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## INTRODUCTION

Every working day NP Coaches members contend with government regulation, rules, and guidance, as well as directives from the employer in delivering what remains the most used form of public transport.

It is also important to remember that different employers have different procedures for complying with the law and you should be sure to obtain any internal documents your employer produces.

Drivers know better than anyone else that their industry is subject to regular changes.

Over 4,500 people are killed, and hundreds of thousands are injured each year on our roads. This is a terrible toll. NP Coaches wants all its drivers to do everything possible to make our roads safer for everyone. Knowing the transport regulations will help you to be a better and safer driver. Breaking the transport laws is not only dangerous but it can also lead to:

- Imprisonment
- Very heavy fines
- Loss of goods licence and livelihood
- Penalty points on your licence.

If employers break the law (especially the drivers' hours, rest periods, weights and measures and road and vehicle safety rules) or do not operate in a reputable, professional and competent way, they also face prosecution and very heavy fines. The employer can also lose their Operator's Licence.

## DRIVERS' RESPONSIBILITIES

### DRIVERS' HOURS AND REST PERIODS

If you drive a bus or coach (defined in law as a passenger-carrying vehicle – PCV) you must follow the rules on how many hours you can drive and the breaks that you are legally required to take during the working day and over a working week.

Full Government guidance on drivers (bus and lorry) hours can be found here: <https://www.gov.uk/drivers-hours/overview> and you should always consult your employer's guidance on hours and rest periods.

There are 3 sets of rules that could apply to your journey:

- GB Domestic rules
- EU rules
- AETR rules

### PASSENGER CARRYING VEHICLES

For bus drivers, the rules that apply to you depend on:

- the number of passenger seats
- how far you're driving (the distance of your route)
- if you're driving to or from another country
- whether you're driving on a regular or a non-regular service

### UK REGULATIONS ON DRIVING HOURS AND REST PERIODS

If you drive a bus or coach (defined in law as a passenger-carrying vehicle or PCV) in the UK on a route that is 50km/31.1miles or shorter, the following rules on hours apply to you:

- After 5.5 hours of driving a break of at least 30 minutes must be taken in which the driver can obtain rest and refreshment.
- Within any working day of 8 hours 30 minutes, total breaks amounting to at least 45 minutes must be taken so that the driver does not drive for a total over 7 hours and 45 minutes. The driver must in addition have a break of at least 30 minutes to obtain rest or refreshment at the end of this period, unless it is the end of the working day.
- In any working day, the maximum amount of driving is 10 hours. The daily driving limit applies to time spent at the wheel, driving.
- Day is the period between two daily rest periods, or a daily rest period and a

weekly rest period.

- A driver should work no more than 16 hours between the times of starting and finishing work (including work other than driving and off-duty periods during the working day).
- A continuous rest of 10 hours must be taken between two consecutive working days. This can be reduced to 8.5 hours up to three times a week.
- In any two consecutive weeks (Monday to Sunday) there must be at least one period of 24 hours off duty.

Drivers are exempt from these rules if:

- They do not drive for more than 4 hours a day in any week.
- They drive for more than 4 hours for up to two days in any week but on these two days:
  - all working duties must start and finish within a 24-hour period;
  - a 10-hour period of rest must be taken immediately before the first duty and immediately after the last duty; and
  - rules on driving times and length of working day are obeyed.
- If any working day overlaps into a week in which drivers are not exempt from the rules, then on that day the limits on driving time and length of working day must be obeyed.
- An exemption from the rules on driving time and rest applies during any time spent dealing with an emergency.

### EU regulations on driving hours and rest periods

The current limits on drivers' hours and rest period as specified by the EU rules are summarised in the following table.

Breaks from driving A break of no less than 45 minutes must be taken after no more than 4.5 hours of driving. The break can be divided into two periods – the first at least 15 minutes long and the second at least 30 minutes – taken over the 4.5 hours.

Daily driving Maximum of 9 hours, extendable to 10 hours no more than twice a week.

Weekly driving Maximum of 56 hours.

Two-weekly driving Maximum of 90 hours in any two-week period.

Daily rest Minimum of 11 hours, which can be reduced to a minimum of 9 hours no more than three times between weekly rests. May be taken in two periods, the first at least 3 hours long and the second at least 9 hours long. The rest must be completed within 24 hours of the end of the last daily or weekly rest period.

Weekly rest A regular weekly rest of at least 45 hours, or a reduced weekly rest of at least 24 hours, must be started no later than the end of six consecutive 24-hour periods from the end of the last weekly rest. In any two consecutive weeks a driver must have at least two weekly rests – one of which must be at least 45 hours long. A weekly rest that falls across two weeks may be counted in either week but not in both. Any reductions must be compensated in one block by an equivalent rest added to another rest period of at least 9 hours before the end of the third week following the week in question.

### Aetr rules

The European Agreement Concerning the Work of Crews of Vehicles Engaged in International Road Transport (AETR) rules are the same as the EU rules on drivers' hours.

The following countries are covered by the AETR rules:

- Albania
- Andorra
- Armenia
- Azerbaijan
- Belarus
- Bosnia and Herzegovina
- Croatia
- Kazakhstan
- Liechtenstein
- Macedonia

- Moldova
- Russia
- Serbia and Montenegro
- Turkey
- Turkmenistan
- Ukraine
- Uzbekistan

### Exemptions from EU rules

Some types of vehicle are exempt from EU rules. This means that they come under GB

Domestic rules in the UK. The main vehicle exemptions are:

- vehicles restricted to a maximum speed of 40 kilometres per hour
- vehicles over 25 years old
- 10 to 17 seat vehicles used exclusively for non-commercial passengers, eg minibuses used by voluntary and community groups
- vehicles driven only on islands whose area does not exceed 2,300km<sup>2</sup> e.g the Isle of Wight
- natural or liquefied gas or electricity fuelled vehicles up to 7.5 tonnes in weight which carry goods within 50km from their base depot.
- vehicles used for driving instruction and examination, including for renewal of the Driver Certificate of Professional Competence (CPC)

### Working Time Regulations

Drivers subject to UK rules on drivers' hours are affected by several provisions under

the UK's Working Time Regulations Act 1998. These are:

- weekly working time must not exceed an average of 48 hours per week over a specified time period (usually 17 weeks but can be extended to 26 weeks)
- bus drivers can 'opt out' and work 60 hours per week as long as the averaged 48 hours per week is not exceeded
- an entitlement to 5.6 weeks paid annual leave
- health checks for night workers
- an entitlement to adequate rest

Adequate rest means that workers should have regular rest periods.

- The reference period for calculating the 48-hour average week is normally a rolling 17-week period. However, this reference period can be extended up to 52 weeks, if this is permitted under a collective or workforce agreement.
- The 1998 Regulations do not apply to self-employed drivers.
- DVSA enforces the working time limits and the requirement for health checks

for night workers under the 1998 Regulations for drivers operating under the GB domestic drivers' hours rules (and occasional mobile workers).

#### Mixed regulations

If you work partly under EU/AETR rules and partly under GB domestic rules during a day or a week, the following points must be considered:

- The time you spend driving or on duty under EU/AETR rules cannot count as a break or rest period under GB domestic rules.
- Driving and other duty under GB domestic rules (including non-driving work in another employment) count as other work but not as a break or rest period under EU/AETR rules.
- Driving and other duty under EU/AETR rules count towards the driving and duty limits under the GB domestic rules.
- When driving under each set of rules you must comply with the requirements of the rules being driven under e.g. the daily rest provisions for domestic and the daily and weekly rest requirements for EU/AETR driving.

DVSA enforces the working time limits and the requirement for health checks for night workers under the 1998 Regulations for drivers operating under the GB domestic drivers' hours rules. Your union can help with questions about matters relating to working time regulations, rest and annual leave and you can also call the DVSA helpline for drivers' hours on 0300 123 9000.

#### BUS DRIVERS' HOURS – ENFORCEMENT

The Driver and Vehicle Standards Agency (DVSA) enforces the regulations on drivers' hours.

If they find a bus driver has contravened the regulations, you can be given:

- an improvement notice - setting out changes you need to make by a certain date
- a prohibition notice - this requires you to stop a dangerous activity, or to start



complying with the regulations

## HIGHWAY CODE – THE BASICS FOR BUS DRIVERS

The Highway Code is a detailed document providing advice to drivers and setting legal standards for driving performance. The following summary is produced of those aspects of the Code that are most significant to bus drivers:

### Breakdowns

If your vehicle breaks down, you MUST:

- get your vehicle off the road if possible
- warn other traffic by using your hazard warning lights if your vehicle is causing an obstruction
- help other road users see you by wearing light-coloured or fluorescent clothing in daylight and reflective clothing at night or in poor visibility
- put a warning triangle on the road at least 45 metres (147 feet) behind your broken-down vehicle on the same side of the road, or use other permitted warning devices if you have them. Always take great care when placing or retrieving them, but never use them on motorways
- if possible, keep your sidelights on if it is dark or visibility is poor
- do not stand (or let anybody else stand) between your vehicle and oncoming traffic
- at night or in poor visibility do not stand where you will prevent other road users seeing your lights

### Accidents

If you see or hear emergency or incident support vehicles in the distance, be aware there may be an incident ahead. Police Officers and Highways Agency Traffic Officers may be required to work in the carriageway, for example dealing with debris, collisions or conducting rolling road blocks. Police officers will use rear-facing flashing red and blue lights and HA Traffic Officers will use rear-facing flashing red and amber lights in these situations. Watch out for such signals, slow down and be prepared to stop.

