

more understanding*

St John Ambulance

“What the HSE Guidelines means to you”

David Faithful

Partner Clarke Willmott Solicitors

*clarke
willmott

Current Fleet Legal Issues

- **The concept of Corporate Responsibility**
- **HSE Guidance**
- **Working Time**
 - *The working Time (Amendment) Regulations 2003*
 - **The `mobile worker` defined**
 - **The Road Transport Directive from 03/03/05**

Corporate Responsibility

- **Historical context:**
 - *Disaster retribution*
 - *Government consultation*
- **Corporate Manslaughter:**
 - *The Guilty Mind Test*
- **The Corporate Manslaughter Bill:**
 - *Legislation in 2005?*
 - *Removal of the Guilty Mind test*
 - *Who will be prosecuted, individual or organisation*

Corporate Responsibility

■ Impact in motor accidents:

- *Bowles Transport*
- *M J Graves International*
- *Paul Browning*
- *The Police view on Mobile Phones*
- *Lessons from Hatfield (the maintenance ripple effect)*

HSE Guidance

- The main points of the Guidance:
 - *Assess the competency of drivers.*
 - *Evaluate at-work driver training requirements and ensure drivers know how to carry out basic maintenance checks.*
 - *Ensure employees are fit and healthy to drive.*
 - *Ensure that vehicles – both company cars and privately-owned cars used on business trips – are fit for the purpose.*

HSE Guidance

- *Ensure vehicles are maintained in a safe and fit condition with safety equipment properly fitted and maintained and that drivers have access to information that will help them reduce risks.*
- *Ensure car and van ergonomics are considered in compiling vehicle choice lists.*
- *Ensure journeys are thoroughly planned, work schedules are realistic and that enough time is built into business trips.*
- *Ensure that staff are not put at risk from fatigue caused by driving excessive distances without appropriate breaks and that sufficient consideration is given to adverse weather conditions when planning journeys.*

HSE Guidance

- Implications for Leasing Companies and organisations carrying out servicing repair or maintenance.
 - *The Mainline decision*
 - *Curran v Land Rover and Excel*
 - *Qualified service personnel*
 - *Following manufacturers guidelines*
 - *The block exemption from 01/10/03*
 - *Audit trails*

Questions?

*clarke
willmott

Thank You For Your Attention

dfaitful@clarkewillmott.com

T: 0121 236 0076

F: 0121 200 1041

*clarke
willmott