

16.5 VEHICLES TAKEN ABROAD

While every effort has been taken to ensure the information in this book is correct, regulations in different countries change frequently so it is important to re-check this information before you travel.

16.5.1 DRIVERS LICENCE

You must have a full driver's licence to drive in most EU countries. It must be produced on demand, unlike in the UK where the police allow some 'days of grace' before you have to produce it.

The minimum driving age is eighteen in most European countries and seventeen in Germany, Ireland, Norway, Portugal and the UK.

16.5.2 PASSPORTS

If you are travelling on business your passport must not expire during your visit. Some countries require the expiry date to be some date after your planned return to the UK, in some cases at least six months after.

16.5.3 INTERNATIONAL DRIVING PERMIT

Many countries, including most eastern European countries, require you to hold an international driving permit before you can drive there. This is not required if you are driving within the EU. However, if you hold an old-style green driving licence and wish to drive in Italy, you will need to take an Italian translation of the licence or an international driving permit.

An international driving permit can be obtained from the AA, RAC and some post offices.

16.5.4 GB STICKER

A GB sticker is compulsory in all European countries. This may be a separate sticker or it may form part of the licence plate.

If you are using the familiar white GB sticker it should be stuck as close as possible to the rear number plate of the car and any trailer.

16.5.5 VE103 – Vehicle on Hire Certificate

In 1963 the EU passed a resolution requiring a driver to hold a form VE103 if they wish to take their leased vehicle across borders within the EU. This is a short form that confirms that the driver has the owner's permission to take the vehicle overseas. It therefore replaces the V5 for overseas travel and is accepted in all the EU countries (including the ten accession countries that joined in 2004).

You still need a
GB sticker to
drive elsewhere
in Europe

It is important to note that the VE103 is the only document that the authorities will recognise as evidence of the owner's consent to take the vehicle abroad. A letter of authority from the owner is insufficient for this purpose.

Without an original V103 the vehicle can be impounded and the driver can be fined.

There are several organisations in the UK that are authorised to issue VE103 forms, including the BVRLA.

16.5.6 SAFETY WHEN DRIVING ABROAD

One of the problems with road safety is that the government and road safety campaigners lecture us so much about road dangers that we end up believing that British roads are dangerous places. With more than three thousand people dying on our roads each year, there clearly are real dangers.

However, the bad news is that the roads abroad are usually worse.

Compared with the UK, road users are four times as likely to be involved in a fatal accident in Greece or Portugal and twice as likely in France or Spain.

Fatal accidents are much more likely in France, Spain, Greece and Portugal than the UK

These are not nice statistics, made worse by the fact that, as someone who normally drives on the left-hand side of the road, your risk while driving in these countries is even higher. If your drivers are travelling abroad, it is worthwhile briefing them on this extra level of risk.

In all European countries it is mandatory to wear a motorcycle crash helmet when in control of a motorcycle.

In most European countries it is mandatory to carry warning triangles, in many it is mandatory to carry light bulbs and fuses and in a few it is mandatory to carry a fire extinguisher and a first aid kit.

In Spain and Italy, drivers must wear reflective jackets if they step out of their vehicle after a breakdown at night or at times of poor visibility.

These rules change frequently so we will not list here the items that must be carried in each country.

It is good practice to carry them all when driving abroad.

16.5.7 HEADLAMP ADJUSTMENT

If you are driving a right-hand drive car, you will need to adjust your headlights when travelling elsewhere in Europe to ensure you do not dazzle oncoming drivers. The easiest way to do this is to buy stickers from motor spares shops to place in front of the headlight lenses to

alter their beam. Many vehicle headlights show the area that has to be 'blacked out' in order to alter the beam pattern but it is probably best to buy a kit and follow the instructions, rather than producing your own home-made ones.

16.5.8 SNOW CHAINS

In many European countries it is a legal requirement to fit snow chains to your vehicle when driving during winter. Do bear in mind that these should only be used on snow and that prolonged use on hard surfaces will damage the tyres.

If you plan to use snow chains for the first time, it is a good idea to try to fit and remove them first in dry, warm, light conditions. It is not much fun trying to do this for the first time at night in sub-zero conditions, with snow on the ground.

16.5.9 SPARE CLUTCH AND ACCELERATOR CABLES

One of the most common causes for vehicles to break down is when clutch or accelerator cables snap. While many components a particular model of car are identical regardless of whether it is a left-hand or right-hand drive, it is often the case that the cables fitted to left-hand drive cars are of a different length to those fitted on right-hand drive cars. Hence it is less likely that a motor repairer in, say, Belgium will carry the right cable: The cable may have to be ordered and this can cause delay.

So it may be worthwhile carrying spare clutch and accelerator cables. They cost very little and the saving in time can be considerable.

16.5.10 CHILDREN

Many countries do not allow children to sit in the front seat of a moving vehicle.

16.5.11 ILLEGAL IMMIGRANTS

At times during the last five years our television screens have been filled with images of refugees trying to make their way across the Channel. While most of the media attention has focused on freight trains and the heavy trucks carried on shuttle trains, illegal immigrants have used the boots of cars and the back of vans to try to gain entry to the UK too.

It is a criminal offence to bring an illegal immigrant into the UK.

The *Immigration and Asylum Act 1999* gives both the driver and the owner of the vehicle an obligation to detect an illegal immigrant who enters using their vehicle. The driver is criminally liable and can be

Despite the new rules, it is still a serious offence to bring a clandestine immigrant into the UK

fined or imprisoned. The owner has a civil liability and can be fined £2,000 per illegal immigrant.