You MUST follow any directions given by Police officers or Traffic officers as to whether you can safely pass the incident or blockage.

When passing the scene of an incident or crash do not be distracted or slow down unnecessarily (for example if an incident is on the other side of a dual carriageway).

If you are involved in a crash or stop to give assistance, you MUST

- use your hazard warning lights to warn other traffic
- ask drivers to switch off their engines and stop smoking
- arrange for the emergency services to be called immediately with full details of the incident location and any casualties (on a motorway, use the emergency telephone which allows easy location by the emergency services. If you use a mobile phone, first make sure you have identified your location from the marker posts on the side of the hard shoulder)
- move uninjured people away from the vehicles to safety; on a motorway this should, if possible, be well away from the traffic, the hard shoulder and the central reservation
- do not move injured people from their vehicles unless they are in immediate danger from fire or explosion
- do not remove a motorcyclist's helmet unless it is essential to do so
- be prepared to give first aid
- stay at the scene until emergency services arrive. If you are involved in any other medical emergency on the motorway you should contact the emergency services in the same way.

If you are involved in a collision which causes damage or injury to any other person, vehicle, animal or property, you MUST:

- Stop your vehicle;
- give your own and the vehicle owner's name and address, and the registration number of the vehicle, to anyone having reasonable grounds for requiring them;
- if you do not give your name and address at the time of the collision, report it to the police as soon as reasonably practicable, and in any case within 24 hours;
- produce the relevant insurance certificate at the time of the crash or hand it to the police within seven days of the incident.

### Adverse weather

You MUST use headlights if visibility is seriously reduced to 100 metres (328 feet) or less in front of the vehicle. You may also use front or rear fog lights but you MUST switch them off when visibility improves.

In wet weather, stopping distances will be at least double those required for stopping on dry roads, due to tyres gripping less on wet roads.

#### In wet weather

- keep well back from the vehicle in front
- the rain and spray from vehicles may make it difficult to see and be seen
- be aware of the dangers of spilt diesel that will make the road slippery
- take extra care around pedestrians, cyclists, motorcyclists and horse riders.

In winter check the local weather forecast for warnings of icy or snowy weather. The Highway Code advises drivers not to drive in these conditions unless your journey is essential. Consult your employer but you cannot be forced to drive in icy or snowy conditions, especially if the weather forecasters predict worsening conditions.

#### When driving in icy or snowy weather

- you MUST be able to see, so clear all snow and ice from all your windows
- you MUST ensure that lights are clean and number plates are clearly visible and legible
- make sure the mirrors are clear and the windows are demisted thoroughly
- remove all snow that might fall off into the path of other road users
- check with your employer that your route is clear of delays and that no further snowfalls or severe weather are predicted
- drive with care, even if the roads have been treated
- keep well back from the road user in front as stopping distances can be ten times greater than on dry roads
- be prepared for the road conditions to change over relatively short distances
- listen to travel bulletins when you are on the road and take note of variable message signs that may provide information about weather, road and traffic conditions ahead
- reduce normal speeds, particularly on bends and brake gradually

When driving in fog you should

- use your lights as required
- keep a safe distance behind the vehicle in front
- adjust stopping distances to the amount of road you can see clearly

- use your windscreen wipers and demisters
- beware of other drivers not using headlights
- not accelerate away from a vehicle which is too close behind you

You MUST NOT use front or rear fog lights unless visibility is seriously reduced as they can dazzle other road users and obscure your brake lights. You MUST switch fog lights off when visibility improves.

### Signals and stopping

All road users MUST obey signals given by authorised persons such as police officers, traffic officers, traffic wardens and signs used by school crossing patrols.

If the police want to stop your vehicle they will, where possible, attract your attention by

- flashing blue lights, headlights or sounding their siren or horn
- directing you to pull over to the side by pointing and/or using the left indicator.

You MUST then pull over and stop as soon as it is safe to do so. Then switch off your engine.

Driver and Vehicle Standards Agency Officers also have legal powers to stop vehicles on all roads in England and Wales. They will attract your attention by flashing amber lights

- either from the front requesting you to follow them to a safe place to stop
- or from behind directing you to pull over to the side by pointing and/or using the left indicator.
- It is an offence not to comply with their directions. You MUST obey any signals given by DVSA Officers.

Highways Agency Traffic Officers have powers to stop vehicles on most motorways and some 'A' class roads, in England only. If HA traffic officers in uniform want to stop your vehicle on safety grounds they will attract your attention by

- flashing amber lights, usually from behind
- directing you to pull over to the side by pointing and/or using the left indicator.

You MUST then pull over and stop as soon as it is safe to do so. Then switch off your engine. It is an offence not to comply with their directions.

Only use the horn when your vehicle is moving and you need to warn other road users of your presence. Never sound your horn aggressively. Except when another road user poses a

danger, you MUST NOT use your horn

- while stationary on the road
- when driving in a built-up area between the hours of 11.30 pm and 7.00 am

Hazard warning lights may be used when your vehicle is stationary, to warn that it is temporarily obstructing traffic. Never use them to excuse dangerous or illegal parking.

Stopping Distances Drive at a speed that will allow you to stop well within the distance you can see to be clear. You should

- leave enough space between you and the vehicle in front so that you can pull up safely if it suddenly slows down or stops
- allow at least a four-second gap between you and the vehicle in front on roads carrying faster-moving traffic and in tunnels where visibility is reduced
- at least double the four-second gap on wet roads and further still on icy roads

## Speed limits

The speed limit is the absolute maximum and does not mean it is safe to drive at that speed regardless of conditions. Driving at speeds too fast for the road and traffic conditions is dangerous. Speed should always be reduced when

- the road layout or condition presents hazards, such as bends
- sharing the road with pedestrians, cyclists and horse riders, particularly children, and motorcyclists
- weather conditions make it safer to do so
- driving at night as it is more difficult to see other road users.

Type of Operation	Built up Areas MPH(kph)	Single Carriageway MPH(kph)	Dual Carriageway MPH(kph)	Motorways MPH(kph)
Buses, coaches, & Minibuses (not Exceeding 12m Length)	30(48)	50(80)	60(kph)	70(kph)

\*The 30 mph limit usually applies to all traffic on all roads with street lighting unless signs show otherwise.

Bus lanes are shown by road markings and signs that indicate which (if any) other vehicles are permitted to use the bus lane. Lanes may be restricted for use by particular types of

vehicle; these restrictions may apply some or all of the time. Vehicles permitted to use designated bus lanes may or may not include cycles, taxis, licensed private hire vehicles, motorcycles or heavy goods vehicles. You should regularly ask your employer to check restrictions and signage relating to bus lanes on your route.

Avoid distractions when driving such as:

- loud music (this may mask other sounds)
- trying to read maps
- inserting a cassette or CD or tuning a radio
- arguing with passengers or other road users
- eating and drinking
- smoking (it is illegal to smoke on buses).

### Mobile phones and in-vehicle technology

Bus drivers MUST NOT use hand-held mobile phones, or similar devices, when driving, except to call 999 or 112 in a genuine emergency when it is unsafe or impractical to stop. Never use a hand-held microphone when driving. Using hands-free equipment is also likely to distract your attention from the road and is discouraged in the Highway Code. It is far safer not to use any telephone while you are driving - find a safe place to stop first or use the voicemail facility and listen to messages later.

Bus and coach drivers can be fined up to £2,500 and given 6 penalty points on their drivers licence if they are found guilty of using a mobile phone when driving.

### Driving in built-up areas

Residential streets. You should drive slowly and carefully on streets where there are likely to be pedestrians, cyclists and parked cars. In some areas a 20 mph (32 km/h) maximum speed limit may be in force. Look out for

- vehicles emerging from junctions or driveways
- vehicles moving off
- car doors opening
- pedestrians
- children running out from between parked cars
- cyclists and motorcyclists.

Traffic-calming measures. On some roads there are features such as road humps, chicanes and narrowings which are intended to slow all vehicles down. When you approach these features reduce your speed. Allow cyclists and motorcyclists room to pass through them. Maintain a reduced speed along the whole of the stretch of road within the calming measures. Give way to oncoming road users if directed to do so by signs. You should not overtake other moving road users while in these areas.

### Country roads

Take extra care on country roads and reduce your speed at approaches to bends, which can be sharper than they appear, and at junctions and turnings, which may be partially hidden. Use extra caution and be prepared for pedestrians, horse riders, cyclists, slow-moving farm vehicles or mud on the road surface. Make sure you can stop within the distance you can see to be clear. You should also reduce your speed where country roads enter villages.

Single-track roads. These are only wide enough for one vehicle. They may have special passing places. If you see a vehicle coming towards you, or the driver behind wants to overtake, pull into a passing place on your left, or wait opposite a passing place on your right. Give way to vehicles coming uphill whenever you can. If necessary, reverse until you reach a passing place to let the other vehicle pass. Slow down when passing pedestrians, cyclists and horse riders.

