



ShD Magazine

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It's the law...

Jeremy Clarke, (*right*), principal solicitor at LLC Law, discusses the main rules and regulations making an impact on the logistics and materials handling industry and how these will affect businesses.

Are there any new rules and regulations that have come into force that logistics companies need to be aware of? Or are there any new regulations due to come into force in the next year?

New Immigration, Asylum and Nationality Act 2006:

- Employers could be liable for on the spot fines of up to £10,000 for every illegal worker in their employ;
- New criminal offence of employing a person while knowing that that they are not legally entitled to work in the UK (this offence carries a maximum penalty of two years' imprisonment);
- New measures are indicative of the government's tougher stance on illegal workers.

EU Drivers Hours Rules – Regulation 561/2006:

- Current European legislation which was in force for more than 20 years replaced on 11 April 2007;
- Key changes to provisions on driving breaks, daily rest rules, split daily rest and weekly rest periods.

EU Road Safety Act 2006:

- Introduced tougher penalties for motorists using handheld mobile phones;
- Offenders face fines of £60 and three points on their licence;
- Employers could be found liable if they require employees to use mobiles whilst driving, or even fail to expressly forbid the use of mobile phones while driving.

Drivers CPC Directive:

- Lorry, bus and coach drivers who drive professionally will have to hold a certificate of professional competence (CPC) as well as a driving licence;
- Legislation comes into force in September 2008 for PCV drivers and in September 2009 for LGV drivers;

- Aim of the legislation is to increase the skills and knowledge of drivers and thereby improve safety, raise perception of drivers as professionals, and environmental gains by way of less fuel consumption and/or wear and tear.



What could be the impact of these new rules?

See above. Obviously, when ensuring compliance with any new legislation, there are always costs involved and administrative burdens associated. Moreover, the introduction of the majority of the legislation mentioned above should improve safety.

Do you think that businesses are aware of rules and regulations that they need to adhere to, and if not, what could be the impact of such a lack of awareness?

Yes – for the most part – especially industry specific.

Businesses have to remember other important legislation – particularly with changes to Companies Act and recent developments in Employment law – maternity rights, flexible working, increased number of discrimination cases and increases in national minimum wage and statutory minimum holiday entitlements.

What would you say is the most important new legislation that companies should be taking note of? Why?

EU Drivers Hours Rules – fundamental to their industry.

Companies Act 2006, such as the new codified directors' duties which came into force in October this year.

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