The law in this area was thrown into confusion by the December 2001 decision in the High Court of Justice case *International Transport Roth GmbH & Others vs the Home Office*. This was a test case brought by the transport industry to challenge the legality of the £2,000 fine. The judge decided that the civil liability imposed by the legislation was contrary to European Community law and contravened the European Convention on Human Rights.

The government carried changed its policy in December 2002, when it announced that, in future, variable penalties would apply, which would take account of the degree of care exercised by motorists and truck drivers to ensure that clandestine entrants were not carried in their vehicles. In assessing whether a penalty should be charged, and the amount of the penalty, HM Customs would consider:

- Whether the vehicle had good security
- Whether they checked the vehicle for clandestine entrants before leaving for Britain
- Whether the driver and the owner of the vehicle have a good previous record in this regard
- Whether the driver co-operated and brought the clandestine entrant to the attention of the authorities

The government has further announced that HM Customs will not randomly stop and search vehicles but will only do so when it has reasonable suspicions that illegal acts are being carried out.

If you rent a vehicle, you may discover the rental company refuses to issue a form VE103 because they do not wish to give authority for the vehicle to be driven abroad. A number of BVRLA rental members have made this decision as they do not wish to risk their vehicles being involved in illegal immigration or bootlegging.³⁰¹

16.5.12 INTERNATIONAL MOTOR INSURANCE

All UK motor insurance policies provide the minimum cover required in the EU and some other European countries.³⁰² However, this is only third party cover, so it does not cover the cost of damage to your vehicle.

If you have comprehensive motor insurance cover and wish to drive abroad, you must ask the insurer to extend the policy to cover

³⁰¹ See 16.5.14.

³⁰² See 1.21.6.

Ask your insurer to check your cover before you drive abroad

Continental motoring. If you do not do so and have an accident, you are likely to find that you only have third party cover.

In most countries you must carry a copy of your motor insurance certificate in the vehicle.

Some rental companies issue International Motor Insurance Certificates ('green cards') to prove the vehicle is comprehensively insured. This is not compulsory in the EU but is required in many non-EU countries.

16.5.13 BAIL BONDS

A bail bond is a guarantee that an amount of money will be paid to a court as security for bail. They are of interest here as they are useful in some countries for security in the event of a road accident. If you are driving a car involved in a road accident you can be detained and the car can be impounded.

A bail bond can be obtained when you apply for a green card from either your rental company, your motor insurer, the AA or the RAC.

16.5.14 BOOTLEGGING

You may ask: 'What has this to do with company vehicles?'

Do any of your drivers pop over to Calais to stock up on cheap cigarettes and drink? Yes, no, or don't know?

If you answered yes or don't know, this section is for you. HM Customs & Excise have impounded many company cars where the drivers have been caught importing more goods than permitted, especially cigarettes and alcohol.

Customs have adopted a much tougher approach to bootlegging since September 1999.

If the driver is using a vehicle supplied on rental or contract hire, it is likely the agreement will make you liable for any costs or losses suffered by the rental or contract hire company. Many UK rental companies use the 'model rental' agreement designed by the BVRLA. This contains a clause saying that you will pay

'Any charges arising from HM Customs & Excise seizing the vehicle, together with a loss of income charge while we cannot rent out the vehicle'

and that

'You are responsible for any restoration charges and loss of income if the vehicle is seized by HM Customs & Excise'.

HM Customs have the power to seize vehicles involved in bootlegging

The first time someone is caught bootlegging in a rented or leased vehicle, the vehicle will be taken away from him or her and they will be fined £75. HM Customs will notify the rental or leasing company ('the owner') that the vehicle has been involved in bootlegging and will arrange to return the vehicle direct to the owner.

Where HM Customs seizes a vehicle involved in bootlegging and discovers that this is a second offence for that driver and that the vehicle has been supplied by the same owner, the car will be restored to the owner on payment of the greater of £250 or 25% of the duty involved on the bootleg goods.

Rental companies are becoming particularly vigilant about hiring out vehicles that may be used for bootlegging and the BVRLA maintains a register³⁰³ showing the names of hirers who have had rental cars impounded. BVRLA members usually check this register before hiring vehicles and will normally deny rental to these people.

HM Customs can prosecute rental companies if bootleggers persistently use their cars: Hence the rental companies need to be vigilant.

In July 2000 HM Customs changed its policy and decided to use its powers³⁰⁴ to confiscate any vehicle involved in smuggling. However, in February 2002 the Court of Appeal condemned this policy and said that confiscation can only be used in the most serious cases, where forfeiture of the vehicle will allow Customs to recover any lost taxes or duty.

In 2002 HM Customs announced that they would no longer carry out random searches on cars but would stop and search cars where they had specific reasons for doing so. An example would be a car known to have made several trips across the Channel in a reasonably short period of time.

They also announced that the burden of proof that bootlegging was taking place would be placed on HM Customs rather than the alleged bootlegger. So the driver no longer has to prove the items are for personal use, HM Customs has to prove that they are not.

16.5.15 FORM E111

You can get free or low cost emergency medical treatment elsewhere in the EU if you carry an E111 form. These are available from Post Offices.

303 See 19.4.3.

304 Customs and Excise Management Act 1979 s14(1).