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fleet financial (ni) ltd  
7 mallusk drive, mallusk  
belfast BT36 4GX  
tel 028 9084 9777  
fax 028 9084 9555

email [info@businessvehicles.net](mailto:info@businessvehicles.net)  
[www.businessvehicles.net](http://www.businessvehicles.net)



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## The Unseen Company Vehicle

With all these changes there is one area that most companies will not always take into consideration, that is the vehicles that may be used for 'driving at work', which the company does not own or provide. Whether a company has a 'Cash For Cars' scheme or pays a mileage allowance for travel, they must ensure the vehicles are fit for the purpose and advise the users of company policy for vehicle use. The notion of 'We give them money, it is not our responsibility' is firmly in the past.

Companies are being advised that the record keeping for such vehicles is exactly the same, if not more stringent than for their company owned vehicles and will include the every day journeys such as someone driving to the bank, staff driving to a different office or the colleague offering a lift to a training course.

Companies who provide a financial contribution for such journeys are deemed to have responsibility for the vehicle during business journeys, so ask yourself the following questions:

- **Is the vehicle insured correctly? Occasional travel to other locations of work needs Class 1 insurance and those who are deemed to be 'Selling' must have Class 3 use which could add up to 60% to an insurance premium**
- **Is the vehicle maintained correctly?**
- **Lack of maintenance could increase the risk of breakdown or accident**
- **Are the tyres legal?**
- **Is the vehicle taxed?**

Companies must now review their current arrangements and satisfy legislation. The current system may suit some employees but the company must now ask whether it suits them now and in the future.

Companies who have no policies in place must act now; 'It might not happen to us' must be replaced with 'What if it happens to us? Are we covered?' Effective fleet policies will; in the long term, reduce accidents and therefore additional costs. Providing clear guidelines to drivers will not only help them and other road users but will also greatly reduce the risk associated with legal action against your company in the future.

### 'Act Today, Don't Delay'

#### Points Of Reference

The Road Safety Act 2006:  
[www.opsi.gov.uk/acts/acts2006/ukpga\\_20060049\\_en.pdf](http://www.opsi.gov.uk/acts/acts2006/ukpga_20060049_en.pdf)

Driving At Work Booklet:  
[www.hse.gov.uk/pubns/indg382.pdf](http://www.hse.gov.uk/pubns/indg382.pdf)

[www.dft.gov.uk/roadsafety](http://www.dft.gov.uk/roadsafety)

[www.brake.org.uk](http://www.brake.org.uk)

legislation,  
risk and the  
company  
vehicle

duty of care, corporate manslaughter and the road safety act: reasons you should act now



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## introduction

**Do you run company vehicles? Fleet Financial would like to introduce you to some of the more important areas that will affect your business over the coming months and years.**

**With the government reviewing current and implementing new legislation, a clear understanding of Duty of Care and Health & Safety should help reduce your company's risk in this area.**

**The government has acknowledged that up to one third of all road accidents involve someone who is 'At work' driving for their business. The government have committed to reducing road deaths by 2010 and view the fleet industry as central to their policies for road safety and accident rate reduction.**

**The spotlight will now be on companies, with a requirement for them to embrace the necessary changes, no matter who is in charge of the fleet or the size of the fleet.**

## Duty of Care

Duty of Care will be enforced using both new and existing legislation, for example The Health & Safety At Work Act of 1974, which requires the employer to ensure; as far as reasonably possible, the health & safety of employees. There is also The Management Of Health & Safety At Work Regulation of 1992, The Provision & Use Of Work Equipment Regulations and many more. Companies are being asked to examine working practices that may contribute to accidents and ensure reasonable care is taken at all times. The Police will be required to involve the Health & Safety Executive in investigations where companies are deemed culpable.

## Corporate Manslaughter

The current draft changes in this bill will bring about legislation that shifts the focus away from individual responsibility for causing a fatality by gross negligence, to an emphasis on 'Overall management activity'. This will utilise common law Duty Of Care as its starting point. It is believed the changes are being made to make it easier to bring legal action against companies when deemed necessary. Previous legislation made it very difficult to prove the individual failings of a senior executive, whereas the new legislation will simply look at a company's implementation, communication and review of necessary policies.

## The Road Safety Bill

This received Royal Assent on 8th November 2006 and is now known as the 'Road Safety Act 2006'

- The introduction of graduated fixed penalties
- The introduction of graduated fixed penalty points
- The use of hand held mobile phones while driving to carry a fine and endorsement
- A ban on radar detectors but not GPS camera detectors
- The provision for courts to send speeders for driver training in lieu of a ban
- A new offence of causing death by careless or inconsiderate driving
- A new offence of keeping a vehicle that does not meet insurance requirements
- The introduction of driver rest areas on motorways

## Questions You Need To Ask

- Are drivers capable of doing their work in a way that is safe for them & other people?
- Are drivers properly trained?
- Are drivers fit and healthy to drive?
- Are vehicles fit for the purpose and road worthy?
- Are vehicles maintained correctly?
- Do drivers have access to info that explains their responsibilities?
- Do you plan routes?
- Are work schedules and driving requirements realistic?
- Do drivers allow reasonable time for journeys?
- Could size of area and excessive mileage lead to fatigue and increased risk of accidents?
- Is consideration given to adverse weather when planning journeys? Does this increase the possibility of accident?

## Health And Safety Checklist

### Vehicles

- Are vehicles suitable for the required job? For example do they have the appropriate number of doors?
- Do vehicles have the appropriate specification? For example aircon, abs, airbags etc.
- Are servicing schedules adhered to?
- Are drivers checking oil levels, tyre pressure and tyre condition on a regular basis?

### Drivers

- Are driver's licences checked on a regular basis?
- Do drivers need a sight test?
- Are drivers warned about the use of alcohol or drug abuse when driving?
- Are drivers asked if they suffer from a DVLA notifiable medical condition?
- Are steps taken to ensure that drivers do not exceed safe driving hours?
- Are drivers made aware of general road safety?
- Are drivers provided with a driver's handbook?
- Do drivers have an accident kit with a camera, pen, paper etc?