



Your cut-out-and-keep

PLAIN ENGLISH GUIDE TO TRANSPORT LAW

Transport legislation — complicated, contradictory and confusing, right? It may be, but blissful ignorance is not an option — getting it wrong could cost you serious cash and untold inconvenience. Discover how the rules affect you with *H&H*'s no-nonsense guide

THE vast majority of us transport our horses on a regular basis. Whether top-end professionals or weekend competitors, the ability to take our horses around the country to different competitions, meets, venues and rides is an integral part of how we make a living, improve our riding or simply enjoy our horses.

Since the summer, *H&H* has been campaigning on your behalf for clarity and commonsense in the area of transport regulation (news, 9 July). This is a highly complex and opaque area. In a June poll on www.horseandhound.co.uk, 44% of you — the majority of respondents — said you are thoroughly confused with the regulations. Even the transport experts *H&H* speaks to on a regular basis admit the rules are inconsistent and contradictory.

Transport consultant Paul Jacobs of The Transport Manager says: "There are many grey areas as a lot of the laws haven't been tested in court. There is a real need for clarification."

So *H&H* has put together a no-nonsense guide to the law as it currently stands. Cut it out, photocopy it and keep it in your lorry's glove compartment, pop it up on the notice board at your yard and hand it round to friends — this is information you need to know.

The long-term aim of *H&H*'s campaign is to secure exemptions where we feel rules meant for professionals punish people driving lorries for their hobby or sport. But, in the meantime, the law stands and ignorance will not be an adequate defence if you fall foul of the rules.

Depending on your circumstances, you may need to abide by one, some or none of the following rules.

THE ENFORCERS

THE Vehicle Operator Services Agency (VOSA) is the Department for Transport's enforcement and licensing arm. It is not a body that is used to dealing with horses and the horseworld. VOSA inspectors patrol the UK's roads and are allowed to stop you and inspect your vehicle at will.

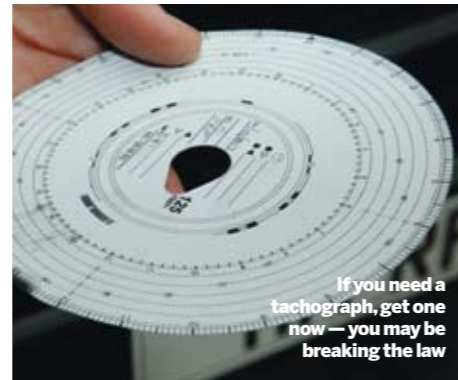
H&H readers — and *H&H* itself — have experienced contradictions in dealing with VOSA, but a spokesman says the agency wants to help you: "It's important that everyone knows how the law applies to them and it's our job to work with *H&H* to make this happen."

So, make a note of the VOSA hotline — 0300 123 9000 — and if you have any doubts at all about your vehicle, call to speak to one of the agency's advisers.





VOSA can stop and check your vehicle at any time (picture posed by models)



If you need a tachograph, get one now — you may be breaking the law

Do I need a tachograph?

All vehicles exceeding 7.5tonnes in weight must be fitted with a tachograph. This includes lorries, plus 4x4s towing trailers if their combined weight exceeds 7.5tonnes. It does not matter whether you make money out of your driving or not. You must keep all tachograph records for 12 months — VOSA inspectors can ask to see these at random.

Vehicles between 3.5 and 7.5tonnes used for commercial purposes — for example, if you take client's horses to competitions — must also be fitted with a tachograph.

If you are having a tachograph installed or inspected, it is very important this is done properly at a VOSA-approved centre — if not, your tachograph is illegal. If you have a vehicle that already has a tachograph fitted, this must be inspected and recalibrated every two years for digital tachographs and six years for older analogue ones like the one pictured above. Tachographs must also be checked after any accident.

There are exemptions for older vehicles — for more on this and details of your nearest VOSA-approved tachograph centre, visit www.dft.gov.uk/vosa or tel: 0300 123 9000. For 4x4 tachographs, see panel, right.

Trailers count too: remember, not all the transport legislation refers solely to lorries



Driver certificate of professional competence (CPC)

This applies to you if...

- ▶ You drive a vehicle or combination of vehicles — for example a 4x4 and trailer — weighing 3.5tonnes or over for a living/payment

Failure to comply could cost you...

- ▶ Up to £3,000 in fines
- ▶ VOSA could impound your vehicle

THE driver CPC came into force across Europe in September 2009 (news, 3 September). It is designed to improve driving standards among professional drivers of vehicles weighing 3.5tonnes and over. But confusion quickly arose over the definition of "professional" — did it refer to professional riders, drivers or both?

There is no definition in English law of the term "professional" and, unless the matter is raised in court, there won't be one. But the opinion of the Driving Standards Agency (DSA), the national body for driving qualifications, is that you only need a driver CPC if you make a living from horses.

