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# Guidance for roadside breakdown rescue and recovery operators on Orders issued under Section 44 of the Road Traffic Act to fit and use rear-facing red flashing lamps on breakdown vehicles.

1. **Background**

The Government recognises the importance of roadside breakdown rescue and recovery operators and the significant role they play in day-to-day vehicle breakdown and recovery operations. The Department for Transport (DfT) is committed to road safety and continues to take action to address safety concerns raised by the roadside breakdown rescue and recovery industry.

To help address these concerns, the Department plans to amend regulations to permit roadside breakdown rescue and recovery operators the use of rear-facing red flashing lamps under specified operating conditions. The regulatory amendments are not expected to enter into force until 2025 but, as an interim measure, the Department is offering operators the opportunity to apply now for a Vehicle Special Order (VSO).

The VSO will permit vehicles covered by the order to be fitted with up to four optional rear-facing flashing red position lamps, providing: -

1. they have a flash rate of between 60 and 240 equal times per minute,
2. the intervals between each display of lights shall be constant,
3. where the vehicle is equipped with more than one optional rear-facing red flashing lamps, the lamps shall flash simultaneously and comply with paragraphs 5, 7 and 12(a) Part 1 Schedule 10 of the 1989 Regulations, and
4. they are linked to a functioning vehicle interlock which permits their activation only when the vehicle is stationary and automatically deactivates them when the vehicle reaches a speed exceeding 5 mph.

The VSO will also limit the use of rear-facing flashing red lamps to times when the vehicle is used in connection with, and in the immediate vicinity of an accident or breakdown.

1. **Overview of this guidance note.**

This guidance provides background information about the process for an Order being issued, guidance on the terms and conditions being applied and safety information that the drivers of vehicles operating under the Order must be made aware of. The following table provides an overview of this guidance note:

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| **Para** | **Summary** |
| 3 | **Legal basis for granting exemption**   * Sets out the legal provisions that allow Orders to be issued. |
| 4 | **Applications to operate vehicles under Section 44 Order.**   * How operators can apply to operate qualifying vehicles under the Order. |
| 5 | **Key aspects of the Order.**   * Provides guidance on the terms and conditions imposed by the Order that must be met by breakdown vehicles operating under the Order. |
| 6 | **Training requirements**   * Sets out the importance of training for the safe use of rear facing red flashing lamps and requirements for Operator to provide appropriate training to drivers before they drive vehicles fitted with rear-facing red flashing lamps |
| 7 | **Important safety information the operator must provide to recovery technicians operating vehicles fitted with rear-facing red flashing lamps.**   * Sets out potential safety issues to be considered by operators who may use on roads breakdown vehicles fitted with rear-facing red flashing lamps. |

1. **Legal basis for granting temporary a temporary exemption**

[The](https://www.legislation.gov.uk/uksi/1998/3111/schedule/1/made) Road Vehicles Lighting Regulations 1998 (RVLR), which are made under Section 41 of the Road Traffic Act (RTA), set out the permitted lighting functions for vehicles that are used on public roads in Great Britain. Under these Regulations only police vehicles are authorised to use red flashing lamps. Ambulance Service, Fire Service and National Highway Traffic Officers are also allowed the use of red flashing lamps whilst at an incident, by an Order made under section 44 of the RTA. Recovery operators are currently permitted by law to fit and use amber warning beacons while attending to breakdown incidents.

The Secretary of State (SofS) has powers under Section 44 of the RTA to authorise, by Order, the use on roads of vehicles that do not fully comply with the requirements of RVLR. Using those powers, the SofS has issued an Order to permit recovery operators to fit and use rear-facing red flashing lamps on breakdown vehicles on GB roads.

1. **Applications to operate vehicles under the Section 44 Order.**

A VSO has been prepared for operators who wish to fit and use rear facing red flashing lamps pending when regulatory amendments to RVLR come into force. Road recovery operators wishing to fit and use rear-facing red flashing lamps on breakdown vehicles while stationary in the immediate vicinity of an accident or breakdown should apply to the Vehicle Certification Agency advising that they wish to participate. Applications should be submitted to [michael.hepworth@vca.gov.uk](mailto:michael.hepworth@vca.gov.uk) and may be submitted at any time but must include:

1. Name and address of person / organisation making the application,
2. Details of persons / organisations who will be using the vehicles (if different from (a)), and will be responsible for ensuring any vehicles operating under the Order comply with the terms and conditions being imposed and,
3. Confirmation that this guidance note has been understood and that steps have been implemented within the organisation to ensure that all drivers have received appropriate training and guidance.

Applications may be completed using the form Application data for Rear Facing Red Flashing Lamps VSO provided with this guidance document.

Only on receipt of a copy of the Order may the specified person operate breakdown vehicles fitted with up to four (4) red flashing lamps under the terms and conditions specified by the Order.

1. **Key aspects of the Order**
   1. **Time limit**

Unless revoked or extended, the Order will be valid from the date of issue until the expiry date specified on the Order. It is anticipated that an Order will be issued for periods of approximately 2 years.

* 1. **Vehicles in scope of the Order**

All vehicles under the control of the Specified Person meeting the requirements for operation under the Order will be permitted to operate under the Order. The terms and conditions specified on the Order must be met at all times. It should be noted that failure to comply with the terms and conditions would not in itself be an offence, but the Order would be invalid, and this could result in action being taken against the operator/driver for operating/driving a vehicle fitted with illegal lighting function.

