



Vehicle & Operator
Services Agency

GUIDE

Guide for recovery operations



Guide for recovery operations

Contents

Introduction	6
Vehicle excise	7
What is a recovery vehicle?	7
Reduced rate of vehicle excise	8
Operator licensing	9
Recovery vehicles exemption	9
Exemption for Police use	9
Dual purpose vehicle and trailer combinations	9
Operator licensing system	10
Flow diagram for O-licensing	10
Drivers' hours & tachographs	11
Specialised breakdown vehicle	11
Implications of 100 km radius	11
Weekly rest	12
Relay operations	13
VRS (tow dollies) & A frames	13
Domestic drivers' hours rules	14
Roadworthiness	15
Drivers' walkaround check for recovery vehicles	16
Plating & testing	18
Braking requirements	18
Vehicle weights	19
Other requirements	20
Load security	20
Speed limiters	21
National speed limits	21
Seat belts	22
Requirements for seat belts to be worn by children	23
Driver licensing	24
Driver CPC	24
Carrying Passengers in Towed Vehicles	24
Warning Beacons	25
Trailer Boards	25
Enforcement	26

Foreword

by VOSA Chief Executive



This Vehicle and Operator Services Agency (VOSA) guide provides advice for drivers and operators in the recovery industry. It is intended only to offer general help and isn't a legal document.

I think it is a real step forward in helping to ensure our roads are safe for people to use and to improve industry compliance.

I am pleased that the guide has been produced in partnership with the Recovery Industry and takes advantage of their best practice. I hope it will become an integral part of operator's and driver's compliance regimes.

A handwritten signature in black ink that reads "Alastair Peoples". The signature is written in a cursive, flowing style.

Alastair Peoples
VOSA Chief Executive

Foreword

by the Senior Traffic Commissioner



I am pleased, on behalf of traffic commissioners, to accept an offer from VOSA to support the publication of this document, which will assist the recovery industry who provide a vital emergency service.

Although traffic commissioners are responsible for the regulation of vehicles and operators that fall within the licensing system, we are always keen to promote any work that is designed to help businesses keep their vehicles safe, legal and compliant.

I know the recovery industry will find the advice in this document useful.

Beverley Bell

Beverley Bell
Senior Traffic Commissioner for Great Britain

Introduction

This guide addresses some basic questions to assist recovery vehicle operators and drivers. It is intended only to offer general help and isn't a legal document. For full details of the law in respect of each aspect covered by the guide you will need to refer to the relevant legislation or seek independent legal advice.

For many years, there has been a great deal of uncertainty regarding the legal requirements in relation to operating recovery vehicles. One of the reasons for this uncertainty and confusion is the various classifications of vehicles used by the recovery industry; several definitions of vehicle currently included in legislation include breakdown vehicles, recovery vehicles, specialised recovery vehicles and road recovery vehicles.

The variations in definition are further complicated insofar as one might refer to the construction of a vehicle, whilst another might dwell only on how a vehicle is being used.

As a result of that uncertainty, some non-compliance has been identified within the industry, but inconsistency in enforcement has also become apparent. For these reasons, this guide attempts to introduce much more clarity on rules which, at times, can be fairly complex. It's also the case however, that some of the rules which have been in place for many years, are in need of an updated pragmatic interpretation, so efforts to apply practical solutions to persistent interpretation problems have also been included where appropriate.



Vehicle excise

What is a recovery vehicle?

The various Acts and Regulations which are applicable to the use of recovery vehicles are not always consistent in their definitions, or even the terminology used to describe such vehicles. In order to apply the correct rules, there are three main terms which need to be considered, and these are;

- ▶ **Recovery vehicle** (as defined by the Vehicles Excise and Registration Act 1994 below)
- ▶ **Specialized breakdown vehicle** (as referred to by the EU Drivers' Hours Regulations – see page 9)
- ▶ **Breakdown vehicle** (as defined by the Plating & Testing Regulations – see page 16)

According to the Vehicle Excise and Registration Act 1994, a recovery vehicle is “a vehicle which is constructed or permanently adapted primarily for any one or more of the purposes of lifting, towing and transporting a disabled vehicle”. In physical construction this means that a recovery vehicle could be anything from a heavy wrecker, to a flatbed with ramps and winch, to a transit van and tow dolly. Other Acts and Regulations mention recovery vehicles, but they all refer back to the only legal definition contained in the aforementioned Act.

In addition to its physical construction, a recovery vehicle must also be used for one of the following purposes;

- 1) Recovery of a disabled vehicle
- 2) The removal of a disabled vehicle from the place where it became disabled to premises at which it is to be repaired or scrapped.
- 3) The removal of a disabled vehicle from premises to which it was taken for repair to other premises at which it is to be repaired or scrapped.

- 4) Carrying fuel and other liquids required for its propulsion, and tools and other articles required for the operation of, or in connection with, apparatus designed to lift, tow, or transport a disabled vehicle.
- 5) At the request of a constable or a local authority empowered by, or under statute, to remove a vehicle from a road, removing such a vehicle, which need not be a disabled vehicle, to a place nominated by the constable or local authority.

When a vehicle is being used for either of the purposes specified in paragraphs 1 or 2 above, it may also carry a person who, immediately before the vehicle became disabled, was the driver of or a passenger in the vehicle. That person may also be taken from where the vehicle is to be repaired or scrapped, with their personal effects, to their original destination.

It may also carry any goods which, immediately before the vehicle became disabled, were being carried in the vehicle. Unlike the provision for passengers however, there is nothing which permits the onward transportation of goods to their original destination under the recovery definition.

The number of vehicles authorised to be carried is dictated by the Department for Transport and is currently set at two including any being carried on a spectacle lift.

For the purposes of clarifying point 1, a disabled vehicle is one which cannot reasonably be driven due to mechanical failure or dangerous components, or even incapable of use in the reasoned opinion of the recovery operator. It is not sufficient to deliberately disable a vehicle (eg disconnect the battery) to call it disabled for the purposes of defining a recovery vehicle. However, recovery of a disabled vehicle applies to roadside scenarios or vehicles situated within private premises.



Point 2 also needs some pragmatic interpretation where, because of the time or geographical location, it is impossible or impractical to immediately take a disabled vehicle to a place of repair or scrappage. In such circumstances, it would be sufficient to take a disabled vehicle to a holding premises on the basis that onward transportation to a place for repair or scrappage was imminent.

Not only is the above definition important in classifying a vehicle in order to assess the applicable vehicle excise rate, it is also referred to by the Act pertaining to goods vehicle operator licensing to give a definition of recovery vehicle in relation to operator licensing. Similarly, the definition is also used for defining the recovery vehicles under the Special Types General Order.

