

FTA Consultancy Report

For Heathrow Airport

Operation of Vehicles at Heathrow

August 2009

FTA CONSULTANCY REPORT FOR HEATHROW AIRPORT LTD – OPERATION OF VEHICLES AT HEATHROW AIRPORT

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1. INTRODUCTION

This guide has been produced following concerns over the legal status of the roads around the Heathrow Airport site and the implications this may have on how vehicles are operated.

The roads have been categorised as follows: -

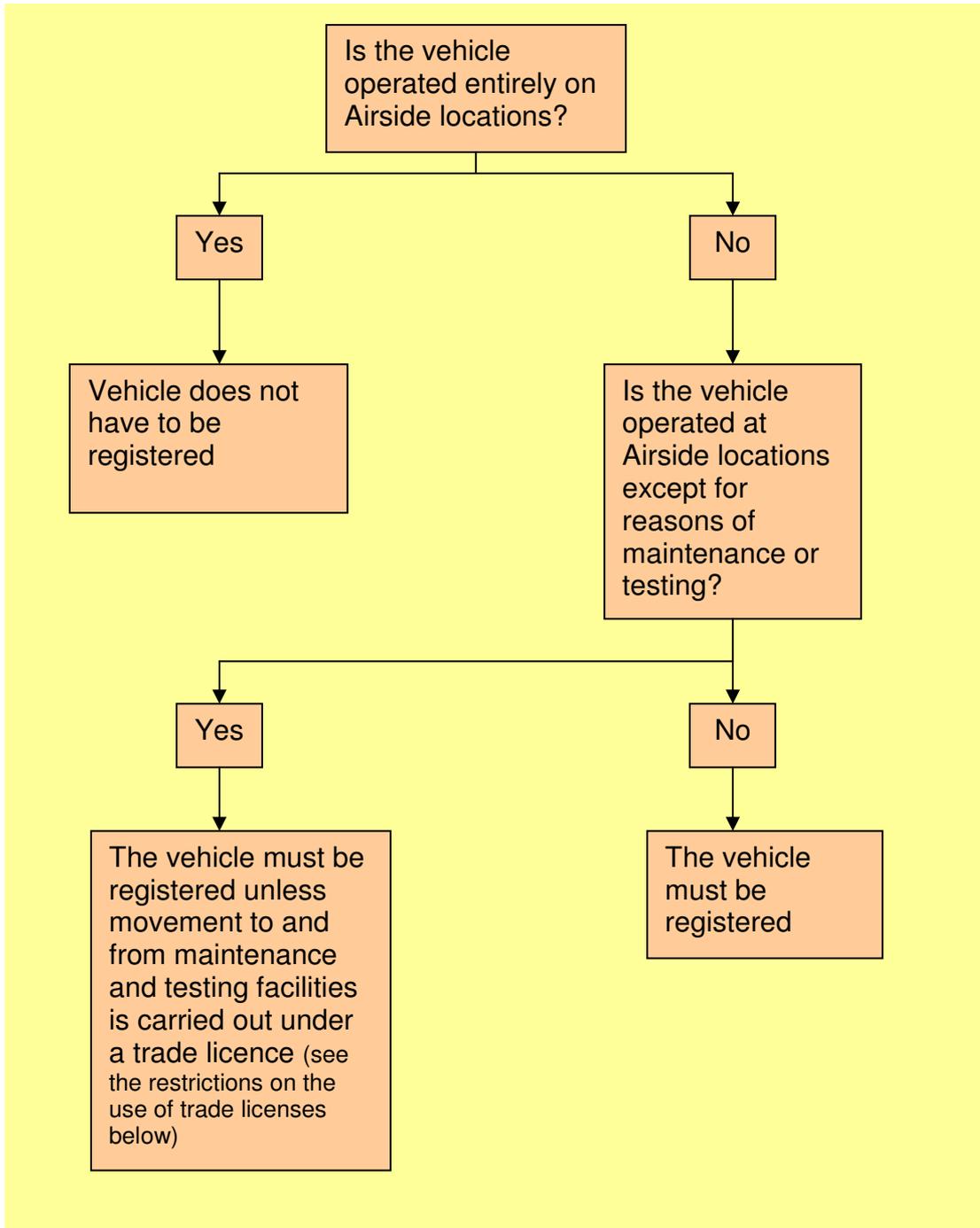
- Airside – roads to which there is no general public access and which are protected by security measures.
- BAA owned and maintained – roads owned and maintained entirely at the expense of BAA but to which the public have easy unrestricted access.
- Public – roads maintained at the public expense upon which there are no access restrictions.

The guide is written for the lay-person using as little reference to legislation as possible in order to avoid confusion and difficulties with interpretation.

The guide consists of a separate section for each process having an easy to follow flow chart backed up by copies of any relevant legislation, exemption tables and other information required in order to arrive at the correct solution for each individual case being considered.

This report is intended to support but does not supersede any BAA Operational Safety Instructions or Airport Bye-laws.

2. REGISTRATION OF VEHICLES



**PURPOSES FOR WHICH THE HOLDER OF A TRADE LICENCE MAY
USE A VEHICLE BY VIRTUE OF THE LICENCE**

General

Interpretation

Where a vehicle is so constructed that a semi-trailer may by partial superimposition be attached to it in such a manner as to cause a substantial part of the weight of the semi-trailer to be borne by the vehicle, the vehicle and the semi-trailer shall be taken, for the purposes of this Part of this Schedule to constitute a single vehicle.

The purposes prescribed by this Part of this Schedule as purposes for which the holder of a trade licence may use a vehicle on a public road by virtue of that licence: -

(a) do not include the carrying of any person on the vehicle or any trailer drawn by it except a person carried in connection with such purposes; and

(b) are without prejudice to the provisions of subsections (4) to (6) of section 11 of the 1994 Act which specify the classes of vehicle which a trade licence is for, in the relation respectively to a motor trader who is a manufacturer of vehicles, any other motor trader and a vehicle tester.

Motor traders

**Purposes for which a motor trader may use a vehicle by virtue of a
trade licence**

The purposes for which the holder of a trade licence who is a motor trader may use a vehicle (other than a vehicle to which paragraph 14 applies) on a public road by virtue of that licence are purposes which meet each of the following requirements: -

(a) they are business purposes;

(b) they are paragraph 12 purposes; and

(c) they are purposes that do not include the conveyance of goods or burden of any description except specified loads.

Business purposes

A vehicle is used for 'business purposes' if it is used for purposes connected with the motor trader's business: -

- (a) as a manufacturer or repairer of or dealer in vehicles,
- (b) as a manufacturer or repairer of or dealer in trailers carried on in conjunction with his business as a motor trader,
- (c) of modifying vehicles (whether by the fitting of accessories or otherwise); or
- (d) of valeting vehicles.

Prescribed Uses

A vehicle is used for 'paragraph 12 purposes' if it is used for any of the following purposes: -

- (a) for its test or trial or the test or trial of its accessories or equipment, in either case in the ordinary course of construction, modification or repair or after completion;
- (b) for proceeding to or from a public weighbridge for ascertaining its weight or to or from any place for its registration or inspection by a person acting on behalf of the Secretary of State;
- (c) for its test or trial for the benefit of a prospective purchaser, for proceeding at the instance of a prospective purchaser to any place for the purpose of such test or trial, or for returning after such test or trial;
- (d) for its test or trial for the benefit of a person interested in promoting publicity in regard to it, for proceeding at the instance of such a person to any place for the purpose of such test or trial, or for returning after such test or trial;
- (e) for delivering it to the place where the purchaser intends to keep it;
- (f) for demonstrating its operation or the operation of its accessories or equipment when it is being handed over to the purchaser;
- (g) for delivering it from one part of the licence holder's premises to another part of his premises, or for delivering it from his premises to premises of, or between parts of premises of, another manufacturer or repairer of or dealer in vehicles or removing it from the premises of another manufacturer or repairer of or dealer in vehicles direct to his own premises;

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(h) for proceeding to or returning from a workshop in which a body or a special type of equipment or accessory is to be or has been fitted to it or in which it is to be or has been painted, valeted or repaired;

(i) for proceeding from the premises of a manufacturer or repairer of or dealer in vehicles to a place from which it is to be transported by train, ship or aircraft or for proceeding to the premises of such a manufacturer, repairer or dealer from a place to which it has been so transported;

(j) for proceeding to or returning from any garage, auction room or other place at which vehicles are usually stored or usually or periodically offered for sale and at which it is to be or has been stored or is to be or has been offered for sale as the case may be;

(k) for proceeding to or returning from a place where it is to be or has been inspected or tested; or

(l) for proceeding to a place where it is to be broken up or otherwise dismantled.

Specified loads

(1) A specified load is one of the following kinds of load: -

(a) a test load;

(b) in the case of a vehicle which is being delivered or collected and is being used for a purpose falling within paragraph 12(f) to (k), a load which consists of another vehicle used or to be used for travel from or to the place of delivery or collection;

(c) a load which is built in as part of the vehicle or permanently attached to it;

(d) in the case of a vehicle which is being used for a purpose falling within paragraph 12(h), (i) or (j), a load which consists of a trailer or of parts, accessories or equipment designed to be fitted to the vehicle and of tools for fitting them.

(2) In paragraph (1) a 'test load' means a load which: -

(a) is carried by a vehicle being used for a purpose falling within paragraph 12(b), (d), (e) or (g);

(b) is carried solely for the purpose of testing or demonstrating the vehicle or any of its accessories or equipment; and

(c) is returned to the place of loading without its having been removed from the vehicle except :-

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- (i) for the purpose of testing or demonstrating the vehicle or any of its accessories or equipment,
- (ii) in the case of accident, or
- (iii) where the load consists of water, fertiliser or refuse.

Vehicle testers

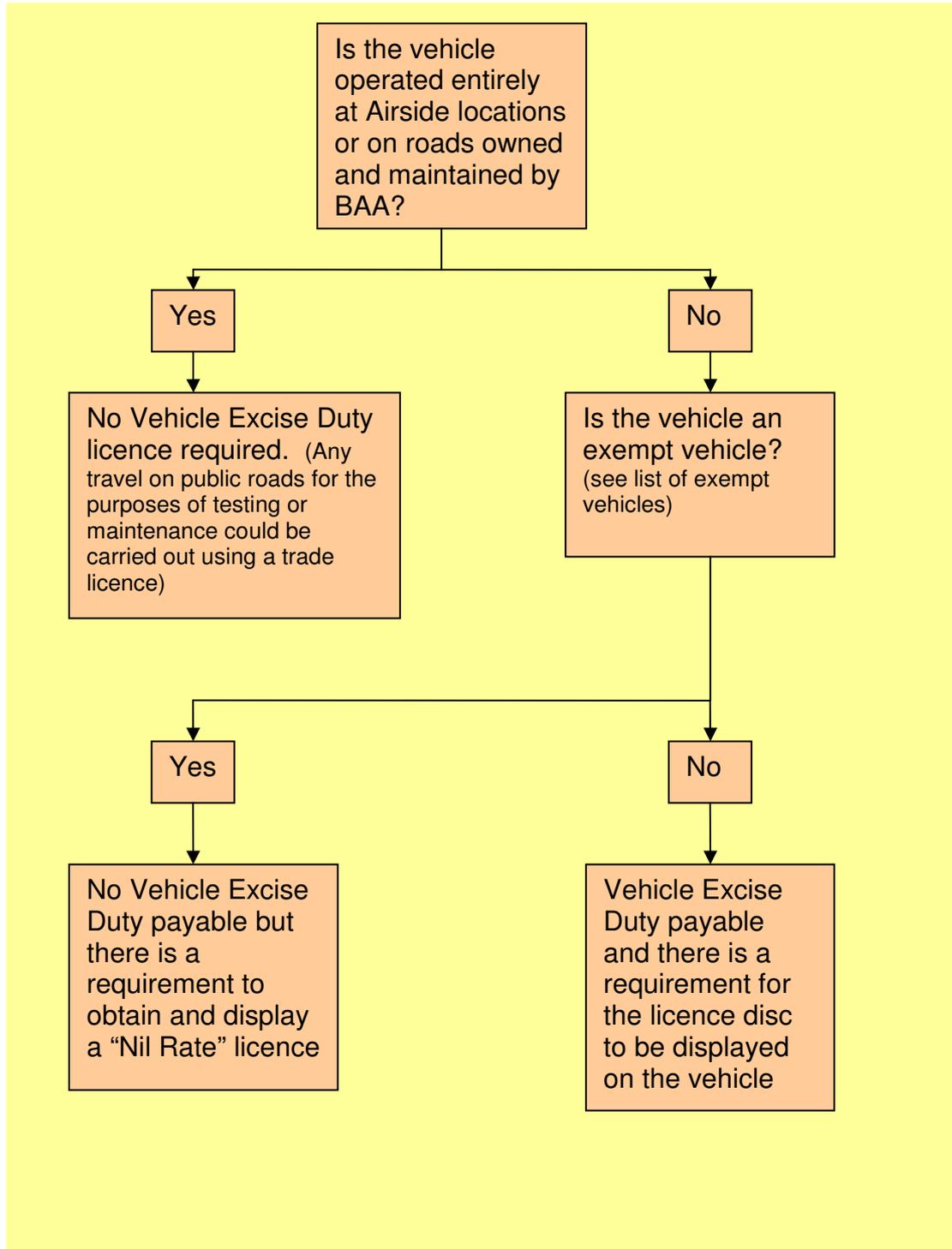
Purposes for which a vehicle tester may use a vehicle by virtue of a trade licence

(1) Subject to sub-paragraph (2) the purposes for which the holder of a trade licence who is a vehicle tester may use a vehicle on a public road by virtue of that licence are the purposes of testing it or any trailer drawn by it or any of the accessories or equipment on the vehicle or trailer in the course of the business of the holder of the trade licence as a vehicle tester.

(2) The purposes prescribed by sub-paragraph (1) do not include the conveyance of goods or any other burden of any description on the vehicle except: -

- (a) a load which is carried solely for the purpose of testing or demonstrating the vehicle or any of its accessories or equipment and is returned to the place of loading without having been removed from the vehicle except for that purpose or in the case of accident, or
- (b) a load which is built in as part of the vehicle or permanently attached to it.

3. VEHICLE EXCISE DUTY (VED)



List of Exempt Vehicles

The following is an abbreviated list as applicable to BAA. For detailed information regarding any particular category of exempt vehicle please see Schedule 2 (of the Vehicle Excise and Registration act 1994) below.

1 Old vehicles constructed before 1st January 1973

Except for vehicles in commercial use for hire and reward purposes.

2 Electrically assisted pedal cycles

3 Vehicles not for carriage

A vehicle which is not constructed or adapted for use, or used, for the carriage of a driver or passenger is an exempt vehicle.

4 Police vehicles

A vehicle is an exempt vehicle when it is being used for police purposes.

5 Fire engines

This would include fire appliances operated by BAA at Airports by virtue of BAA providing a service that would otherwise have been provided by the local Fire & Rescue Authority.

6 Ambulances

7 Tractors

When used for: -

(a) cutting verges bordering public roads;

(b) cutting hedges or trees bordering public roads or bordering verges which border public roads.

8 Mowing machines

9 Electrically propelled vehicles

10 Snow ploughs

11 Gritters

SCHEDULE 2 - EXEMPT VEHICLES

1A Old vehicles

- (1) Subject to sub-paragraph (2), a vehicle is an exempt vehicle at any time if it was constructed before 1st January 1973.
- (2) A vehicle is not an exempt vehicle by virtue of sub-paragraph (1) if: -
- (a) an annual rate is specified in respect of it by any provision of Part III, V, VI, VII or VIII of Schedule 1; or
 - (b) it is a special vehicle, within the meaning of Part IV of Schedule 1, which: -
 - (i) falls within sub-paragraph (3) or (4); and
 - (ii) is not a digging machine, mobile crane, mobile pumping vehicle, works truck or road roller.
- (3) A vehicle falls within this sub-paragraph if: -
- (a) it is designed or adapted for use for the conveyance of goods or burden of any description;
 - (b) it is put to a commercial use on a public road; and
 - (c) that use is not a use for the conveyance of goods or burden of any description.
- (4) A vehicle falls within this sub-paragraph if: -
- (a) it is designed or adapted for use with a semi-trailer attached;
 - (b) it is put to a commercial use on a public road; and
 - (c) in a case where that use is a use with a semi-trailer attached, the semi-trailer is not used for the conveyance of goods or burden of any description.
- (5) In sub-paragraph (2) 'digging machine', 'mobile crane', 'mobile pumping vehicle', and 'works truck' have the same meanings as in paragraph 4 of Schedule 1.
- (6) In sub-paragraphs (3) and (4) 'commercial use' means use for hire or reward or for or in connection with a trade or business.

2A Electrically assisted pedal cycles

- (1) An electrically assisted pedal cycle is an exempt vehicle.
- (2) For the purposes of sub-paragraph (1) an electrically assisted pedal cycle is a vehicle of a class complying with such requirements as may be prescribed by regulations made by the Secretary of State for the purposes of this paragraph.

3 Vehicles not for carriage

A vehicle which is not constructed or adapted for use, or used, for the carriage of a driver or passenger is an exempt vehicle.

3A Police vehicles

A vehicle is an exempt vehicle when it is being used for police purposes.

4 Fire engines etc.

- (1) A fire engine is an exempt vehicle.
- (2) In sub-paragraph (1) 'fire engine' means a vehicle which: -
 - (a) is constructed or adapted for use for the purpose of fire fighting or salvage (or both), and
 - (b) is used solely for purposes in relation to which a fire and rescue authority under the Fire and Rescue Services Act 2004 has functions (whoever uses it for those purposes). Fire and Rescue Services Act 2004 - 01/10/2004

5 A vehicle which is kept by a fire and rescue authority is an exempt vehicle when it is being used or kept on a road for the purposes of the authority's functions. Fire and Rescue Services Act 2004 - 01/10/2004

6 Ambulances and health service vehicles

- (1) An ambulance is an exempt vehicle.
- (2) In sub-paragraph (1) 'ambulance' means a vehicle which: -
 - (a) is constructed or adapted for, and used for no purpose other than, the carriage of sick, injured or disabled people to or from welfare centres or places where medical or dental treatment is given, and
 - (b) is readily identifiable as a vehicle used for the carriage of such people by being marked 'Ambulance' on both sides.