Sections 5.3 and 5.4 of this guidance provide information on the requirements specified on the Order, but the Order should be regarded as the legal requirements.

* 1. **Exemptions from the Road Vehicles Lighting Regulations 1989**

The Order disapplies only the lighting function requirements for breakdown vehicles which is set out in Regulation 13 of RVLR. All other requirements of these regulations continue to apply to breakdown vehicles operating under the Order.

The Order also specifies terms and conditions to mitigate any potential effects of operating vehicles outside the ‘usual’ regulations.

* 1. **Roadworthiness testing**

The specialist and complex nature of vehicles frequently granted a VSO means that they are automatically exempt from annual roadworthiness testing. However, for breakdown vehicles fitted with rear-facing red flashing lamps operating under a VSO, this exemption will not apply, and the Order will be annotated accordingly.

The Specified Person should therefore ensure that any motor vehicle and/or trailer operated under the Order is plated and tested in accordance with the Goods Vehicle (Plating and Testing) Regulations 1988 (i.e., each motor vehicle and trailer must have a valid plating and MOT certificate).

1. **Training requirements**

The breakdown response and recovery services industry has a responsibility to the public to ensure that they train their operatives to the highest possible standard. Besides the road safety benefit, training for breakdown response and recovery operatives is required because of the industry's duty of care to the public and to their employees; the ethos of the breakdown response and recovery services operatives to avoid unnecessary death and injury in the course of their duties; and the justifiable expectation of members of the public that all reasonable steps will have been taken by the breakdown response and road recovery operators to avoid deaths and injuries in the course of their duties.

Proposed training standards and protocols for the safe use of RFL have been developed by representatives of the breakdown response and recovery industry under the umbrella of Professional Recovery Operators Safety Executive (PROSE) [(prose-uk.com)](https://www.prose-uk.com/). They are based on the industry approved best practice training currently undertaken by them on a voluntary basis.

It is anticipated that the prescribed industry-approved training courses, which may include a requirement for operators of breakdown response and recovery vehicles to be reassessed every 5 years as a minimum, will improve upon the high standards that have been developed by the breakdown response and recovery services industry, reduce the number of collisions these operatives currently have, increase transparency and accountability (specifically in the event of a road traffic accident) and protect the interests of the public and the breakdown response and recovery services industry.

A person may be permitted to fit and use rear facing flashing lamps on a breakdown vehicle only if they have the appropriate industry-approved training - to enable them to use and operate rear-facing red flashing lamps in a safe manner. The Department therefore requires the Operator to provide appropriate industry-approved training to operatives before they drive vehicles fitted with rear-facing red flashing lamps under the Order, and to provide DfT with evidence, upon request and/or during VSO application, of such training.

1. **Important safety information the operator should provide to drivers of breakdown vehicles fitted to use rear-facing red flashing lamps.**

Operators should ensure that recovery technicians are aware that the use of rear-facing flashing red lamps might be distracting and cause excess glare to pedestrians and operators working around the vehicle. Recovery technicians should wear hi-vis and should continue to comply with best practice operating procedures to ensure their safety and those of their clients and other road users.

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Application Data for Rear Facing Red Flashing Lamps VSO

Please note that failure to complete all aspects of this form is likely to result in your application being rejected. Please continue on a separate sheet if necessary.

# Operator Details

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* 1. Name of person applying for the VSO:
  2. Your title within the company:
  3. Contact email address:
  4. Company name and Head Office address:
  5. Operator Licence Number / Company Number

# Vehicle Details

Note: You can apply for VSO to cover for more than one breakdown vehicle at a time on this form.

|  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- |
| Item | Make | Model | Registration Number | Vehicle Identification Number | Axles |
|  |  |  |  |  |  |
|  |  |  |  |  |  |
|  |  |  |  |  |  |

1 The Vehicle Identification Number (VIN) is the unique 17-digit number marked on the manufacturer’s plate and the vehicle chassis.

If there is insufficient space above for all the vehicles you need to apply for then please complete an Excel spreadsheet taking the same format as the matrix above.

# Lamp Details

# Red lamps fitted on vehicles covered by this Order shall flash simultaneously, have a flash rate of between 60 and 240 equal times per minute, and the intervals between each display of lights shall be constant.

|  |  |  |  |  |
| --- | --- | --- | --- | --- |
| Item | Make | Model | Flash Rate | Simultaneous flashing (Y/N)? |
| 1 |  |  |  |  |
| 2 |  |  |  |  |
| 3 |  |  |  |  |
| 4 |  |  |  |  |

# Interlock System

# What method will be used to ensure that the rear red lights will only be used when the vehicle is stationary or travelling at a speed not exceeding 5 mph;

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| --- |
|  |

# Training Arrangements

# What industry-approved driver training arrangements have been made for drivers operating vehicles fitted with rear facing red flashing lamps. For example, training certified by an industry body such as Professional Recovery Operators Safety Executive (PROSE) [(prose-uk.com)](https://www.prose-uk.com/). Please provide evidence that such training will be carried out.

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# Privacy Information

# The personal information you have provided in this form has been provided to allow VCA to process your application. Details of how this data will be handled, stored and used can be found in our “[Privacy](http://www.vehicle-certification-agency.gov.uk/privacy-and-information-charter.asp) [Notice”](http://www.vehicle-certification-agency.gov.uk/privacy-and-information-charter.asp) (please follow the link). If you are not completing this form electronically and would like us to send you a hard copy of the Notice, then please contact the Data Protection Manager, VCA, 1 The Eastgate Office Centre, Eastgate R