## Penalties under the Highway Code

<b>Offence</b>	<b>Maximum penalty</b>	<b>Penalty points</b>
Causing Death By dangerous driving	14 years imprisonment/unlimited fine obligatory disqualification (minimum 2 years)	3 to 11 (if not disqualified)
Dangerous Driving	2 years imprisonment/ unlimited fine/ Obligatory disqualification	3 to 11 (if not disqualified)
Causing death by dangerous driving under the influence of drink or drugs	14 years of imprisonment / unlimited fine / obligatory disqualification (min 2 years)	3 to 11 (if not disqualified)
Careless and inconsiderate driving	£5,000 fine / discretionary disqualification	3 to 9
Driving while unfit through drink or drugs or failing to provide a specimen for analysis	6 months imprisonment / £5,000 fine / obligatory disqualification	3 to 11 (if not disqualified)
Failing to stop after an accident or failing to report an accident	6 months imprisonment / £5,000 fine / discretionary disqualification	5 to 11
Driving whilst disqualified	6 months imprisonment (12 months in Scotland / £5,000 fine / Discretionary disqualification	6
Driving after refusal or revocation of license on medical ground	6 months imprisonment / £5000 fine / discretionary disqualification	3 to 6
Using a vehicle in a dangerous condition	obligatory if offence committed within 3 years of a previous conviction for the same – 6 months	3
Driving without insurance	£5,000 fine / Discretionary disqualification	6 to 8
Failure to have proper control of vehicle or full view of the road and traffic ahead, or using hand-held mobile phone while driving	£1,000 fine (£2,500 for PCV or good vehicle) or Discretionary disqualification	3
Driving otherwise than in accordance with a license	£1,000 fine / Discretionary disqualification	3 to 6
Speeding	£1,000 fine (£2,500 for motorway offences) Discretionary qualification	3 to 6
Traffic Light offence No MOT Certificate	£1,000 fine / Discretionary disqualification) £1,000 fine	3 -----



Seat belt offences	£500 fine	-----
Dangerous cycling	£1,000 fine	-----
Failing to identify driver of vehicle	£1,000 fine / Discretionary disqualification	6

\* Where a court disqualifies a person on conviction for one of these offences, it must order an extended retest of the driver. The courts also have discretion to order a retest for any other offence which carries penalty points, an extended retest where disqualification is obligatory, and an ordinary test where disqualification is not obligatory.

## DRUG DRIVING

A new offence of driving with certain controlled drugs, including some prescription drugs, above specified limits comes into force from 2 March 2015 in England and Wales, in addition to the existing rules on drug impaired driving and fitness to drive. The Scottish Government is monitoring developments before deciding whether to follow suit, with any decisions taken in the context of Scotland's national drugs strategy.

The new offence is like those for drink driving in terms of specified limits for specified substances in the body. If the amount in your system is over the legal limit whilst you are at work, you will be deemed to have committed an offence.

## THE LEGISLATION

The specific drugs and legal limits are specified in the Drug Driving (Specified Limits) (England and Wales) Regulations 2014. The Government has taken a "zero tolerance" approach to 8 controlled drugs known to impair driving performance and a road safety risk-based approach to 8 prescription drugs which can be abused. The higher limits set for the prescription drugs are generally above the medically recommended dosage, so you would be highly unlikely to breach the specified limit if you follow your doctor's recommended dosage, should you require treatment with any of the prescription drugs listed below. If your doctor recommends a particularly high dosage which may take you above the specified limit, bus drivers would be entitled to raise the "medical defence" (see below), which may also apply to certain drugs in the first group of 8 below, though there is no defence against drug impaired driving.

<b>Illicit Drugs</b>	<b>Limit</b> <i>(microgrammes per litre of blood)</i>
Benzoyllecgonine	50
Cocaine	10
Delta-9-Tetrahydrocannabinol (THC)	2
Ketamine	20
Lysergic Acid Diethylamide (LSD)	1
Methylamphetamine	10
Methylenedioxymethamphetamine	10
6-Monoacetylmorphine (6-MAM – Heroin and Morphine)	5
<i>Generally Prescription Drugs</i>	
Clonazepam	50
Diazepam	550
Flunitrazepam	300
Lorazepam	100
Methadone	500
Morphine	80
Oxazepam	300
Temazepam	1000

### Future changes

The Government will keep under review the impact of the new drug driving limits and may seek to add new substances to the list. For example, the limit for amphetamine will be subject to a further consultation in the near future with a view to adding it to the list above.

The Government is proposing a 50 microgrammes/litre of blood limit for Amphetamine which is a major component in some prescription drugs used to treat Attention Deficit Hyperactivity Disorder (ADHD).

### Statutory medical defence

There are a number of medicines which might be caught by the zero tolerance approach, such as Savitex, a cannabis based treatment for multiple sclerosis; Diamorphine, prescribed for sickle-cell disease, as well as for treating dependency on opiates such as heroin; and

Ketamine which can be prescribed to treat neuropathic pain.

Where patients who are taking prescription medication have a concentration of a drug in their body which is over the limit (for any of the 16 drugs specified), a statutory medical defence will be open to them if they are taking the medication in accordance with the instructions of a healthcare professional and/or the information accompanying the medicine and their driving is not impaired.

Government guidance has been issued to health professionals on new drug driving limits so that they may discuss the new offence and the “medical defence” with their patients.

You should always check with your doctor and your employer the status of any pharmaceutical treatment you are prescribed for a medical condition.

It is also good practice to keep suitable evidence on your person when you are at work that you have been prescribed a controlled drug.

However, if your driving is impaired due to consumption of a controlled drug, even if prescribed by a doctor, the driver will be charged with breaking the law, regardless of whether or not a drug is lawfully prescribed or taken in accordance with qualified medical instructions.

### Testing

The police can only test drivers for alcohol or drugs when a moving traffic offence (e.g. a defective tail light) has been committed, where the driver has been involved in a road traffic accident or the driver has been observed driving erratically.

If the driver is below the prescribed limit for alcohol the police then have the option of carrying out a preliminary roadside drug screening test, although this is likely to be limited to tests for illegal drugs such as cannabis and cocaine. The key evidential test for prescription drug limits is a blood test taken at a police station.

If the driver tests positive for alcohol it is unlikely that the police will test for drugs unless the driver is involved in an RTA involving personal injury because the sanctions for drink driving and drug driving offences are the same.

### Penalties

As stated on Page 10, the penalties are the same for any driver found guilty of drink or drug driving and can be:

A minimum 12 month driving ban

A fine of up to £5,000 or up to 6 months' imprisonment, or both

## DRINK DRIVING

The Government has stated that changes to drink driving will be introduced alongside the new drug driving offence in spring 2015. The changes to drink driving, contained in the Government's Deregulation Bill currently going through Parliament, will remove the right for drivers who fail a roadside breath test to demand a blood or urine sample at the police station.

New mobile breath testing equipment is also expected to be approved early in 2015, allowing police to take evidential breath tests at the roadside.

## VEHICLE SAFETY

When it comes to ensuring the roadworthiness of your bus, there are two types of essential inspection:

- daily walk around checks conducted by the driver, and
- first-use inspections/regular safety inspections

### Daily walk around check

Bus drivers should always conduct a walk around check of the vehicle and your employer should nominate the driver responsible for the daily check. The DVSA recommend this daily check is carried out before you take the vehicle on the road for the first time in the working day. It is important that enough time is allowed for the completion of daily walk around checks and that your employer provides training for drivers in how to carry them out thoroughly.

There must be a minimum of one check in 24 hours which should consist of a walk around look over the whole vehicle, covering the external condition, particularly the working order of lights, tyres, wheel fixings, bodywork and ancillary equipment. Assistance may be required at some time during the inspection, for example to see that lights are working. Alternatively, a brake pedal application tool can be used to assess whether stop lamps are working and that the braking system is free of leaks. In addition, a torch, panel lock key or other equipment may be needed.

Where more than one driver will use the same bus over the course of the working day, the driver taking charge of a vehicle should make sure it is roadworthy and safe to drive by carrying out their own walk around check, although the DVSA acknowledge that this is not always safe or practical to carry out. A robust driver defect reporting system detailing the initial walk around check and leaving space for any defects or 'Nil' defects to be reported during the day is an acceptable alternative to a walk around check of the same vehicle by every driver using it over the day. If any defects are found during the day or red warning lights are visible on the dashboard, you must not use the vehicle on the road until it is repaired.

Examples of how to perform a walk around check can also be found on YouTube under DVSA HGV or PSV Drivers Daily Walk around check.

Drivers may be fined or prosecuted for the existence of defects found on the vehicles

they drive if they are considered partly or wholly responsible for the existence of them, although vehicles registered to a licensed operator which are found to have defects will almost always be the responsibility of the operator/employer.

### First use inspections

First use inspections and regular safety inspections are the responsibility of your employer and differ from the regular mechanical maintenance of buses in service. Bus companies are legally obliged to conduct regular roadworthiness tests in addition to servicing, including a first use inspection of new vehicles.

## DEFECT REPORTS

Your employer should have a clear system of reporting and recording defects or faults on the vehicle that may affect roadworthiness which are picked up from the daily check. This must include how they were corrected before the vehicle is used. Daily defect checks are vital, and the results of such checks should be recorded by the operator and retained for a period of 15 months, including for vehicles that are taken out of service.