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7 A vehicle is an exempt vehicle when it is being used or kept on a road by:

(a) a health service body (as defined in section 60(7) of the National Health Service and Community Care Act 1990) or a health and social services body (as defined in Article 7(6) of the Health and Personal Social Services (Northern Ireland) Order 1991), or

(b) a National Health Service trust established under Part I of the National Health Service and Community Care Act 1990 or the National Health Service (Scotland) Act 1978 or a Health and Social Services Trust established under the Health and Personal Social Services (Northern Ireland) Order 1991, or

(c) the Commission for Health Improvement, or

(d) a Primary Care Trust established under section 16A of the National Health Service Act 1977.

8 A vehicle which is made available by the Secretary of State: -

(a) to a person, body or local authority under section 23 or 26 of the National Health Service Act 1977, or

(b) to a local authority, education authority or voluntary organisation in Scotland under section 15 or 16 of the National Health Service (Scotland) Act 1978,

and which is used in accordance with the terms on which it is so made available is an exempt vehicle.

9 (1) A veterinary ambulance is an exempt vehicle.

(2) In sub-paragraph (1) 'veterinary ambulance' means a vehicle which: -

(a) is used for no purpose other than the carriage of sick or injured animals to or from places where veterinary treatment is given, and

(b) is readily identifiable as a vehicle used for the carriage of such animals by being marked 'Veterinary Ambulance' on both sides.

10 Mine rescue vehicles etc.

A vehicle used solely: -

(a) as a mine rescue vehicle, or

(b) for the purpose of conveying or drawing emergency winding-gear at a mine,

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is an exempt vehicle.

18 Vehicles for disabled people

A vehicle (including a cycle with an attachment for propulsion by mechanical power) which: -

(a) is adapted, and used or kept on a road, for an invalid, and

(b) does not exceed 508 kilograms in weight unladen,

is an exempt vehicle.

19 (1) A vehicle is an exempt vehicle when it is being used, or kept for use, by or for the purposes of a disabled person who satisfies sub-paragraph (2) if: -

(a) the vehicle is registered under this Act in the name of the disabled person, and

(b) no other vehicle registered in his name under this Act is an exempt vehicle under this paragraph or paragraph 7 of Schedule 4.

(2) A disabled person satisfies this sub-paragraph if: -

(a) he is in receipt of a disability living allowance by virtue of entitlement to the mobility component at the higher rate,

(b) he is in receipt of a mobility supplement, or

(c) he has obtained, or is eligible for, a grant under: -

(i) paragraph 2 of Schedule 2 to the National Health Service Act 1977,

(ii) section 46(3) of the National Health Service (Scotland) Act 1978, or

(iii) Article 30(3) of the Health and Personal Social Services (Northern Ireland) Order 1972,

in relation to the vehicle.

(2A) This paragraph shall have effect as if a person were in receipt of a disability living allowance by virtue of entitlement to the mobility component at the higher rate in any case where: -

(a) he has ceased to be in receipt of it as a result of having ceased to satisfy a condition of receiving the allowance or of receiving the mobility component at that rate;

(b) that condition is either: -

(i) a condition relating to circumstances in which he is undergoing medical or other treatment as an in-patient in a hospital or similar institution; or

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- (ii) a condition specified in regulations made by the Secretary of State; and
 - (c) he would continue to be entitled to receive the mobility component of the allowance at the higher rate but for his failure to satisfy that condition.
- (3) For the purposes of sub-paragraph (1) a vehicle is deemed to be registered under this Act in the name of a person in receipt of a disability living allowance by virtue of entitlement to the mobility component at the higher rate, or of a mobility supplement, if it is so registered in the name of: -
 - (a) an appointee, or
 - (b) a person nominated for the purposes of this paragraph by the person or an appointee.
- (4) In sub-paragraph (3) 'appointee' means: -
 - (a) a person appointed pursuant to regulations made under (or having effect as if made under) the Social Security Administration Act 1992 or the Social Security Administration (Northern Ireland) Act 1992 to exercise any of the rights and powers of a person in receipt of a disability living allowance, or
 - (b) a person to whom a mobility supplement is paid for application for the benefit of another person in receipt of the supplement.
- (5) In this paragraph 'mobility supplement' means a mobility supplement under: -
 - (a) a scheme under the Personal Injuries (Emergency Provisions) Act 1939, or
 - (b) an Order in Council under section 12 of the Social Security (Miscellaneous Provisions) Act 1977,or a payment appearing to the Secretary of State to be of a similar kind and specified for the purposes of this paragraph by an order made by him.
- 20 (1) A vehicle (other than an ambulance within the meaning of paragraph 6) used for the carriage of disabled people by a body for the time being recognised by the Secretary of State for the purposes of this paragraph is an exempt vehicle.
- (2) The Secretary of State shall recognise a body for the purposes of this paragraph if, on an application made to him in such manner as he may specify, it appears to him that the body is concerned with the care of disabled people.

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- (3) The issue by the Secretary of State of a nil licence in respect of a vehicle under this paragraph is to be treated as recognition by him for the purposes of this paragraph of the body by reference to whose use of the vehicle the document is issued.
- (4) The Secretary of State may withdraw recognition of a body for the purposes of this paragraph if it appears to him that the body is no longer concerned with the care of disabled people.

20A Vehicles used between different parts of land

A vehicle is an exempt vehicle if: -

- (a) it is used only for purposes relating to agriculture, horticulture or forestry,
- (b) it is used on public roads only in passing between different areas of land occupied by the same person, and
- (c) the distance it travels on public roads in passing between any two such areas does not exceed 1.5 kilometres.

20B Tractors

- (1) A vehicle is an exempt vehicle if it is: -
 - (a) an agricultural tractor, or
 - (b) an off-road tractor.
- (2) In sub-paragraph (1) 'agricultural tractor' means a tractor used on public roads solely for purposes relating to agriculture, horticulture, forestry or activities falling within sub-paragraph (3).
- (3) The activities falling within this sub-paragraph are: -
 - (a) cutting verges bordering public roads;
 - (b) cutting hedges or trees bordering public roads or bordering verges which border public roads.
- (4) In sub-paragraph (1) 'off-road tractor' means a tractor which is not an agricultural tractor (within the meaning given by sub-paragraph (2)) and which is: -
 - (a) designed and constructed primarily for use otherwise than on roads, and
 - (b) incapable by reason of its construction of exceeding a speed of twenty-five miles per hour on the level under its own power.

20C Light agricultural vehicles

- (1) A vehicle is an exempt vehicle if it is a light agricultural vehicle.
- (2) In sub-paragraph (1) 'light agricultural vehicle' means a vehicle which: -
- (a) has a revenue weight not exceeding 1,000 kilograms,
 - (b) is designed and constructed so as to seat only the driver,
 - (c) is designed and constructed primarily for use otherwise than on roads, and
 - (d) is used solely for purposes relating to agriculture, horticulture or forestry.

20E Mowing machines

A mowing machine is an exempt vehicle.

20G Electrically propelled vehicles

An electrically propelled vehicle is an exempt vehicle.

20H Snow ploughs

A vehicle is an exempt vehicle when it is: -

- (a) being used,
- (b) going to or from the place where it is to be or has been used, or
- (c) being kept for use,

for the purpose of clearing snow from public roads (these include all roads having public access at Heathrow) by means of a snow plough or similar device (whether or not forming part of the vehicle).

20J Gritters

A vehicle is an exempt vehicle if it is constructed or adapted, and used, solely for the conveyance of machinery for spreading material on roads to deal with frost, ice or snow (with or without articles or material used for the purposes of the machinery).

22 Vehicle testing etc.

- (1) A vehicle is an exempt vehicle when it is being used solely for the purpose of:

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- (a) submitting it (by previous arrangement for a specified time on a specified date) for a compulsory test, a vehicle identity check, a vehicle weight test or a reduced pollution test, or
 - (b) bringing it away from any such test or check.
- (1A) A vehicle is an exempt vehicle when it is being used solely for the purpose of: -
 - (a) taking it (by previous arrangement for a specified time on a specified date) for a relevant re-examination, or
 - (b) bringing it away from such a re-examination.
- (2) A vehicle is an exempt vehicle when it is being used by an authorised person in the course of a compulsory test, a vehicle weight test or a vehicle identity check or a reduced pollution test or a relevant re-examination and is being so used solely for the purpose of: -
 - (a) taking it to, or bringing it away from, a place where a part of the test, check or re-examination is to be, or has been, carried out, or
 - (b) carrying out a part of the test, check or re-examination.
- (2A) A vehicle is an exempt vehicle when it is being used by an authorised person solely for the purpose of warming up its engine in preparation for the carrying out of: -
 - (a) a compulsory test or a reduced pollution test, or
 - (b) a relevant re-examination that is to be carried out for the purposes of an appeal relating to a determination made on a compulsory test or a reduced pollution test.
- (3) Where the relevant certificate is refused on a compulsory test, or a reduced pollution test, of a vehicle or as a result of a relevant re-examination, the vehicle is an exempt vehicle when it is being used solely for the purpose of: -
 - (a) delivering it (by previous arrangement for a specified time on a specified date) at a place where relevant work is to be done on it, or
 - (b) bringing it away from a place where relevant work has been done on it.
- (4) In this paragraph 'compulsory test' means, as respects England and Wales and Scotland: -
 - (a) in the case of a vehicle for which by virtue of section 66(3) of the Road Traffic Act 1988 a vehicle licence cannot be granted unless certain requirements are satisfied, an examination such as is specified in subparagraph (5), and

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- (b) otherwise, an examination under section 45 of the Road Traffic Act 1988 with a view to obtaining a test certificate without which a vehicle licence cannot be granted for the vehicle.
- (5) The examinations referred to in sub-paragraph (4)(a) are: -
- (a) an examination under regulations under section 49(1)(b) or (c) of the Road Traffic Act 1988 (examination as to compliance with construction and use or safety requirements),
 - (b) an examination for the purposes of sections 54 to 58 of that Act (examination as to a vehicle's compliance with type approval requirements), and
 - (c) an examination under regulations under section 61(2)(a) of that Act (examinations in connection with alterations to vehicles subject to type approval requirements).
- (6) In this paragraph 'compulsory test' means, as respects Northern Ireland: -
- (a) an examination to obtain a test certificate under Article 61 of the Road Traffic (Northern Ireland) Order 1995 without which a vehicle licence cannot be obtained for the vehicle,
 - (b) an examination to obtain a goods vehicle test certificate under Article 65 of that Order, or
 - (c) an examination to obtain a public service vehicle licence under Article 60(1) of the Road Traffic (Northern Ireland) Order 1981.
- (6ZA) In this paragraph 'a vehicle identity check' means any examination of a vehicle for which provision is made by regulations made by virtue of section 22A(2) of this Act.
- (6A) In this paragraph 'a vehicle weight test' means any examination of a vehicle for which provision is made by regulations under: -
- (a) section 61A of this Act,
 - (b) section 49(1)(a) of the Road Traffic Act 1988 (tests for selecting plated weights and other plated particulars), or
 - (c) Article 65(1)(a) of the Road Traffic (Northern Ireland) Order 1995.
- (6AA) In this paragraph 'a reduced pollution test' means any examination of a vehicle for which provision is made by regulations under section 61B of this Act.

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- (6B) In this paragraph ‘a relevant re-examination’ means any examination or re-examination which is carried out in accordance with any provision or requirement made or imposed for the purposes of an appeal relating to a determination made on a compulsory test, a vehicle identity check , a vehicle weight test or a reduced pollution test.
- (7) In this paragraph ‘authorised person’ means: -
- (a) in the case of an examination within sub-paragraph (4)(b), a person who is, or is acting on behalf of, an examiner or inspector entitled to carry out such an examination or a person acting under the personal direction of such a person,
 - (b) in the case of an examination within sub-paragraph (5), an examiner appointed under section 66A of the Road Traffic Act 1988, a person carrying out the examination under the direction of such an examiner or a person driving the vehicle in accordance with a requirement to do so under the regulations under which the examination is carried out,
 - (c) in the case of an examination within sub-paragraph (6), an authorised examiner within the meaning of Article 61(3)(a) of the Road Traffic (Northern Ireland) Order 1995 or a vehicle examiner within the meaning of Part III of that Order;
 - (ca) in the case of an examination of a vehicle for which provision is made by regulations made by virtue of section 22A(2) of this Act, the Secretary of State or a person authorised by him to carry out the examination; and
 - (d) in the case of a relevant re-examination: -
 - (i) the person to whom the appeal in question is made, or
 - (ii) any person who, by virtue of an appointment made by that person, is authorised by or under any enactment to carry out that re-examination.
- (8) In this paragraph ‘the relevant certificate’ means, as respects England and Wales and Scotland: -
- (a) a test certificate (as defined in section 45(2) of the Road Traffic Act 1988), or
 - (b) a goods vehicle test certificate (as defined in section 49 of that Act), or
 - (c) a type approval certificate or Minister’s approval certificate (as defined in sections 54 to 58 of that Act), or
 - (d) a certificate issued by virtue of section 61B of this Act.
- (9) In this paragraph ‘the relevant certificate’ means, as respects Northern Ireland: -

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- (a) a test certificate (within the meaning of Article 61(2) of the Road Traffic (Northern Ireland) Order 1995), or
 - (b) a goods vehicle test certificate (within the meaning of Article 65(2) of that Order), or
 - (c) a type approval certificate or Department's approval certificate (within the meaning of Article 31A of that Order), or
 - (d) a certificate issued by virtue of section 61B of this Act.
- (10) In this paragraph 'relevant work' means: -
- (a) where the relevant certificate which is refused is a test certificate, work done or to be done to remedy for a further compulsory test the defects on the ground of which the relevant certificate was refused, and
 - (b) in any other case, work done or to be done to remedy the defects on the ground of which the relevant certificate was refused (including work to alter the vehicle in some aspect of design, construction, equipment or marking on account of which the relevant certificate was refused).

4. GOODS VEHICLES OPERATOR LICENSING

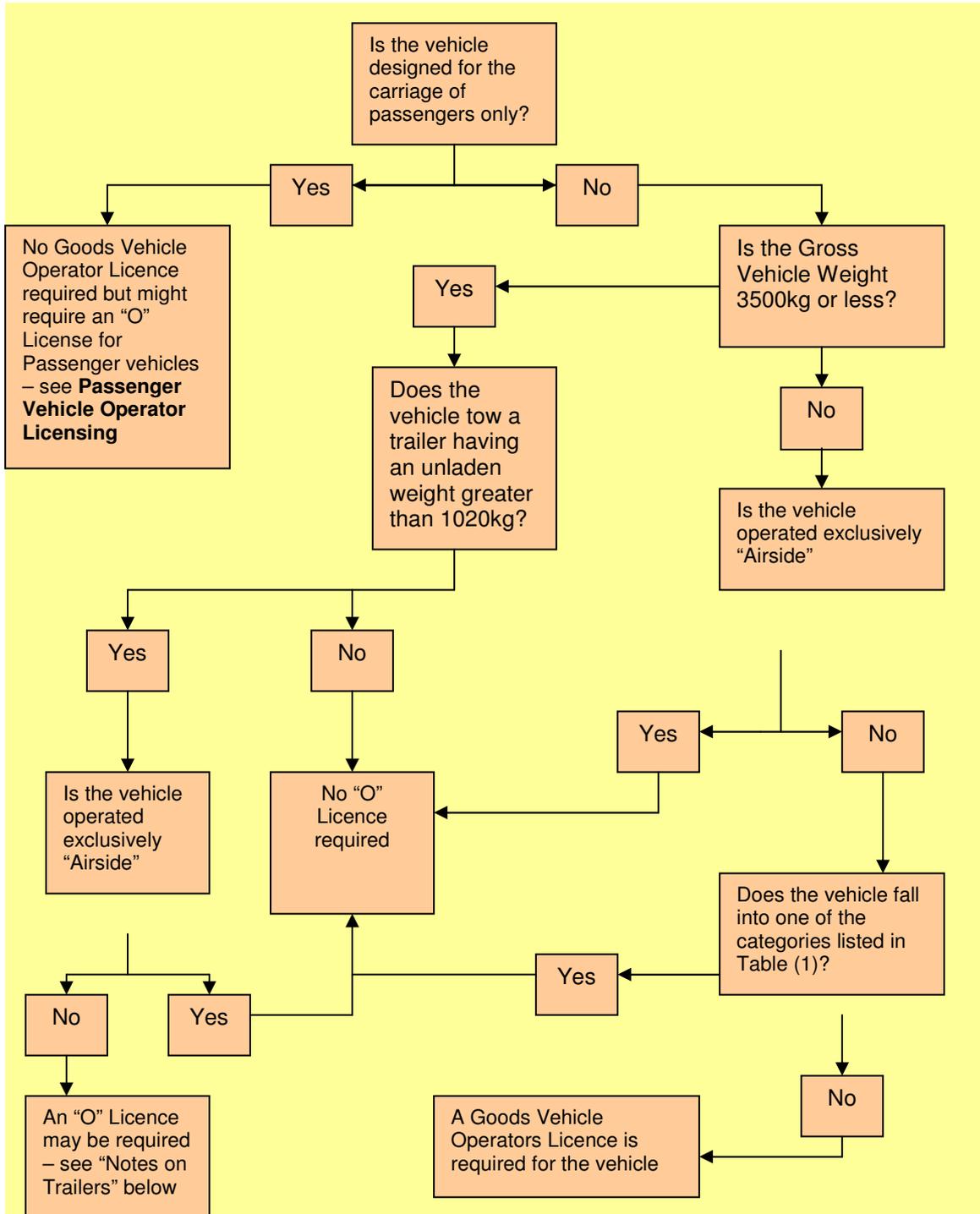


TABLE 1

CLASSES OF VEHICLES FOR WHICH A LICENCE IS NOT REQUIRED

1. Any tractor.
 - (1) A vehicle is an exempt vehicle if it is: -
 - (a) an agricultural tractor, or
 - (b) an off-road tractor.
 - (2) In sub-paragraph (1) 'agricultural tractor' means a tractor used on public roads solely for purposes relating to agriculture, horticulture, forestry or activities falling within sub-paragraph (3).
 - (3) The activities falling within this sub-paragraph are:-
 - (a) cutting verges bordering public roads;
 - (b) cutting hedges or trees bordering public roads or bordering verges which border public roads.
 - (4) In sub-paragraph (1) 'off-road tractor' means a tractor which is not an agricultural tractor (within the meaning given by sub-paragraph (2)) and which is: -
 - (a) designed and constructed primarily for use otherwise than on roads, and
 - (b) incapable by reason of its construction of exceeding a speed of twenty-five miles per hour on the level under its own power.
2. A dual-purpose vehicle and any trailer drawn by it.

