

AEA & BAGMA response to Report to Prevent Future Deaths in the case of Mr Jon-Paul Prigent

The Agricultural Engineers Association (AEA) and the British Agricultural and Garden Machinery Association (BAGMA) welcome the opportunity to respond to the coroner's report on this important issue. BAGMA is owned by the AEA and we work together closely on industry-wide concerns such as this, so we are providing a joint response. This response is supported by the members of both organisations.

Existing products and services

Before turning to future actions, we wish to highlight our existing products and services that are aimed at improving the safety of tractors and trailers used on UK roads. Given its importance to the safety record of our members' products, this topic has been a big focus of our work over many years.

While there is no requirement for the roadworthiness of tractors and trailers to be independently tested, BAGMA does operate a voluntary scheme. The **Agricultural Tractor-Trailer Scheme (ATTS)** incorporates both roadworthiness inspection and brake performance testing in one package. In our view, the ATTS is the only testing regime that provides a robust assessment of the roadworthiness of agricultural tractors and trailers as no other scheme incorporates brake performance testing alongside roadworthiness inspection.

Applicable to tractors, trailers, trailed implements or self-propelled agricultural machines, the ATTS testing can be provided by experienced dealer technicians, larger farm and fleet users that have their own servicing personnel or independent service engineers. Each technician undertakes a 2-day training course, which includes both practical and 'class-room' training which concludes with a written examination. Every ATTS technician must attend refresher training after 5 years to ensure they keep abreast of testing and inspection procedures and legal requirements.

Each trailer/trailed implement inspected under the ATTS is subject to a 37-point inspection, based on HGV annual test inspection criteria, complemented by a brake performance test. During vehicle inspection and testing the technician completes an inspection record form that includes their own unique identification number, to ensure traceability and recordability. The ATTS procedure will identify and assess any tractor or trailer defects which need to be addressed: it is then up to the vehicle owner to have these rectified.

Recognising that much of the responsibility for ensuring the safety of tractor and trailer braking rests with the user and the service technicians that support them, the AEA has produced detailed guidance on both the legal requirements and the practical steps needed to ensure that braking systems are safe and well maintained. Our **Look Behind You** guide was first published in 2010 and was updated in 2020, incorporating interactive elements, such as short videos and animations, helping to improve understanding of key aspects of safety. The guide has been widely distributed through machinery dealers and is also available online at: <https://aea.uk.com/look-behind-you/>. It was supported by most of the main suppliers of tractors and agricultural trailers to the UK market.

Roadworthiness Testing

Turning to future actions, as the coroner's report notes, there is currently no requirement for independent roadworthiness testing for agricultural tractors and trailers, where they are solely used for agricultural activities. The AEA and BAGMA have long supported calls for such a regime to be introduced, particularly for the larger and heavier vehicles that are now commonplace. While any decision on making such a scheme compulsory must be made by the Secretary of State for Transport, AEA and BAGMA would be happy to offer to take the lead in administering a scheme.

In our view, the ATTS referred to above could form the basis of a mandatory tractor and trailer roadworthiness testing scheme. As indicated above, we already have training programmes in place to assess and approve service technicians to be able to deliver the required testing, with periodic refresher training required. We would have no difficulty in expanding that training programme to cover the larger number of approved technicians that would be required for a compulsory scheme.

Furthermore, the AEA already has experience of administering a similar testing scheme through the National Sprayer Testing Scheme (NSTS), which we run on behalf of government. This requires all crop sprayers in use by farms, horticultural growers and amenity providers to be tested periodically. As with the ATTS, inspectors are trained and approved by the AEA and all tests carried out are recorded on a national database, administered by the AEA, with certificates issued to machinery owners as proof of compliance. We believe that the requirements of a tractor and trailer roadworthiness scheme would be similar to those of the NSTS.

Therefore, we believe that our existing experience of both tractor and trailer testing and administering a similar scheme, means that the AEA and BAGMA would be well placed to take on the administration of a new scheme, should government choose to introduce one. We would, of course, be happy to work with the Department for Transport and the DVSA on the details. Some initial funding might be required to support the development of a scheme but once it is up and running, any costs should be covered by fees charged to carry out testing.

Changes to legislation

While roadworthiness testing would go a long way to addressing the concerns identified in this case, the coroner's report also identifies deficiencies in the current legislation around use of agricultural tractors and trailers on the road. The AEA and BAGMA would support changes to legislation, in particular to address the current lack of any requirement for either 'Breakaway Failsafe' trailer brakes or a secondary coupling (such as a safety chain) between the towed and towing vehicle, if the vehicles don't exceed 40 km/h. Of course, any decision on amendments to legislation rests with the Secretary of State for Transport. However, the AEA and BAGMA stand ready to provide any advice required to inform that decision.

We believe that the proposed changes could be achieved with a relatively simple amendment to the *Road Vehicles (Construction and Use) Regulations 1986*. Article 86a of those regulations only currently applies to vehicles travelling above 40km/h (approximately 25mph). We suggest that this should be expanded to include vehicles travelling below that speed with a gross weight above a certain level. This could be modelled on regulations in the Republic of

Ireland, which use 5 tonnes as the cut off but we have no particular view on whether that would be the most appropriate limit in the UK circumstances. The Irish road vehicle legislation was historically very similar to GB legislation but was revised in January 2016 to address concerns similar to those expressed by the coroner. Several other EU countries have also updated their national legislation, so could provide alternative approaches for consideration.

While there would be some cost involved in ensuring that existing trailers were able to comply with any change to the rules, we believe that these would not be particularly onerous. In some cases, the fitting of a secondary coupling is all that would be required, which can be done at low cost. The Irish market is typically supplied from the UK, so tractor and trailer manufacturers are already used to providing similar couplings there. In other cases, kits are available to convert trailer braking systems into 'breakaway failsafe' systems for below £1,000. These can be installed in a farm workshop. Most new trailers already incorporate such braking systems, so would not require and further modification. Therefore, we believe that the impact of any changes to the legislation would be limited.

Conclusion

We would support any proposals for change from the Department for Transport in the two areas discussed above. We note that for the changes to achieve the safety improvements we are hoping for, there would also need to be effective enforcement of the requirements. That hasn't always been the case in the past; indeed, the case referred to in the coroner's report shows that existing requirements aren't followed by all users. Nevertheless, we believe that the changes proposed would certainly reduce the likelihood of serious accidents taking place in future.