Reduced rate of vehicle excise

Vehicles qualifying as recovery vehicles, according to the definition detailed above, which have a gross weight of between 3.5 tonnes and 25 tonnes, benefit from an annual rate of excise which is equivalent to the basic goods vehicle rate. Vehicles in excess of 25 tonnes GVW attract an annual rate of duty equivalent to 250% of the basic goods vehicle rate.

If the vehicle being carried is not disabled or the recovery vehicle is used for a purpose other than one of those listed, it will cease to enjoy the reduced rate of duty. The full rate of duty applicable to a Goods Vehicle of that weight will then probably apply.

For more information on vehicle excise visit: www.dft.gov.uk/dvla/

Operator licensing

- ▶ Operator licensing exists to improve road safety, maintain a level playing field, and protect the environment in relation to commercially operated goods vehicles.
- ▶ Some recovery vehicle operators may be in scope of operator licensing if their operation, or part of their operation, falls outside the specific definition of recovery.
- ▶ Operator licensing is not intended to cover those recovery operations which are entirely concerned with vehicle recovery as prescribed in the legal definition.

An operator's licence is required by anyone who uses a vehicle of more than 3.5 tonnes gross vehicle weight (the maximum combined weight of vehicle and load) for carrying any kind of goods or livestock in connection with a business. The scheme is designed to ensure that operators of such vehicles maintain them to a specified minimum standard, operate with the constraints laid down by the relevant transport legislation, and abide by environmental rules.

Recovery vehicles exemption

There is no doubt that a recovery vehicle is exempt from operator licensing, however, the starting point of the Goods Vehicles (Licensing of Operators) Act 1995 is that all vehicles over 3500 kgs used for the carriage of goods are in scope of operator licensing, and vehicles which are used to transport other vehicles ('recovery' or 'breakdown') fall within that definition. It's also the case though that the Goods Vehicles (Licensing of Operators) Regulations 1995 provide numerous exemptions from operator licensing, and one of these is "a recovery vehicle". The aforementioned Act then refers to the Vehicle Excise and Registration Act for the definition of recovery.

If a vehicle's physical construction and use are not consistent with the definition of recovery as stipulated by the Vehicle Excise and

Registration Act, and it is used for transporting vehicles, the vehicle is in scope of operator licensing. It isn't enough for a vehicle to have all the physical attributes of a recovery vehicle; it must be used for the specific purposes detailed in the definition.

For example, a 'breakdown' or 'recovery' vehicle transporting a non-disabled car from one garage forecourt to another, would be classed as a haulage operation, despite what the towing vehicle might look like. Such a journey would fall within the scope of "carriage of goods for hire or reward".

Exemption for Police use

There is also an exemption from operator licensing for vehicles being used for police use. For example, a vehicle seized by the police for no insurance, could be recovered without the authority of an operator's licence. Although, if that same vehicle was subsequently moved on behalf of the owner, then the recovery operation would be back in scope.



Please note: you need an operator's licence if you transport vehicles outside the definition of recovery, even if this is only for a short period such as a few weeks or even just one day.

Dual purpose vehicle and trailer combinations

A dual purpose vehicle and any trailer drawn by it, is identified as being exempt from operator licensing under existing legislation. Therefore, where you use a 4x4 and trailer, an operator's licence will not be required.

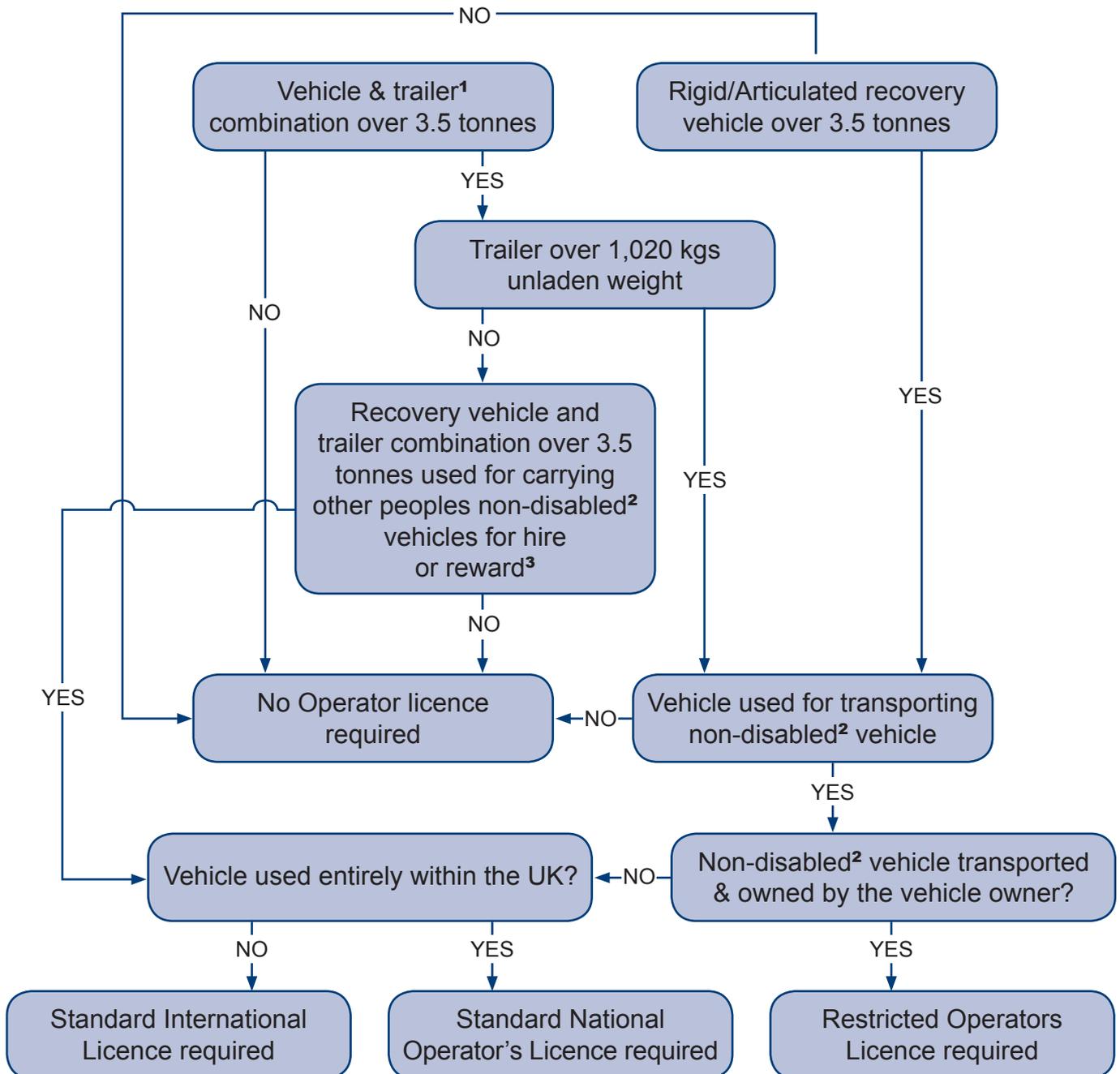
Examples of dual purpose vehicles can include 4x4 all terrain vehicles or even estate cars – vehicles which are constructed or adapted for the carriage of both goods and passengers.