Dual-purpose vehicle means a vehicle constructed or adapted for the carriage both of passengers and of goods or burden of any description, where the unladen weight does not exceed 2,040 kilograms, it must **either** have four-wheel drive **or** satisfy the following conditions as to construction:

- the vehicle must be permanently fitted with a rigid roof, with or without a sliding panel;
- the area to the rear of the driver's seat must -
 - be permanently fitted with at least one row of transverse seats (fixed or folding) for 2 or more passengers and those seats must be properly sprung or cushioned and provided with upholstered back-rests; attached either to the seats or to a side or the floor of the vehicle; and

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- be lit on each side and at the rear by a window or windows of glass or other transparent material having an area or aggregate area of not less than 1,850 square centimeters on each side and not less than 770, square centimeters at the rear; and
 - the distance between the rearmost part of the steering wheel and the back-rests of the row of transverse seats satisfying the requirements specified in sub-paragraph b(i) above or, if there is more than one such row of seats, the distance between the rearmost part of the steering wheel and the back-rests of the rearmost such row must, when the seats are ready for use, be not less than one-third of the distance between the rear most part of the steering wheel and the rear most part of the floor of the vehicle.
3. A vehicle used on a road only in passing from private premises to other private premises in the immediate neighbourhood belonging (except in the case of a vehicle so used only in connection with excavation or demolition) to the same person, provided that the distance travelled on a road by any such vehicle does not exceed in the aggregate 9.654 kilometres, (6 miles), in any one week.
 4. A motor vehicle constructed or adapted primarily for the carriage of passengers and their effects, and any trailer drawn by it, while being so used.
 5. A vehicle which is being used for funerals.
 6. A vehicle which is being used for police, fire brigade [or, in England, fire and rescue authority] or ambulance purposes [The Fire and Rescue Services Act 2004 (Consequential Amendments) (England) Order 2004 - 30/12/2004]. **Note: fire appliances operated by BAA are considered to be operated to support an area where the fire and rescue authority would normally operate. In this regard it is considered that these fire appliances are exempt “O” licensing in the same way as similar vehicles operated by the local F&R Authority.**
 7. A vehicle which is being used for fire-fighting or rescue operations at mines.
 8. A vehicle on which no permanent body has been constructed, which is being used only for carrying burden which either is carried solely for the purpose of test or trial, or consists of articles and equipment which will form part of the completed vehicle when the body is constructed.
 9. A vehicle which is being used under a trade licence.
 10. A vehicle in the service of a visiting force or of a headquarters.

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11. A vehicle used by or under the control of Her Majesty's United Kingdom forces.
12. A trailer not constructed primarily for the carriage of goods but which is being used incidentally for that purpose in connection with the construction, maintenance or repair of roads.
13. A road roller and any trailer drawn by it.
14. A vehicle while being used under the direction of HM Coastguard or of the Royal National Lifeboat Institution for the carriage of life-boats, life-saving appliances or crew.
15. A vehicle fitted with a machine, appliance, apparatus or other contrivance which is a permanent or essentially permanent fixture, provided that the only goods carried on the vehicle are :-
 - (a) required for use in connection with the machine, appliance, apparatus or contrivance or the running of the vehicle;
 - (b) to be mixed by the machine, appliance, apparatus or contrivance with other goods not carried on the vehicle on a road in order to thrash, grade, clean or chemically treat grain;
 - (c) to be mixed by the machine, appliance, apparatus or contrivance with other goods not carried on the vehicle in order to make fodder for animals; or
 - (d) mud or other matter swept up from the surface of a road by the use of the machine, appliance, apparatus or other contrivance.
16. A tower wagon or trailer drawn thereby, provided that the only goods carried on the trailer are goods required for use in connection with the work on which the tower wagon is ordinarily used as such.
17. A vehicle while being used for the carriage of goods within an aerodrome.

“aerodrome” means any area of land or water designed, equipped, set apart or commonly used for affording facilities for the landing and departure of aircraft and includes any area or space, whether on the ground, on the roof of a building or elsewhere, which is designed, equipped or set apart for affording facilities for the landing and departure of aircraft capable of descending or climbing vertically. **Note: It is the Consultant's view that this definition would only apply to airside operations and not the many business parks and warehouse operations making up the Heathrow airport complex.**
18. An electrically propelled vehicle.

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19. A vehicle being held ready for use in an emergency by an undertaking for the supply of water, electricity, gas or telephone services.

20. A recovery vehicle.

A recovery vehicle is a vehicle which is constructed or permanently adapted primarily for one or more of the purposes of lifting, towing and transporting a disabled vehicle. A vehicle is not regarded as a recovery vehicle at any time it recovers more than two vehicles at one time or is used for a purpose other than: -

a. the recovery of a disabled vehicle;

b. removing a disabled vehicle from the place of breakdown to a place of repair or scrapping;

c. removing a disabled vehicle from repair premises to other premises for repair or scrapping;

d. carrying fuel for its propulsion or tools and other articles required for the operation of, or in connection with, its recovery equipment,

e. carrying the driver or passenger of a disabled vehicle, and his personal effects, from the place at which the vehicle is to be repaired or scrapped to his original destination;

f. removing a vehicle from a road, at the request of police or a local authority, under their statutory powers, to a place they nominate,

g. going to a place to be available for the recovery or removal of a disabled vehicle from the place it became disabled and remaining temporarily there;

h. returning from a place where the vehicle has been available for use, from recovering a disabled vehicle or from a place where the disabled vehicle has been removed for repair or scrapping.

21. A vehicle which is being used for snow clearing, or for the distribution of grit, salt or other materials on frosted, icebound or snow covered roads or for going to or from the place where it is to be used for the said purposes or for any other purpose directly connected with those purposes

22. A vehicle proceeding to or from a station provided by the Secretary of State under section 45 of the Road Traffic Act 1988 for the purposes of an examination of that vehicle under that section provided that : -

(a) the only load being carried is a load required for the purposes of the examination; and

(b) it is being carried at the request of the Secretary of State.

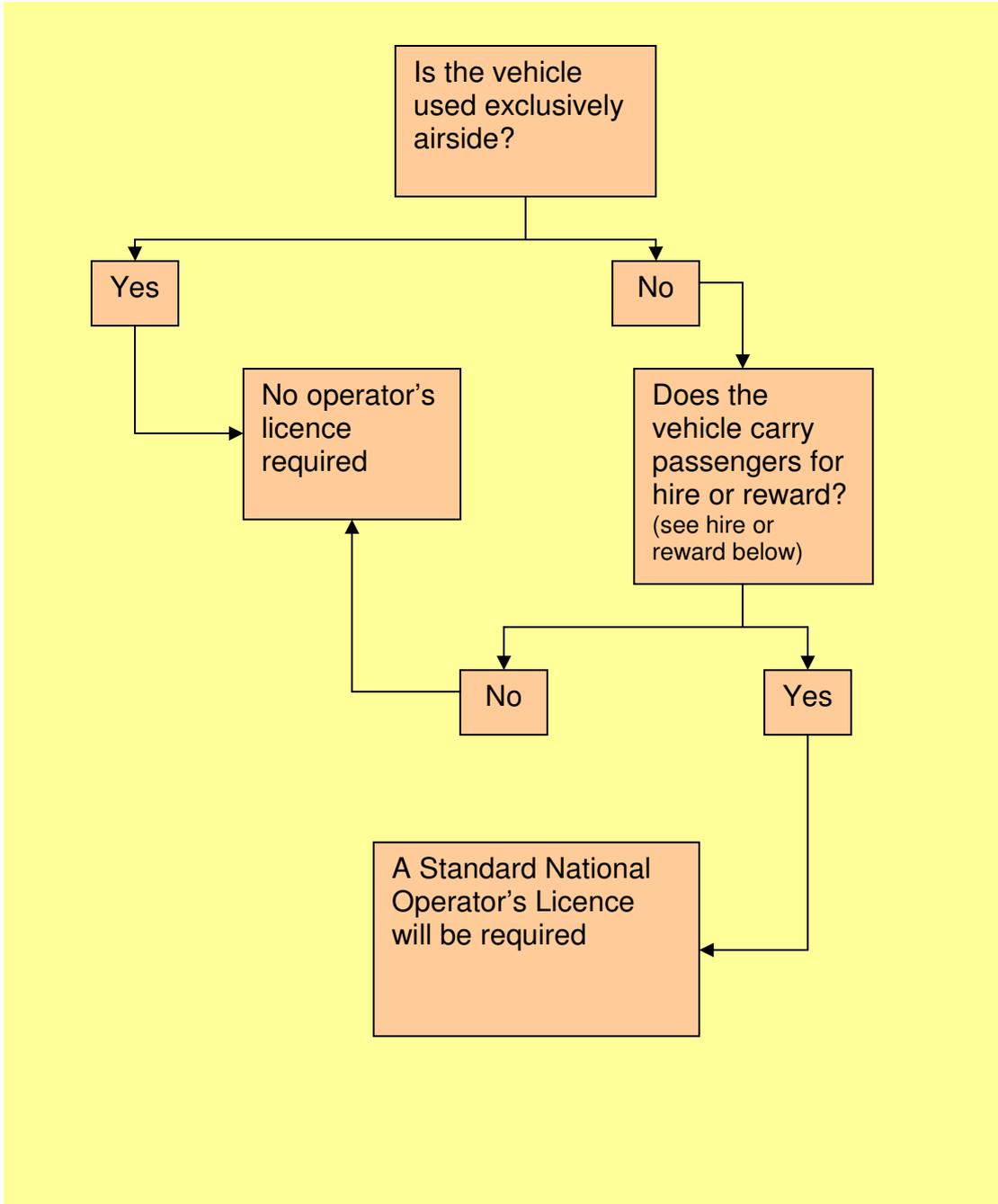
NOTES ON TRAILERS

In the case of vehicles towing trailers an Operator's Licence is not required:

(a) for a motor vehicle and drawbar trailer, if the total of the gross plated weights does not exceed 3500kg or if either the vehicle or trailer (unless it is a small trailer) is not plated, their total unladen weights do not exceed 1525kg (in both cases a trailer with an unladen weight not exceeding 1020kg does not have to be taken into account);

(b) for an articulated tractor and semi-trailer, if the total of the unladen weight of the tractor and the gross plated weight of the semi-trailer does not exceed 3500kg or, if the semi-trailer is unplated, the total unladen weight of the tractor and semi-trailer does not exceed 1525kg.

5. PASSENGER VEHICLE OPERATOR LICENSING



Hire or Reward

The legal definition of hire or reward is very wide and many situations might be deemed to come into this category. The legislation states:

Carrying of Passengers - Public Passenger Vehicles Act 1981

- 5) For the purposes of this section and Schedule 1 to this Act :-
- (a) a vehicle is to be treated as carrying passengers for hire or reward if payment is made for, or for matters which include, the carrying of passengers, irrespective of the person to whom the payment is made and, in the case of a transaction effected by or on behalf of a member of any association of persons (whether incorporated or not) on the one hand and the association or another member thereof on the other hand, notwithstanding any rule of law as to such transactions;
 - (b) a payment made for the carrying of a passenger shall be treated as a fare notwithstanding that it is made in consideration of other matters in addition to the journey and irrespective of the person by or to whom it is made;
 - (c) a payment shall be treated as made for the carrying of a passenger if made in consideration of a person's being given a right to be carried, whether for one or more journeys and whether or not the right is exercised.
- (6) Where a fare is paid for the carriage of a passenger on a journey by air, no part of that fare shall be treated for the purposes of subsection (5) above as paid in consideration of the carriage of the passenger by road by reason of the fact that, in case of mechanical failure, bad weather or other circumstances outside the operator's control, part of that journey may be made by road.

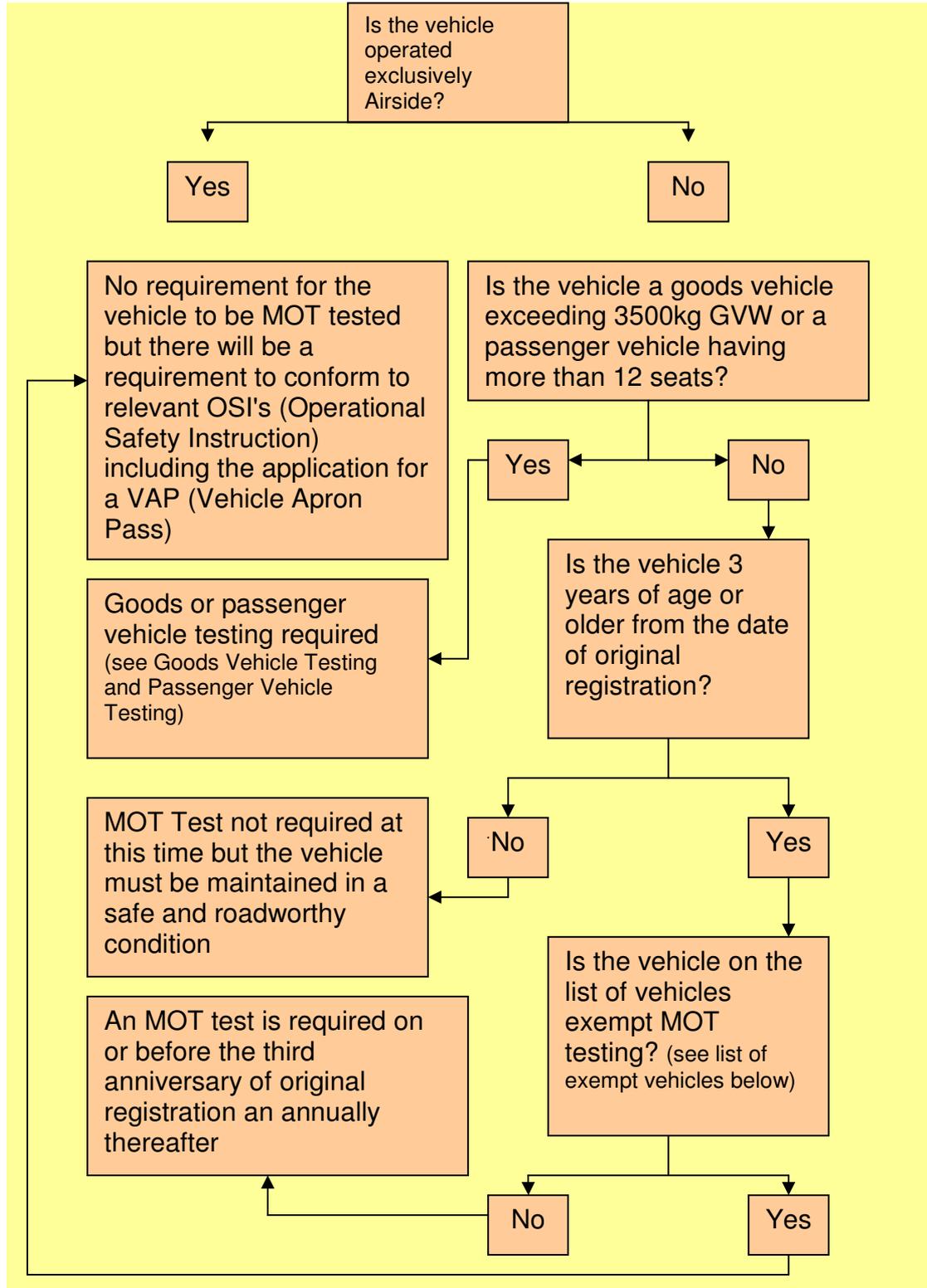
Notes:

It follows therefore that such operations as providing a free bus service to and from the air terminal from outlying car parks are covered under the hire or reward definition as although the passenger is not charged directly for the bus travel, the charge made for parking indirectly covers the bus transport whether or not the service is actually used by the customer.

A bus owned and operated by BAA solely to transport members of staff where no charge is made directly or indirectly to the staff being carried, would not be including in the hire or reward definition.

Should BAA contract out the transportation of staff to a third party then hire or reward would occur as the third party contractor is being paid for the work. In these circumstances the contractor would require an appropriate "O" licence.

6. LIGHT VEHICLE MOT TESTING



Vehicles Exempt MOT Testing

Pedestrian controlled vehicle

Agricultural motor vehicle (the vehicle would have to be registered as such)

Tracked vehicle

An electrically propelled goods vehicle, the design gross weight of which does not exceed 3500 kgs

A vehicle temporarily in Great Britain

Licensed hackney carriages and private hire cars which are required to undergo testing conducted by the local authority

Invalid carriage not exceeding 306 kgs u/w (510 kgs if NHS supplied)

Vehicle proceeding to a port for export

Visiting forces vehicle or imported Armed forces vehicles

A vehicle with a current Northern Ireland Test Certificate

Vehicle used only to travel between land in a persons occupation, aggregate distance travelled not exceeding 6 miles per week on public roads

A vehicle provided for police purposes by the police authority and maintained in approved workshops

Street cleansing, refuse and gully cleaning vehicles which are specially constructed, not adapted and: -

- 3 wheeled, or

- maximum design speed not exceeding 20 mph, or

- with an inside track width less than 810mm

Certain classes of vehicle when used on isolated islands

Military and Crown vehicles (as they are unregistered)

Tramcar and trolley vehicles

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Works truck - Under the Vehicle Excise and Registration Act 1994 works truck means a motor vehicle:

a designed for use in private premises; and

b used on public roads only:

i for carrying goods between private premises and a vehicle on a road in the immediate vicinity;

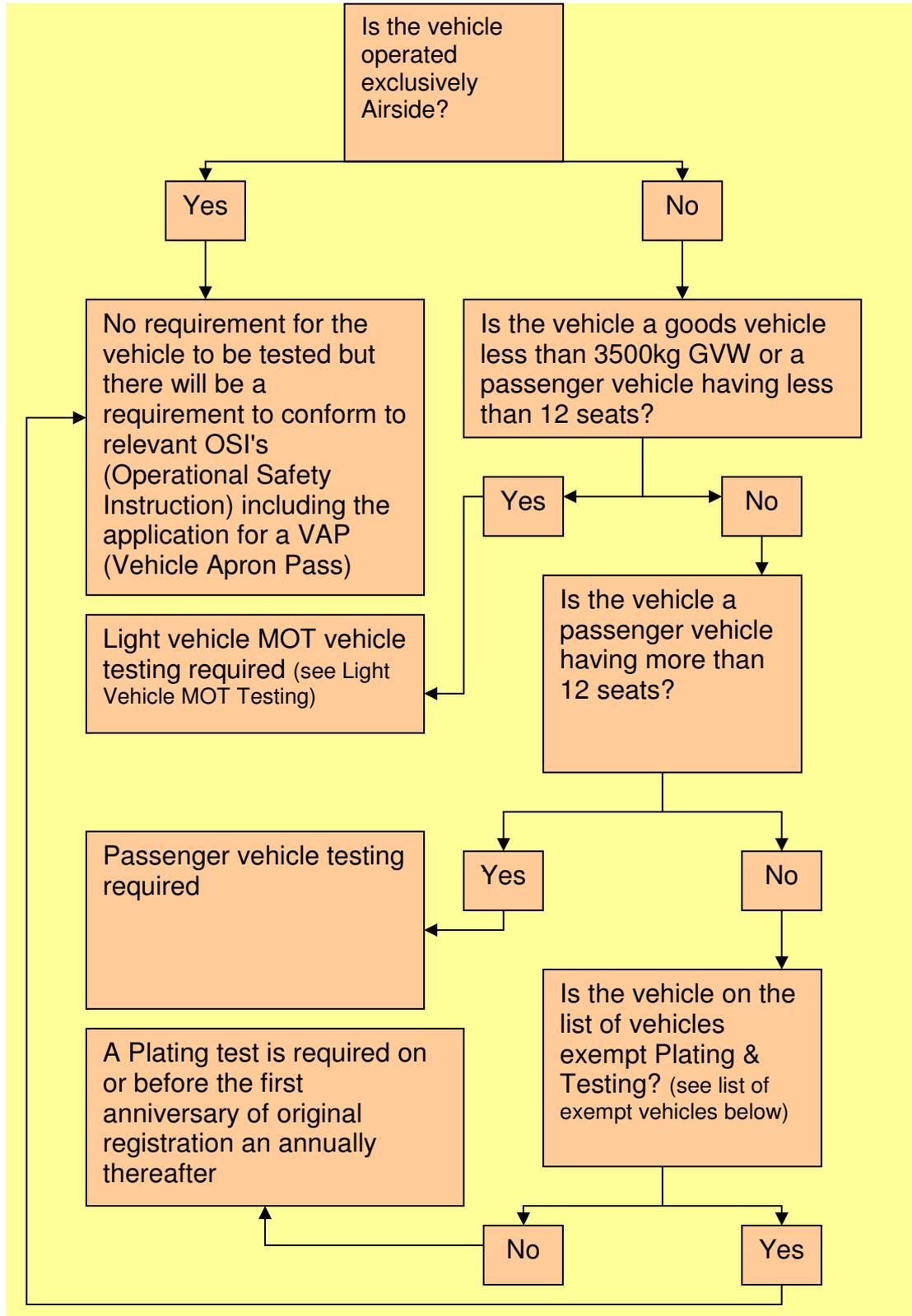
ii in passing from one part of private premises to another or between private premises and other private premises in the immediate vicinity; or

iii in connection with road works at or in the immediate vicinity of the site of the works.”

