



What's a waybill and how do I complete it?



Q: I have been asked by a member to explain what is meant by a Waybill and what is involved in completing one. As such I have set out below what is required.



A: A Waybill or Journey Form, as sometimes they are referred to, is a piece of documentation required for the international carriage of passengers by coach or bus operators within the European Union. The purpose of the Waybill is to identify the type of journey being undertaken and to ensure that an operator ('carrier') is not performing illegal services by operating those journeys which are reserved for the national or local carriers.

The Waybill must be used for the following journeys:

Occasional services - These have been defined as those which do not meet the definition of regular (i.e. those that carry passengers at specified intervals along specified routes with pre-determined stopping places) and which had been organised by the customer or carrier. In the UK the usual reference given to these types of services would be tours, excursions or private hires.

It is worth noting that these services may be carried out on numerous times and/or on regular intervals without coming within the definition regular service.



Waybill is required for international carriage of passengers

Occasional services in the form of Cabotage - These have been defined as self-contained national journeys which a carrier organises in another EU (host) member state (in which the carrier does not have an office or depot) after his vehicle has arrived in that member state.

Special regular services in the form of Cabotage - Special regular services in the form of Cabotage are regular services (i.e. at specified intervals along specified routes with pre-determined stops in places) provided for the carriage of specified categories passengers (to the exclusion of all others). It is worth noting that these services must be covered by a contract between the organisers and the carrier.

It is important to note that the Waybill should not be used for regular services within the

European Union (the 'EU'), nor for any journeys that transit Member States en-route to countries beyond the EU. Drivers should note that the appropriate documentation for a journey to a non-EU country continues to be an Interbus Waybill or ASOR Waybill in conjunction with a Model Control Document.

The most important thing that a driver should remember when completing the Waybill is that an enforcement official in another Member State does not know what you are intending to do and will consider any incomplete or incorrect entries as suspicious (possibly resulting in an on-the-spot fine).

The general recommendation is that any Waybill should be completed by the Traffic Manager or person in authority within the business to ensure full compliance.

The form must be completed as far as possible before the vehicle leaves the base. The driver should only complete these forms or sections where:

- The required information was not known prior to departure, or;
- Where there are subsequent changes after the vehicle has departed, or;
- Whether the type of service prevents completion at the company base.

The top copy of the journey form must be kept on the vehicle during the whole of the journey to which it refers. It must be shown to any authorised enforcement official on demand. The bottom copy must be kept at the company's base (although there is no stipulation period, the general recommendations are that the forms should be kept for at least one year).

The various sections are relatively self-explanatory, but if your drivers have any issues with regards to them, then they should speak direct to the Transport Manager to seek clarification and indeed possible training.

Tachograph charts: What are my options?

Q: Recently I was parking my vehicle in a coach park when I was stopped by a VOSA Inspector. The Inspector inspected my tachograph charts and stated that on one of the charts there was an anomaly in relation to the centre field information. He also asked me to produce my relevant documentation, driving licence, cards etc. which I did not have

with me as I have left these back at the hotel. I stated that I could go back to the hotel and get them ASAP and indeed was able to get the documentation to him within an hour. However, I was fined £200 in relation to me not having my documents. What are my options with regard to this matter?

A: As I am sure most readers will appreciate it is essential that drivers carry all of their relevant documentation with them as if they are subject to an inspection by VOSA or any of the other relevant authority and they do not have it with them then there is the possibility that they could be fined as in this case. The reason the regulations are strict in relation to drivers carrying documentation is to avoid situations whereby non-qualified drivers drive passenger carrying vehicles.

In relation to the member who sent in this question I would advise that, although I can understand them feeling hard done by, as they were able to provide their documentation very quickly after, I would advise that they pay the fine.

The alternative to non-payment of the fine is to contest the matter in court and it would be up to the driver to disprove the prosecution case or provide sufficient doubt for the court to overturn the matter. However, it should be noted that fighting this matter in the court would result in costs which would far outweigh the £200 fine.

CRB check: What is my recourse over issues?

Q: I have recently been subject to a Criminal Records Bureau ('CRB') check as part of the service of the company I work for offers to schools in the local area. The CRB check has come back with various issues which I am unaware of and indeed think are not applicable to this situation. What is my recourse in this matter?

A: In relation to CRB checks there are situations whereby the authorities find information that is not relevant nor indeed may be in relation to another individual. As such I would suggest that the driver in this case contact the authority who conducted the CRB check (there should be an address on the form that he received indicating where appeal should be made). The driver should set out the matters he disagrees with and make sure he provides as much relevant information as possible.

The matter will then be referred back to the local authority for reconsideration and it may be that the authority asks for a hearing or meeting with the driver to discuss matters further.



Hammonds

Legal Jottings is brought to you through CDC's partnership with leading transport lawyer, Andrew Sanderson.
Tel: 020 7655 1060 Email: andrew.sanderson@hammonds.com