"If you compete horses as a hobby, then there is no need," a DSA spokesman tells *H&H*. "But if competing with horses is your career, then you would be considered a professional."

To obtain the certificate you have to do 35 hours of training at a DSA-approved training centre (look online or in the *Yellow Pages* for your nearest centre) and, depending on whether you passed your car driving test before or after 1 January 1997, you have to sit between three and five exams. Sitting these costs in the region of £100-£250.

You must renew your driver CPC every five years. For more information on this, including what's involved in sitting the driver CPC, check out www.direct.gov.uk/en/motoring/driverlicensing or tel: 0300 200 1122.

Words by Karen Spinner

law is intended to help keep the roads safe. Indeed, Lucy Katan of the British Grooms Association says she is concerned about the amount of time many of her members are spending behind the wheel and that this law serves a real purpose in protecting them.

But *H&H* believes — and your correspondence supports this — that commonsense needs to be applied to how the law is enforced. Accidents involving horseboxes are infrequent and *H&H* is actively campaigning for equestrians to be exempted from some of the driving hours' legislation. To support our campaign, join up at www.horseandhound.co.uk/vosapetition.

So do I need to abide by the EU driving hours?

YES — if you earn any money from driving horses in any vehicle weighing between 3.5-7.5tonnes

YES — if you drive any vehicle over 7.5tonnes, irrespective of whether or not you make any money from it

NO — if you drive a vehicle weighing less than 7.5tonnes on a purely amateur basis. That is, if you take your horses out to shows, meets, clinics and to hack at the weekend

Working time rules

These apply to you if...

- ▶ You make any money by driving a vehicle or combination of vehicles — for example a 4x4 and trailer — weighing 3.5tonnes or over
- ▶ You drive a vehicle or combination of vehicles — for example a 4x4 and trailers — over 7.5tonnes irrespective of whether it is for fun or to make money

Failure to comply could cost you...

- ▶ Up to £2,500 in fines
- ▶ VOSA could impound your vehicle

If you make money from driving a horsebox or 4x4 and trailer/trailers that exceeds 3.5tonnes in weight — and most fully laden two-horse lorries exceed this weight — this EU law applies to you. If you drive a lorry over 7.5tonnes for fun on a purely amateur basis, without making any money, this law also applies to you.

If you fall into these categories the time you can spend driving your horses at the weekend is limited. This is because the EU says

that the hours you spend working during the week — even if your work has no connection with horses or driving — have an impact on the hours you can spend behind the wheel at the weekend. This is all related to the EU Working Time directive, which, at its most basic, places a 48-hour (five-day) limit on the working week. So if you don't work at all during the week, these rules don't apply to you.

But if you are affected by this law, you must:

- Have a break of 45min after any 4.5hr period of continuous driving

- Rest for 11 hours within every 24-hour period. Three times a week, this can be reduced to nine hours

- Never drive or work for more than 56 hours in one week or 90 hours in two weeks

- Not drive for 24 hours after six days of working — whatever that work is. So your day job counts. In a 14-day period of working 12 days you must have one 45-hr break from driving

By limiting the time a driver can spend behind the wheel, this

45 minutes
The length of break you must have after driving for 4.5hr

DID YOU KNOW?

● **THE 20-MINUTE RULE** Defra says that any officials pulling over a vehicle with horses on board should complete their inspection within 20 minutes. If pulled over for longer, remind the official of this

● **MIRROR, MIRROR** New laws introduced by the EU in March mean that if you drive a vehicle registered after 1 January 2000 you may have to fit new mirrors to it. Find out more at www.checkyourmirror.com

● **YOUR LICENCE** If you got your basic driving licence after 1 January 1997 you will have to sit additional exams to get your driver CPC and the weight of any vehicle you can drive/tow is also affected. Visit www.direct.gov.uk/motoring for details

● **TACHOGRAPHS FOR 4X4S** You may need a tachograph in your 4x4, but there are firms that specialise in these. Expect to pay in the region of £1,200. Visit www.dtco.co.uk

came into being to ensure that drivers and their attendants understand how best to look after animals on the road. This is why there are WATO CPCs for both drivers and attendants.

Note: you DO NOT need either WATO CPC for journeys under 65km, if you're taking out just one horse in your trailer or lorry, or for transport to or from clinics under veterinary supervision.

As with the driver CPC, there is no legal definition of what constitutes the term "professional". But *H&H* has been told by Defra, who oversees and enforces the WATO CPC, that winning prize-money at a show should not be regarded as commercial. A spokesman explains: "We consider that pet animals taken to an event, where the primary purpose is for pleasure or competition, are not classed as taking part in economic activity."

Think your circumstances might be the exception? Call the Defra helpline — 08459 335577 — for clarification.

Agricultural colleges and assessment centres across the UK offer training for the WATO CPC, with costs starting at approximately £40. But if you think you're eligible, your first port of call should be Defra — go to www.defra.gov.uk, tel: 08459 335577.