This definition covers a wide variety of vehicles used as works trucks, such as fork lift trucks.

The requirement that the vehicle is ‘designed for use in private premises’ rules out ex-road going vehicles, for example old tractor units used as shunters. If the vehicle was originally built in accordance with C&U Regulations it is almost certain that it will not qualify as a works truck.

7. GOODS VEHICLE TESTING



Vehicles Exempt Plating Test

Vehicles with a current Temporary Exemption Certificate

Vehicles used solely for one or both of the following purposes: -

- (a) clearing frost, ice or snow from roads by means of a snow plough or similar contrivance, whether forming part of the vehicle or not, and
- (b) spreading material on roads to deal with frost, ice or snow.

Note: This includes BAA owned and operated vehicle provided that they are used solely for the above purposes. If the vehicle is at any time used for any other purpose then this exemption would not apply.

Trailer manufactured before 1/1/60 used unladen

Airport refuse and gully cleaners - **Restricted to airside use only**

Dual purpose vehicle not articulated

Agricultural motor vehicles licensed as such*

Mobile cranes

Breakdown vehicles

Steam propelled vehicles

Engineering plant

Tower wagons – Defined as:-

a goods vehicle -

1. into which there is built, as part of the vehicle, an expanding or extendible contrivance designed for facilitating the erection, inspection, repair or maintenance of overhead structures or equipment, and
2. which is neither constructed nor adapted for use nor used for the conveyance of any load other than -
 - (a) such a contrivance and articles used in connection therewith, and
 - (b) articles used in connection with the installation or maintenance, by means of such a contrivance, of materials or apparatus for lighting streets, roads or public places

Public Service Vehicles

Electrically propelled motor vehicles

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Vehicle designed for fire fighting/salvage –
this would include fire fighting vehicles owned and operated by BAA

Straddle carriers

Licensed Taxis

Play buses

Vehicles used solely for funerals

Vehicle used solely for test/ trial of new equipment by manufacturer or importer

Vehicle based in Arran, Bute, Great Cumbrae, Islay, Mull, Tiree or North Uist

Vehicles used primarily for display medical dental veterinary educational, health clerical or experimental laboratory purposes not involving selling or hiring nor sewage, drains or refuse

Road construction vehicles and road rollers

Trailers being drying or mixing plant for tar or asphalt

A vehicle provided for police purposes by the police authority and maintained in approved workshops

Trailers without brakes other than a parking or overrun brake

Temporarily imported motor vehicles and trailers

An articulated motor vehicle solely used to draw special types (abnormal load) trailers

Motor vehicles first used before 1/1/60 used unladen with or without an unladen trailer

Vehicles used for servicing or unloading aircraft used unladen outside airport

Agricultural trailers, trailed appliances and conveyors drawn thereby and converter dollies used for agriculture horticulture or forestry*

Street cleansing, refuse/ gully clean vehicles specially constructed, not adapted, 3 wheeled, or maximum design speed not exceeding 20 mph, or inside track width of not more than 1100mm

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Vehicle used only to travel between land in a persons occupation, aggregate distance travelled not exceeding 6 miles/week on public roads
Vehicles proceeding to a port for export

Vehicles used solely for haulage of lifeboats and gear

Visiting Forces vehicles

Tracked vehicles

Vehicles licensed in Northern Ireland

Living vans design gross weight not exceeding 3500 kg

Military/ Crown vehicles and trailers unless they are registered or liable to be registered

Works truck/ trailers - Under the Vehicle Excise and Registration Act 1994 works truck means a motor vehicle and works trailer means a trailer:

a designed for use in private premises; and

b used on public roads only:

i for carrying goods between private premises and a vehicle on a road in the immediate vicinity;

ii in passing from one part of private premises to another or between private premises and other private premises in the immediate vicinity; or

iii in connection with road works at or in the immediate vicinity of the site of the works.”

This definition covers a wide variety of vehicles used as works trucks, such as fork lift trucks.

The requirement that the vehicle is ‘designed for use in private premises’ rules out ex-road going vehicles, for example old tractor units used as shunters. If the vehicle was originally built in accordance with C&U Regulations it is almost certain that it will not qualify as a works truck.

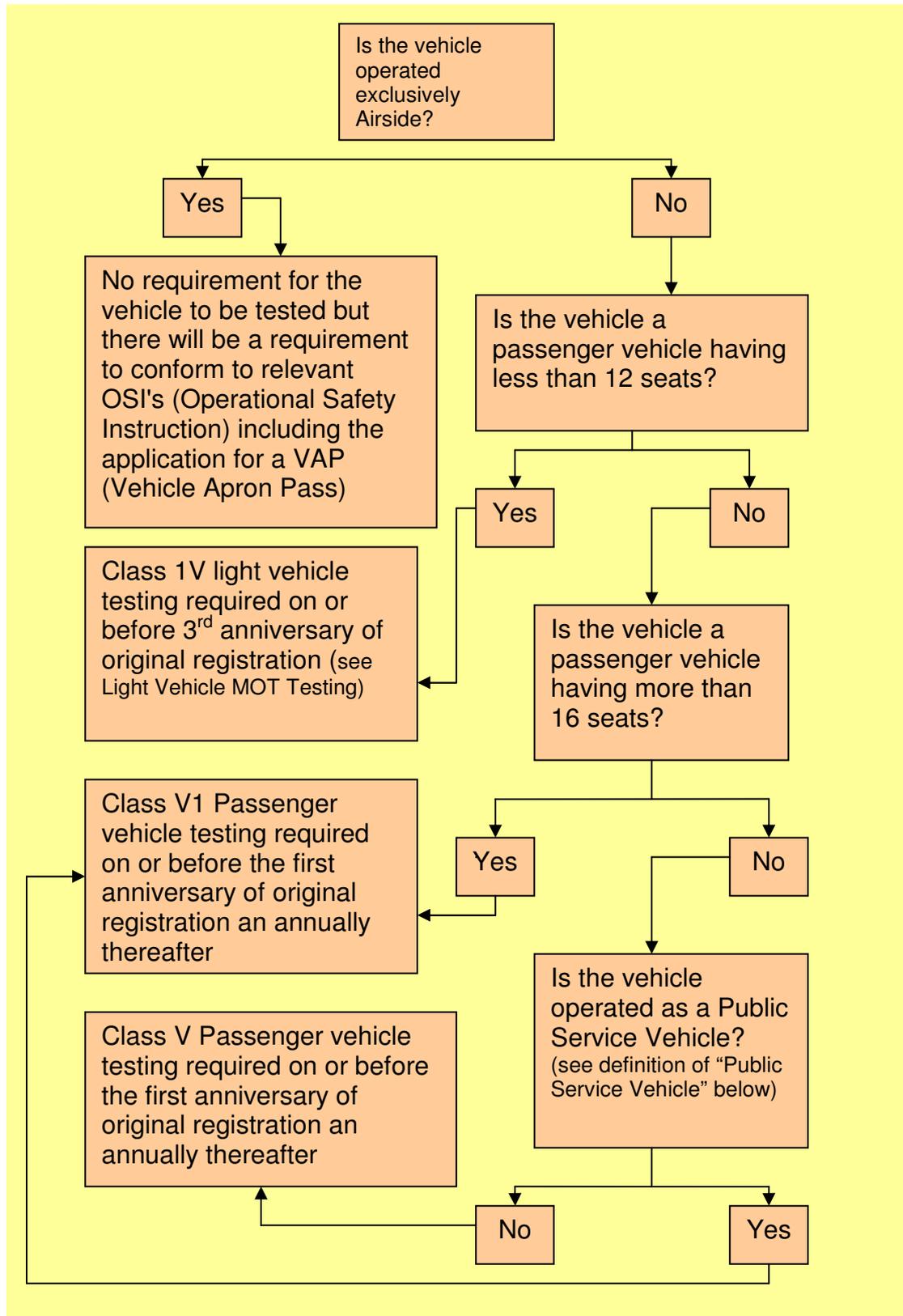
*Activities accepted as falling within the definition of agriculture, horticulture or forestry include the:

- breeding or rearing of any creature kept for the production of food, wool, skin or fur, or for the purpose of its use in the farming of land

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- growing or harvesting of crops including cereals, combinable crops, roots, tubers, vegetables, pulses, fruit, nuts, grasses, oilseeds and fungi for food, beverages, fodder, fuel or industrial purposes
- growing or harvesting of flowering or ornamental plants
- growing or harvesting of timber or other forestry products
- upkeep of agricultural land such as set aside under environmental management schemes.

8. PASSENGER CARRYING VEHICLE TESTING



Definition of “Public Service Vehicle”

Public Passenger Vehicles Act 1981 (c. 14) (as amended)

- (1) Subject to the provisions of this section, in this Act “public service vehicle” means a motor vehicle (other than a tramcar) which:
 - (a) being a vehicle adapted to carry more than eight passengers, is used for carrying passengers for hire or reward; or
 - (b) being a vehicle not so adapted, is used for carrying passengers for hire or reward at separate fares in the course of a business of carrying passengers.
- (2) For the purposes of subsection (1) above a vehicle “is used” as mentioned in paragraph (a) or (b) of that subsection if it is being so used or if it has been used as mentioned in that paragraph and that use has not been permanently discontinued.
- (3) A vehicle carrying passengers at separate fares in the course of a business of carrying passengers, but doing so in circumstances in which the conditions set out in Part I, or III of Schedule 1 to this Act are fulfilled, shall be treated as not being a public service vehicle unless it is adapted to carry more than eight passengers.
- (4) For the purposes of this section a journey made by a vehicle in the course of which one or more passengers are carried at separate fares shall not be treated as made in the course of a business of carrying passengers if:
 - (a) the fare or aggregate of the fares paid in respect of the journey does not exceed the amount of the running costs of the vehicle for the journey; and
 - (b) the arrangements for the payment of fares by the passenger or passengers so carried were made before the journey began;and for the purposes of paragraph (a) above the running costs of a vehicle for a journey shall be taken to include an appropriate amount in respect of depreciation and general wear.
- (5) For the purposes of this section, and Schedule 1 to this Act:
 - (a) a vehicle is to be treated as carrying passengers for hire or reward if payment is made for, or for matters which include, the carrying of passengers, irrespective of the person to whom the payment is made and, in the case of a transaction effected by or on behalf of a member of any association of persons (whether incorporated or not) on the one hand and

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the association or another member thereof on the other hand, notwithstanding any rule of law as to such transactions;

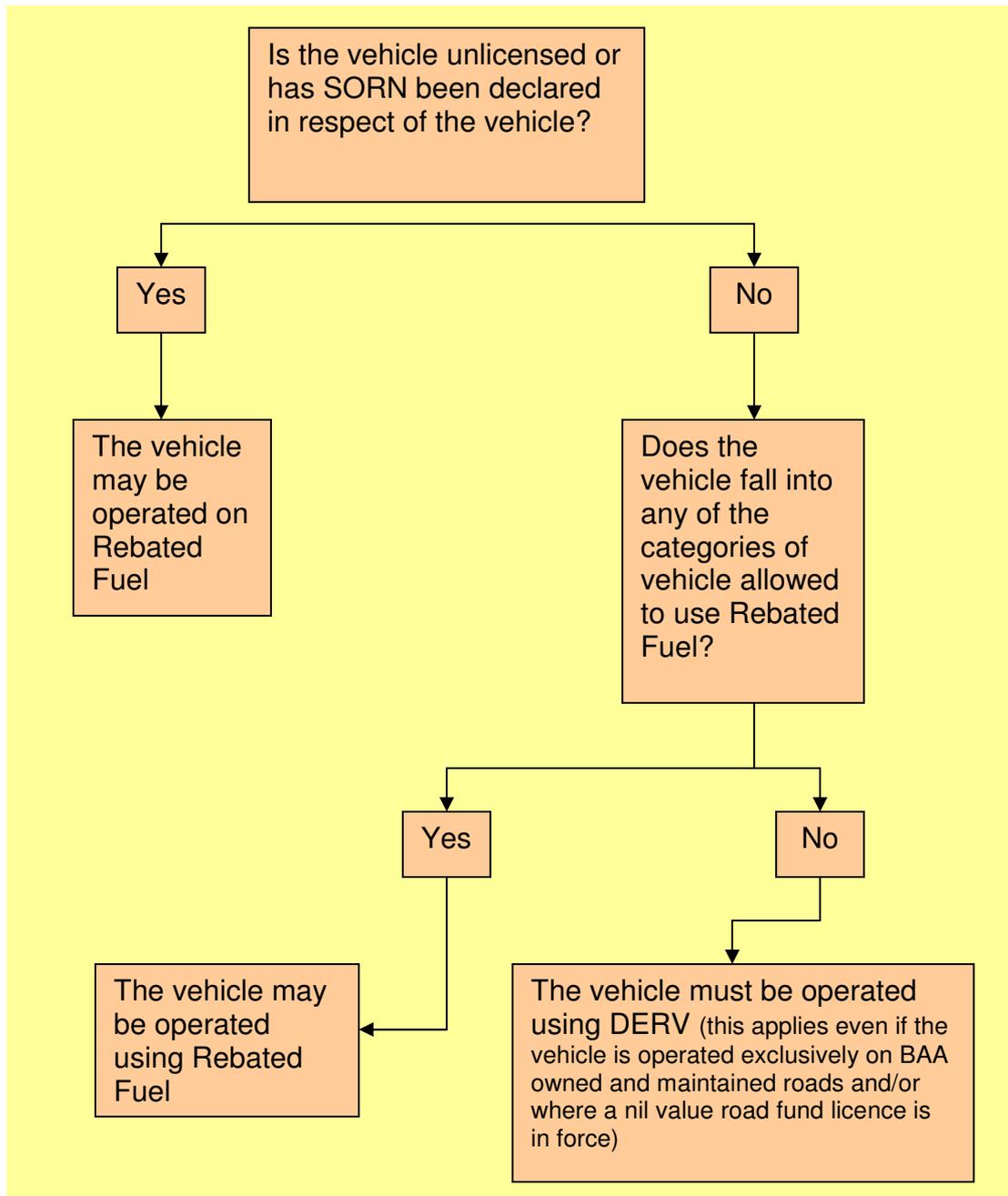
(b) a payment made for the carrying of a passenger shall be treated as a fare notwithstanding that it is made in consideration of other matters in addition to the journey and irrespective of the person by or to whom it is made;

(c) a payment shall be treated as made for the carrying of a passenger if made in consideration of a person's being given a right to be carried, whether for one or more journeys and whether or not the right is exercised.

- (6) Where a fare is paid for the carriage of a passenger on a journey by air, no part of that fare shall be treated for the purposes of subsection (5) above as paid in consideration of the carriage of the passenger by road by reason of the fact that, in case of mechanical failure, bad weather or other circumstances outside the operator's control, part of that journey may be made by road.

9. THE USE OF REBATED FUEL (Red Diesel)

Certain categories of vehicle are excluded from the definition of road vehicles, and can therefore use rebated fuel.



Vehicles which may be operated using Rebated Fuel

1 Unlicensed vehicles not used on public roads

A vehicle that is not used on the public road and has no licence under the Vehicle Excise and Registration Act 1994 is an excepted vehicle. If a vehicle has become untaxed since 31 January 1998 it requires a Statutory Off-Road Notification (SORN). Such vehicles will be eligible to use red diesel if a SORN declaration has been made. Unlicensed vehicles that do not require a SORN will continue to be able to use red diesel without a SORN declaration if kept off-road.

Unlicensed vehicles are not permitted to run on public roads (this includes all roads to which the public have access irrespective of who owns and maintains the road) under any circumstances. HMRC will take legal action if such a vehicle is found on public roads using red diesel. Other offences beyond the scope of HMRC responsibility may also be committed if such a vehicle runs on public roads, even if road fuel ('white diesel') is being used.

2 Tractors

To qualify as an excepted vehicle, the tractor must be an agricultural tractor designed and constructed primarily for use otherwise than on roads. It must be used on public roads solely for:

- a) purposes relating to agriculture, horticulture or forestry,*
- b) cutting verges bordering public roads, or
- c) cutting hedges or trees bordering public roads or bordering verges which border public roads.