Operator licensing system

The **licensing system** is run in the following way:

- ▶ Great Britain is divided into eight Traffic Areas. Northern Ireland is covered by a separate licensing system.
- ▶ The person who issues licences in each area is called the '**Traffic Commissioner**'. This is an independent person appointed by the Secretary of State for Transport.

Flow diagram for O-licensing



¹ trailer also includes a disabled or non-disabled vehicle being towed using spectacle lift, A-frame or VRS bogie or rigid towbar

² Go to section on vehicle excise for further information on when a vehicle is deemed non-disabled

³ Where the vehicle or combination is over 3.5 tonnes and is used for hire or reward (i.e. paid transport), a standard national operator's licence will be required – irrespective of the weight of the trailer.

Drivers' hours and tachographs

- ▶ The rules on EU Drivers' Hours and tachographs exist to govern the driving hours and rest periods of drivers who drive commercial goods vehicles, which can include some recovery vehicles.
- ▶ You do not have to conform to these rules if you always drive a specialised breakdown vehicle within 100 kms of your base.
- ▶ Drivers of specialized breakdown vehicles who are not in scope of EU Drivers' Hours Rules are subject to GB Domestic Rules.
- ▶ Most drivers of recovery vehicles (as defined), who enjoy exemption from EU rules, do not need to keep records of their domestic hours.

Vehicles with a maximum permitted gross vehicle weight exceeding 3.5 tonnes, or vehicle and trailer combinations with a maximum permitted gross train weight of more than 3.5 tonnes when used in connection with the carriage of goods or burden, are required to have tachographs fitted, and the drivers are required to adhere to the EU Drivers' Hours Rules. However, there are several exemptions which apply to specific types of operation.

Specialised breakdown vehicle

The EC drivers' hours rules (Regulation (EC) 561/2006) take a slightly different perspective on recovery operations. Rather than give an exemption to "recovery vehicles", Regulation 561 talks about "specialised breakdown vehicles" with a further caveat of "operating within 100 km of their base".

Whereas the definition of recovery considers the vehicle's physical construction as well as use, the drivers' hours exemption extends only as far as the type of vehicle. Therefore, as long as a vehicle's construction, fitments or other permanent characteristics were such that it would be used mainly for removing

vehicles that had recently been involved in an accident or had broken down, it could be exempt, regardless of its use.

Implications of 100 km radius

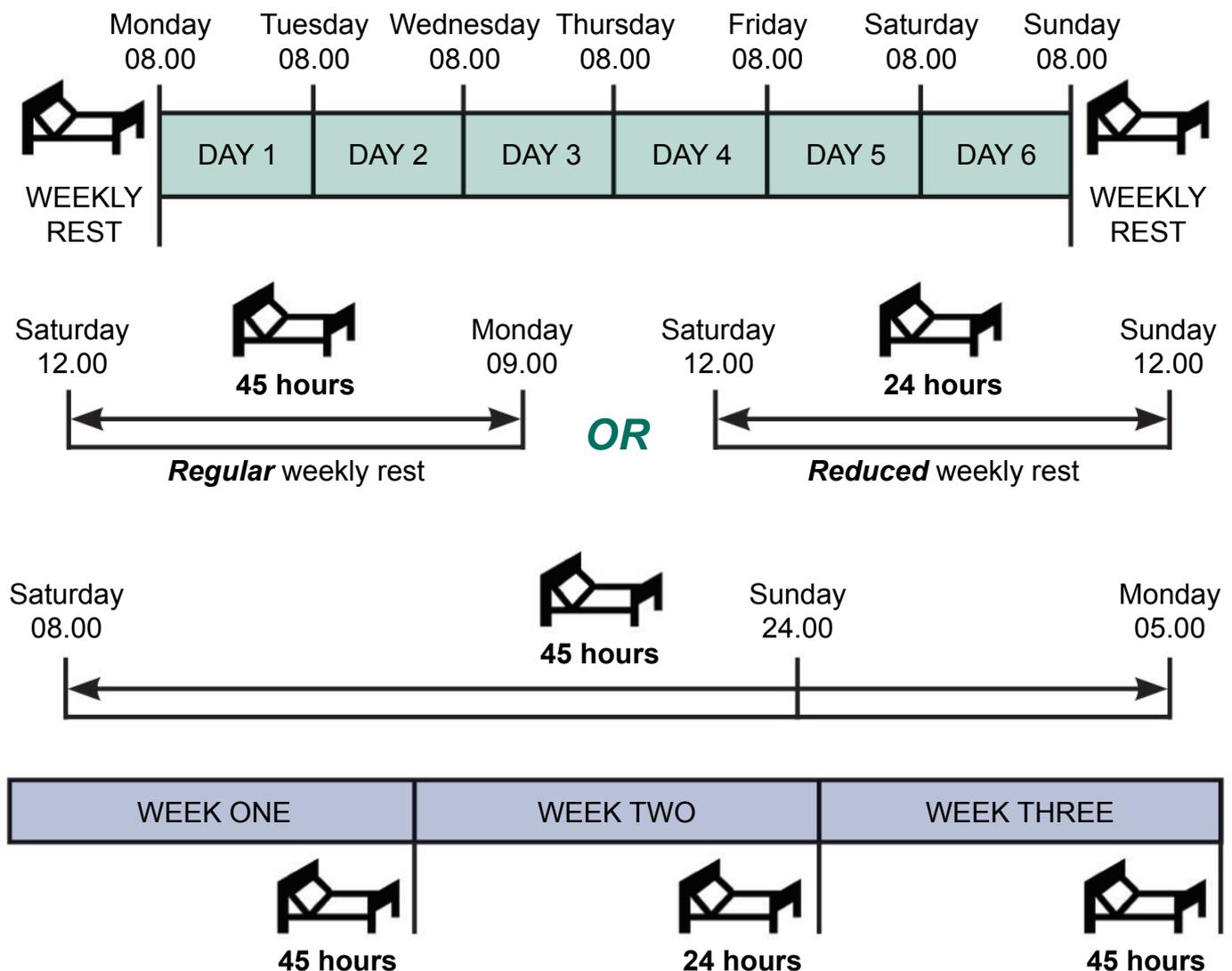
With regard to the definition of "base" in relation to the 100 km radius threshold, the distance must be measured from the place where the vehicle is normally kept.

The 100 km radius is often the cause of some difficulty where a journey exceeds that threshold. For example, a driver who is out of scope by virtue of operating within the maximum radius for most of the day, but is required to travel outside the threshold, is then deemed to be in scope. In situations like this, the driver is required to keep a tachograph record as soon as he knows the maximum radius will be exceeded. The driver is also required to manually record all work for that day, up until the point of keeping a tachograph record.