Each employer will have their own system for reporting and recording vehicle faults that are spotted by drivers conducting the daily check and the employer should also provide training for bus drivers in how that system works.

The Government advise that all defect reports should feature the following basic information:

- vehicle registration or identification mark;
- date of the inspection/report;
- details of the defects or symptoms;
- Driver/reporter's name;
- who the defect was reported to.

All drivers' defect reports must be given to a responsible person with sufficient authority to ensure that any appropriate action is taken. This might include taking the vehicle out of service. Any report listing defects is part of the vehicle's maintenance record and must be kept for at least 15 months, together with details of the rectification work and repairer.

In addition to the drivers' daily checks, the employer must also have a system for assessing the full mechanical safety of the licensed PSVs they operate. The DVSA state that the

employer's vehicle safety inspection record must include:

- name of owner/operator
- date of inspection
- vehicle identity
- odometer (mileage recorder) reading, if appropriate
- a list of all the inspection manual items to be inspected
- details of any defects
- name of inspector
- details of any remedial/rectification or repair work and by whom it was done
- A signed declaration that any defects have been repaired satisfactorily and the

vehicle is now in a safe roadworthy condition

## PG9S

PG9s are Prohibition Notices issued by a DVSA Vehicle Examiner on discovery of a specified mechanical defect or defects. When vehicle examiners encounter a defective vehicle at the roadside, on an operator's premises or at a testing station, they may issue a PG9 or a vehicle inspection notice, depending on the severity of the fault(s). A PG9 is a ban on the further use of the vehicle on a road. Prohibitions may take effect immediately or may be delayed for up to ten days, depending on whether there is an immediate danger to public safety. Exemptions may be issued, e.g. to allow a vehicle to be towed away for repair. A prohibition will not be removed until a vehicle examiner is satisfied that the vehicle is fit for service.

Where a PG9 is in force it is an offence to drive or tow or permit to be used, a vehicle on the road unless an exemption notice has been issued or when certain circumstances as listed on the reverse of the prohibition notice apply.

DVSA is required by law to send a copy of each PG9/prohibition to the relevant Traffic Commissioner in the region where the vehicle is operated. A Commissioner can curtail, revoke or suspend licences on the basis of prohibitions, convictions or failure to comply with the conditions of holding a licence, one of which is the requirement to have arrangements for ensuring adequate maintenance.

Defects identified by DVSA Examiners are entered on the PG9. Those classified as safety critical, i.e. those that could affect the control or directional stability of the vehicle, result in immediate withdrawal. These include: poorly performing, unbalanced or excessively

binding brakes, loose registration plate, seatbelt defects, excessive smoke emission, wheel/hub damage, incorrect tyre type, tyre damage and under inflation, insecure, missing or damaged under-run device, parking brake damage, insecure wings or wheel arches, jammed, damaged or obstructed passenger doors, insecure or damaged drivers door, poorly maintained drivers cab, loose drivers' seat, poorly maintained luggage compartment, faulty lighting at bus entrance, missing or damaged grab rails and grab straps, missing or inoperative passenger communication device, absent, inadequate or damaged wheelchair restraints/guards, poorly maintained, stored or inoperative powered lift or ramp, defective periscope, missing or damaged internal and external mirrors, cracked or damaged windscreen, missing or inoperative windscreen wipers/washers, missing or inoperative horn, steering wheel damage, faulty speedometer, missing/faulty/poorly sited warning gauge, excessively worn footbrake pedals.

The full list of safety critical and other PG9 defects are listed in the DVSA 'Categorisation of Defects' document which is available here: [https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/347831/Categorisation-of-defects.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/347831/Categorisation-of-defects.pdf)

PG9s can attract a fixed penalty notice (FPN) if they are not safety critical defects and this should be paid by the employer. FPNs are based on the severity of the offence as follows:

**Level 1 - £50**

**Level 2 - £100**

**Level 3 - £200**

**Level 4 - £300**

At present, an FPN cannot be issued for offences committed prior to the date of inspection but previous offences are stored and reported to the Traffic Commissioner. The most serious offences will be reported for prosecution.

Roadworthiness prohibitions, both immediate and delayed, will be classified Serious if, in the Examiner's opinion, any of the defects which led to the prohibition was an indicator that a significant failure of the operators maintenance system had allowed the defects to develop.

These are defects that the operator and/or driver should have been aware of through any or all of the following:



- doing daily/first use walkround inspection;
- the driving of the vehicle;
- being responsible for or knowing of a defect or an inadequate repair

The DVSA's enforcement and sanctions policy which guides DVSA Examiners' decisions are recorded for every PG9 offence and others here:

<https://www.gov.uk/government/publications/enforcement-sanctions-policy>

In addition, the DVSA's guide to the current system of Fixed Penalty Notices and financial penalties which are issued for road traffic offences and includes:

- the policy for road traffic offences
- a list of offences
- a list of penalty fine levels

The guide is here:

<https://www.gov.uk/government/publications/guide-to-graduated-fixed-penaltiesfinancial-deposits>

## TACHOGRAPHS AND RECORD KEEPING

An approved tachograph is the required instrument by which the activity of drivers subject to the EU or AETR drivers' hours rules, and the vehicle's speed, distance and the time, are recorded. There are two main types of tachograph – analogue and digital.

When driving a vehicle subject to EU or AETR rules, a driver is required to produce on request tachograph records for the current day and the previous 28 calendar days when s/ he has driven in scope of the EU/AETR rules in the relevant week. The resulting tachograph record is used to monitor compliance with rules on drivers' hours.

When a driver needs to use a tachograph depends on the type of operation, the number of passenger seats and the length of the journey. Generally speaking, bus drivers need to use a tachograph when they are working on domestic routes over 50km/31.1 miles long.

The following table sets out where the domestic, EU or AETR drivers' hours rules apply. Bus drivers need to use tachographs when the EU or AETR rules apply:

Type of operation	Number of passenger seats			
	8 or less	9-12	13-16	17 or more
<i>PSV/Bus operations</i>				
Regular service on route not exceeding 50 km	Domestic rules	Domestic rules	Domestic rules	Domestic rules
National or international regular service on route exceeding 50 km	Domestic rules on journey in UK	EU/AETR rules	EU/AETR rules	EU/AETR rules
National or international non-regular service e.g. commercial excursions, tours or private hire	Domestic rules on journeys in UK	EU/AETR rules	EU/AETR rules	EU/AETR rules

Analogue or digital? Vehicles first registered on or after 1 May 2006 must be fitted with a digital tachograph. Those vehicles registered before that date can be fitted with either analogue or digital equipment.

### ANALOGUE TACHOGRAPHS

Recordings on an analogue tachograph are made by a stylus cutting traces into a waxcoated chart. Three separate styluses mark recordings of speed, distance travelled and the driver's activity (known as the 'mode'). The inner part of the chart is used by the driver to write his name, the location of the start and end of the journey, the date and odometer readings.

The reverse of a tachograph chart normally contains an area for recording manual entries and details of other vehicles driven during the period covered.

Analogue tachographs must be inspected every two years and recalibrated by the DVSA every six years. Call DVSA on 0300 123 9000 to find your nearest approved tachograph centres.

## CHARTS AND RECORDS

Drivers are responsible for operating the tachograph correctly in order to record their activities accurately and fully. Specifically, drivers must:

- verify, before using an instrument, that it is correctly calibrated via the attached plaques and ensure that the time displayed is set to the official time of the country in which the vehicle is registered;
- carry enough charts for the whole journey, including spare charts in case any become damaged or dirty;
- use a second chart if a chart is damaged while in use and attach this one to the first chart on
- completion. There are other occasions when use of a second chart in a 24-hour period is unavoidable, namely when a driver changes to a vehicle with an incompatible tachograph to the chart in use or he changes vehicle so many times that all the details cannot be accommodated on one chart;
- ensure that the correct type of chart is being used for the specific model of tachograph in use and that enough spare charts are carried;
- not use a chart to cover a period longer than 24 hours;
- enter centrefield details at the first use of the chart, when changing vehicles and when completing the use of the chart (see 'Centrefield entries' section);
- correctly operate the mode switch in order to record their activities accurately;
- make manual entries on the chart in respect of their activities away from the vehicle (see 'Manual entries' section opposite), where the rules have been departed from in an emergency, or to correct a recording;
- make manual entries when the equipment malfunctions and report any such malfunctions to the operator or employer;
- return used charts to the operator or employer within the 42 days. This

requirement must be complied with even when a driver changes employer;

- permit an Authorised Examiner or police officer to examine the tachograph;
- not remove the chart from the tachograph before the end of their duty period unless authorised to do so. The rules do not specify who can authorise removal of the chart, but cases where charts can be removed include:
  - a change of vehicle;
  - to make manual entries in the event of an emergency, equipment malfunction etc.;
- and be able to produce at the roadside:
  - charts and any legally required manual records for the current day and the previous 28 calendar days; and
  - the driver's digital smart card if they hold one.

**Time tips:** Make sure the time is correct for am or pm – both times are displayed identically on an analogue tachograph's 12-hour clock face. Analogue tachographs must continue to display the correct time – which for the UK includes adjustments for British Summer Time.

**Activity record:** Most analogue tachograph instruments in use are 'automatic'. This means that the instrument will automatically record activity as driving when the vehicle is moving and defaults to the mode switch setting when the vehicle stops.

