

Rothera Dowson Solicitors Transport Law Newsletter November 2011



Rothera Dowson's Transport team sets the standard



In addition, partner and transport and motoring solicitor, Anton Balkitis, received individual praise, being singled out for his 'wealth of experience on all aspects of transport law' and 'excellent results for his clients'.

Commenting on this year's Legal 500, Anton said:

"It's rewarding that our efforts as a team are being recognised year-on-year. We pride ourselves on our industry knowledge and our ability to achieve the best possible results for our clients.

The road transport department at Nottingham-based law firm Rothera Dowson has been described as 'probably the most experienced in the country' by the acclaimed law firm guide, the Legal 500.

In the latest edition of the world-renowned publication, it was also identified as the leading department of its type in the East Midlands, a title it has held since the Legal 500 introduced the category in 2008.

"Myself, Associate solicitor Lucy Wood, and the rest of the team have worked tirelessly to fully integrate ourselves into the road transport sector and we're all thrilled that this approach is paying off and that we're now viewed as setting the standard nationally."

The road transport department's recommendation in the Legal 500 follows an equally impressive performance in the Chambers and Partners UK Guide, which saw Anton being named as a 'leader in his field' of expertise for 2012.

For more information contact Anton Balkitis or Lucy Wood at Rothera Dowson Solicitors on 0115 9100 600.



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O-Licensing system changes

Has the Traffic Commissioner written to you about the forthcoming changes to the O-licensing system?

The letter, issued by the Central Licensing Office (CLO), may have been your first indication that the current system is being overhauled in December, but hopefully you had already picked up that changes were afoot.

The letter requires you to confirm that the details held by the unit about you are up to date.

EC Regulation 1071/2009 calls for countries to establish a national database that other member states' enforcement agencies can access in order to target international cowboy companies and level the playing field.

The Regulation also introduces new rules about the employment of transport managers, how you demonstrate financial standing and operators will need to supply additional information in order to comply with the law.

More information can be found on the Department for Transport's website: <http://www.dft.gov.uk/consultations/dft-2011-11>, but if you have any questions, concerns or need further information contact Anton Balkitis or Lucy Wood on 0115 9100 600.



Police Force relies on new weapon: An unmarked HGV

At least two police forces are relying on a new weapon in their fight against road traffic law transgressors: an unmarked HGV.

Hampshire and South Yorkshire forces have both announced that they have had some success with catching other lorry drivers indulging in reckless behaviour.

The most eye-catching and idiotic of these was a driver in Hampshire who was videoed by the police drinking coffee, using a laptop and writing down answers to a radio quiz.

South Yorks police says it dealt with over 500 offences during a two-week period, and it says the most reckless ones it caught included a driver who was watching a DVD player and another making repairs to a CB radio microphone with a screwdriver.

A police spokesman says some drivers were "understandably" critical about the initiative,



however it is a weapon that will be utilised again in the future and the message to haulage firms is obvious: ensure your drivers are not putting their lives and others at risk while they are out on the road.

Potentially lethal condition for HGV drivers

Obstructive Sleep Apnoea (OSA) has recently hit the headlines after an expert warned about a dramatic increase in the potentially lethal condition.

Dr Tom MacKay says HGV drivers are a risk group due to the generally sedentary nature of their lifestyles and therefore have a tendency to put on weight, which exacerbates the problem.

The condition is characterised by abnormal pauses in breathing or instances of abnormally low breathing, during sleep.

Dr MacKay says as many as 10% of male HGV drivers between the ages of 35 and 65 could have OSA and many of these may not know it, or are not getting treatment.

Join Cycle Madagascar!
15 – 23 June 2012



Transport and logistics charity Transaid is recruiting a team of cyclists to complete an epic journey across one of the most breathtaking locations - Madagascar. This trip, which includes 5 days of cycling, covers over 450km and gives you the chance to fully appreciate the diverse landscape of this beautiful island. Participants will pass remote villages, paddy fields and tropical fruit plantations. While this is a tough challenge, the feeling of achievement you will get when you cross the finish line will make you feel rewarded like never before!