Where a person drives a vehicle which is in scope of the EU drivers' hours rules, not only do the rules apply for the whole of that day, they must also abide by the rules on weekly rest for that week. This driving done in scope of the EU rules must be recorded by a tachograph for the day in question, but if a driver reverts to domestic hours rules on subsequent days, there is no requirement to make tachograph records for those subsequent days. From a very basic perspective, the EU rules require a driver to take a weekly rest period of at least 45 hours – that is an uninterrupted period which is legally referred to as a "regular weekly rest period". There are however, various other rules which mean that a weekly rest period needn't always be at least 45 hours, and these are explained later.

Weekly rest

An example of a weekly rest pattern



The rules on weekly rest are summarised as follows;

- ▶ A driver must start a weekly rest period no later than at the end of six consecutive 24 hour periods from the end of the last weekly rest period.
- ▶ In any two consecutive 'fixed' weeks a driver must take at least two regular weekly rest periods, or one regular and one reduced rest periods.
- ▶ A regular weekly rest period is a period of at least 45 consecutive hours.
- ▶ A reduced weekly rest period is a period of at least 24 consecutive hours, but less than 45 hours.
- ▶ If a reduced rest is taken, the reduction must be compensated by an equivalent period taken in one block before the end of the third week following the week in question.
- ▶ A fixed week is the period 00:00 hours on Monday until 24:00 hours on Sunday.
- ▶ The working week is not required to be aligned with the fixed week – midweek weekly rest periods are perfectly acceptable.
- ▶ A weekly rest period which falls over two fixed weeks may be counted in either but not both.

For the full Drivers Hours and Tachograph guides and leaflets visit:

www.dft.gov.uk/vosa/publications/manualsandguides/drivershoursandtachographguides.htm

The following table summarises the current limits on drivers' hours as specified by the EU rules.

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 of 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 per 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.
Multi-manning daily rest	A 9 hour daily rest must be taken within a period of 30 hours that starts from the end of the last daily or weekly rest period. For the first hour of multi-manning, the presence of another driver is optional, but for the remaining time it is compulsory.
Ferry/train daily rest	A regular daily rest period (of at least 11 hours) may be interrupted no more than twice by other activities of not more than 1 hour's duration in total, provided that the driver is accompanying a vehicle that is travelling by ferry or train, and provided that the driver has access to a bunk or couchette.
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 6 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 period that falls in two weeks may be counted in either but not in both. Any reductions must be completed in one block by an equivalent rest period added to another rest period of at least 9 hours before the end of the third week following the week in question.

Relay operations

Many recovery vehicle operators transport broken down vehicles by relay, which is a legitimate method of removing the 100 km restriction in relation the application of EC drivers' hours and tachograph rules. For example, if a broken down vehicle is required to be transported 150 km, two vehicles could be used to complete the whole journey, and as long as both vehicles operate within 100 km from their base, both drivers are out of scope.

Tow Dollies & A Frames

Many breakdown companies now use light vans for private car recovery. As well as tools and spares, the vans also carry vehicle recovery systems (VRS) or tow dollies. When the VRS is merely being carried in the vehicle and aren't in use, there is no requirement to comply with the EU drivers hours and tachograph rules. However, when the tow dolly is being used to carry a disabled vehicle, and the vehicle is being used outside a radius of 100 km from base, a tachograph needs to be installed and used. The vehicle combination will be in excess of 3,500 kgs, so bringing it into scope with Regulation 561/2006.

The same rule also applies where A frames are used, and the total weight of the towing vehicle plus disabled vehicle are in excess of 3,500 kgs.

Domestic drivers' hours rules

Generally, any vehicle or vehicle operation which is exempt from the requirements of EU Drivers' Hours, is governed by the GB domestic drivers' hours rules. The domestic rules regarding goods vehicles are very straightforward and consist of a 10 hour daily driving limit and an 11 hour daily duty limit. Furthermore, the daily duty limit is based on accumulated time, and not 11 hours from 'clocking on'. So, by way of an example, the following shift pattern would be acceptable;

four hours work – one hour rest – four hours work – one hour rest – three hours work

Again, as recovery vehicles are deemed to be, first and foremost, goods vehicles, there is a legal requirement for all recovery vehicle drivers to be driving in scope of the domestic drivers' hours rules at the very least.

A recovery vehicle which merely tows, and does not carry any goods, would normally be classed as a locomotive, and therefore not a 'goods vehicle' as such. All other recovery industry vehicles generally remain classified as goods vehicles.

The recovery industry does not enjoy any specific blanket exemption to these rules, although for drivers who don't drive any more than four hours in a day, there is no requirement to keep records. It's also the case that drivers of vehicles which are exempt from operator licensing are not required to keep records in relation to the drivers' hour rules.

In exceptional circumstances, drivers are exempt from the domestic rules where there is a "danger to the life or health of people or animals" as described by the Transport Act 1968. So, for example, people being stranded due to severe weather, would be a situation which would qualify for this exemption. Any such departure should be recorded, with reasons for the departure clearly explained.



Roadworthiness

- ▶ Many recovery vehicles enjoy several exemptions for aspects of legislation which apply to conventional goods vehicles, but users still need to be vigilant to good vehicle maintenance.
- ▶ It's good practice to form the habit of frequent basic checks, as detailed below, before using your recovery vehicle.
- ▶ Good vehicle maintenance will ensure conformance to legal requirements and reduced burden imposed by enforcement authorities.

Even though a 'breakdown vehicle' may be exempt from the plating and testing regulations, it is not exempt from the Construction & Use Regulations. It is the users' responsibility to ensure that the vehicle is in a roadworthy condition at all times. The Road Vehicles Construction & Use regulations state:

“A motor vehicle, every trailer drawn thereby and all parts and accessories of such vehicle and trailer shall at all times be in such condition at all times be such, that no danger is caused or is likely to be caused to any person in or on the vehicle or trailer or on a road. Also no motor vehicle or trailer shall be used for any purpose for which it is so unsuitable as to cause or be likely to cause danger or nuisance to any person in or on the vehicle or trailer or on a road.”

To help ensure their vehicles remain legal, drivers should carry out a 'first use' walk around check before the vehicle is used on the road at the start of their duty. As drivers and vehicles can be swapped around during a shift, best practice would be for the driver to carry out a walk around check before he uses any vehicle for the first time. In busy periods, or when weather conditions are poor, more frequent checks may be required by the driver to ensure his vehicle is roadworthy at all times. These checks should include as a minimum

the condition of lights, tyres, checks for air and fluid leaks, mirrors and windscreen washers/wipers. A check of any recovery equipment on the vehicle and its security should also be checked.



Please see the vehicle diagram with components to be checked on page 14.