If a tractor has a vehicle excise licence as a general haulage vehicle it cannot use red diesel as a fuel either on or off public roads, regardless of whether it is undertaking agricultural, horticultural or forestry work. This is because it is licensed to perform other work and is not therefore assumed to be used solely for agriculture, horticulture or forestry.

3 Light agricultural vehicles

To qualify under this category the vehicle must:

- a) have a revenue weight not exceeding 1,000 kilograms,
- b) be designed and constructed so as to seat only the driver,
- c) be designed and constructed primarily for use otherwise than on roads, and

d) be used solely for purposes relating to agriculture, horticulture or forestry.*

The revenue weight of a vehicle is either the maximum weight of the vehicle or the design weight as defined in section 60A of the Vehicle Excise and Registration Act 1994.

Quad bikes and similar single-seater machines used for agricultural, horticultural or forestry work fit into this category.

4 Agricultural material handlers

To qualify as an agricultural material handler, the vehicle must be designed to lift goods or burden and be designed and constructed primarily for use otherwise than on roads.

This category is restricted to material handlers used on public roads solely for:

- a) agricultural, horticultural or forestry work,*
- b) cutting verges bordering public roads, or
- c) cutting hedges or trees bordering public roads or bordering verges which border public roads.

*Activities accepted as falling within the definition of agriculture, horticulture or forestry include the:

- breeding or rearing of any creature kept for the production of food, wool, skin or fur, or for the purpose of its use in the farming of land
- growing or harvesting of crops including cereals, combinable crops, roots, tubers, vegetables, pulses, fruit, nuts, grasses, oilseeds and fungi for food, beverages, fodder, fuel or industrial purposes
- growing or harvesting of flowering or ornamental plants
- growing or harvesting of timber or other forestry products
- upkeep of agricultural land such as set aside under environmental management schemes.

5 Agricultural engines

This category is restricted to purpose-built vehicles that:

- a) are designed and used solely for purposes relating to agriculture, horticulture or forestry,

b) are used on public roads only for proceeding to and from the place where the vehicle is to be or has been used for those purposes, and

c) when so proceeding do not carry any load except such as is necessary for its propulsion or for the operation of any machinery built-in or permanently attached to the vehicle.

This category includes but is not limited to combine harvesters, crop sprayers, forage harvesters and pea viners.

6 Agricultural processing vehicles

These are specialist agricultural vehicles that:

a) are used for the conveyance of built-in machinery for processing agricultural, horticultural or forestry produce that is used while the vehicle is stationary,

b) are used on public roads only for proceeding to and from the place where that machinery is to be used, and

c) when so proceeding do not carry any load except such as is necessary for their propulsion or for the operation of the processing machinery.

This category includes mobile seed cleaning machines or feed milling machines.

7 Vehicles used between different parts of the land

A vehicle in this category must:

a) be used only for purposes relating to agriculture, horticulture or forestry,

b) be used on public roads only in passing between different areas of land occupied by the same person,

c) not travel a distance on public roads in passing between two such areas that exceeds 1.5 kilometres, and have a nil licence (as defined in Section 62 of the Vehicle Excise and Registration Act 1994) in force in respect

8 Mowing machines

The mowing machine must be a complete vehicle, whether pedestrian-operated or 'ride-on'. The machinery must be built into the vehicle for it to qualify under this category.

9 Snow clearing vehicles

A vehicle is an excepted vehicle when it is being used to clear snow from public roads by means of a snow plough or similar device (whether or not forming part of the vehicle) or when it is travelling to or from the place where it is to be or has been used for that purpose. **Note:** this includes BAA owned and operated vehicles

10 Gritters

A vehicle in this category must be constructed or adapted, and used, solely for the conveyance of machinery for spreading material on roads to deal with frost, ice or snow (with or without articles or material used for the purposes of the machinery). **Note:** this includes BAA owned and operated vehicles

Many of these vehicles are converted HGVs that are used as gritters in the winter months. If the gritting equipment is fitted in a workshop and is attached for the duration of the winter the vehicle is deemed to meet the requirements of the law despite the fact that the legislation states that it should be used 'solely' for gritting.

The following do not qualify:

- vehicles towing gritting equipment mounted on trailers
- vehicles into which gritting equipment is merely dropped or held in place with straps
- drop-sided vehicles carrying grit or other suitable material for manual spreading.

11 Mobile cranes

A vehicle in this category must be designed and constructed as a mobile crane which:

- a) is used on public roads only as a crane in connection with work carried on at a site in the immediate vicinity or for the purpose of proceeding to and from the place where it is to be used,
- b) when so proceeding does not carry any load except such as is necessary for its propulsion or the operation of built-in lifting apparatus, and
- c) has a revenue weight exceeding 3,500 kilograms.

The category does not include load carrying vehicles such as vans with access platforms.

In the case of articulated vehicles, it is the towing vehicle and not the crane itself, that would be using the red diesel and hence no red diesel entitlement exists. Trailer-mounted equipment drawing its fuel from a tank separate to that used by the towing vehicle may use red diesel, but the towing vehicle itself has no red diesel entitlement.

12 Mobile pumping vehicles

A vehicle in this category is one which:

- a) is constructed or adapted for use and used for the conveyance of a pump and jib,
- b) is used on public roads only when the vehicle is stationary and the pump is being used to pump concrete from a point in the immediate vicinity to another such point or when proceeding to or from a place where the pump is to be or has been used, and
- c) when so proceeding does not carry the material that is to be or has been pumped or any other load except such as is necessary for the propulsion or equipment of the vehicle or for the operation of the pump.

The pump and jib must be built in as part of the vehicle. The concrete pumped must be delivered to a desired height or depth through piping that is attached to the pump and jib and is raised or lowered to that height or depth by operation of the jib.

Vehicles without boom-mounted pumps such as mobile batching plants are not in this category nor are load carrying vehicles fitted with boom-mounted pumps, such as gully-suckers.

13 Digging machines

To qualify in this category the vehicle must be designed, constructed and used for the purpose of trench digging or any kind of excavating or shovelling work. It must only use the public road for that purpose or for the purpose of proceeding to and from the place where the vehicle is to be or has been used for that purpose. When so proceeding it must not carry any load except such as is necessary for its propulsion or equipment.

Shot-blasting vehicles used to remove paint or other material from the surfaces of bridges, girders and the like do not qualify. Digging machines may include earth scraping machines, mobile drilling rigs and road planing or abrading machines used to remove the road surface. A tractor mounted with a permanently-attached front shovel may also be classed as a digging machine.

Vehicles with permanently fitted mobile compressors qualify if they are used only for trench digging or other excavation and do not have a goods carrying capability.

14 Works trucks

To qualify as a works truck the vehicle must be a goods vehicle designed for use in private premises. It must only be used on public roads:

- a) for carrying goods between private premises and a vehicle on a road within one kilometre of those premises,
- b) in passing from one part of private premises to another,
- c) in passing between private premises and other private premises in a case where the premises are within one kilometre of each other, or
- d) in connection with road works at the site of the works or within one kilometre of the site of the works.

In the context of this category a goods vehicle is a vehicle constructed or adapted for use and used for the conveyance of goods or burden of any description (whether in the course of trade or not).

Typical works trucks include fork lift trucks, 'shunt' vehicles designed to haul articulated trailers and their goods around sites and special vehicles which lift and move freight containers around sites. Typically, the vehicle will have a maximum speed well below road traffic speeds of 30 mph+ and will lack many of the features, such as braking and lighting systems, required under the Road Traffic Act 1988.

A tractor towing a trailer is not a works truck.

15 Road Rollers

Self-propelled vehicles with one, two or three drums and walk behind rollers qualify in this category.

16 Road surfacing vehicles

A vehicle in this category is one which:

- a) is designed and constructed to perform an operation necessary to construct or restore the surface of a road,
- b) does not carry any load on a public road except as is necessary for its propulsion or for the operation of any machinery built-in or permanently attached to the vehicle, and
- c) has a maximum speed not exceeding 20 kilometres per hour.

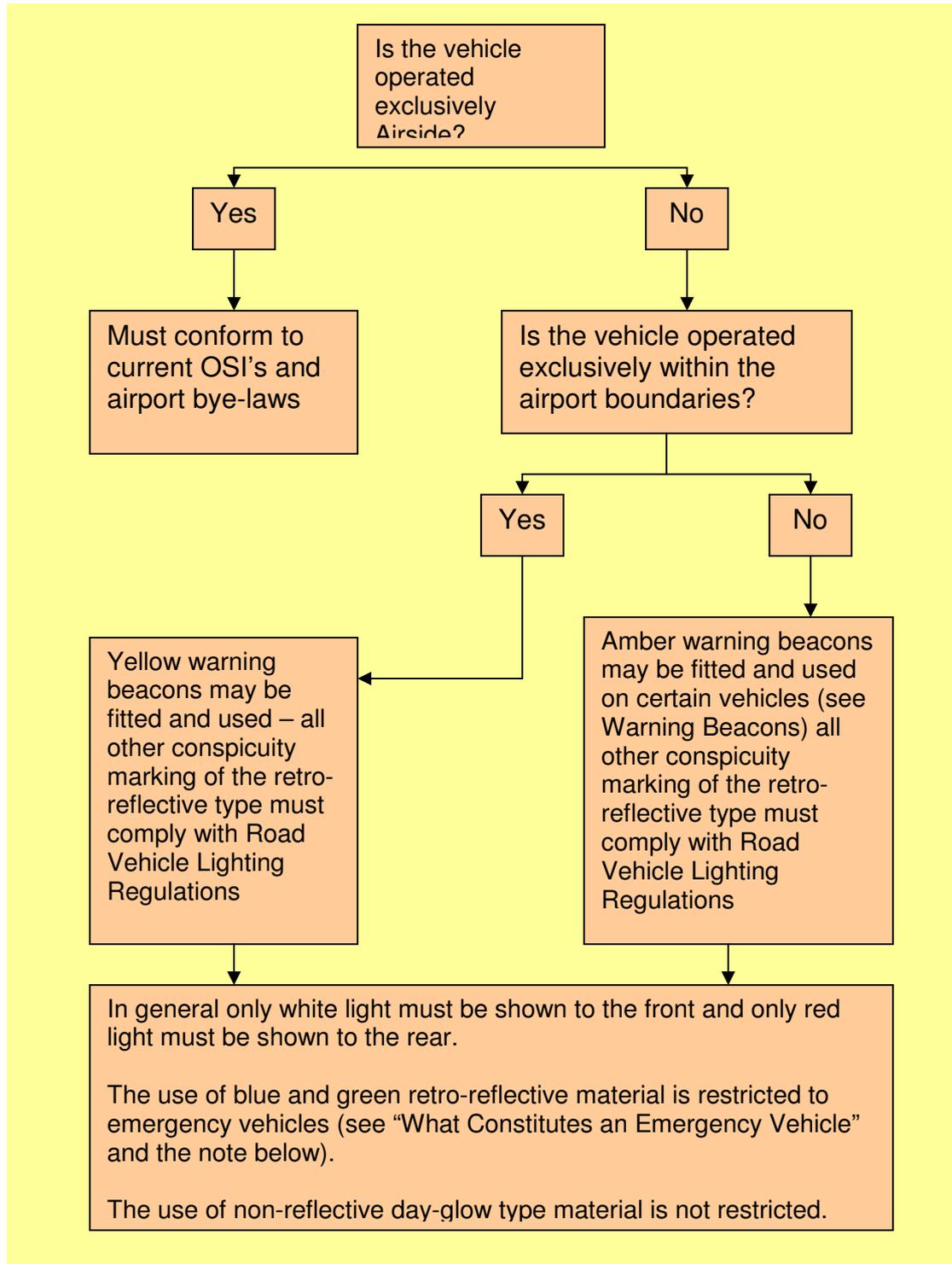
Vehicles such as asphalt pavers qualify in this category.

17 Tar Sprayers

To qualify in this category the tar sprayer must be constructed or permanently adapted and used solely for spraying tar on to the road or for proceeding to and from the place where it is to be or has been used for that purpose.

Hot boxes do not qualify in this or any other category.

10. CONSPICUITY MARKING



Road Vehicles Lighting Regulations 1989

Regulation 3

Material designed primarily to reflect light is, when reflecting light, to be treated for the purposes of these Regulations as showing a light, and material capable of reflecting an image is not, when reflecting the image of a light, to be so treated.

The interpretation is that retro-reflective material fitted to a vehicle is treated as if it were a lamp whereas chrome trim would not be so treated.

Regulation 11

Colour of light shown by lamps, reflectors and retro-reflective material:

- (1) No vehicle shall be fitted with a lamp or retro reflective material which is capable of showing a red light to the front, except: -
 - (a) a red and white chequered domed lamp, or a red and white segmented mast-mounted warning beacon, fitted to a fire service control vehicle and intended for use at the scene of an emergency;
 - (b) a side marker lamp or a side retro reflector;
 - (c) retro reflective material or a retro reflector designed primarily to reflect light to one or both sides of the vehicle and attached to or incorporated in any wheel or tyre of :-
 - [(i) a pedal cycle;
 - (ii) a trailer drawn by, or a sidecar attached to, a pedal cycle
 - (iii) a solo motor bicycle or motor bicycle combination or
 - (iv) an invalid carriage or
 - (d) a traffic sign.
- (2) No vehicle shall be fitted with a lamp or retro reflective material which is capable of showing any light to the rear, other than a red light, except: -
 - (a) amber light from a direction indicator or side marker lamp
 - (b) white light from a reversing lamp
 - (c) white light from a work lamp
 - (d) light to illuminate the interior of a vehicle
 - (e) light from an illuminated rear registration plate
 - (f) light for the purposes of illuminating a taxi meter

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(g) in the case of a bus, light for the purposes of illuminating a route indicator

(h) blue light and white light from a chequered domed lamp fitted to a police control vehicle and intended for use at the scene of an emergency

(i) white light from a red and white chequered domed lamp, or a red and white segmented mast-mounted warning beacon, fitted to a fire service control vehicle and intended for use at the scene of an emergency

(j) green light and white light from a chequered domed lamp fitted to an ambulance control vehicle and intended for use at the scene of an emergency

(k) blue light from a warning beacon or rear special warning lamp fitted to an emergency vehicle, or from any device fitted to a vehicle used for police purposes

(l) amber light from a warning beacon fitted to: -

(i) a road clearance vehicle

(ii) a vehicle constructed or adapted for the purpose of collecting refuse

(iii) a breakdown vehicle

(iv) a vehicle having a maximum speed not exceeding 25 mph or any trailer drawn by such a vehicle

(v) a vehicle having an overall width (including any load) exceeding 2.9 m

(vi) a vehicle used for the purposes of testing, maintaining, improving, cleansing or watering roads for any purpose incidental to any such use

(vii) a vehicle used for the purpose of inspecting, cleansing, maintaining, adjusting, renewing or installing any apparatus which is in, on, under or over a road, or for any purpose incidental to any such use

(viii) a vehicle used for or in connection with any purpose for which it is authorised to be used on roads by an order under section 44 of the Act

[(ix) a vehicle used for escort purposes

(x) a vehicle used by the Commissioners of Customs and Excise for the purpose of testing fuels

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- (xi) a vehicle used for the purpose of surveying
- (xii) a vehicle used for the removal or immobilisation of vehicles in exercise of a statutory power or duty
- (m) green light from a warning beacon fitted to a vehicle used by a medical practitioner registered by the General Medical Council (whether with full, provisional or limited registration)
- (n) yellow light from a warning beacon fitted to a vehicle for use at airports
- (o) light of any colour from a traffic sign which is attached to a vehicle
- (oa) amber light from a lamp attached to or incorporated in a pedal of a pedal cycle
- (ob) white light or amber light from a lamp which is designed to emit light primarily to one or both sides of the vehicle, and is attached to or incorporated in any wheel or tyre of: -
 - (i) a pedal cycle or;
 - (ii) a trailer drawn by, or a sidecar attached to, a pedal cycle
- (p) reflected light from amber pedal retro reflectors;
- (q) reflected light of any colour from retro reflective material or a retro reflector designed primarily to reflect light to one or both sides of the vehicle and attached to or incorporated in any wheel or tyre of :-
 - (i) a pedal cycle;
 - (ii) a trailer drawn by, or a sidecar attached to, a pedal cycle;
 - (iii) a solo motor bicycle or motor bicycle combination; or
 - (iv) an invalid carriage
- (r) reflected light from amber retro reflective material on a road clearance vehicle;
- (s) reflected light from yellow retro reflective registration plates;
- (sa) reflected blue, yellow and white light from a retro reflective plate displaying a distinguishing sign in accordance with Council Regulation (EC) No. 2411/98
- (t) reflected light from yellow retro reflective material incorporated in a prescribed rear marking fitted in the appropriate manner to: -
 - (i) a motor vehicle having a maximum gross weight exceeding 7500 kg

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- (ii) a motor vehicle first used before 1st August 1982 having an unladen weight exceeding 3000 kg
 - (iii) a trailer having a maximum gross weight exceeding 3500 kg
 - (iv) a trailer manufactured before 1st August 1982 having an unladen weight exceeding 1000 kg
 - (v) a trailer which forms part of a combination of vehicles one of which is of a type mentioned in a previous item of this sub-paragraph
 - (vi) a load carried by any vehicle
- (u) reflected light from orange retro reflective material incorporated in a sign fitted to the rear of a vehicle carrying a dangerous substance within the meaning of the Dangerous Substances (Conveyance by Road in Road Tankers and Tank Containers) Regulations 1981 or the Road Traffic (Carriage of Dangerous Substances in Packages etc.) Regulations 1986.
- (v) reflected light from yellow retro reflective material incorporated in a prescribed sign and fitted to the rear of a bus; or
- (w) reflected light from yellow retro reflective material incorporated in a sign fitted to the rear of a bus in accordance with paragraph (4).
- (3) For the purposes of paragraph (2)(t), a rear marking fitted to a vehicle is a prescribed rear marking fitted in the appropriate manner if the rear marking: -
- (a) is a rear marking of a description specified in the entry applicable to that vehicle in the right hand column of paragraph 1 of Part I of Schedule 19, and
 - (b) complies with paragraphs 2 to 7 of that Part of that Schedule
- (4) For the purposes of paragraph (2)(w), a sign ('the secondary sign') is fitted to the rear of a bus in accordance with this paragraph if: -
- (a) a prescribed sign is also fitted to the rear of a bus
 - (b) the total area of the retro reflective material incorporated in the secondary sign is no greater than the area of the prescribed sign and
 - (c) the secondary sign satisfies the requirements specified: -
 - (i) in the case of a bus which is owned or hired by a local education authority or any person managing an education establishment attended by children under the age of 16 years, in paragraph (5) or (6) or

(ii) in any other case, in paragraph (6)

- (5) The requirements referred to in paragraph (4)(c)(i) are that the secondary sign contains no words or other markings apart from words or markings identifying the local education authority or the educational establishment (as the case may be).
- (6) The requirements referred to in paragraph (4)(c)(ii) are that the secondary sign contains no words or other markings apart from words or other markings which :-
- (a) indicate that children are on board the bus when it is in motion or likely to be on board the bus or in its vicinity when it is stationary, and
- (b) are calculated to reduce the risk of road accidents involving such children.

