

## CONTRACTS OF CARRIAGE: A CAUTIONARY NOTE

Many hauliers are members of Trade Associations that provide, as one of the benefits of membership, standard 'Conditions of Carriage'. Those hauliers who use these 'Standard Conditions' assume that they will be covered by those Conditions in the event of a claim. Perhaps more importantly, they also assume that their insurance will be effective to provide an indemnity in the event that a successful claim is made against them.

These are dangerous assumptions. In the first instance the customer may also have 'Conditions of Carriage' and may argue that those conditions should prevail in the event of a dispute. It is possible, for instance, that the customer's Conditions were attached to the order for the transport before the carrier agreed to undertake the work.

It is also possible that, where work is sub-contracted, the sub-contractor's conditions vary from those of the principal carrier.

Secondly, it is often the case that, as a matter of commercial sense, the haulier will agree to accept the customer's conditions. This is not a problem provided that the haulier's insurers have seen, and approved, the customer's conditions. Failure to do this may well lead to the insurance company refusing to indemnify the carrier in the event of a claim.

The carrier must know whose conditions apply to any work that is undertaken.

*JS Lawton, JL Services*

## 'MOVEMENT OF ABNORMAL INDIVISIBLE LOADS THROUGH PLANNED NETWORKS'

As discussed at the recent July Industry Liaison meeting, Chris Cottell forwarded the draft guidance document 'Movement of Abnormal Indivisible Loads through Planned Networks'.

Any comments or suggestions relating to the document need to be sent to him by the 11th of September after which the document will be distributed. A copy of the draft guidance is available on the HTA website for download.



*Courtesy of, Elizabeth Macauley, Cadzow Heavy Haulage Limited*

## TRAFFIC SAFETY CAMERAS

As many of you will have noted, traffic signal cameras, some of which are able to differentiate between 'speeders' and 'red stop light offenders', are appearing everywhere. With this in mind, I draw your attention to the high-load route into Immingham. There is a speed/traffic signal camera on Eastfield Road at the entrance to the refinery. It is intended for traffic travelling towards the A160, and as I have no information regarding traffic travelling in the opposite direction, it may work or it may not!

Recently a large (long, wide and tall) Special Order load was being escorted by private escort vehicles as well as by marked Police vehicles. The traffic signal camera was not activated by the Police vehicles, but appeared to be activated by the 2 private escorts in front of the load. I am not sure if the load activated the camera but bearing in mind the rear of the load was 50 metres from the front, the lights had probably changed back to green before rear of the load had cleared the stop line.

The key issue here is the fact that the load and escorts were moving "under the direction of a constable in uniform" whilst failing to comply with the red stop light. This "direction" is the defence against any potential prosecution.

However this raises the question of what happens when the police are not present? There is no defence of being directed by a constable and I would suggest you comply with these cameras. If it is not possible, you would be well advised to contact the local abnormal loads officer for advice/assistance prior to the move taking place – they may be able to provide you with the "direction" that you need.

*Mr N D Richardson  
Abnormal Loads Officer  
& VRS Liaison Officer*



## FLEXIBLE WORKING ON THE INCREASE...

At some time or other we all fancy the idea of flexible working. Now it seems, more and more of us are prepared to ask for it too!

The right to request flexible working came into force 6 April 2003 under the Employment Act 2002. Initially, it provided the carers of children under the age of six (or disabled children under the age of 18) with the right to request flexible working to help them look after these children.

Soon the scheme was extended and in 2007 the right was extended through the Work and Families Act 2006 to include employees with responsibility for caring for certain adults (for example their spouse or partner).

Finally, on 6 April this year the right was rolled out to employees responsible for children up to the age of 16.

So what does the 'right to request' provide? Well it does not provide a qualifying employee with a blanket right to work flexibly! Rather it does what it says on the tin, i.e. provides a statutory framework through which a request from an eligible employee to work flexibly must be considered. Only certain aspects of the employee's job can be covered by the request; for instance the number of hours they work, the time of day they work, or the location where they work.

Situations exist whereby an employee's request may be refused by their employer so long as it has followed the correct procedures. The request may be refused because the employee does not qualify to take part in the scheme or because the employer has a legitimate business reason why it cannot accommodate the request. Such reasons are laid down by statute and include the burden of additional costs or a situation where the request would have a detrimental effect on the employer's ability to meet its customer demands.

However, even if such a reason exists the employer should not automatically dismiss a request to work more flexibly. Many employers have reported seeing benefits after allowing their employees to work more flexibly. Nearly three-quarters said it produced improved staff retention and less than a tenth said it added cost to their business.