As most recovery vehicles will not be operated under the authority of an operator's licence, and therefore not required to have a formal maintenance regime, routine maintenance and safety inspections should remain a priority. As recovery vehicles can be used in arduous conditions operators should employ a system of routine vehicle safety and maintenance checks. The system will ensure that the vehicles are in a fit state to be used on the road and will be able to perform their intended duties without problems. There can be nothing worse for a recovery operator having to have their recovery vehicle recovered by another!

If the vehicle is checked at the roadside by a VOSA examiner and found not to comply with the relevant C&U regulations, the vehicle could be prohibited. The driver could also be issued with a fixed penalty, which may also result in penalty points attached to his driver licence. Additionally, the vehicle could be immobilised, which would involve paying a release fee before the vehicle could be moved. Guidance on maintenance standards is available in the Guide to Maintaining Roadworthiness, and for guidance on prohibition standards see the Categorisation of Defects. Both guides are available to download free of charge.

Drivers' walkaround check for recovery vehicles

SERVICE & SECONDARY BRAKES (FOOTBRAKE)

Regular use of your vehicle can help maintain the braking efficiency by preventing the moving parts of the braking system from seizing.

BRAKE SYSTEMS

Check for air and fluid leaks and drain air tanks if required.

SPEEDOMETER

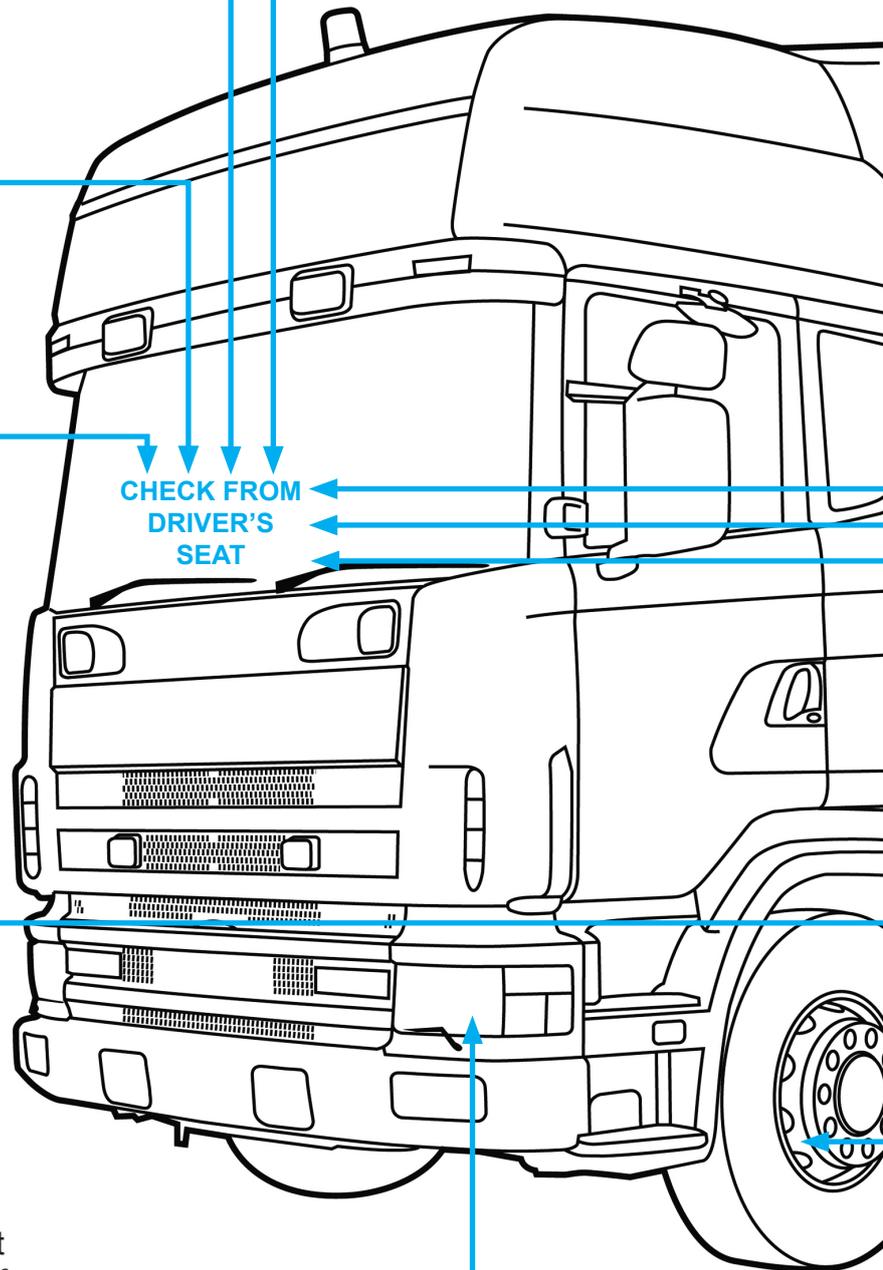
Make sure the speedometer illuminates.

FUEL SYSTEMS

Check that the fuel cap has a seal fitted and has no obvious fuel leaks. Check that no black smoke is coming from the exhaust pipe as well as the security and condition of the exhaust system.

STEERING MECHANISM

Check for obvious oil leaks and any unusual knocking noises when driving.



HEADLIGHTS, LAMPS & BEACONS

Check that they work and are the right colour. Look for faded and broken lenses.

PARKING BRAKE (HANDBRAKE)

Regular use of your vehicle can help keep the handbrake efficient. Check the condition of the parking brake (handbrake) brake application.

SPEEDLIMITER

If the vehicle has a speedlimiter installed, check it has the appropriate calibration plaque and seals.

TACHOGRAPH

If there is a tachograph installed, check to see that your use of the vehicle makes it exempt. If your vehicle is fitted with a tachograph but you only use the instrument as a speedometer, you must ensure that all the seals are intact, and that it has been calibrated and fitted with both the calibration and K factor plaques.

