

Keith Miller

From: Andrew Woolfall [andrew.woolfall@backhouses.co.uk]
Sent: 21 January 2014 09:53
To: K.miller@sggbc.fsnet.co.uk
Cc: Heather Bell
Subject: RE: Driver CPC

Dear Keith

Driver CPC

Many thanks for your e-mail last week - my apologies for the fact that it has taken a couple of days to get back to you.

You may recall that we discussed the question of driver CPC exemptions last year and we even wrote to the Driver Standards Agency trying to seek some further clarification.

As I advised last year, I do think that the "tools of the trade" exemption will apply to your members when they are transporting fairground equipment, driving to or from a fair where they will then be operating that equipment. The EC Directive does not provide a comprehensive list of drivers that would be deemed to be exempt but it is clear that this particular exemption is designed to cover drivers who use goods vehicles when driving the vehicle is not their principal activity.

The "classic" examples of this kind of exemption cover a gardener or builder who is driving a goods vehicle to transport either materials or equipment to site. He or she then spends the majority of their working day actually engaged in gardening or building before driving the vehicle back home in the evening. To my mind, this easily transposes into the situation where a showman uses a goods vehicle to transport his show or other equipment to a site where he then operates the equipment.

The situation can get more complicated if the showman is driving somebody else's equipment or they themselves are not going to be using the equipment at the end of the journey. Here the prosecuting authorities could easily argue that the "materials or equipment" are not going to be used by the driver in the course of his or her work and therefore the exemption does not apply. I can see prosecuting authorities arguing that the driver is in fact simply engaged upon delivering the equipment and therefore driving is in fact his principal activity.

If one of your members drives a goods vehicle which does carry a load for hire or reward, whether as a separate business venture, doing a favour for somebody else or as part-time work etc., the driver in those circumstances cannot rely on the above exemption and will need a driver CPC qualification. The exemption only applies when he or she carries materials or equipment to be used in the course of his or her work.

In short, to answer your query, I do agree with your thoughts subject to the provisos I have outlined above!

As always if you have any further questions then please do not hesitate to telephone me.

Yours sincerely,

Andrew Woolfall

From: Keith Miller [mailto:K.miller@sggbc.fsnet.co.uk]
Sent: 17 January 2014 11:41

To: Andrew Woolfall
Subject: FW: Driver CPC

Hello Andrew, hope you are well.

I forward a copy of an email from the F.T.A. which I will be circulating to all Sections of the Guild.

On the final page there is information on the "Tools of the Trade" exemption which appears to be helpful to my members.

Note in the final page paragraphs numbered 1] and 2] and I would ask you to advise me if you agree with my thoughts that the exemption applies to my members who undeniably drive vehicles carrying materials or equipment etc.

Regards,
Keith

From: Nigel Pope [<mailto:npope@fta.co.uk>]
Sent: 16 January 2014 16:12
To: k.miller@srgbco.fsnet.co.uk
Cc: MAC Via Call
Subject: Driver CPC

Keith,

Further to our conversation here is a copy of our CPC compliance guide and our briefing note on the commonly used exemption of "tools of the trade".

There are two additional exemptions that have been recently added to the original list of 7, and they are detailed on the final attachment.

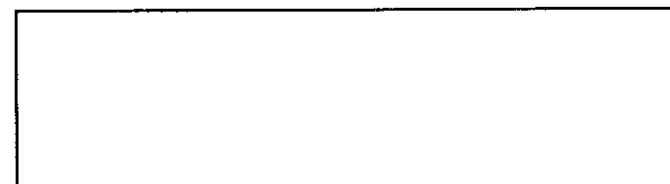
Kind regards

Nigel Pope

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