What Constitutes an Emergency Vehicle?

An emergency vehicle is classed as a vehicle used:

for police purposes (but not necessarily a police vehicle, e.g. search and rescue)
for fire brigade purposes (but not necessarily a fire brigade vehicle)
for ambulance purposes (but not necessarily an ambulance vehicle, e.g. mountain rescue)
as an ambulance for moving sick, injured or disabled people
by a specialist company for fire salvage work
by the Forestry Commission for fire fighting
by local councils for fire fighting
for bomb disposal
for nuclear accidents
by the RAF mountain rescue
by the National Blood Service
by HM Coastguard
for mine rescue
by the RNLI for launching lifeboats
for moving around human organs
by Revenue and Customs for serious crime

Note:

Whilst there is nothing specifically stated in the UK Lighting Regulations or elsewhere prohibiting the fitment of blue or green reflective material to the front or sides of vehicles, there is a requirement that any optional side marker lamps have to be amber in colour. It is concluded that any retro-reflective conspicuity marking fitted to the sides of vehicle must be either amber or white.

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New Driver Entitlements

Drivers passing a car driving test from 1st January 1997 are restricted in the size, type, seating capacity and towing ability of the vehicles that they can drive.

Entitlement	Additional Categories Included
<p>Motor vehicles, other than vehicles included in category A, F, K or P, having a maximum authorised mass not exceeding 3.5 tonnes and not more than 8 seats in addition to the driver's seat including- :-</p> <p>(i) a combination of such a vehicle and a trailer where the trailer has a maximum authorised mass not exceeding 750 kg, and</p> <p>(ii) a combination of such a vehicle and a trailer where the maximum authorised mass of the combination does not exceed 3.5 tonnes and the maximum authorised mass of the trailer does not exceed the unladen weight of the tractor vehicle.</p>	F, K and P ¹

Categories

A	Motor Bicycles
F	Agricultural or forestry tractors not being a tracked vehicle
P	Moped (see footnote (1))

Examples

Situation	Acceptability
Towing vehicle MAM 3500kg towing a trailer of MAM 750kg	Acceptable
Towing vehicle MAM 2600kg with unladen weight of 1650kg towing a trailer of MAM 1000kg	Unacceptable as the total combination MAM exceeds 3500kg and the Trailer MAM exceeds 750kgs
Towing vehicle MAM 2400kg with unladen weight of 1450kg towing a trailer of MAM 1100kg	Acceptable (but on the 3500kg limit)
Towing vehicle MAM 2100kg with unladen weight of 1350kg towing a trailer of MAM 1400kg	Unacceptable as the MAM of the trailer exceeds the unladen weight of the towing vehicle

¹ From 1st February 2001 new full cat B licence holders require basic training (CBT) before riding a moped Cat P

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Vocational Driving Licence Categories

	<i>M.A.M. Maximum authorised mass = GVW gross vehicle weight</i>
Category	Class of Vehicle
Goods Vehicles, Tractors, Rollers and Electric Vehicles	
C	Motor vehicles(not falling in Cat D, F, G or H) exceeding 3500 kg M.A.M. + trailer not exceeding 750kg M.A.M. All drivers have to take a separate test and meet higher medical conditions.
C+E	Cat C vehicle + trailer exceeding 750 kg M.A.M. All drivers must hold full Cat C licence, take a further test and meet higher medical conditions.
C1	Motor vehicles 3500 kg - 7500kg + trailer not exceeding 750kg M.A.M. (limited to 7500kg total if under 21yrs). New drivers must hold Cat B licence, take a separate test and meet higher medical conditions.
C1+E	Cat C1 + Trailer exceeding 750 kg M.A.M. providing the total maximum weight of the combination does not exceed 12000 kgs and M.A.M. of trailer does not exceed unladen weight of motor vehicle. (Under 21yrs limited to 7500kg) New drivers must hold Cat C1 licence and take further test. Holders of licence valid prior to 1/1/97 limited C1+ E (8.25t) unless new test taken.
C1+E (8.25 tonnes)²	Cat C1 + Trailer exceeding 750 kg M.A.M. providing the total maximum weight of the combination does not exceed 8250kg - the M.A.M. of trailer may exceed unladen weight of motor vehicle. Holders of licence valid prior to 1/1/97 limited to 8250kg unless new test taken for C1 + E. Under 21yrs limited to 7500kg.
Passenger Vehicles	
D	Passenger vehicles over 8 seats (+ driver) + trailer not exceeding 750kg MAM. All drivers have to take a separate test and meet higher medical conditions.
D+E	Cat D + trailer exceeding 750 kg MAM. All drivers must hold full Cat D licence, take a further test and meet higher medical conditions.
D1	Passenger vehicles with 9 - 16 seats (+driver) + trailer not exceeding 750kg M.A.M. All drivers will have to take a separate test and meet higher medical conditions.
D1+E	Cat D1 + trailer exceeding 750 kg M.A.M. providing the total

² Code 107 shown on driving licence – this would be driver having passed a car test prior to 1st January 1997 who has not passed a separate C1 + E test.

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	<p>maximum weight of the combination does not exceed 12000kg s and M.A.M. of trailer does not exceed unladen weight of motor vehicle.</p> <p>All drivers must hold Cat D1 licence, and take a further test. This is a small PSV licence. Passengers must not be carried in a trailer.</p>
D1(not for hire or reward)	<p>Passenger vehicles with 9 - 16 seats (+driver)+ trailer not exceeding 750kg M.A.M. driven otherwise than for Hire or Reward.</p> <p>New drivers will have to take a separate test and meet higher medical conditions. Voluntary and Permit vehicle drivers will not require D1 licence if certain conditions are met.</p>
D1+E (not for hire or reward)	<p>Cat D1 + trailer exceeding 750 kg M.A.M. driven otherwise than for Hire or Reward.</p> <p>The M.A.M. of trailer may exceed unladen weight of motor vehicle.</p> <p>New drivers must hold Cat D1 licence, and take a further test.</p>

Hire or Reward

The legal definition of hire or reward is very wide and many situations might be deemed to come into this category. The legislation states:

Carrying of Passengers - Public Passenger Vehicles Act 1981

5) For the purposes of this section and Schedule 1 to this Act: -

(a) a vehicle is to be treated as carrying passengers for hire or reward if payment is made for, or for matters which include, the carrying of passengers, irrespective of the person to whom the payment is made and, in the case of a transaction effected by or on behalf of a member of any association of persons (whether incorporated or not) on the one hand and the association or another member thereof on the other hand, notwithstanding any rule of law as to such transactions;

(b) a payment made for the carrying of a passenger shall be treated as a fare notwithstanding that it is made in consideration of other matters in addition to the journey and irrespective of the person by or to whom it is made;

(c) a payment shall be treated as made for the carrying of a passenger if made in consideration of a person's being given a right to be carried, whether for one or more journeys and whether or not the right is exercised.

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- (6) Where a fare is paid for the carriage of a passenger on a journey by air, no part of that fare shall be treated for the purposes of subsection (5) above as paid in consideration of the carriage of the passenger by road by reason of the fact that, in case of mechanical failure, bad weather or other circumstances outside the operator's control, part of that journey may be made by road.

It follows therefore that such operations as providing a free bus service to and from the air terminal from outlying car parks are covered under the hire or reward definition as although the passenger is not charged directly for the bus travel, the charge made for parking indirectly covers the bus transport whether or not the service is actually used by the customer.

A bus owned and operated by BAA solely to transport members of staff around the workplace site where no charge is made directly or indirectly to the staff being carried, would not be including in the hire or reward definition. Should BAA contract out the transportation of staff around site to a third party then hire or reward would occur as the third party contractor is being paid for the work.

Driving Licence Codes

The following codes may be found on driving licences and signify certain restrictions:

Code	Restriction Codes on UK licences issued pre 1/1/97
1	Not for Hire or Reward
2	Draw Bar Trailers only
3	Subject to a CBT certificate
4	With suitably positioned mirrors
5	Not more than 5.5m long
*	Entitlement to draw a trailer which does not exceed 750 kg gross
6	Automatic Transmission
7	Less than 8250kg
8	Subject to minimum age requirements
9	Controls adapted to suit disability
10	Limited to invalid carriages
11	Limited to 16 passenger seats
12	Motorcycle sidecar
13	Limited to 16 passenger seats except for automatics
-	EC Codes (used throughout the EC)

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01	Eyesight correction
02	Hearing Aid
03	Artificial limbs
04	Medical Certificate
05	Medical restrictions
10	Modified controls/mirrors Also codes 15, 20, 25, 30, 35, 40, 42, 43, 55
44	Motorcycle modification
45	Motorcycle combinations only
50,51, 55	Restricted to specific vehicles
70	Exchange licence
71	Duplicate licence
76,77	C1+E, D1+E
78	Automatic Transmission
79 (...)	Misc restriction shown in brackets
-	National Codes (valid in UK only)
101	Not for Hire or Reward
102	Draw Bar Trailers only
103	Certificate of Training or Competence
105	Not more than 5.5m long
106	Automatic Transmission
107	Not exceeding 8250kg
108	Subject to minimum age requirements
110	Limited to invalid carriages
111	Limited to 16 passenger seats
113	Limited to 16 passenger seats except for automatics
114	With any special controls
115	Organ Donor
118	Start date is for earliest entitlement
119	Weight limit does not apply
120	Complies with health standard for category D1
122	valid on completion Basic Moped Training Course

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Vehicles Exempt Vocational Driving Licence Requirements

The following table gives all the exemptions for vocational driving licence requirements although few are expected to apply to BAA: -

Exemption	Definitions
1) Any road construction vehicle used or kept on the road solely for the conveyance of built in road construction machinery.	<p>'Road construction vehicle' means a vehicle which:</p> <p>a) is constructed or adapted for use for the conveyance of road construction machinery which is built in as part of, or permanently attached to, that vehicle</p> <p>b) is not constructed or adapted for the conveyance of any other load except article and materials used for the purposes of such machinery</p> <p>'Road construction machinery' means a machine or device suitable for the use for the construction and repair of roads and used for no purpose other than the construction and repair of roads</p>
2) Any engineering plant other than a mobile crane	<p>'Engineering plant' means moveable plant or equipment being a motor vehicle or trailer specially designed and constructed for the special purposes of engineering operations, and which cannot, owing to the requirements of those purposes, comply with all the requirements of the Road Vehicles (Construction and Use) Regulations 1986 and which is not constructed primarily to carry a load other than a load being either excavated materials raise from the ground by apparatus on the motor vehicle or trailer or materials which the vehicle or trailer is specially designed to treat while carried thereon</p>
3) A works truck	<p>'Works truck' means a motor vehicle (other than a straddle carrier) designed for use in private premises and used on a road only in delivering goods from or to such premises to or from a vehicle on a road in the immediate neighbourhood, or in passing from one part of any such private premises to another or to other private premises in the immediate neighbourhood or in connection with road works while at or in the immediate neighbourhood of the site of such works. The Department for Transport advise a distance of 1,000 road yards</p>
4) An industrial tractor	<p>'Industrial tractor' means a tractor, not being an agricultural motor vehicle, which:</p> <p>a) has an unladen weight not exceeding 7,370kg</p> <p>b) is designed and used for work primarily off roads, or for work on roads in connection only with road construction or</p>

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	<p>maintenance (including any such tractor when fitted with an implement or implements designed primarily for use in connection with such work, whether or not any such implement is of itself designed to carry a load)</p> <p>c) has a maximum speed not exceeding 20mph</p>
5) An agricultural motor vehicle, which is not an agricultural or forestry tractor	<p>'Agricultural motor vehicle' means a motor vehicle which is constructed or adapted for use off roads for the purpose of agriculture, horticulture or forestry and which is primarily used for one or more of those purposes, not being a dual-purpose vehicle</p>
6) A digging machine	<p>'Digging machine' means a vehicle which is designed, constructed and used for the purpose of trench digging, or any kind of excavating and shovelling work, and which:</p> <p>a) is used on public roads only for that purpose or the purpose of proceeding to or from the place where it is to be or has been used for that purpose</p> <p>b) when so proceeding does not carry any load except such as is necessary for its propulsion or equipment</p>
7) Goods vehicle used for limited road use	<p>A goods vehicle which, in so far as it is used on public roads:</p> <p>a) is used only in passing from land in the occupation of a person keeping the vehicle to other land in the occupation of that person</p> <p>b) is not used on public roads for distances exceeding an aggregate of 9.7 kilometres in any calendar week</p>
8) Mini artic	<p>An articulated goods vehicle the unladen weight of which does not exceed 3.05 tonnes</p>
9) Limited road use for agriculture, horticulture or forestry	<p>A goods vehicle, other than an agricultural motor vehicle, which:</p> <p>a) is used only for purposes relating to agriculture, horticulture or forestry</p> <p>b) is used on public roads only in passing between different areas of land occupied by the same person</p> <p>c) in passing between any two such areas does not travel a distance exceeding 1.5 kilometres on public roads</p>
10) Light recovery vehicle	<p>A goods vehicle fitted with apparatus designed for raising a disabled vehicle partly from the ground and for drawing a</p>

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	<p>disabled vehicle when so raised (whether by partial superimposition or otherwise) being a vehicle which:</p> <p>a) is used solely for dealing with disabled vehicles</p> <p>b) is not used for the conveyance of any goods other than a disabled vehicle when so raised and water, fuel, accumulators and articles required for the operation of, or in connection with, disabled vehicles</p> <p>c) has an unladen weight not exceeding 3.05 tonnes</p>
<p>11 Mobile project vehicle</p>	<p>A mobile project vehicle on behalf of a non-commercial body:</p> <p>a) to or from the place where the equipment it carries is to be or has been, used, or the display or exhibition is to be, or has been, mounted, or</p> <p>b) to or from the place where a mechanical defect in the vehicle is to be, or has been, remedied, or</p> <p>c) in such circumstances that by virtue of paragraph 22 of Schedule 2 to the Vehicle Excise and Registration Act 1994 the vehicle is not chargeable with duty in respect of its use on public roads</p> <p>The person driving the vehicle must have held a relevant category B licence for an aggregate period of not less than two years and is aged 21 or over.</p> <p>‘Mobile project vehicle’ means a vehicle which has a maximum authorised mass exceeding 3.5 tonnes, is constructed or adapted to carry not more than eight persons in addition to the driver and carries principally goods or burden consisting of:</p> <p>i) play or educational equipment and article required in connection with the use of such equipment, or</p> <p>ii) articles required for the purposes of display or of an exhibition, and the primary purpose of which is use as a recreational, educational or instructional facility when stationary</p>
<p>12) Minibus driven by volunteer</p>	<p>A vehicle driven on behalf of a non-commercial body for social purposes but not for hire or reward of a class included in sub-category D1 which has no trailer attached and has a maximum authorised mass not exceeding 3.5 tonnes, excluding any part of that weight which is attributable to specialised equipment intended for the carriage of passengers, and 4.25 tonnes otherwise, provided the driver:</p>

