announcement on 22 April 2020 has now confirmed that a limited number of Individual Vehicle Approval tests (IVAs) will take place under a priority system but that Certificate of Initial Fitness (COIF) tests are suspended until 22 June 2020.

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

COVID-19: LOLER Testing – HSE Update

The HSE's position remains that the Lifting Operations and Lifting Equipment Regulations (LOLER) and Pressure Systems Safety Regulations (PSSR) remain in place and must be adhered to throughout the coronavirus pandemic; however, they have now issued guidance, which confirms that they will take a more pragmatic approach to enforcement action for non-compliance with the thorough examination and testing (TE&T) requirements where that non-compliance is directly attributable to COVID-19.

<https://www.backhousejones.co.uk/covid-19-loler-testing-hse-update/>

Driver Licensing

Renewing your Vocational Entitlement – Avoid Delays

As the Secretary of State for Transport, Grant Shapps, announced last Friday, the requirement for drivers over the age of 45 to complete a medical examination and submit a D4 medical report when renewing their

vocational entitlement has temporarily been suspended.

The application process, however, remains the same as usual. Drivers are therefore reminded of the importance of sending their renewal application to the exact address and postcode shown on the application form (**DVLA Swansea, SA99 1BR**) to ensure the application is received by the appropriate team dealing with applications from workers vital to the COVID-19 response and is properly prioritised.

<https://www.backhousejones.co.uk/renewing-your-vocational-driving-entitlement-avoiding-delays/>

Letter from DVSA Chief Executive to Vocational Driver Trainers

On 22 April 2020, Gareth Llewellyn (Chief Executive of the DVSA) has written to vocational driver trainers advising them of the measures in place for vocational driver training and tests during the coronavirus pandemic.

<https://www.backhousejones.co.uk/letter-from-dvsa-chief-executive-to-vocational-driver-trainers/>

Traffic Commissioners

Traffic Commissioners to Accept Remote Auditing

The Traffic Commissioners have confirmed that, due to the unprecedented challenges arising out of the COVID-19 pandemic, they will – as a temporary measure - accept compliance audits that have been conducted remotely. They have therefore issued specific guidance detailing the minimum standards expected of remote audits.

<https://www.backhousejones.co.uk/traffic-commissioners-to-accept-remote-auditing/>

Drivers' Hours

Temporary Relaxation of the EU and GB Drivers' Hours Rules – Extended

The temporary relaxation of the EU and GB drivers' hours rules has been extended until 31 May 2020.

<https://www.backhousejones.co.uk/temporary-relaxation-of-the-enforcement-of-the-eu-and-gb-drivers-hours-rules-extended/>

Temporary Relaxation of the EU and GB Drivers' Hours Rules – Operator obligations

Operators whose drivers make use of the temporary relaxations (which apply until 23:59 hours on 21 April) *must* adapt their existing drivers' hours and tachograph analysis systems to manage this additional compliance obligation. Current tachograph analysis software will not be configured to take account of the relaxations and will instead report wholesale infringements where the relaxations are relied on. Operators and transport managers must therefore conduct a detailed review of every infringement to establish whether in fact it is an infringement or whether one of the relaxations applies (and, if it does, has the driver complied with the relaxed rules *and* produced/handed in the required records). This is a labour intensive and time-consuming process *but* it is vital for enforcement purposes. We, in conjunction with Foster Tachographs and Transport Compliance, can undertake this analysis exercise for you:

<https://www.backhousejones.co.uk/expertise/products/drivers-hours/>

Procurement Policy Notice

Does your business have any contracts with a public body or a contract for services you were going to provide in the near future which is now in jeopardy due to the coronavirus pandemic?