REFLECTORS

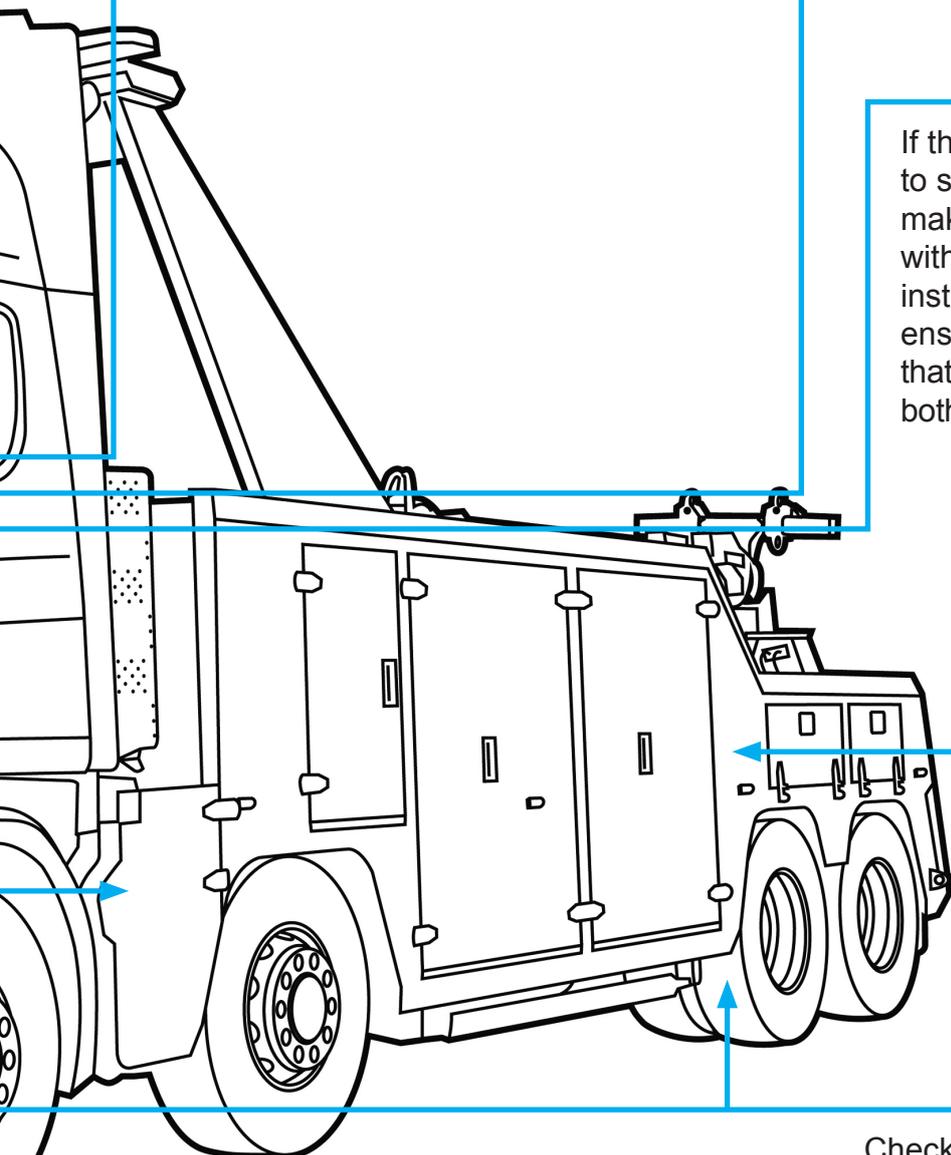
Check for obvious missing reflectors at the rear and the sides of your vehicle.

WHEELS & TYRES

Check the wheel nuts for security and ensure the tyre pressures are correct. Use your vehicle regularly and park with the wheels in alternating resting positions. Parking your vehicle out of direct sunlight can also help your tyre sidewalls from perishing. Check tyre tread depth is at least over 1mm.

SUSPENSION

Check to see if the vehicle is sitting square or lopsided. Listen for knocking sounds when the vehicle is in motion.



Plating & Testing

A goods vehicle which is over 3,500Kg Gross is exempted from the requirement to be plated and tested if it falls within the definition of a “**breakdown vehicle**”.

A breakdown vehicle must;

- ▶ have permanently mounted apparatus designed for raising one disabled vehicle partly from the ground and drawing that vehicle when so raised; and
- ▶ not be equipped to carry any load other than tools etc.

This exemption would therefore apply to a heavy recovery vehicle which would normally be subject to annual VOSA testing, but for the addition of the lifting device.



The following types of vehicle cannot be described as breakdown vehicles as defined;

- ▶ A vehicle which has a flatbed, so is therefore able to carry a vehicle.
- ▶ A vehicle capable of recovering more than one vehicle.
- ▶ A vehicle is capable of more than just suspend tow.

A vehicle which enjoys an exemption for plating & testing may be submitted for an annual roadworthiness check by VOSA.

VOSA may issue a letter certifying basic roadworthiness, but this is not a test certificate. The Certificate of Roadworthiness will be issued, subject to testing, upon request to VOSA.

A breakdown vehicle, which is exempt plating & testing, may also be a recovery vehicle and be further exempted. Whereas the exemption for a breakdown vehicle is derived only from its physical construction, a recovery vehicle is also defined by the nature of its use. For example, it's very possible that vehicle will always be a breakdown vehicle, but if the vehicle being towed was not disabled or being moved for the police, it cannot be legally referred to as a recovery vehicle.

Braking requirements

A broken down vehicle towed behind a recovery vehicle is viewed as a trailer in legal terms. Ordinarily, a trailer would need to comply with the braking requirements as stipulated by the Construction & Use Regulations. Broken down vehicles however, are exempt from the Construction & Use braking requirements. Therefore, broken down vehicles can be towed legally by recovery vehicles using spectacle lifts, A frames, or tow dollies without the need for overrun braking systems.

Where recovery vehicles are used to transport non-disabled vehicles, there is no legislative provision which permits recovery vehicles using spectacle lifts, A frames or tow dollies to operate without overrun brakes. This effectively means that all towed vehicles above 750 kgs need to comply with the Construction & Use braking requirements for trailers, which isn't in practice feasible in the majority of cases.

Vehicle weights

- ▶ Recovery vehicle operators and drivers need to be vigilant to maximum vehicle weights, as many could be overloaded on a regular basis
- ▶ Maximum permitted gross and individual axle weights need to be complied with
- ▶ The combined actual weight of towing vehicle and trailer (or disabled car) should never exceed the maximum train weight of the towing vehicle
- ▶ Heavy recovery vehicles are governed by the Special Types General Order 2003 when the total train weight of towing vehicle and casualty vehicle exceeds 44,000 kgs

The law stipulates that goods vehicles should never be loaded in excess of their maximum permitted ministry plated weights or manufacturers plated design weights. Weight limits exist to reduce damage to roads and bridges, to protect the environment, to improve road safety and to help ensure fair competition.

Manufacturers or ministry plates specify the weights which should be adhered to on every vehicle. For example, a vehicle manufacturer's plate will give you the following information about the appropriate weights pertaining to your vehicle:

Example (from VOSA Quick Guide to Towing Trailers)

Manufacturers Name..... Chassis No.....

GVW/GVM 1695
GVW/GTM 2895
AXLE 1 – 0890
AXLE 2 - 0880

In this example, the first weight (gross vehicle weight of 1695 kgs (1.695 tonnes)) is the maximum weight of the vehicle on its own

plus any load. The second weight, (gross train weight of 2895 kgs (2.895 tonnes)), is the maximum weight of the vehicle and any trailer that is attached plus any load. The third weight (890 kg (0.89 tonnes)) is the maximum for the 1st axle of the vehicle, and the final weight (880 kg (0.88 tonnes)) is the maximum weight for the rear axle.

