



Must I leave digi card in tacho?



Q: On a recent tour in France I was stopped by the French police and fined for not leaving my card in the digital tachograph machine overnight. I have never seen any law which says digital cards must be kept in overnight. Could you clarify this?



A: There are essentially four types of digital tachograph cards, a driver's card (the driver's personal card), a company card (for use by the operator), a workshop card (only available to approved calibration centres) and a control card (for use by VOSA and the police – the enforcement authorities).

It is a legal requirement for digital tachograph equipped vehicles driven within the scope of the EU rules that the driver must use a driver's card. If the vehicle is used without a card being inserted, the system will not prevent the vehicle from being driven, but the VU will record the fact that the vehicle has been used without a card.

Drivers may only be in possession of one driver's smart card, and must never use anyone else's card or allow another driver to use their card.

When driving a vehicle that is equipped with a tachograph, drivers must ensure:

- The instrument is calibrated by inspecting the calibration certificate, or interrogating the instrument
- Their driver card is inserted into the correct slot (driver in slot 1, second driver in slot 2) from the moment they take over the



No legal requirement to leave driver's card in tacho overnight

vehicle, and that it is ready for use, before the vehicle has moved

- They record the country in which they begin and then their daily work period. This must always be carried out at the time of the start or end of the period, even if the card is not to be withdrawn or inserted (for example, if the card is left in overnight)
- There is a sufficient supply of print roll on board the vehicle so that a printout can be produced at an enforcement officer's request
- All duties conducted since the driver card was last removed from the tracker are manually edited on to the card, using the manual entry facility on the tachograph
- The tachograph is working properly
- That, through the daily working period, the mode button is used correctly to record other work, periods of availability, and rest and breaks
- They take reasonable steps to

protect the card from dirt and damage take reasonable steps to protect the card from dirt and damage

- They use their own personal driver's card to record driving and other activities they undertake
- The card is not removed from the tachograph during the working day unless otherwise authorised. The rules are not specific on who can authorise removal of the card, but cases where cards can be removed include a change of vehicle, where another driver will be using the vehicle during a break or rest period
- On multi-manned operations that their driver's card is placed in the correct slot (slot 1 when they are acting as driver and slot 2 when a co-driver on a double-manned journey).
- They can produce at the roadside charts and any legally required manual records for the current date and previous 28 calendar dates and the driver's

additional smart card if they hold one

In terms of leaving the card in the machine overnight the only reason to do this would be to allow the driver to insert directly onto the system any activity that was being taken during the night, for example, rest period. As far as I am aware there is no requirement to leave the card in as long as manual entries are entered.

How do I deal with unruly pupils?

Q: I am engaged in a school contract and have been having difficulties with the pupils on the vehicle. What is the best course of action available to myself?

A: This is a question that has been raised a number of times in recent months by drivers. I thoroughly understand that the driver is responsible for the health and safety of the vehicle while it is on the road and so he needs to ensure he or she is driving the vehicle appropriately and that passengers on the vehicle are acting accordingly so as not to endanger other passengers, members of the public, etc.

Where you have a situation in which pupils are acting inappropriately on the vehicle and there is no teacher present, I would suggest that the driver brings the vehicle to a stop and calls to the pupils to stop. It is never permissible for a driver to physically handle pupils as this could open them up to a



prosecution for assault. If the situation is not improving the most appropriate course of action would be for the driver to contact his Transport Manager, who would then need to contact the school to advise that there should be a teacher present on the vehicle to deal with unruly pupils.

HSE policy on work traffic incidents?

Q: What is the Health & Safety Commission's health and safety policy on work traffic incidents?

A: The Health & Safety Executive and Local Authority Inspectors do not generally seek involvement with work-related work traffic incidents arising from driving activities on public roads. The presumption has been that the Police (or Highway Authority), Vehicle Inspectorate, Traffic Commissioners, etc, are better

equipped to deal with the issue involved and the road traffic legislation is sufficient to adequately ensure safety.

However, the policy does not exclude the use of health & safety legislation in respect of all work relating to road traffic incidents and there may be a need to use health & safety legislation, particularly in the case of serious management shortcomings.

The Health & Safety Executive has stated it is going to take a more proactive approach to coach and bus operations. Risk assessments should be carried out into all aspects of operation, including those outside the depot gate. They should include local bus services, school buses, long distance coach operations and any other specialist operations where particular risks could occur, such as airport, airside work or skiing tours.

The HSE and the local authorities are mostly definitely responsible for regulating site transport within premises and will investigate incidents that take place on the public highway immediately outside works premises, for example, where a vehicle is turning into an entrance.

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