James Mannouch, Dyne Solicitors Limited

## EVENTS

### POWER PLANT AND HEAVY LIFTING CONFERENCE

15 – 16TH SEPTEMBER 2009

Hilton London Olympia, London, UK

VIEvent's Power Plant and Heavy Lifting Conference is to be held in London on 15th-16th September. With heavy investment planned for power plant construction and maintenance projects in the near future, the opportunities are huge. Not only do renewable energy targets need to be met, but carbon emission reductions are also required, which will lead to substantial growth in this area. VIEvents' Power Plant and Heavy Lifting conference will bring together different players in this industry to discuss the opportunities and solutions to these challenges. The current attendee list includes some of the biggest organisations in the power plant and heavy lifting industry and the event will be an opportunity to meet Directors and Managers from companies such as crane operators, crane manufacturers and turbine manufacturers.

David Collett, HTA Committee Member and President of Heavy Transport ESTA, will be one of the speakers at the conference.

### ABNORMAL LOAD ESCORT NETWORK - ALEN

Contrary to information being passed around the trade recently, ALEN has not been disbanded. The facts are that ALEN was originally set up as a limited company and has now been acquired by Transcontinental Corporation Ltd and will continue to operate within this company as against being a Limited Company in its own right. The cost of maintaining it as a limited company in its own right was deemed an unnecessary expense.

ALEN will continue to work on behalf of self-escorting operators and is happy to represent the industry at various meetings with the HA and Transport regulators as it has in the past.

Tony Lovell - Director ALEN

### TRUCKPOL

TruckPol is a nationwide police intelligence service which records information on all aspects of road freight crime. By submitting information to TruckPol you could be helping to solve a serious crime in our industry. Tel: 0247 6516246 [www.truckpol.com](http://www.truckpol.com)

### WORLD CRANE AND TRANSPORT SUMMIT, OCTOBER 2009

The World Crane and Transport Summit is being held in Amsterdam, from 22nd-23rd October 2009, at Hotel Okura, one of the world's leading hotels.

The two day conference and dinner is supported by the world's leading crane and transport association, the SC & RA, plus other leading organisations from across the world including ESTA (Europe), CICA (Australia), CRA C (Canada), KCC (Korea), ACEC (Asia), and many more. It will allow you to network with the industry leaders – and it will be the world forum for users, buyers, manufacturers, service providers and regulatory authorities to debate and exchange information on best practice. Please contact Caroline van Geest, ESTA at [info@esta-eu.org](mailto:info@esta-eu.org) for more information.



50 ton Ships Crane  
from Aberdeen Harbour  
delivered to Dyce. Photo  
courtesy of Alan Finnie,  
Finnie Heavy Haulage

### HTA ANNUAL GENERAL MEETING

R Collett & Sons (Transport) Ltd kindly hosted the May HTA annual general meeting at their new Goole premises. Dave Collett gave a presentation on ESTA, and members had the opportunity to visit their premises.



Left to Right:

Hugh Wilson, Tim Wayne, John Dyne Eric Crosby, Tony Lovell, Rolf van Apeldoorn,  
Tim West, David Collett, John Rodell, Tony Buckland, Graham Robbins.

## HTA NATIONAL ABNORMAL LOAD NOTIFICATION DIRECTORY

For further information go to [www.convoi.co.uk](http://www.convoi.co.uk) and click on 'shop', or email [caroline.ward@convoi.co.uk](mailto:caroline.ward@convoi.co.uk) for an order form.

## WELCOME TO NEW MEMBER

The HTA welcomes the following new member:

**WESSEX PILOT CARS CONTACT, GILLINGHAM, DORSET  
(CONTACT: BARRIE DANDO)**

*One of Laser Transport vehicles loaded with a wide load satellite that is just about to be transferred to an AN124 aircraft at Manston Airport, Kent.*

*Photo courtesy of Nick Charlesworth, Laser Transport International Ltd.*



## DISCLAIMER

The Heavy Transport Association (HTA) has taken care to ensure that the information contained in this publication is accurate in all material respects. The HTA shall not be liable for any losses suffered or expenses incurred howsoever or wheresoever arising whether directly or indirectly and whether consequential or otherwise due to any inaccuracy of the information contained.

The views expressed in this article in this newsletter are not necessarily the views of the HTA but those of the individual contributors.

## NEW HONORARY LIFE MEMBER

At the HTA Meeting on 21st May, members unanimously voted Alec Murray, ex Warwickshire Police, as an Honorary Life Member of the HTA.

## HTA HONORARY MEMBER RETIRES

Keith Pollard, honorary member of the HTA since 1999, has resigned at the age of 81. Keith has travelled, often great distances, to attend HTA meetings and his presence will be missed.

Keith recently wrote to John Dyne to tender his resignation. His letter and associated note are available for download on the HTA website.

## ADVERTISEMENTS

If anyone wishes to advertise in an issue of Heavy Talk, please contact Katharine Narici on 01829 771774 or by e-mail ([info@hta.uk.net](mailto:info@hta.uk.net)), for details.

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