



Will I have to take Driver CPC exam?



Q: I have been driving PCVs for a number of years but have been informed by my employer that I will be required to undertake the new Driver CPC (Certificate of Professional Competency) examination this September, is this correct?



A: The question of a Driver's CPC examination has come up on a number of occasions in recent months. The legislation which brought in the use of a Driver's CPC is contained within European Directive 2003/59/EC.

The scheme was devised for LGV and PCV with the focus being to improve the knowledge and skills of professional drivers.

The legislation within the United Kingdom was effective from March 2007. However, from a practical viewpoint the Drivers CPC elements took effect from 10 September 2008 for PCV drivers and from 10 September 2009 for LGV drivers.

With regards to existing PCV drivers, those who held a licence on or before 10 September 2008 are exempt from the initial CPC requirements, these are known as "acquired rights" and last for five years. Although existing drivers will not need to hold a CPC for the initial five-year period, they will need to start working towards the CPC qualifications if they wish to continue driving after the five-year period has ended.

Drivers who hold both a PCV and LGV licence are only required to undertake one set of 35 hours periodic training.

With regards to existing drivers

there is a requirement to enter into this periodic training every five years. The training will be grouped into the following areas:

Safe, fuel-efficient driving (including vehicle loading, fuel consumption and pollution).

Legal requirements (rules for tachograph, drivers' hours).

Health & Safety, service logistics (including first aid, passenger safety and customer service).

Although the member asking this question holds a current licence I think that it is important to illustrate the position for new drivers. New PCV drivers, ie, those who train for their licence after 10 September 2008, are required to obtain an initial CPC qualification as part of their test for the licence.

The initial CPC covers two parts, a driver's CPC theory test (which last four hours in total with case studies) and a Driver's CPC practical test (which lasts two hours and includes elements similar to the show me, tell me part of the existing practical driving test).

As with all legislation there are a number of exemptions available. A driver is not required to take a CPC if the vehicle is:

- Not authorised to exceed 40 km/h
- Being used for or under the instruction of the armed forces, police or a fire rescue authority
- Undergoing road tests for technical developments, repair or for maintenance purposes
- Being used in a state of emergency as part of a rescue mission
- Being used in the course of



driving lessons for the purpose of enabling that person to obtain a driving licence or a Driver CPC

- Not being used to carry passengers or goods for commercial purposes
- Carrying tools and equipment for your work and that work is not for professional bus, coach or lorry and driving

Should drivers continue driving without the appropriate CPC entitlement, they will face prosecution from VOSA. Further, the company could face charges of permitting a driver to use a vehicle.

There are a number of organisations and companies that are offering CPC training. However, drivers should consult with their employers before undertaking any courses.

Is there a maximum weight for luggage?



Q: I was recently driving a vehicle with a number of passengers on board who had heavy pieces of luggage. I removed one piece of luggage and the handle to the suitcase broke. Is there a maximum weight for luggage on board coaches?



A: There is no official guide to the maximum weight of individual pieces of luggage that may be carried on coaches. The weight restrictions imposed by some operators are mainly because

the overall weight of the vehicle will be limited to comply with the various regulations. Operators tend to calculate the anticipated weight of a coach full of passengers and what luggage they are likely to carry so as to ensure that the vehicle is not overloaded.

A number of operators in the sector put various weight limits on individual pieces of luggage being, for example, 20 kg or 23 kg. The reason for this is to ensure drivers are not exposed to unnecessary risk when handling pieces of luggage.

With regards to the handling of luggage it would be appropriate for operators to offer drivers a manual handling course to ensure they handle luggage correctly to reduce the possibility of risk of injury to them or damage to the vehicle.

Can I be forced to retire?

Q: I have just received a notice from my employer stating that at the end of 2009 I will be forced to retire from the company. I will be 69 at the end of the year.

A: With regards to all matters in relation to age there are some guidelines that are set down and referred to at the 'duty to consider' procedures. The Employment Equality (Age) Regulations 2006 create an obligation on the employer to consider an employee's request to continue working beyond his intended date of retirement. An employer who intends to dismiss an employee on the grounds of retirement is obliged to give written notice (not more than one



Drivers risk injury if luggage is too heavy for them to lift

year or less than six months before dismissal) of the intended date of retirement and the employee's right to request not to be retired on that date. If the employee decides to make a request not to be retired on the intended date of retirement, that request must be in writing. The request must say that it is being made pursuant to Schedule 6, paragraph 5 of the Regulations. The request must also say whether the employee proposes that he/she is retained:

- Indefinitely
- For a stated period, eg, three months, or
- Until a stated date – e.g., 31 December 2009

On the basis that the employer has complied with the notification requirement set out above, then the employee must make the request to be retained for not less than three months, but not more than six months, before the intended date of retirement. If the employer has not complied with the notification requirement, the employee must make his or her request before, but not more than six months before the intended date of retirement.

Where a request is made, the employer is required to arrange a meeting to discuss it. Both sides must take all reasonable steps to attend the meeting and the employer must give notice of its decision as soon as it is reasonably practical after the meeting.

Where the employer accepts the request for retention, then the Notice must say whether the retention is definite, for a defined period or give the date when the retention will end.

An Employer's Notice refusing the request must be in writing, be dated, confirm that the employer wishes to retire the employee, and the date when the dismissal is to take effect. Where the employer either refuses the request for an agreed retention for a period shorter than that proposed by the employee, the Notice must also notify the employee of the right to appeal.

An employee is entitled to an appeal against the decision to refuse a request to be kept on or not to be kept on as long as the employee proposes. The employee must give notice if he or she wishes to appeal as soon as reasonably practical after the date of the Notice referred to above. The Notice of Appeal must be set out on the grounds of appeal.

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