**Driver cards:** Drivers who have been issued with a driver card are committing an offence if they are unable to produce this during a roadside inspection, even if they only drive analogue tachograph-equipped vehicles.

### Centrefield entries

A driver is required to enter the following information on the centrefield of a tachograph chart that he is using to record his activities:

- surname and first name (the law does not stipulate which order the names are put in – but check if your employer has a policy on this);
- the date and place where the use of the chart begins and ends. The year may be written in full or abbreviated – both '2007' and '07' are acceptable. If the start and finish places are the same, both must be written on the chart – ditto marks are not acceptable;
- the registration number(s) of vehicle(s) driven (which should be entered before

departing on a new vehicle);

- the time at which any change of vehicle takes place; and
- the odometer readings:
  - at the start of the first journey;
  - at the end of the last journey; and
  - at the time of any change of vehicle, recording the readings from both vehicles.

Note that the 'total km' field does not have to be completed.

It is not acceptable for written entries to extend outside the centrefield area, since they may interfere with chart recordings. If, for example, the driver's name or a place name is so long that it must be abbreviated in order to be accommodated in the space provided, the full name should be noted on the reverse of the chart.

Tachograph charts are required to provide space on their reverse side for the driver to manually record the additional information that is required in connection with changes of vehicles.

#### Manual entries

Drivers must produce a record of their whole daily working period. So when drivers are unable to operate the tachograph, have not been allocated a vehicle, or are working away from the vehicle and have had to remove their tachograph chart, they must manually record their activities on the chart. Manual entries may also be needed at other times – for example, if the tachograph develops a fault or in the event of an emergency. Employers may also ask drivers to indicate on a chart where their duty (or rest) begins and ends, so that they can ensure a full record has been submitted.

Most analogue charts have a specified place to make manual entries (usually on the reverse). However, manual entries can be made anywhere on the chart provided that they are clear and do not obliterate other recordings.

#### Digital tachographs

Digital tachographs work by storing digital data on the driver and vehicle in their own memory and separately on a driver's smart card. Transport undertakings must periodically download this data from the digital tachograph (known as the Vehicle Unit or VU) every 56 days and from driver cards every 28 days, and analyse the information to ensure that the rules have been complied with.

Digital tachographs must be recalibrated:

- every two years;
- after any repair;
- if the vehicle registration number changes;
- if UTC is out by more than 20 minutes; and
- after an alteration to the circumference of the tyres or characteristic coefficient.

Call DVSA on 0300 123 9000 to find your nearest approved tachograph centres

### Driver cards and records

It is a legal requirement for a digital tachograph-equipped vehicle driven in scope of EU rules that the driver must use a driver 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 digital tachograph, drivers should:

- ensure that the instrument is calibrated by inspecting the calibration plaque or interrogating the instrument;
- ensure that 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 vehicle, and that it is ready for use, before the vehicle is moved;
- record the country in which they begin and end 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);
- carry sufficient supplies of type-approved print roll on board the vehicle so that a printout can be produced at an enforcement officer's request;
- ensure that all duties conducted since the driver card was last removed from a tachograph are manually entered onto the card record, using the manual entry facility on the tachograph;
- ensure that the tachograph is working properly;
- ensure that through the daily working period the mode switch is used correctly to

record other work, periods of availability, and rest and breaks;

- take reasonable steps to protect their card from dirt and damage;
- use only their own personalised driver card to record driving and other activities they undertake;
- ensure that 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, or where another driver will be using the vehicle during a break or rest period;
- on multi-manning operations ensure that their driver card is placed in the correct slot (slot 1 when they are acting as driver and slot 2 when co-driver on a doublemanned journey) when they take over driving;
- make their cards available for downloading by their employer; and
- be able to produce at the roadside:
  - charts and any legally required manual records for the current day and the previous 28 calendar days; and
  - the driver's digital smart card if they hold one.

Mode switch default: Note that digital tachographs will default to recording 'other work' for driver 1 and 'availability' for driver 2 when the vehicle stops, and drivers must use the mode switch correctly to ensure that rest and break periods are recorded correctly.

### Lost, stolen or malfunctioning driver cards

Where it is impossible to use a driver card (e.g. where it has been lost, stolen or damaged or is malfunctioning) a driver may drive without the card for a maximum of 15 calendar days (or longer if this is necessary for the vehicle to be returned to its premises) provided that he produces two printouts – one at the start of the journey and another at the end. Both printouts must be marked with:

- the driver's name or driver card or licence number, so the driver can be identified;
- any manual entries needed to show periods of other work, availability, and rest or break;
- the driver's signature.

The driver must report the problem to DVSA and apply for a new card within seven calendar days.

### UTC – the time set on a digital tachograph

The internal clock of a digital tachograph is set to Universal Time Co-ordinated (UTC). The time displayed on the clock face can be set by the driver either to local time or to UTC.

However, all data will be recorded by the VU on the time set by the integral clock, which operates on UTC – this is the same as Greenwich Mean Time (GMT). You will need to remember that UTC is one hour behind British Summer Time (BST). So, between 01.00 on the last Sunday in March and 01.00 on the last Sunday in October drivers must account for the difference when manually inputting activity details in the digital tachograph.

For example, if drivers carried out other work for two hours between 06.00 and 08.00 in June before taking over the vehicle, they must enter this as between 05.00 and 07.00 in UTC time. As mentioned above, it is possible for drivers to set the display time on the VU to local BST, but this will not prevent the VU recording in UTC. Therefore, it is recommended that drivers leave the display time in UTC as a reminder of the difference.

### Manual records

A digital tachograph offers the ability for a driver to enter activities carried out by him away from his vehicle. This is by means of the manual input facility offered by the instrument. A true 'manual' record will only be necessary if:

- an instrument malfunction occurs;
- the driver breaches the rules due to an unforeseen event; or
- to correct a record.

If this happens, a driver should record his activities or reasons on the reverse of a portion of print roll.

## COMMON RULES

### Operation of the mode switch or button

Drivers must ensure that the mode switch on an analogue tachograph or the mode button on a digital tachograph is correctly set to record their activities.

Driving symbol





This is automatically recorded on most tachographs.



**Other work** Covers all activities defined as work other than driving in scope of the EU/AETR rules. Includes any work for the same or another employer, within or outside the transport sector.

**Availability** Covers periods of waiting time, the duration of which is known about in advance. Examples of what might count as a period of availability (POA) are accompanying a vehicle on a ferry crossing or waiting while other workers load/unload your vehicle. For mobile workers driving in a team, a POA would also include time spent sitting next to the driver while the vehicle is in motion (unless taking a break or performing other work, i.e. navigation).

**Break or rest** Covers breaks in work and daily or weekly rest periods. Drivers may not carry out any driving or any other work. Break periods are to be used exclusively for recuperation. During a rest period a driver must be able to dispose freely of his time.

	Driving
	Break or rest period
	Other work
	Period of availability

If for any reason the tachograph does not make an accurate record of activities (e.g. if the driver inadvertently makes an incorrect manual entry in a digital tachograph, or fails to correctly operate the mode button or switch), it is strongly recommended that the driver makes a manual tachograph record to this effect. For digital equipment, the driver should make and sign a printout for the relevant period with a note giving details of the error and reason at the time the error is made. For analogue equipment, the record should be made at the back of the chart.

#### Multi-manning – second driver record

Some analogue equipment and all digital tachographs will automatically record all time spent as a second driver when the vehicle is in motion as a period of availability and do not allow the mode to be changed to either ‘break’ or ‘other work’. Provided the second driver is

not required to carry out any work during this time, enforcement authorities will accept the first 45 minutes of this time as a break from driving. Any periods of other work, however, must be manually recorded on a printout or chart by the driver.

#### Travelling time

In cases where a vehicle that comes within the scope of EU rules is at a separate location that is neither the driver's home nor the employer's operational centre where the driver is normally based, the time the driver spends travelling to or from that location may not be counted as a rest or break, unless the driver is in a ferry or train and has access to a bunk or couchette.

#### Mixed records – analogue and digital equipment

It is possible that a driver may during the course of a day drive two or more vehicles where both

types of recording equipment are used. Drivers in such a situation must use a driver card to record while driving a vehicle with a digital tachograph and a tachograph chart when driving a vehicle equipped with an analogue tachograph.

Note: A driver who is not in possession of a driver card cannot drive a vehicle equipped with a digital tachograph.

#### Recording other work

Drivers must record all other work and periods of availability – including work for other employers – on all driving and non-driving days within a week where they have undertaken driving that comes within the scope of the EU rules on drivers' hours.

For example, a driver who works in a warehouse on Monday, Tuesday and Wednesday and wishes to drive a vehicle within the scope of the EU rules on Thursday of the same week must complete records for Monday, Tuesday and Wednesday.

The record must be either:

- written manually on a chart;
- written manually on a printout from a digital tachograph;
- made by using the manual input facility of a digital tachograph; or
- for days where a driver has been subject to the domestic drivers' hours rules and a record is legally required, recorded in a domestic log book.

For the non-driving days, the record may simply show the driver's name, the date, and the

start and finish of the shift. These records must be carried on the vehicle by the driver to be produced to enforcement officers for the relevant period.

### Information to operators

A driver who is at the disposal of more than one transport undertaking must provide each undertaking with sufficient information to allow them to make sure the rules are being met.