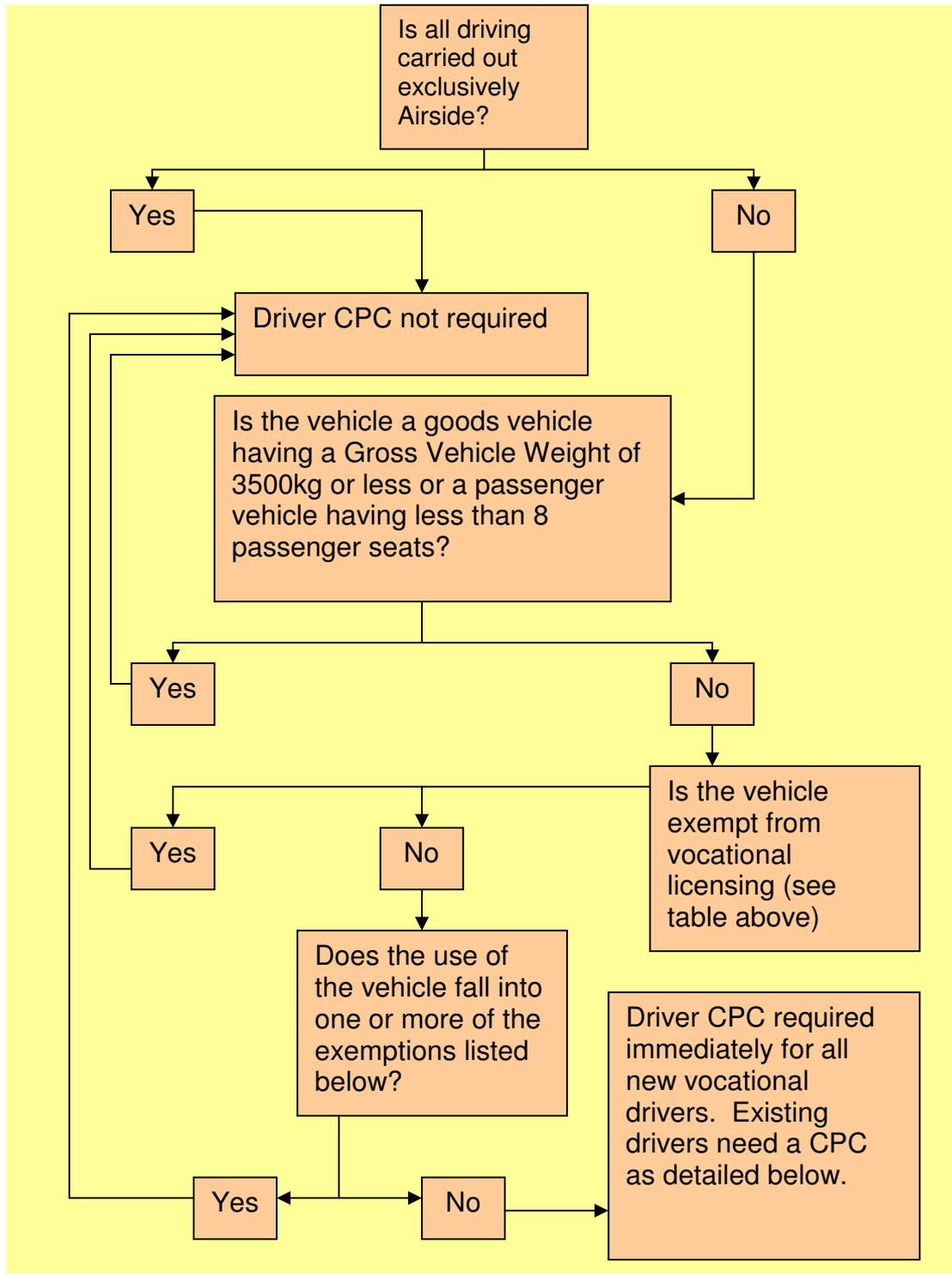
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	<p>a) has held a relevant category B licence for an aggregate period of not less than two years</p> <p>b) is aged 21 or over</p> <p>c) if he is aged 70 or over, is not suffering from any relevant disability in respect of which the Secretary of State would be bound to refuse him a Group 2 licence</p> <p>d) receives no consideration for driving the vehicle</p>
13) Vintage goods vehicle	A goods vehicle manufactured before 1 January 1960, used unladen and not drawing a laden trailer
14) Vintage passenger vehicle	A passenger-carrying vehicle manufactured more than 30 years before the date when it is being driven and not used for hire or reward or for the carriage of more than eight passengers
15) Steam vehicle	A goods vehicle propelled by steam
16) Haulage of lifeboats	A goods vehicle used for no other purpose than the haulage of lifeboats and the conveyance of the necessary gear of the lifeboats that are being hauled
17) Visiting forces	A goods vehicle in the service of a visiting force or headquarters as defined in the Visiting Forces and International Headquarters (Application of Law) Order 1965
18) Goods vehicle driven by a constable	A goods vehicle driven by a constable for the purpose of removing or avoiding obstruction to other road users or other members of the public, for the purpose of protecting life or property (including the vehicle and its load) or for other similar purposes
19) Passenger vehicle driven by a constable	A passenger carrying vehicle when it is being driven by a constable for the purpose of removing or avoiding obstruction to other road users or other members of the public, for the purpose of protecting life or property (including the vehicle and its load) or for other similar purposes
20) Fire services for the Crown	A vehicle designed for fire-fighting or fire salvage purposes which is the property of, or for the time-being under the control of, the Secretary of State for Defence, when being driven by a member of the armed forces of the Crown
21) Armed forces work of national importance	A vehicle being driven by a member of the armed forces of the Crown in the course of urgent work of national importance in accordance with an order of the Defence Council in pursuance of the Defence (Armed Forces) Regulations 1939 which were continued permanently in force, in the form set out in Part C of Schedule 2 to the Emergency Laws (Repeal) Act 1959, by section 2 of the

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	Emergency Powers Act 1964
22) Armoured vehicle	An armoured vehicle other than a track-laying vehicle which is the property of, or for the time being under the control of, the Secretary of State for Defence

12. DRIVER CPC (Certificate of Professional Competence)



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Driver CPC Requirements

Driver CPC regulations apply to new drivers acquiring a PCV licence from September 2008 and for drivers acquiring an LGV licence from September 2009. These drivers will need to partake in initial training, which involves a test. Provided the standard is reached and the test is passed it does not matter how much or little training the candidate has undertaken. Following this, drivers must complete 35 hours' worth of periodic training within five years of the initial test, and every five years from then onwards.

Those who already hold a vocational licence before the above dates will be given acquired (grandfather) rights, and will not have to obtain the initial qualification. However, they will need to complete 35 hours of periodic training by 10 September 2014 (goods vehicles) or 10 September 2013 (passenger vehicles), and every five years from then onwards.

Exemption from Driver CPC

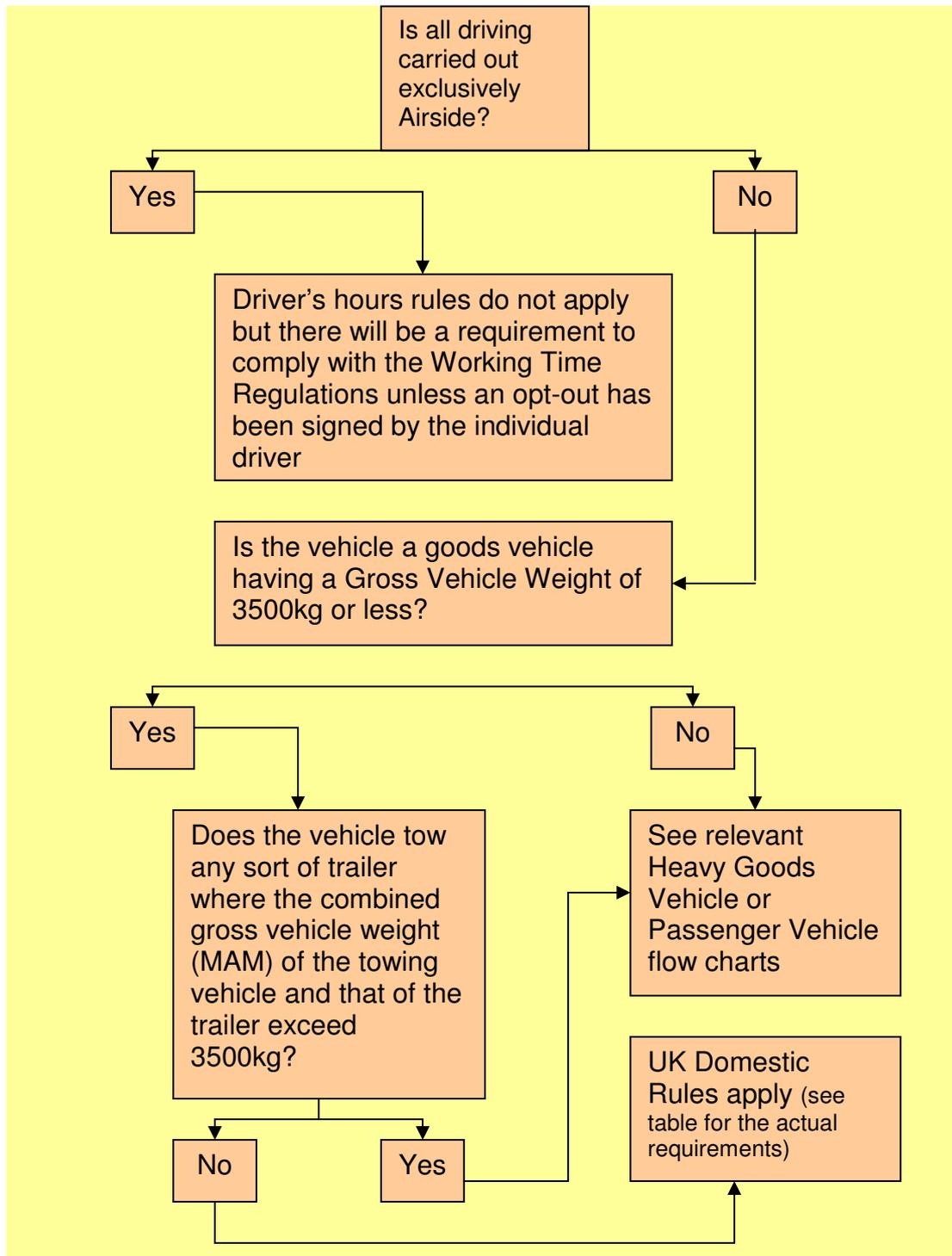
Exemption	Comments
Vehicles used for the non commercial carriage of passengers or goods for personal use.	This is unlikely to apply to BAA as they are a commercial enterprise irrespective of whom or what is actually being carried.
Vehicles undergoing road test for technical development, repair or maintenance purposes, or new or rebuilt vehicles not yet put into service.	This could apply to such employees as vehicle maintenance staff whilst carrying out road test for fault diagnosis or following repair.
Vehicles used in the course of driving lessons for any person wishing to obtain a driving licence of driver CPC.	
Vehicles' carrying material or equipment to be used by the driver in the course of his work, providing that driving does not constitute the driver's principal activity.	VOSA has indicated it believes this is likely to apply to operations where the vehicle is the "tool box" for the main activity. VOSA believes the "principal activity" of the driver will depend on what the driver is employed to do and how it is demonstrated from the time spent driving. For example if the driver is one of the workmen actually carrying out on site work then the exemption would probably apply. It would not apply where the driver just delivers

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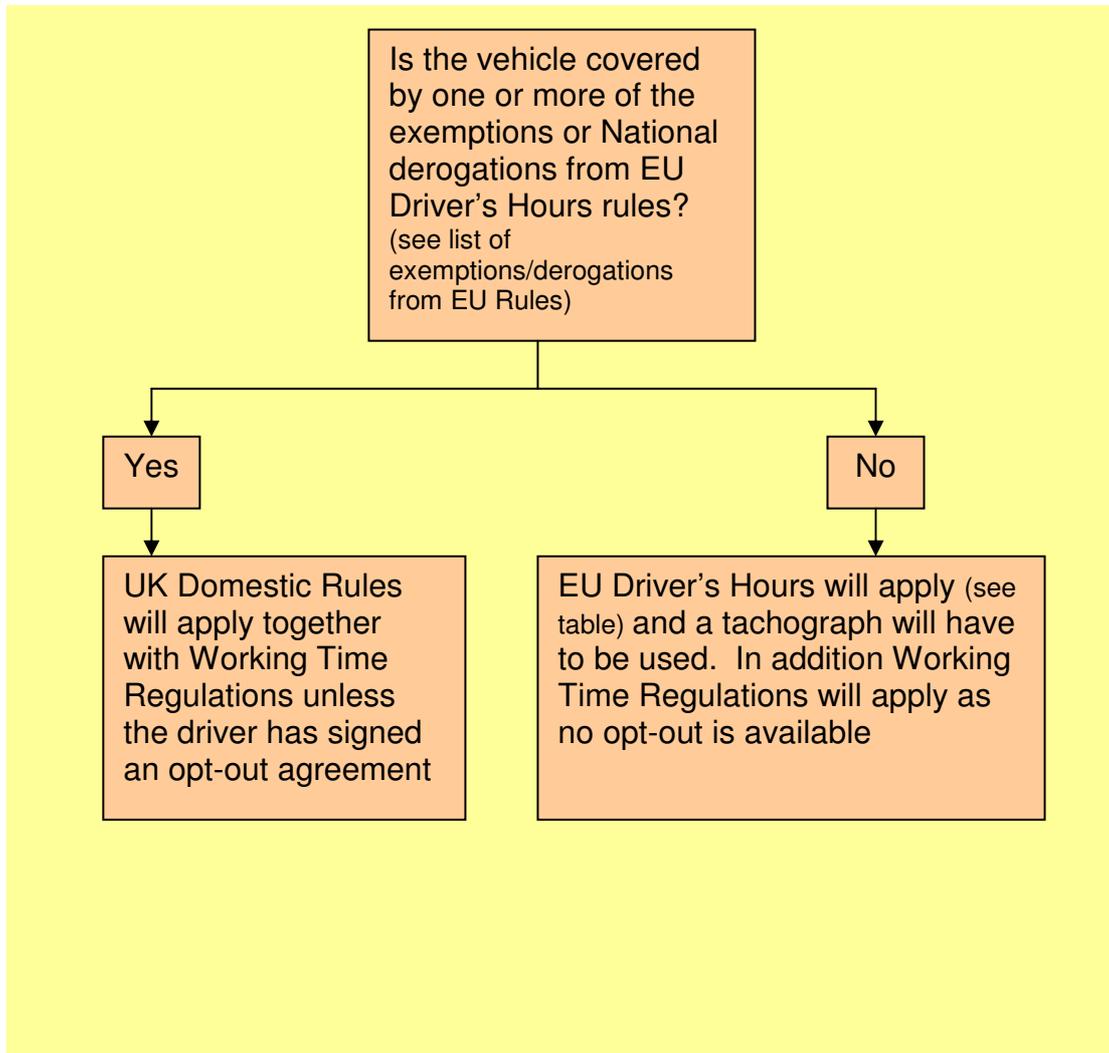
	workmen, tools, and materials to a site and leaves them to get on with the job.
Vehicles with a maximum authorised speed not exceeding 45 km/hr.	VOSA has confirmed that it believes this also includes vehicles incapable of exceeding 45 km/hr by virtue of a speed limiter.
Vehicles used by or under the control of: a. the armed forces b. a police force c. a local authority in the discharge of any function under section 5 of the Civil Contingencies Act 2004, or d. a fire and rescue authority	
Vehicles used in states of emergency or assigned to rescue missions.	

13. DRIVERS' HOURS

Drivers' hours of work and driving is a complex area covered by a number of Regulations some of which have certain exemptions. The following flowcharts should simplify the process of establishing which rules apply to any particular set of circumstances:

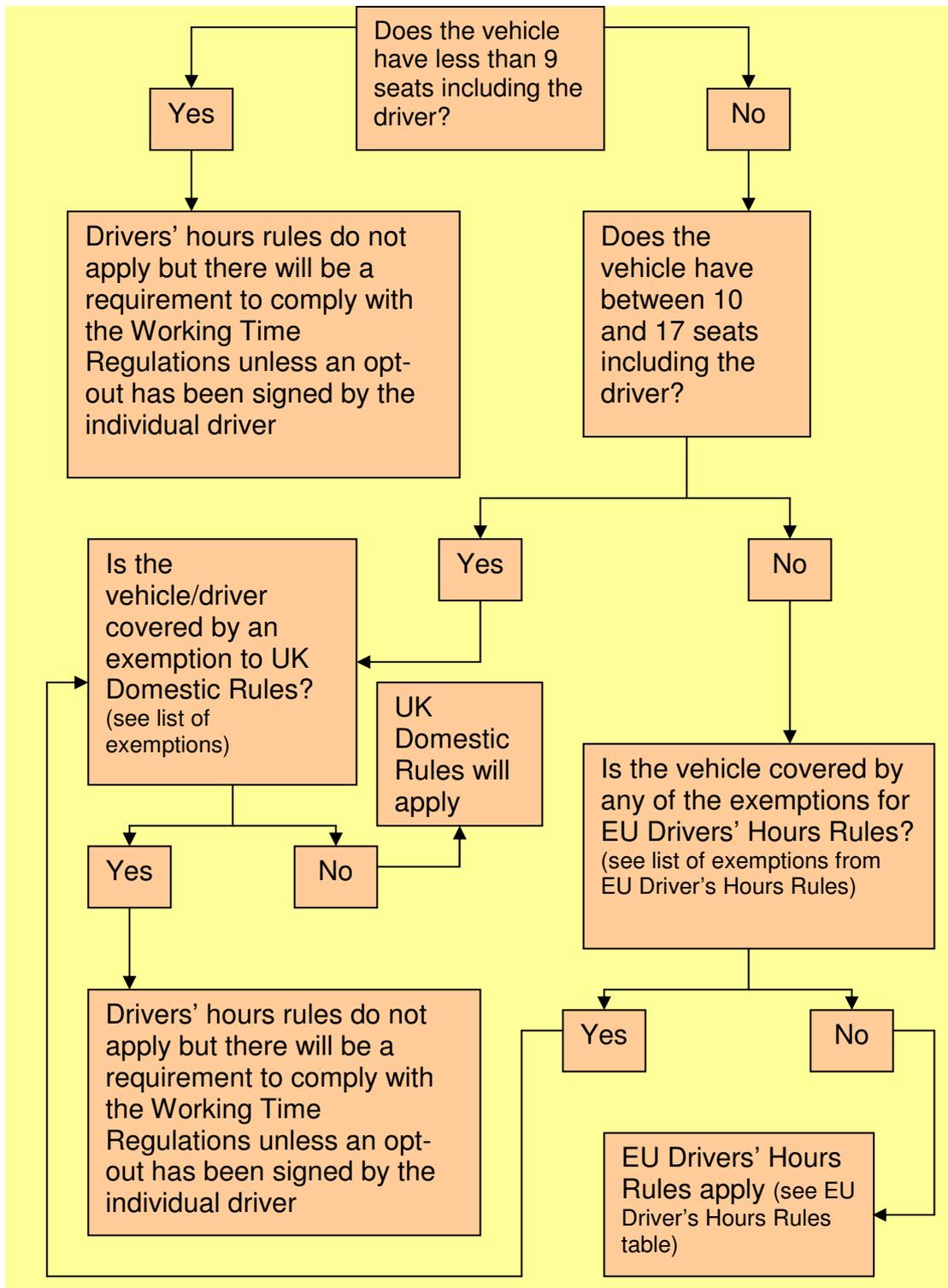


13.1 Heavy Goods Vehicles



13.2 Passenger Vehicles

Note: There are specific driving licence requirements in respect of driving passenger vehicles – please see section 11 Driving Licensing.



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UK Domestic Rules for Goods Vehicles

Daily Driving	10 hours	Except whilst dealing with emergencies.
Daily Duty	11 hours	
	No limit	<p>There is no daily duty limit :-</p> <ul style="list-style-type: none"> • if a driver drives for less than 4 hours each day for the whole week, or • drivers of goods vehicles not exceeding 3.5 tonnes, and dual purpose vehicles either of which are used solely in connection with the following jobs :- <ul style="list-style-type: none"> - a doctor, nurse, midwife, dentist or vet, - a maintenance, repair, cleaning, fitting or inspection service, - a commercial traveller , - the AA, RAC, or RSAC, - film, radio, or television broadcasting.

UK Domestic Rules for Passenger Vehicles

Continuous or accumulated Duty	5h 30m	Must take 30 min. break unless it is the end of the working day. If driver has accumulated 45 minutes rest during the day and then takes break as above.
	8h 30m	
Daily Driving	10 hours	Except whilst dealing with emergencies.
Daily Duty	16 hours	
	No limit	<p>There is no daily duty limit :-</p> <ul style="list-style-type: none"> • if a driver drives for less than 4 hours each day for the whole week, or
Daily Rest	10hrs	Drivers of passenger vehicles may reduce this daily rest period to 8 1/2 hrs three times/week.
Weekly Rest	24hrs	Minimum in every working fortnight.