Readers based in Northern Ireland should get in touch with the Department of Agriculture and Rural Development (www.dardni.gov.uk, tel: 028 9052 4999).

BE CAREFUL!

Depending on your circumstances, you may need to obtain both a driver CPC and a WATO CPC, since they are focusing on two different areas — road safety and animal welfare

So do I need one?

If, in the course of your job, you sometimes drive more than one horse — either in a lorry or trailer — on journeys of at least 65km (40 miles) or eight hours' duration, yes you do.

If you earn money as a groom and sometimes accompany horses on journeys of this length, yes you do.

Operator's licence

This applies to you if...

- ▶ You drive a vehicle(s) between 3.5tonnes and 7.5tonnes as part of your job
- ▶ You drive a vehicle(s) over 7.5tonnes irrespective of whether it is for fun or work

Failure to comply could cost you...

- ▶ Up to £5,000 in fines
- ▶ VOSA could impound your vehicle

DO you expect to earn money from transporting horses in a vehicle over 3.5tonnes? Do you transport horses — with or without making money — in any vehicle over 7.5tonnes? Then you need an operator's licence. If you fall into these categories it is illegal to drive without one. Note that accepting payment in kind also qualifies.

The point of the operator's licence is to ensure vehicles are being run safely. As such, you may need an operator's licence if you own a vehicle, but never drive it — for example, if a friend and/or employee drives it for you.

As we have seen with the CPCs on the previous pages, there has been confusion over what constitutes "earnings". Over to VOSA:

"Where a horsebox is being used on an 'amateur' basis, where it is clear that the carriage of goods [in this case, horses] is not with a view to making a profit we would not normally consider that the vehicle is being used for hire or reward," a spokesman explains.

"It would not be in the public interest to prosecute the user of a vehicle in cases where nothing more than petrol or modest prize-money were involved," he adds.

But there's a crucial exception: "Where there is a likelihood of winning prize-money on a



Drivers and/or owners of lorries big and small need operator's licences if they're gaining — in money or kind — from transporting horses

“ It would not be in the public interest to prosecute if only petrol or modest prize-money were involved ”

A VOSA spokesman defining 'earnings'

regular basis, the user of the vehicle would be advised to apply for an operator's licence."

If you think you need an operator's licence, contact VOSA as soon as possible. The process is quite involved and requires both sorting through and submitting a fair bit of paperwork to the agency. Don't expect to get your licence overnight — it can take a couple of months for it to be issued.

As with everything covered in this feature, don't just bury your head in the sand and hope it'll go away — it won't. **H&H**

How the rules affect... HUNTING

HUNTING yards contacted by *H&H* for this piece were aware of most of the current crop of transport regulations.

A few yards with large horseboxes had "bowed to the inevitable" and completed training for their certificates of competence. But others admitted to "turning a blind eye" as to how the law was enforced.

"Being my own boss, I work seven days a week —

does that count?" asks the owner of a hireling business in the Warwickshire country. "These regulations could affect me big-time — but none of it seems to make much sense."

Although driving a lorry under 7.5tonnes, this person is affected by the rules as their job involves driving. They were not aware of this.

The hunting community is largely immune from one of

the major problems of the drivers' hours legislation — barely anyone (bar the odd pack of bloodhounds) hunts on a Sunday. Therefore, unless someone hunts on Saturdays and competes on Sundays, they are legally allowed to drive one day every weekend because they are still getting their necessary 24hrs off after six days of 'work'.

However, the idea that people might need a driver CPC for driving clients' horses even short distances because their vehicle weighs over 3.5tonnes is news to many we contacted.

"I'm not a professional driver, but horses are my profession and I do drive them," said Sam Scott, who runs a small yard in East Anglia. "We're driving such small distances, it's ridiculous."

Whatever your views on the legislation, be sure you know how it affects you.



Most people box their horses to meets, so make sure you fall within the regulations

So do I need one?

If you make a profit — be it in cash or kind — from transporting horses in a vehicle that weighs 3.5tonnes or over you need an operator's licence. This includes you if you own a vehicle but never drive it.

All owners/drivers of vehicles over 7.5tonnes need one even without making profit

Useful contacts

VOSA

www.dft.gov.uk/vosa, tel: 0300 123 9000

Defra

www.defra.gov.uk, tel: 08459 335577

Driving Standards Agency

www.dsa.gov.uk, tel: 0300 200 1122

Transport consultant Paul Jacobs

www.horseboxregs.co.uk

Transport expert Jon Phillips

www.horsebox-rescue.co.uk

Horse & Hound

Find this information online at www.horseandhound.co.uk/transportguide

Stop the transport madness campaign

Sign our petition to secure exemptions for equestrians at www.horseandhound.co.uk/vosapetition

Information on mirrors

Find out whether your mirrors comply with new rules at www.checkyourmirror.com