



motoring offences news

the need for caution when overtaking left hand drive heavy goods vehicles

Blake Laphorn's Motoring Offences team has this year represented two Eastern European drivers of left hand drive articulated heavy goods vehicles who faced allegations of careless driving. Both cases involved entirely separate incidents although the circumstances of each case were strikingly similar. Both were experienced heavy goods vehicle drivers with many years of travelling throughout Europe including extensive experience of driving left hand drive goods vehicles on UK roads. They were of unblemished character and had no history of being involved in any previous road traffic incidents. Each case involved a 'sideswipe' collision on the M11 – one in Cambridgeshire and one in Essex.

A 'sideswipe' arises when a collision occurs between a large goods vehicle and a smaller vehicle when the driver of the former is seeking to change lanes on a multi carriageway road. The vast majority of sideswipes occur on dual carriageways and motorways. The UK motoring public seems to be largely unaware of the significant disadvantage that foreign drivers of left hand drive goods vehicles (particularly large articulated goods vehicles) are operating under when seeking to change lane. The problem posed to the foreign driver arises by virtue of a considerable blind spot that normally extends from just in front of the first wheel of the trailer and slightly forward of the right hand side front of the tractor unit (the cab). Sideswipe collisions, as in the two cases in point, principally comprise the front right side of the cab of the large goods vehicle colliding with the rear left hand side of the car causing the car driver to lose control. Until the collision in each case the car drivers in lane two and the lorry drivers in lane one were blissfully unaware of the presence of each other.

The cases respectively came for trial before Magistrates in Cambridge and Harlow. Each trial lasted two days and the Magistrates were assisted by expert evidence tendered for each defendant as to the problem posed to the foreign driver by the extensive blind spot. Both defendants were convicted and stoically accepted the imposition of a fine and endorsement of penalty points.

The Vehicle and Operator Services Agency (VOSA) is an executive agency for the Department for Transport. In 2006 VOSA undertook an initiative of issuing foreign drivers of left hand drive goods vehicles with Fresnel lenses on entry into the UK. Coincidentally one of the defendants subsequent to the accident but prior to the trial had been issued with a Fresnel lens in Ashford in Kent. The lens is fitted to interior of the right hand window of the cab. Enquiries of VOSA during the trial revealed that the initiative is still ongoing and while VOSA has Fresnel lenses in stock those foreign drivers of left hand drive goods vehicles who request a lens will be supplied with one. In his evidence to the court the defendant was adamant that had his cab been fitted with a Fresnel lens at the time of the accident he would have seen the English car driver in lane two and would not have attempted a change of lane manoeuvre.

VOSA research revealed that the issue of Fresnel lenses accounted for a dramatic reduction in sideswipes by up to 64%. Essentially, the lens tends to eradicate the problem of the blind spot to a significant extent. Prior to the VOSA initiative and during the survey there was found to be approximately one sideswipe incident every two days in Kent alone.

There are some salutary lessons to be learned from these two cases both from the perspective of the haulage industry and the UK motoring public.

1. The operators

Those operators who are operating left hand drive goods vehicles in the UK should seriously consider fitting a Fresnel lens in all cabs. Most mirror configurations alone would appear to be ineffective in reducing the blind spot to a significant extent. It is interesting that the EU makes Directives for everything and anything in our every day lives and yet has not got round to making Fresnel lenses compulsory for left hand drive vehicles in the UK.

2. The drivers of left hand drive goods vehicles in the UK

It is evident from the ruling of the court in each trial that foreign drivers of left hand drive goods vehicles while in the UK must be acutely aware that there is a significant blind spot to the right side of the cab and must, therefore, exercise particular caution when seeking to change lanes. As a matter of practicality, this should involve indicating an intention to change lane for some 15 seconds coupled with constant use of the mirrors fitted to the cab.

3. The UK motoring public

Many UK car drivers unwittingly place themselves in danger of being a sideswipe statistic. There is no help in the current Highway Code as to how to address the issue and there is a growing clamour for guidance to be given when the Code is next re-drafted. There is a need to educate the UK motoring public of the problem. Here are some practical suggestions.

- (a) Make yourself aware of when you are about to overtake a left hand drive goods vehicle. The clue is the registration plate. If it is foreign registered it is likely to be a left hand drive vehicle.
- (b) Avoid 'hovering' in the middle lane alongside such vehicles for any length of time.
- (c) If you are approaching such a vehicle in an overtaking manoeuvre and the vehicle's offside indicators are on do not assume that they have been left on and/or that the driver can see you. The driver by the indication may be effectively saying 'I need to change lane and I can't see anything alongside my cab. I need some help'.
- (d) Always consider giving such vehicles the middle lane to move into by moving into the third lane if available and provided road conditions permit. If you have to overtake using lane two do so without delay.
- (e) If during an overtaking manoeuvre you see such a vehicle indicating to move to the offside and if you cannot facilitate room for the vehicle to move into lane two, immediately sound your horn to alert the foreign driver of your presence and get out of the 'danger' area as soon as is reasonably possible.

With appropriate awareness, anticipation and observation skills the UK motoring public can assist the foreign heavy goods vehicle driver when carrying out a change of lane manoeuvre.

The trial advocate in both cases and the author of this article is **Barry Culshaw**, a consultant with the Blake Laphorn Motoring Offences team. It is to be hoped that this article will contribute to making sideswipes a thing of the past.

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