For HGV operators, this could include contracts for highway maintenance services or environmental services:

<https://www.backhousejones.co.uk/wp-content/uploads/2020/04/Public-Sector-Contracts-HGV.pdf>

For PCV operators, this could include contracts with the Local Authority for concessionary fares or the local school for a bus service:

<https://www.backhousejones.co.uk/wp-content/uploads/2020/04/Public-Sector-Contracts-PCV.pdf>

Read BHJ's advice note on Procurement Policy Note (PPN) 02/20 - Supplier Relief due to COVID-19 here:

<https://www.backhousejones.comn.uk/advice-note-procurement-policy-note-02-20-supplier-relief-due-to-covid-19/>

Commercial

COVID-19 and the Ongoing Impact on Your Commercial Contracts

There has been much discussion in the past month regarding the operation of "force majeure" and frustration in relation to commercial contracts impacted by the COVID-19 outbreak. Read our guidance on these technical points in more detail and how they apply to your contracts here:

<https://www.backhousejones.co.uk/covid-19-and-the-ongoing-impact-on-your-commercial-contracts-part-1/>

We are receiving numerous queries from operators regarding the impact of COVID-19 on their commercial contracts. We look at some of the most common questions here:

<https://www.backhousejones.co.uk/covid-19-and-the-ongoing-impact-on-your-commercial-contracts-part-2/>

You should consider reviewing your commercial contracts to see what amendments may be required, either now or in the future, to adequately protect you in the event of contract performance difficulties. Contact commercial@backhouses.co.uk

Finance Packages

Government Launches New COVID-19 Business Support Finder Tool

The Government has launched a new online tool to help businesses and self-employed people across the UK identify what financial support is available to them during the coronavirus pandemic.

<https://www.backhousejones.co.uk/government-launches-new-coronavirus-business-support-finder-tool/>

Employment

Coronavirus Job Retention Scheme (CJRS)

The CJRS has been live since Monday, 20 April 2020 and many employers have been using the service to reclaim monies paid to employees since they have been furloughed.

Read our guidance on specific points relating to: (i) the CJRS portal; (ii) annual leave during

furlough; and (iii) written agreement regarding furlough here:

<https://www.backhousejones.co.uk/wp-content/uploads/2020/04/COVID-19-23-April-2020-EMPLOYMENT-OPERATOR-GUIDE-1.pdf>

At 7:06pm on 17 April 2020, the Government published a guide explaining the information that employers need to provide to HMRC to make a claim through the Coronavirus Job Retention Scheme ('CJRS'). It also describes the processes involved.

<https://www.backhousejones.co.uk/furlough-understanding-critical-updates-from-17-april-2020/>

If you are an employer making a claim, you need to follow the processes explained in the guidance:

https://www.backhousejones.co.uk/wp-content/uploads/2020/04/Coronavirus_Job_Retention_Scheme_step_by_step_guide_for_employers.pdf

Read our full guidance on the Furlough scheme (which incorporates the latest updates from the Government) here:

<https://www.backhousejones.co.uk/wp-content/uploads/2020/04/COVID-19-17-April-2020-EMPLOYMENT-OPERATOR-GUIDE.pdf>

Contracts of Employment – the law has changed

On 6 April 2020 the right to contract of employment for employees and workers became mandatory for employers to issue from day one. What needs to be included within these terms, has also been broadened.

<https://www.backhousejones.co.uk/contracts-of-employment-the-law-has-changed/>

Coronavirus Testing for Key Workers

The Department for Health & Social Care has launched the National Testing Programme to test key workers with symptoms of coronavirus as well as any symptomatic members of their household.

Key workers include passenger and freight transport workers who are critical to the continuity of essential public transport and the production and distribution of food, drink and essential goods.

<https://www.backhousejones.co.uk/coronavirus-testing-for-key-workers/>

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/covid-19-support-packages-for-operators-from-bhj/>

Weekly Roundup – 17 April 2020

Read BHJ's previous weekly roundup of all things COVID19:

<https://www.backhousejones.co.uk/wp-content/uploads/2020/04/COVID19-Weekly-Roundup-17-April-2020.pdf>

Webinar – 17 April 2020

Listen again to BHJ's webinar from 17 April 2020 – focusing on all things COVID19 and the implications for the road transport sector:

<https://register.gotowebinar.com/recording/6960564319055267585>

Please note: This publication does not constitute legal advice

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