These weights must not be exceeded on public roads. It's important to also appreciate that these weights include the driver, any passengers, loads and fuel.

Trailers may also have plates showing similar information with regard to the maximum weight they can carry, together with maximum capacity of each axle.

When towing a trailer it is perfectly acceptable for the maximum gross weight of the vehicle and trailer respectively when added together to exceed the maximum train weight of the vehicle. This is providing that the vehicle and trailer are not loaded to the extent that the vehicles maximum axle, gross and train weights are exceeded; and that the maximum axle and gross weights of the trailer are not exceeded.

It's the actual weight of the vehicle and load which is important in determining a vehicle's compliance with legal weight thresholds, not the potential carrying capacity.

For example, a towing vehicle with a maximum gross weight of 3 tonnes and a maximum train weight of 5 tonnes, could tow an unladen or partially loaded trailer with a maximum gross weight of 3.5 tonnes. However, if both the vehicle and trailer in the combination were loaded to their respective maximum gross weights, then the combination's actual train weight would be 6.5 tonnes, exceeding its maximum permitted train weight by 1.5 tonnes.

Other requirements

Load security

The principles of load security apply not only to conventional goods vehicles, but also to recovery and disabled vehicles. For example, scrap cars are particularly notorious for parts falling from them, or whole vehicles parting from the spectacle lifts, so measures to reduce this risk should always be an important consideration.

A load is deemed to be insecure if, in legislation terms, it can be said to be “likely to cause danger or nuisance to any person”, or more seriously “is such that it involves a danger of injury to any person”.

Load securing is achieved by using the load securing system. This consists of one or more of:

- ▶ The vehicle structure
- ▶ Intermediate bulkheads, chocks, wells, blocking, dunnage etc
- ▶ Lashings or similar systems

The weight of the load alone is not enough to prevent movement. Heavy loads can and do move under normal driving conditions.

When trying to determine whether or not a load is sufficiently restrained drivers should ask themselves the following questions:

- ▶ Can the load slide or topple off the side?
- ▶ Can the load slide or topple forward or back?
- ▶ Is the load unstable?
- ▶ Is load securing equipment in poor condition?
- ▶ Is there anything loose that might fall off?

If the answer to any of these questions is yes, then immediate steps should be taken to rectify the problem.

The load does not necessarily have to have already moved for it to present a likely risk of harm or nuisance as defined under the Regulations. If it has already moved however, then the securing system is obviously inadequate.

Further information on safe loading can be obtained via the following links:

www.survivegroup.org/pages/home

<http://webarchive.nationalarchives.gov.uk/+/>
<http://www.dft.gov.uk/pgr/roads/vehicles/vssafety/safetyloadsonvehicles.pdf>



Speed limiters

From 1 January 2008, all goods vehicles with a gross weight in excess of 3500 kgs require to have a speed limiter installed and working. The set speed of a limiter depends on the age of the vehicle, and the exact requirements are detailed in the following table. Road Recovery Vehicles are exempt from the requirement to be fitted with a speed limiter by STGO.

Gross Vehicle Weight	First Registered	Set Speed
All vehicles over 3500 kgs	From 1 Jan 2005	90 kph
Vehicles between 3501 kgs & 7500 kgs	From 1 Oct 2001 & 31 Dec 2004	90 kph
Vehicles Between 7501 kgs & 12000 kgs (with Euro 3 diesel or gas engine)	Between 1 Aug 1992 & 30 Sept 2001	90 kph
All vehicles between 7501 kgs & 12000 kgs	Between 1 Oct 2001 & 31 Dec 2004	90 kph
All vehicles over 12000 kgs	From 1 Jan 1998	90 kph

National speed limits

Type of vehicle	Built-up areas *	Single carriage-ways	Dual carriage-ways	Motorways
	mph (km/h)	mph (km/h)	mph (km/h)	mph (km/h)
Vehicle with a trailer or towing a broken down vehicle up to 7.5 tonnes train weight	30 (48)	50 (80)	60 (96)	60 (96)
Recovery vehicle without a trailer up to 7.5 tonnes train weight	30 (48)	50 (80)	60 (96)	70 (112)
Recovery vehicle with or without a trailer exceeding 7.5 tonnes train weight	30 (48)	40 (64)	50 (80)	60 (96)
Road Recovery Vehicles being used under STGO regulations	30 (48)	30 (48)	30 (48)	40 (64)

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

Seat belts

Drivers and passengers of recovery vehicles need to adhere to the following requirements in relation to seat belts;

Minimum requirements for forward facing seats

Belts in vehicle first used:	before 1/4/1967	1/4/1967 to 31/3/1980	1/4/1980 to 31/3/1981	1/4/1981 to 31/3/1987	1/4/1987 to 30/9/2001	from 1/10/2001
Driver	A	B	C	D	D	F
Front passenger (furthest from the driver)	A	B	C	D	D	G
Other front passengers	A	A	A	A	E	H
Rear passengers	A	A	A	A	A	A

Key:

A - No belt required

B - In vehicles with unladen weight not exceeding 1525kg - 2 point belt (diagonal body restraining)

In vehicles with unladen weight exceeding 1525kg - no belt required

C - In vehicles with a maximum gross weight not exceeding 3500kg - 2 point belt (diagonal body restraining)

In vehicles with a maximum gross weight exceeding 3500kg - no belt required

D - In vehicles with a maximum gross weight not exceeding 3500kg - 3 point belt (lap and diagonal)

In vehicles with a maximum gross weight exceeding 3500kg - no belt required

E - In vehicles with a maximum gross weight not exceeding 3500kg - 3 point belt, lap belt or disabled person's belt

In vehicles with a maximum gross weight exceeding 3500kg - no belt required

F - In vehicles with a maximum gross weight not exceeding 3500kg – 3 point belt (lap and diagonal)

In vehicles with a maximum gross weight exceeding 3500kg – 3 point belt (lap and diagonal) or lap belt

G - In vehicles with a maximum gross weight not exceeding 3500kg - 3 point belt (lap and diagonal)

In vehicles with a maximum gross weight exceeding 3500kg – 3 point belt (lap and diagonal), lap belt or disabled person's belt

H - 3 point belt (lap and diagonal), lap belt or disabled person's belt

- ▶ all goods vehicles over 3.5 tonnes and first used on or after 1 October 1988 need to have seat belts fitted and used in respect of all forward facing seats.
- ▶ all private cars and 4 x 4 type vehicles, first used on or after 1 April 1982, must have seat belts fitted and used in respect of all forward facing seats

Requirements for seat belts to be worn by children

A driver commits an offence if he fails to ensure that any child under 14 years of age wears the appropriate seat belt or child restraint when regulations so require.