### Rest and other days off

The period of time unaccounted for between successive charts produced by a driver should normally be regarded as (unless there is evidence to the contrary) a rest period when drivers can dispose freely of their time. In the UK, drivers are not expected to account for this period, unless enforcement authorities have reason to believe that they were working.

On international journeys the DVSA recommend that letters of attestation from the employer are provided for drivers travelling through other countries to cover any sick leave, annual leave and time spent driving a vehicle which is out of scope of EU/AETR rules during the preceding 28 days.

## RESPONSIBILITIES OF OPERATORS

Operators of transport undertakings have legal responsibilities and liabilities for their own compliance with the regulations and that of the drivers under their control.

Bus operators must:

- ensure that tachographs have been calibrated, inspected and recalibrated in line with the rules;
- supply sufficient quantity of type-approved charts and printer rolls to drivers;
- ensure the return of used tachograph charts from drivers. Note that this responsibility continues
  - after a driver has left employment until all charts are returned;
  - properly instruct drivers on the rules;
  - properly schedule work so the rules are met;
  - not make payments to drivers related to distances travelled and/or the amount of goods carried if that would encourage breaches of the rules;
  - download data from the Vehicle Unit (VU) and drivers' smart cards as frequently as stipulated in national law. In the UK it is a requirement that relevant data from VUs

is downloaded at least every 56 days and relevant data from drivers' smart cards is downloaded at least every 28 days;

- make regular checks of charts and digital data to ensure compliance;
- be able to produce records to enforcement officers for 12 months; and
- take all reasonable steps to prevent breaches of the rules.

### Tachograph calibration and inspection

All tachographs used for recording drivers' hours, whether analogue or digital, must be professionally installed, calibrated and sealed. This task must be performed by either a vehicle manufacturer or an approved tachograph calibration centre (call DVSA on 0300 123 9000 to find your nearest approved tachograph centres). An installation plaque must be fixed to or near the tachograph. Tachograph calibration centres will issue a certificate showing details of any inspection conducted.

If you have anything you wish to report confidentially to the DVSA about rogue employers, contact the DVSA on freephone: 0800 030 4103

## BUS DRIVERS' LICENSING REQUIREMENTS

Before you can train to become a bus driver you must be aged over 18 and hold a full car licence (category B entitlement). You'll then need to add the right provisional entitlements to your licence before you can take your tests.

You automatically lose your bus drivers' licence if you lose your car licence entitlement.

In order to drive a bus, you need to pass a driving test for Category D vehicles which are buses and coaches:

- with more than 8 passenger seats
- at least 10 metres long
- at least 2.4 metres wide

Your Category D licence will be valid for 5 years.

Every 5 years up to age 45, you'll need to sign a declaration to show you still meet the medical standards. After age 45, you'll need to provide a medical examination report every 5 years to renew your driving entitlement. You should check with your employer what the process is renewing medical certification for bus drivers.

## DRIVER CERTIFICATE OF PROFESSIONAL COMPETENCE (CPC)

As part of your basic licence, you must get the Driver CPC initial qualification if you're new to bus or coach.

The initial qualification has 4 parts and you must pass all 4 to obtain your Driver CPC:

- part 1 - theory test (this includes 2 separate tests - multiple-choice and hazard perception)
- part 2 - Driver CPC case studies test (computer-based exercise with 7 studies based on real-life situations - eg driving in icy conditions)
- part 3 - driving ability test
- part 4 - Driver CPC practical demonstration test (this takes 30 minutes - you will need to show you can keep your vehicle safe and secure, eg loading your vehicle safely)

As of 1st September 2014, these are the prices to book your tests using the official service.

Unofficial websites may charge more.

<b>Weekdays</b>	<b>Evenings, weekends and bank holidays</b>	
<b>Driver CPC part 1a: theory - multiple-choice questions</b>	£26	£26
<b>Driver CPC part 1b: theory - hazard perception</b>	£11	£11
<b>Driver CPC part 2: case studies</b>	£23	£23
<b>Driver CPC part 3: driving ability</b>	£115	£141
<b>Driver CPC part 4: practical demonstration</b>	£55	£63

You'll get a driver qualification card (DQC) when you qualify which you must keep with you at all times when you are at work, along with your drivers' licence. If you have a photocard drivers licence, the photograph and signature on that will be used on your DQC.

You can be fined up to £1000 for driving professionally without Driver CPC.

If you have a paper licence

You'll need to swap your paper licence for a photocard licence before you can get your DQC. This is because the DQC needs a photograph and signature, which are taken from the photocard details.

If some of your periodic training was done in another EU member state

You need to write to the Driver and Vehicle Standards Agency (DVSA) to apply for your DQC if you've done some of your periodic training in another EU member state.

You must have done at least the last 7 hours of your periodic training in the UK to apply to do this.

You'll need to include:

- your UK driving licence number
- your phone number
- the address and dates when you lived in that member state
- the names and addresses of your employers for that time
- the equivalent of your tax reference or national insurance number in the member states you worked in
- a £25 fee to add training taken abroad to your DQC

Driver CPC

DVSA

PO Box 280

Newcastle Upon Tyne

NE99 1FP

You must include the original documents - photocopies are not allowed.

Non-English training documents must be sent with a translation on headed paper from an educational establishment or embassy.

Apply for a replacement DQC

If your DQC has been lost, stolen or damaged you must email DVSA, at:

[cpcrc@dsa.gsi.gov.uk](mailto:cpcrc@dsa.gsi.gov.uk)

Tell DVSA your:

- name
- driving licence number
- date of birth
- address

- telephone number

DVSA will then call you back. You'll need a credit or debit card to pay the £25 fee for the replacement.

You can also apply by writing to the DVSA at the address above.

You can still drive professionally in the UK for 15 days from the day you pay for your replacement DQC.

#### If your DQC doesn't arrive

You should get your DQC within 20 days after completing either your initial qualification or your periodic training. If you don't receive it, contact DVSA.

You will have to pay another £25 if:

- you didn't update your licence details and your DQC was sent to the wrong address
- you didn't get your DQC for any other reason

#### Driver CPC periodic training

You must do 35 hours of periodic training every 5 years to keep your Driver Certificate of Professional Competence (CPC). All bus drivers must by now have completed their first block of Driver CPC training, as the deadline for this was September 2013.

As the table below shows, we are in the second stage of Driver CPC for bus and coach drivers. You are legally required to complete the second 35 hour block of approved Driver CPC training by 9th September 2018 if you only drive a bus or a coach:

<b>Training block</b>	<b>Bus or coach driver</b>	<b>Dual-category (lorry, bus and coach) driver</b>
First block of training	9 September 2013	9 September 2013
Second block of training	9 September 2018	9 September 2019*
Third block of training	9 September 2023	9 September 2024

*(\*As a one-off arrangement, dual-category drivers will have 6 years to do their second block of training, rather than the usual 5 years.)*

#### How to find training courses

Only approved courses taken with approved training centres count toward maintaining Driver CPC qualification. It's up to you to decide which to attend. A list of your nearest approved training centres can be found here: <http://www.jaupt.org.uk/>

**Centre+and+Course+Search**

Bus drivers need to complete a total of 35 hours training every 5 years in order to update their Driver CPC qualification. It's up to you when you take the training courses, as long as you do them within the 5 year period.

Each training session must be at least seven hours long and the training provider will automatically record each completed seven hour training period on the JAUPT database.

Each 5-year period starts from 5 years before your current Driver CPC qualification runs out  
- not from the date you completed your last 35 hours of training.

During the 5 year period you can use the following link to check how many hours you have done:

**<https://www.gov.uk/check-your-driver-cpc-periodic-training-hours>**

You have to do the training in the country where you work or are normally resident.

Penalties for non-compliance with Driver CPC

If a driver does not comply with the legal requirement to hold a valid driver qualification, a number of official penalties could be levied:

<b>Offence</b>	<b>Maximum penalty</b>
Driver does not hold valid Driver when required to	£1,000
Causing or permitting the above	£1,000
Driver failing to carry a valid Driver CPC card when driving at work	£1,000 (or fixed penalty)
Failure to notify lost, damaged or stolen Drive CPC card or not returning a lost card that is subsequently found	£1,000
Guilty of forgery of Driver CPC card or Maximum	2 year prison sentence, false statements fine or both

*In addition, failure to comply with the law on Driver CPC cards and qualifications could invalidate the employers' insurance cover.*

### Passengers

The Public Service Vehicles Accessibility Regulations 2000 (PSVAR) cover all new buses and coaches which carry more than 22 passengers for local or scheduled services brought into service on or since 31 December 2000. It should be noted that the Regulations prescribe the minimum that is acceptable to meet the needs of disabled people. All buses that qualify must provide the following:



- a space for a wheelchair with suitable safety provisions
- a boarding device to enable wheelchair users to get on and off vehicles
- a minimum number of priority seats on buses for disabled passengers
- the size and height of steps
- handrails to assist disabled people
- colour contrasting of features e.g. handrails and steps to help partially sighted people
- easy to use bell pushes throughout a bus
- audible and visual signals to stop a bus or to request a boarding device
- equipment to display the route and destination

There is a timetable for operators with older buses for complying with the regulations:

<b>Types of bus</b>	<b>Timetable for complying with accessibility regulations</b>
New from 31 December 2000	Now
All single deckers	1 January 2016
All double deckers	1 January 2017
All coaches	1 January 2020

Wheelchair users should be given priority over pushchair users. If there is a pushchair in the wheelchair space when you try to board the bus the driver should ask the pushchair user to move. However if the pushchair user refuses to move, the driver cannot force them to do so. Bus drivers should always refer to the company handbook in these circumstances, to ensure that you are complying with company policy in the event of a dispute between passengers of this nature.