Exemptions from UK Domestic Hours Rules

1. A driver who drives for less than four hours in each calendar week need not observe the domestic rules during that week.
2. If a driver does not accumulate more than four hours driving time on more than two calendar days of the working week he is exempt from the domestic rules for that week, provided that on each of these days:
 - a) All working duties must start and finish within a 24 hour period;
 - b) The driver must have 10 hours rest in a row, immediately before the first duty and immediately after the last duty;
 - c) The driver must obey the rules on driving times and the length of working day.
3. Emergencies allow the rules to be overlooked in limited circumstances, defined as events which cause or are likely to cause:
 - a) Danger to the life or health of one or more individuals; or
 - b) Serious interruption to public services of water, gas, electricity, telecommunications or post; or
 - c) Serious interruption to the use of roads; or
 - d) Serious interruption to private or public transport (except strikes); or
 - e) Serious damage to property;

as to necessitate the taking of immediate action to prevent the occurrence or continuous of such danger or interruption or the occurrence of such damage.

Time spent on such work does not count towards driving or duty time limits, but employers should ensure that they do not allow employees to drive whilst unduly tired.

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EU Driver's Hours Rules

-	Normal	Allowance	Compensation
Driving			
Daily	9 hours	10 hours twice per week	None
Weekly	Not to exceed working time directive to a maximum of 56 hours	none	n/a
Fortnightly	90 hours	none	n/a
Break			
<p>After a driving period of four and a half hours a driver shall take an uninterrupted break of not less than 45 minutes, unless he takes a rest period.</p> <p>This break may be replaced by a break of at least 15 minutes followed by a break of at least 30 minutes each distributed over the period in such a way as to comply with four and a half hours requirement.</p>			
Rest			
<p>A new daily rest period must have been taken within each period of 24 hours after the end of the previous daily rest period or weekly rest period.</p> <p><i>If daily or weekly rest is taken in a vehicle it must be stationary and fitted with a bunk. Rest may be interrupted to move onto or off a ferry (train or boat) provided it is not more than twice for a total of not more than 1 hour - no compensation is now required.</i></p>			
Daily Rest	11 hours continuous within 24 hour period	9 hours three times week	none
	Split into 2 periods totalling 12 hours, 1 period at least 3 hours, other period at least 9 hours	n/a	none
	Double manned vehicle - 9 hours to be taken within each 30 hour period	n/a	none
Weekly Rest	45 hours	24 hours	By the end of third week following

When a driver is required to comply with EC hours, all his time spent in the course of work must be recorded. This includes driving exempt vehicles, those subject to domestic regulations as well as off road driving and time spent travelling to or from a vehicle subject to EC regulations where that vehicle is away from base. This time should be recorded as other work.

If operating vehicles subject to EC and domestic rules he must comply with EC rules whilst driving EC vehicles and may comply with either set of rules when driving a vehicle subject to domestic rules but must at all times comply with domestic duty and daily driving limits. The use of a tachograph does not signify which set of rules are being complied with.

Exemptions/Derogations from EU Drivers' Hours Rules

1. Vehicles used for the carriage of passengers on regular services* where the route covered by the service in question does not exceed 50 kilometres;

* A **Regular Service** is a service that carries passengers at specified intervals along a specified route, with passengers being picked up and set down at agreed stopping points. It does not have to be a service for the general public. It may be a service only for one kind of passenger, e.g. it may take children to and from school, or workers to and from work.

2. Vehicles with a maximum authorised speed not exceeding 40 kilometres per hour;
3. Vehicles owned or hired without a driver by the armed services, civil defence services, fire services, and forces responsible for maintaining public order when the carriage is undertaken as a consequence of the tasks assigned to these services and is under their control;
4. Vehicles, including vehicles used in the non-commercial transport of humanitarian aid, used in emergencies or rescue operations;
5. Specialised vehicles used for medical purposes;
6. Specialised breakdown vehicles operating within a 100 km radius of their base;
7. Vehicles undergoing road tests for technical development, repair or maintenance purposes, and new or rebuilt vehicles which have not yet been put into service;
8. Vehicles or combinations of vehicles with a maximum permissible mass not exceeding 7,5 tonnes used for the non-commercial carriage of goods;
9. Commercial vehicles, which have a historic status (in the UK this means manufactured more than 25 years before the date on which it is being driven) and which are used for the non-commercial carriage of passengers or goods.

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Derogations

10. Any vehicle which is owned or hired without a driver by a public authority to undertake carriage by road otherwise than in competition with private transport undertakings and being used :-
 - for the provision of ambulance services by a relevant NHS body, or in pursuance of arrangements made by or at the request of a relevant NHS body, or made with the Secretary of State or with the Welsh or Scottish Ministers;
 - for the transport of organs, blood, equipment, medical supplies or personnel by a relevant NHS body, or in pursuance of arrangements of the kind mentioned above;
 - by a local authority to provide, in the exercise of social services functions services for old persons; or services for persons to whom section 29 of the National Assistance Act 1948 (welfare arrangements for physically and mentally handicapped persons) applies;
 - by Her Majesty's Coastguard, a general lighthouse authority or a local lighthouse authority;
 - for the purpose of maintaining railways by the British Railways Board, any holder of a network licence (within the meaning of Part 1 of the Railways Act 1993) which is a company wholly owned by the Crown (within the meaning of that Act), Transport for London, any wholly owned subsidiary of Transport for London, a Passenger Transport Executive or a local authority;
 - by the British Waterways Board for the purpose of maintaining navigable waterways.
11. Any vehicle used or hired, without a driver, by agricultural, horticultural, forestry, farming or fishery (live fish or catch from place of landing to processing plant) undertakings for carrying goods as part of their own entrepreneurial activity within a radius of up to 100 km from the base of the undertaking,
12. Any tractor which is used for agricultural or forestry work within a 100 kilometre radius of the base of the undertaking which owns, hires or leases the tractor.
13. Any vehicle or combination of vehicles with a maximum permissible mass not exceeding 7,5 tonnes used :-

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- by universal service providers to deliver postal articles items as part of the universal service, or
 - for carrying materials, equipment or machinery for the driver's use in the course of his work,
14. These vehicles shall be used only within a 50 kilometre radius from the base of the undertaking, and on condition that driving the vehicles does not constitute the driver's main activity,
 15. Any vehicle which operates exclusively on an island which does not exceed 2300 square kilometres in area and is not linked to the rest of Great Britain by a bridge, ford or tunnel open for use by motor vehicles.
 16. Any vehicle which is used by an undertaking for the carriage of goods within a 50 kilometre radius from where the undertaking is based, is propelled by means of natural or liquefied gas or electricity and has a maximum permissible mass, including the mass of any trailer or semi-trailer drawn by it, not exceeding 7.5 tonnes.
 17. Any vehicle which is being used for driving instruction and examination with a view to obtaining a driving licence or certificate of professional competence - the vehicle or any trailer drawn by it must not be used for the commercial carriage of goods or passengers.
 18. Any vehicle which is being used in connection with :-
 - sewerage, flood protection, water, gas or electricity maintenance services;
 - road maintenance or control;
 - door-to-door household refuse collection or disposal;
 - telegraph or telephone services;
 - radio or television broadcasting; or
 - the detection of radio or television transmitters or receivers.
 19. Any vehicle with not more than 17 seats, including the driver's seat, used exclusively for the non-commercial carriage of passengers.
 20. Any specialised vehicle which is being used for transporting circus or funfair equipment. *[NB these now only exempt on national journeys]*

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21. Any mobile project vehicle the primary purpose of which is use as an educational facility when stationary and which is specially fitted for that purpose.
22. Any vehicle which is being used for the collection of milk from farms or for the return to farms of milk containers or milk products intended for animal feed.
23. Any vehicle which is being used to carry animal waste or carcasses which are not intended for human consumption.
24. Any vehicle which is used exclusively on roads inside hub facilities (in the case of BAA this would cover only Airside Operations).
25. Any vehicle which is being used to carry live animals from a farm to a market or from a market to a slaughterhouse, where the distance between the farm and the market, or between the market and the slaughterhouse, does not exceed 50 kilometres.
26. Any vehicle which has a maximum permissible mass not exceeding 7.5 tonnes which is being used to deliver items as part of a universal service by a universal service provider which is being used within a 50 kilometre radius from the base of the universal service provider, and the driving of which does not constitute the driver's main activity.
27. Any vehicle which is being used by the Royal National Lifeboat Institution for the purpose of hauling lifeboats.
28. Any vehicle which was manufactured before 1st January 1947.
29. Any vehicle which is propelled by steam.

Mixed Driving

Many drivers spend some of their time driving under one set of rules and some under another set, perhaps even on the same day. If you work partly under EU rules and partly under GB domestic rules during a day or a week, the following points must be considered:

- The time you spend driving under EU rules cannot count as an off-duty period under GB domestic rules.
- Driving and other duty under GB domestic rules (including non-driving work in another employment) count as attendance at work but not as a break or rest period under the EU rules.

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- Driving under EU rules counts towards the driving and duty limits under GB domestic rules.
- Any driving under EU rules in a week means that you must take a daily rest period on those days when you actually drive under EU rules, as well as a weekly rest period.

Driving limits

GB domestic limit (a maximum of 10 hours of driving a day) must always be obeyed. But at any time when you are actually driving under the EU rules you must obey all the rules on EU driving limits.

Other duty limits

GB domestic limit (i.e. no more than 11 hours on duty) must always be obeyed. But when working under EU rules you must also obey all the rules on breaks, daily rest (only on those days when actually driving) and weekly rest.

Rest periods and breaks

Again, you must always obey the EU rules on rest periods and breaks on days and weeks in which driving in scope of EU rules is carried out.

A weekly rest period is not required in a fixed week where a driver does not drive under EU rules. Where a driver works under EU rules in one week and under GB domestic rules in the following week, the driver may take either a regular or a reduced weekly rest in the first week. If the driver takes a reduced weekly rest, compensation will be required by the end of the third week following the week in question. If this working pattern continues, the driver may take either a regular or reduced weekly rest period every other week.

Where a driver works under GB domestic rules in week one and the EU rules in the second week, the weekly rest required in week two must start no later than 144 hours following the commencement of duty on or after 00.00 hours on Monday.

Records

During a week in which the in-scope driving has taken place, any previous work (including out-of-scope driving since the last weekly rest period), would have to be recorded as “other work” on a tachograph chart, printout or a manual entry using the manual input facility of a digital tachograph, or a legally required GB domestic record on a log book.

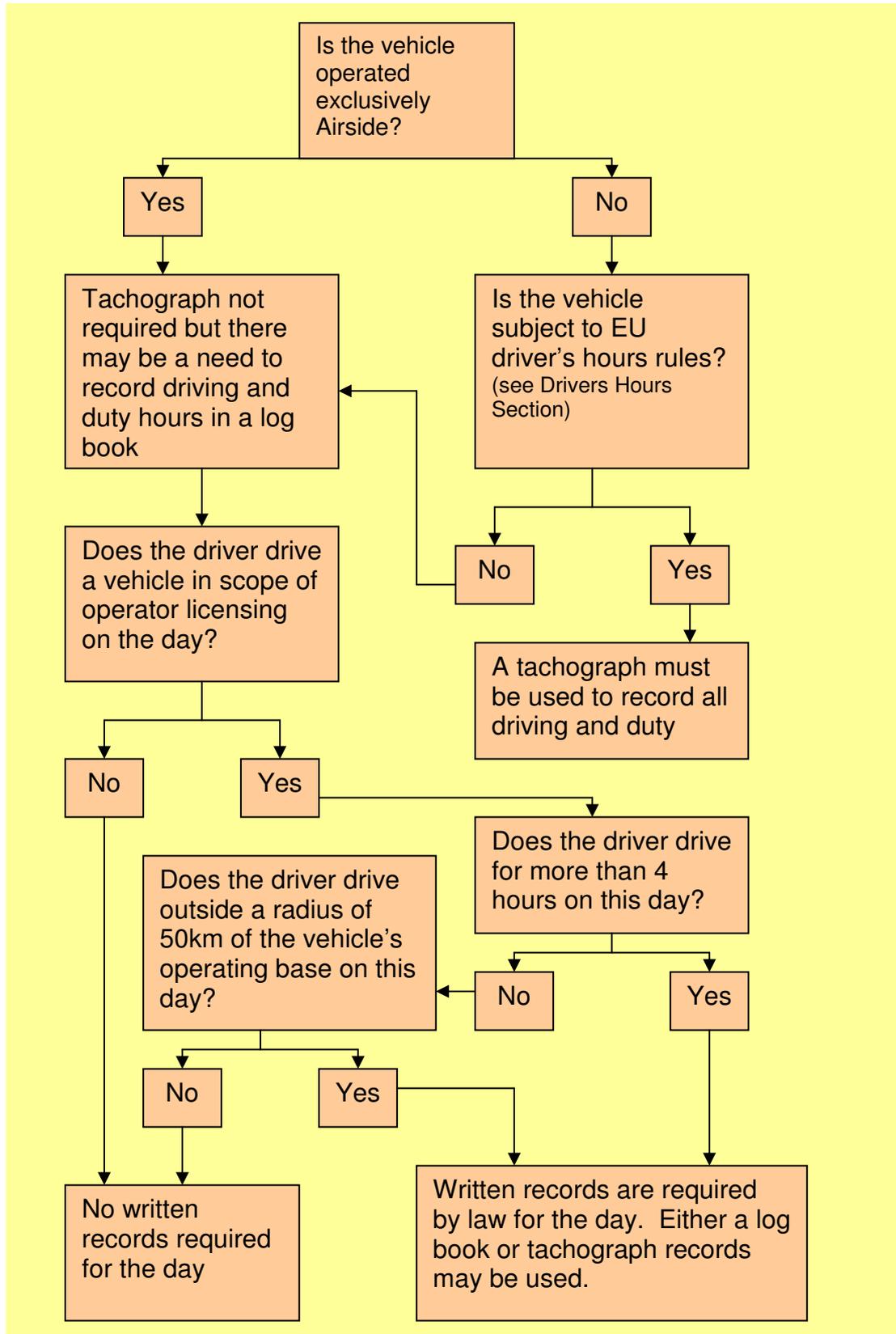
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When driving a vehicle subject to EU rules, a driver is required to produce on request tachograph records (including other work records described above) for the current day and the previous 28 calendar days.

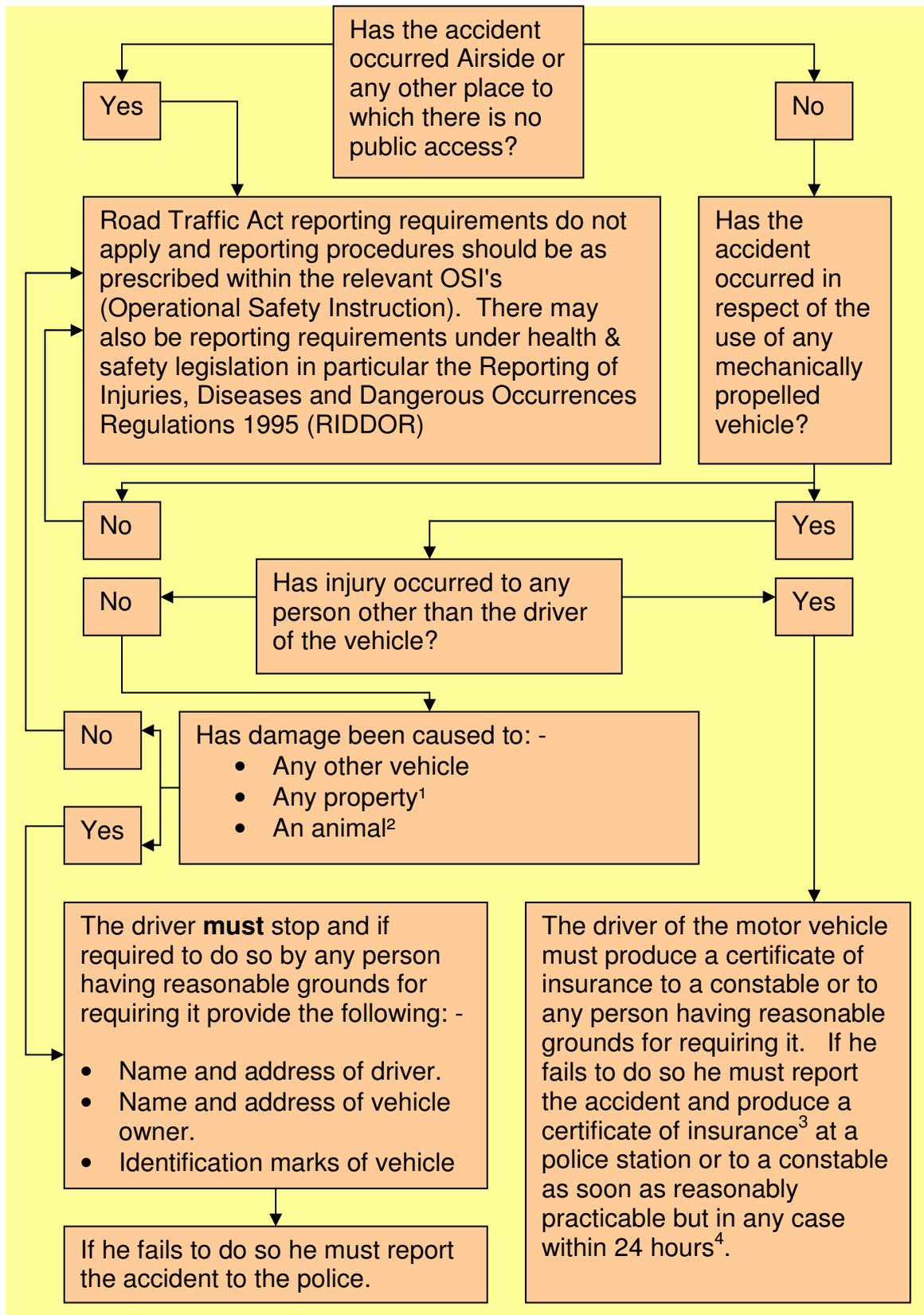
Note:

It is **not** permissible to optionally follow EU rules when driving vehicles subject to UK domestic rules.

14. USE OF TACHOGRAPHS & WRITTEN RECORDS



15. ACCIDENT REPORTING



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Notes:

¹ Property constructed on, fixed to, growing in or otherwise forming part of the land on which the road or place is situated or adjacent land.

2 An animal means: -

- Horse
- Cattle
- Ass
- Mule
- Sheep
- Pig
- Goat
- Dog

³ A further 7 days is allowed to produce the certificate of insurance providing the accident has been reported to the police.

⁴ The accident should be reported to the police as soon as possible and the police would rarely accept a delay of 24 hours unless there were extenuating circumstances.