For more information please e-mail aggie@transaid.org, call 020 7387 8136 or visit www.transaid.org

He advises that anyone who suspects they have the condition should seek medical advice, because it is easily treated and could prevent an horrific road traffic accident.

Health and Safety Executive calls for more secure loads

More than 1,200 people a year are injured from unsafe loads on vehicles and this can cost businesses millions of pounds in damaged goods, according to the Health and Safety Executive (HSE).



Prosecutions are common and yet they could be very easily avoided if transport companies took the

time to ensure that all their loads were secure.

It's an issue VOSA is well aware of and so next year it is teaming up with the Health and Safety Laboratory to help its examiners identify dangerous loads.

The HSE says unrestrained loads can increase the risk of vehicle rollover and load spillage, and risk the life of the driver, as well as other road users.

As a result the HSE has been providing VOSA with expertise in developing a training package for its staff so that they have a thorough knowledge of the techniques involved.

A VOSA spokesman says: "VOSA has always enforced insecure loads at the roadside, particularly where it's been apparent that loads have been obviously dangerous. Our aim is to develop a new training package which will enable our examiners to better identify dangerous loads. We hope this will increase our knowledge of load securing mechanisms."

Dumping food waste shocks the EA

Transporting and dumping food waste containing meat onto land used to feed sheep and cattle shocked the Environment Agency (EA) and led to prosecutions that cost three businesses almost £40,000.

To make matters worse the activity occurred in an area of North Yorkshire still suffering from the effects of foot and mouth a decade ago and the EA says this could have caused another outbreak.

Harrogate Magistrates heard how meat waste from ready-meals manufacturer Pro-Pak Foods was removed by FD Todd & Sons to farms operated by Coast to Coast Recycling.

An EA officer found 10-tonnes of mixed food waste, which included luncheon meat and pepperoni, dumped in a field where sheep were grazing.

This flew in the face of laws introduced in the eighties, which makes it illegal to feed proteins to animals. Further laws were introduced in 2005 to help prevent the spread of foot and mouth disease,

swine fever and avian flu, as well as salmonella and e-coli.

FD Todd & Sons were fined £20,000 and ordered to pay £1,781 costs; Coast to Coast were fined £15,000 and ordered to pay £1,766 costs and Pro-Pak Foods were fined £3,200 and ordered to pay £1,848 costs.

CRASH FOR CASH

Birmingham, Sheffield and Manchester remain the top hot spots for 'crash for cash' fraud, according to the Insurance Fraud Bureau (IFB).

The IFB says fraudsters are targeting HGVs because they are seen as easy targets and the collision is often not fully investigated.

Cambridge police recently broke up a crime ring specialising in crash for cash fraud and led to the imprisonment of 10 people.

"This type of offence is very serious and is not a victimless crime," says Detective Constable Greg Page. "Fraudulent claims cost the insurance industry a vast amount of money and that ultimately has a significant effect by pushing up premiums for everyone else."

News in Brief

↘ Scottish TC Joan Aitken has revoked the licence of Kilsyth haulier John McCrory after he allowed it to be used by another company. He has also been disqualified from holding an operator's licence for two years.

↘ Justine Greening becomes the seventh Transport Secretary in five years following Philip Hammond's move to the Ministry of Defence in the wake of Liam Fox's resignation. The MP for Putney, Roehampton and Southfields was previously Economic Secretary to the Treasury.

↘ A ban on HGVs overtaking between junctions 8 and 9 of the M11 will be made permanent after the Highways Agency announced that an 18-month trial resulted in no significant impact on hauliers.

↘ Rothera Dowson's online blog is regularly updated with news and views from the transport world. Our aim is to help you preserve your O-licence, as well as providing advice about keeping on the right side of the law. Go to: www.keepmeontheroad.co.uk/blog

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LEGAL INFORMATION SERVICE

If you would like more information about our services, please email us at: info@keepmeontheroad.co.uk or tick the appropriate box and return by email or alternatively fax back to 0115 9100 800.

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