## DISABILITY AWARENESS TRAINING

The UK Government negotiated a temporary opt out from EU Regulation 181/2011 on the rights of bus and coach passengers which exempts UK bus drivers from undertaking mandatory disability awareness training. Bus companies therefore take a voluntary approach to this form of training which means that some companies don't offer disability awareness training to their drivers.

NP Coaches believe that your employer should automatically provide disability awareness training to bus drivers and if they do not offer this, you should request it.

## HEALTH AND SAFETY

Like all workers, bus drivers are covered by the Health & Safety at Work Act 1974 which makes employers responsible for the safety of their employees whilst they are at work.

## RISK ASSESSMENTS

The 1974 Act also requires employers to conduct regular risk assessment of the impact of their operations on non-employees. In the bus and coach industry this clearly means that employers must conduct risk assessment of their vehicles and how safe those vehicles are for passengers. All drivers should be familiar with their employers' health and safety risk assessment for passengers and there should also be a regular risk assessment for drivers of the vehicles.

## PASSENGER NUMBERS/OVERLOADING

Always be sure to observe the passenger seating and standing capacity of the bus you are driving. Overloading is something DVSA Examiners will look out for if your bus is stopped for a roadworthiness check.

If your bus is found to be overloaded, a Fixed Penalty Notice (FPN) is likely to be issued, unless the offence is too serious to warrant the issue of a fixed penalty. Below is a table showing the current graduated penalty levels for excess weight matters:

### EXCEED WEIGHT

Severity	Endorsable	FP amount
0 up to but not including 10%	No	£100.00
10% up to but not including 15%	No	£200.00
15% and over	No	£300.00

## ACCIDENT REPORTING

NP Coaches drivers should always check with the employer on the health and safety regime they operate, including the road accident reporting system. Accident at work reporting is a statutory requirement, under the Reporting of Injuries, Diseases and Dangerous Occurrences Regulations 1995 (RIDDOR). NP Coaches advises all bus and coach drivers to report to the employer all accidents at work, especially any that occur whilst on the road, no matter how minor they may be in severity.

## ENFORCEMENT

Following the merger of the Driving Standards Agency and VOSA, the Driver and Vehicle Standards Agency (DVSA) now enforce the regulations governing bus drivers' hours, as well as the regulations on vehicle standards and inspections. If you break the rules you can be given:

- an improvement notice - setting out the changes you need to make by a certain date
- a prohibition notice - this requires you to stop a dangerous activity, or to start complying with the regulations

### Infringements of domestic drivers' hours rules

Where an infringement of the domestic drivers' hours rules occurs, the law protects from conviction in court those drivers who can prove that because of unforeseen difficulties they were unavoidably delayed in finishing a journey and breached the rules. It also protects employers if any driver was involved in other driving jobs that the employer could not have known about.

### Infringements of the EU drivers' hours rules

The law protects from conviction in court, those drivers who can prove that because of unforeseen difficulties they were unavoidably delayed in finishing a journey and breached the rules.

The EU rules make transport undertakings liable for any infringements committed by their drivers.

However, transport undertakings will not be held responsible for these offences if they can show that at the time of the infringement the driver's work was being organised in full consideration of the rules, and in particular that:

- no payments were made that encouraged breaches;
- work was properly organised;
- the driver was properly instructed; and
- regular checks were made.

Transport undertakings must also show that they have taken all reasonable steps to avoid the contravention. Employers also have a defence if they can prove that the driver was involved in other driving jobs that the employer could not reasonably have known about.

Where it is found that an undertaking has failed in its obligations, prosecution action may be

considered against the undertaking for a driver's offence.

In the case of infringements concerning records, the law protects an employer from conviction if they can prove that they took all reasonable steps to make sure that the driver kept proper records.

Under the EU rules, enforcement action can be taken against operators and drivers for offences detected in GB but committed in another country, provided the offender has not already been penalised.

To prevent further penalties being imposed for the same offence, enforcement agencies must provide the driver with evidence of the proceedings or penalties in writing. The driver is required to carry the documentation until such time as the infringement cannot lead to further action.

## PENALTIES FOR INFRINGEMENTS OF THE DRIVERS' HOURS RULES IN GREAT BRITAIN

### **Maximum fines**

As contained within Part VI of the Transport Act 1968 (as amended), the maximum fines that can be imposed by a court of law on conviction are as follows:

- failure to observe driving times, breaks or rest period rules: fine up to £2,500 (Level 4);
- failure to make or keep records under the GB rules: fine up to £2,500 (Level 4);
- failure to install a tachograph: fine of up to £5,000 (Level 5);
- failure to use a tachograph: fine of up to £5,000 (Level 5);
- failure to hand over records relating to recording equipment as requested by an enforcement officer: fine of up to £5,000;
- false entry or alteration of a record with the intent to deceive: on summary conviction fine of £5,000, on indictment two years imprisonment;
- altering or forging the seal on a tachograph with the intent to deceive: on summary conviction fine of £5,000, on indictment two years imprisonment; and
- failure to take all reasonable steps to ensure contractually agreed transport time schedules; and
- failure to respect the EU rules: fine of up to £2,500 (Level 4).

### **Fixed penalties and deposits**

Following the Road Safety Act 2006, fixed penalties and deposits were introduced during 2009. Infringing drivers with verifiable UK addresses are, in the most routine cases, dealt with by means of a fixed penalty notice which can be considered by the driver or operator for up to 28 days. Drivers without a verifiable address are asked to pay a deposit equal to the fixed penalty and further driving will be prohibited pending receipt of that payment.

DVSA can still take cases to court if it is deemed necessary.

The DVSA's guide to the current system of Fixed Penalty Notices and financial deposits is here:

**<https://www.gov.uk/government/publications/guide-to-graduated-fixed-penaltiesfinancial-deposits>**

## ENFORCEMENT POWERS AND SANCTIONS

### Powers

Legislation has provided VOSA Authorised Examiners with powers that include:

- the power to inspect vehicles;
- the power to prohibit and direct vehicles;
- powers relating to the investigation of possible breaches of regulations; and
- the power to instigate, conduct and appear in proceedings at a magistrates' court.

### Sanctions

Action taken against drivers' hours and tachograph rules infringements is largely determined by the legislation, and includes the following:

#### Verbal warnings

Minor infringements that appear to enforcement staff to have been committed either accidentally or due to the inexperience of the driver/operator and are isolated instances may be dealt with by means of a verbal warning. This will include a clarification of the infringement and an explanation of the consequences of continued infringement.

#### Offence rectification notice

These may be issued to operators for a number of infringements not related to safety, and gives

21 days in which to rectify the shortcoming otherwise prosecution of the operator will be considered.

## Prohibition

Many drivers' hours and tachograph rules infringements attract a prohibition. A prohibition is not strictly a 'sanction', rather an enforcement tool to remove an immediate threat to road safety. When issued, driving of the vehicle is prohibited for either a specified or an unspecified period until the conditions stated on the prohibition note are satisfied. Where the prohibition is issued for an unspecified period, a note indicating the removal of the prohibition must be issued before further use of the vehicle is permitted. In addition to attracting a prohibition, the matter will be considered for prosecution.

## Prosecution

If it's considered to be in the public interest, more serious infringements are considered for prosecution, either against the driver, the operator or other undertakings, or against all of them.

## CCTV

It is not a legal requirement to fit CCTV on a bus but the vast majority of companies operating commercial bus services do have CCTV on board and 82% of buses operated in England are equipped with CCTV. This is partly for driver and passenger safety and security reasons, as well as for use in the event of a legal case involving drivers and or passengers and the company.

There are two main pieces of legislation governing the employer's use of CCTV in the workplace, including buses:

- Data Protection Act 1998 (DPA 1998)
- Human Rights Act 1998 (HRA 1998)

The DPA 1998 does not prevent monitoring, however any adverse impact on the individual(s) being monitored must be justified by the benefit to the employer. The HRA applies primarily to workers in the public sector although private sector employees may be able to rely indirectly on the terms of the European Convention of Human Rights.

To help clarify the situation the Information Commissioner's Office (ICO) has produced an Employment Practices Data Protection Code which is available here:

**[http://ico.org.uk/for\\_organisations/data\\_protection/topic\\_guides/~media/documents/library/Data\\_Protection/Practical\\_application/quick\\_guide\\_to\\_the\\_employment\\_practices\\_code.pdf](http://ico.org.uk/for_organisations/data_protection/topic_guides/~media/documents/library/Data_Protection/Practical_application/quick_guide_to_the_employment_practices_code.pdf)**

The ICO has also produced a CCTV code of practice which can be found at:

**[http://ico.org.uk/for\\_organisations/data\\_protection/topic\\_guides/~media/documents/library/Data\\_Protection/Detailed\\_specialist\\_guides/cctv-code-ofpractice.pdf](http://ico.org.uk/for_organisations/data_protection/topic_guides/~media/documents/library/Data_Protection/Detailed_specialist_guides/cctv-code-ofpractice.pdf)**

Busworkers and their trade union representatives should always be informed and consulted in circumstances where the employer plans to introduce CCTV in the depot or on the vehicle. If a bus is fitted with CCTV it should be accompanied by appropriate signage, alerting staff and passengers to its presence.