- ▶ A Child is any person under 14 years of age
- ▶ A Small Child is any person under 12 years of age and less than 150cm in height

Vehicle Type			
No more than 3,500kgs		Over 3,500kgs	
Front	Rear	Front	Rear
A	C	A	D
B	E	B	
G	F		
	H		
	I		
	J		
	K		

Key:

- A** - A child must wear a suitable child restraint or if one is not available an adult belt if fitted
- B** - A small child may not be carried in the front of a vehicle where no child restraint or adult belt is fitted
- C** - A large child must wear a suitable child restraint or an adult belt
- D** - A small child must wear a suitable child restraint or an adult belt

- E** - A small child must wear a suitable child restraint
- F** - A small child, aged 3 years or more may wear an adult belt if a suitable child restraint is not available in the front or rear
- G** - A small child, aged 3 years or more may wear an adult belt in the front, but only if a suitable child restraint is not available in the front or rear
- H** - A child under 1 year of age may be carried in a cot restrained by straps
- I** - If no belt is available, a small child must move to a front seat if an unoccupied seat fitted with a belt is available
- J** - A small child, aged 3 years or more when no adult belt or restraint is available in the rear must be moved to any seat fitted with a belt in the front. The child takes precedence over an adult who would otherwise occupy the seat
- K** - A small child, under 3 years of age may not be carried unrestrained

Appropriate seat belts:

- ▶ For a person 14 years of age or more: an adult belt
- ▶ For a child 3 years of age or more: a child restraint of the type prescribed, or an adult belt
- ▶ For a child under 3 years of age: a child restraint of the type prescribed



Please Note: if there is a seat belt fitted it must be used

Carrying Passengers in Towed Vehicles

Passengers are allowed to be carried in a broken down vehicle where the maximum speed is up to 30mph.

Driver licensing

You need to ensure that you have the correct licence for the size and type of vehicle you are using, and how it is being used.

The driver of a vehicle with a gross vehicle weight of up to 3.5 tonnes requires only a category B licence. (ordinary private car licence)

Vehicles between 3.5 tonnes and 7.5 tonnes can be driven by holders of C1 category licences. Drivers covered by this category are permitted to tow trailers of up to a maximum gross weight of 750kg.

Drivers who passed their driving test for a category B licence after 1 January 1997 stopped receiving automatic entitlement to drive category C1 and C1+E vehicles.

With the exception of those drivers with category C1 entitlement, all drivers of goods vehicles with a maximum gross weight of more than 3.5 tonnes require a category C licence.

LGV vocational licences are not required by drivers of vehicles which conform to all of the following criteria;

- ▶ designed for raising a disabled vehicle partly from the ground and drawing it when raised (whether by partial suspension or otherwise)
- ▶ used solely for dealing with disabled vehicles
- ▶ an unladen weight not in excess of 3.05 tonnes
- ▶ not used to carry any load other than a disabled vehicle, water, fuel, etc

In cases where these criteria are not met, normal rules for the application of vocational licensing apply. For example, a recovery vehicle

with a GVW of 17,000 kg towing any broken down vehicle over 750 kg GVW, would need to be driven by a driver with full C + E entitlement.

For more in-depth guidance on driver licensing please refer to the DVLA website via the following link:

www.direct.gov.uk/en/Motoring/Drivingforaliving/Drivinglorriesbusesandcoaches/DG_4022548

Driver CPC

The rules on Driver CPC for recovery vehicles are consistent with those on driver licensing, so Driver CPC is applicable to those drivers who are in scope of LGV licensing, and that includes drivers involved in vehicle recovery.

Drivers of recovery vehicles who gained their vocational LGV licence before 10 September 2009 have 'acquired rights' that last for five years. By September 2014 however, those Drivers will need to have obtained a Driver CPC, and this can be achieved by completing 35 hours periodic training.

On completion of the required training, drivers will be sent a Driver Qualification Card (DQC) to prove they are the holder of the Driver CPC. This DQC will need to be carried at all times whilst driving professionally.

Find out more about Driver CPC, visit: www.gov.uk/driver-certificate-of-professional-competence-cpc

Carrying Passengers in Towed Vehicles

Passengers are allowed to be carried in a broken down vehicle where the maximum speed is up to 30mph.

Warning Beacons

When a recovery vehicle is used on a road, the warning beacon should be kept lit while it is being used in connection with, and in the immediate vicinity of, an accident or breakdown, or while it is being used to draw a broken-down vehicle.

However the warning beacon should be switched off if there is no reasonable prospect of the presence of the recovery vehicle causing a hazard to persons using the road or it is likely that the use of the beacon could confuse or mislead other road users.

Trailer Boards

The Road Vehicle Lighting Regulations state that every lamp and reflector fitted to a motor

vehicle must be kept in a good working order and clean whilst in use on a road. However the regulations give a specific exemption to broken down vehicles whilst being towed;

- a) Between sunrise and sunset no obligatory lamps need to be kept working.
- b) Between sunset and sunrise the regulations only require that the rear position lamps and reflectors are in good working order.

However, best practice would suggest that a fully functioning trailer board is used at the rear of the recovered vehicle so as to prevent a danger to other road users. Failure to prevent a danger to other road users could lead to prosecution for using a vehicle in a dangerous condition.





Enforcement

VOSA has the power to prohibit vehicles from further use where serious mechanical defects, overloading and drivers' hours offences are detected.

As a last resort, VOSA may even consider impounding a vehicle where an operator has failed to run that vehicle without the authority of an operator's licence. Impounding action however, is likely only to occur where an operator has failed to apply for a licence even after being prosecuted for the offence.

On 1 April 2009 the graduated fixed penalty, deposits and immobilisation scheme (GFP/DS) was launched. The Road Safety Act 2006 introduced powers to enable both police constables and VOSA examiners to;

- ▶ Issue fixed penalties in respect of both non-endorsable and endorsable offences
- ▶ Request immediate financial deposits from non-UK resident offenders

(equivalent to an on-the-spot fine), either in respect of a fixed penalty or as a form of security in respect of an offence which is to be prosecuted in court

- ▶ Immobilise vehicles in any case where a driver or vehicle has been prohibited from continuing a journey, or in any case where a driver declines to pay the requested deposit. There are various offences covered by the scheme which are all driver related. The scheme includes offences such as failing to have a tachograph installed, failing to produce a driver CPC and failure to comply with the Construction and Use Regulations.



VOSA may however prosecute vehicle operators and drivers for some offences for which the penalties can be a fine up to £5000 and/or two years imprisonment.

Visit our websites:

for commercial customers and private motorists
www.gov.uk

for corporate information
www.dft.gov.uk/vosa

Contact us:

E-mail
enquiries@vosa.gov.uk

National Number
0300 123 9000*

Monday to Friday - 7.30am until 6.00pm
(normal working hours)