If an employer refers to evidence gathered from CCTV, workers should have access to the information, be afforded the opportunity to explain or challenge the footage and be allowed to make representations before any disciplinary or other action is taken by the employer.

Where they are present, CCTV footage of an incident on a bus can be requested by police, Traffic Commissioners and Highways Agency officials.

You should always check the employer's guidance on use of CCTV, particularly their policy on the use of CCTV footage in staff disciplinary procedures.

## REFERRAL TO THE TRAFFIC COMMISSIONER

Where the driver is the holder of a vocational licence and/or the operator is the holder of an operator's licence, DVSA Examiners may report infringements by either the driver or the operator to the Traffic Commissioner instead of, or as well as, prosecution. Only in cases where operators are found committing offences involving fraudulent activity will matters be referred for prosecution.

In all other cases (unless dealt with by fixed penalty notices or by an advisory or warning letter) a report will be submitted to the Traffic Commissioner by the DVSA Examiner for possible disciplinary action at a **Public Inquiry or Driver Conduct hearing**.

In many cases examiners will deal with offences found during roadside inspections by the issue of prohibition and/or fixed penalty notices requiring no further action. In cases where the nature, number, or seriousness of the offence(s), indicates that there is systemic failure in the management of the operation, or abuse of regulations and/or the operator/driver is indulging in fraudulent activities, examiners will make appropriate investigations with the vehicle operator to obtain further evidence and report offenders to the Traffic Commissioner.

Bus drivers and operators can be referred to the Traffic Commissioner for their region for a number of reasons, including:

- PG9 defects
- Infringements of drivers' hours regulations
- Disqualification from driving

- Repeated minor offences/fixed penalty notices (more than 3)

The DVSA's Enforcement and Sanctions policy is available here:

<https://www.gov.uk/government/publications/enforcement-sanctions-policy>

## REGIONAL TRAFFIC COMMISSIONERS

The names of the regional Traffic Commissioners, the areas they cover, contact details and office opening hours are as follows:

### Western – Sarah Bell

Counties of Cornwall, Devon, Dorset, Gloucestershire, Hampshire, Oxfordshire, Somerset and Wiltshire; the districts of Bath and North East Somerset, Bournemouth, Bracknell Forest, Bristol, Isle of Wight, North Somerset, Plymouth, Poole, Portsmouth, Reading, Slough, Southampton, South Gloucestershire, Swindon, Torbay, West Berkshire, Windsor and Maidenhead and Wokingham.

Contact:

Jubilee House

Croydon Street

Bristol BS5 0GB

Phone: 0300 123 9000

Fax: 0117 929 8352

Opening hours:

Office hours: 9.30am to 4.00pm, Monday to Friday

Telephone hours: 8.30am to 5.00pm, Monday to Friday

### East of England – Richard Turfitt

Bedfordshire, Buckinghamshire, Cambridgeshire, Hertfordshire, Essex, Leicestershire, Lincolnshire (except the Districts of North Lincolnshire and North East Lincolnshire), Norfolk, Northamptonshire and Suffolk; the districts of Leicester, Luton, Milton Keynes, Peterborough, Rutland, Southend-on-Sea and Thurrock.

Contact:

Eastbrook

Shaftesbury Road

Cambridge CB2 8BF

Phone: 0300 123 9000

Fax: 01223 309 681

Opening hours:

Office and telephone hours: 9.30am to 4.00pm, Monday to Thursday; 9:30am to 3:30pm, Friday



### North Eastern – Kevin Rooney

Metropolitan Boroughs within South Yorkshire, Tyne and Wear and West Yorkshire; the Counties of Durham, Northumberland, Nottinghamshire and North Yorkshire; the Districts of Darlington, East Riding of Yorkshire, Hartlepool, Kingston upon Hull, Middlesbrough, North Lincolnshire, North East Lincolnshire, Nottingham, Redcar and Cleveland, Stockton-on-Tees and York.

Contact:

Hillcrest House  
386 Harehills Lane  
Leeds LS9 6NF  
Phone: 0300 123 9000  
Fax: 0113 240 3954

Opening hours:

Office hours: 9.30am to 4.00pm, Monday to Friday. Telephone hours: 8.30am to 5.00pm, Monday to Friday

### North Western (Senior Traffic Commissioner) – Beverley Bell

Metropolitan boroughs within Greater Manchester and Merseyside; the counties of Cheshire, Cumbria, Derbyshire and Lancashire; the districts of Blackburn with Darwen, Blackpool, Derby City, Halton and Warrington.

Contact:

Suite 4, Stone Cross Place  
Stone Cross Lane  
Golborne  
Warrington  
WA3 2SH

Phone: 0300 123 9000

Fax: 01942 728 297

Opening hours:

Office hours: 9.30am to 4.00pm, Monday to Friday

Telephone hours: 8.30am to 5.00pm, Monday to Friday

### London & South East – Nick Denton

Greater London; the counties of Kent, Surrey, East Sussex and West Sussex; the districts of Brighton and Hove, the Medway towns.

Contact:

Ivy House  
3 Ivy Terrace  
Eastbourne BN21 4QT  
Phone: 0300 123 9000

Fax: 01323 739 037

Opening hours:

Office hours: 9.30am to 4.00pm, Monday to Friday. Telephone hours: 8.30am to 5.00pm, Monday to Thursday; 8:30am to 4:30pm, Friday.

### Wales & West Midlands – Nick Jones

Wales and the metropolitan boroughs within West Midlands; the counties of Shropshire, Staffordshire, Warwickshire and Worcestershire; the districts of Herefordshire, Stoke-onTrent and Telford and Wrekin).

Contact:

38 George Road

Edgbaston

Birmingham B15 1PL

Phone: 0300 123 9000

Fax: 0121 456 4250

Opening hours:

Office hours: 9.30am to 4.00pm, Monday to Friday

Telephone hours: 8.30am to 5.00pm, Monday to Friday

### Scotland – Joan Aitken

Level 6

The Stamp Office

Waterloo Place

Edinburgh EH1 3EG

Phone: 0300 123 9000

Fax: 0131 229 0682

Opening hours:

Office hours: 9.30am to 4.00pm, Monday to Friday

Telephone hours: 8.30am to 5.00pm, Monday to Friday

## USEFUL LINKS & CONTACTS

Department for Transport 'Driving & Transport' section

<https://www.gov.uk/browse/driving>

The Highway Code

<https://www.gov.uk/browse/driving/highway-code>

Driver & Vehicle Standards Agency (DVSA)

<https://www.gov.uk/government/organisations/driver-and-vehicle-standards-agency>

Driver & Vehicle Licensing Agency

<https://www.gov.uk/government/organisations/driver-and-vehicle-licensing-agency>

The Highways Agency

<http://www.highways.gov.uk/>

Traffic Commissioners

<https://www.gov.uk/government/organisations/traffic-commissioners>

Confederation of Passenger Transport (bus industry lobby group)

<http://www.cpt-uk.org/>

Transport Select Committee (House of Commons)

<http://www.parliament.uk/business/committees/committees-a-z/commons-select/transport-committee/>

## EMPLOYMENT TRIBUNALS

If you wish to take a case against your employer to an Employment Tribunal, you must ask your Branch Secretary for an L2 form which you must complete and return to your Regional Office. Do not delay in returning the form as there are strict time limits in lodging a claim with an employment tribunal.

There are many different types of claim that can be brought in the employment tribunal including:

- Unfair dismissal
- Discrimination e.g. on the grounds of age, disability, sex, pregnancy/maternity, sexual orientation, race, religion/ belief
- Equal Pay
- Breach of contract or unlawful deduction of wages
- Detriment or dismissal for whistleblowing.

It is best to concentrate on your main claims and those for which you can claim the most compensation (such as unfair or discriminatory dismissal).

For most employment claims you have 3 months less one day from the treatment or act

about which you are complaining, e.g. if the last date of your employment was 12 June, an unfair dismissal claim must be lodged on or before 11 September. In equal pay claims you usually have 6 months less one day from the end of the particular contract.

In some circumstances you can ask the employment tribunal to extend the time limit, for example if you were extremely ill so could not act sooner, but it is best not to take that risk if it can be avoided.

You must include your name, address and date of birth as well as your employer's (also known as the respondent) name and address. You must use their registered address.

You must also include the address where you worked, which may not be the employer's registered address.

If, in a discrimination claim, you wish to bring a complaint against an individual as well as your employer, you must ensure you include all names and addresses.

Useful points to remember:

- Concentrate on your main claims which will give rise to compensation
- Set out the facts in chronological order but keep the details of your complaint concise; remember the claim form is not a witness statement
- Give dates for what happened wherever possible
- Do not leave the employment tribunal asking "Why is this relevant?"
- You do not need to set out the legal provisions in any detail unless you are comfortable doing so
- Additional claims can sometimes be added late, generally only with the employment tribunal's permission, but it is best to avoid this by considering all the claims at the beginning.