

KNOWING THE LAW



In the first of a three-part series, **Sean Butler** provides some much-needed clarity on several laws affecting those in the landscaping industry

I'm sure you are all law-abiding landscapers and designers. As our businesses keep growing and new staff are employed, it is important to add to the induction an update or reminder of the basic laws that must be adhered to in our everyday work life. Failing to comprehend the law is not an acceptable excuse – it is our duty to know it. In the first part of this series on knowing the law, we will look at how the law affects your employees and business.

Driving lorries

I'm starting with this one as it has affected my own business. One of my employees had worked for me for 17 years and would drive one of my lorries if our main drivers were off. One day, during a routine stop by the police, he was asked to produce his licence only to find he was not actually qualified to drive the lorry, despite having driven it on and off for 17 years.

Within the driver training industry, 1 January 1997 was a significant date. Yet at the time, the general public barely noticed it. So, what happened that day, and why is it still creating problems today?

The change was in the type of driving licence a driver obtained once they passed their practical test. If you passed your practical driving test (licence category B) before 1 January 1997 you would also automatically acquire licence categories BE, C1, C1E, D1 and D1E. Drivers who passed their driving test after 1 January 1997 received a driving licence with entitlement to drive category B vehicles only. To drive vehicles that fall within the additional categories listed above, further driving tests are required.

Our employee passed his test in February 1997, missing the date by six days. I took full

responsibility and he was let off – but as the owner and director of Cube I was fined £500 and given three points. Lesson learned.

Transporting waste

You must register as a Waste Carrier, Broker or Dealer if you do any of these things as part of your business

- Transport waste
- Buy, sell or dispose of waste
- Arrange for someone else to buy, sell or dispose of waste, including hiring a skip or grab load away to do this for you.

You can be fined up to £5k if you don't register. Registration is usually free if you only transport the waste you produce yourself. Otherwise, it costs £154. As landscapers, we transport materials, plants and debris arising from the clearance of a garden on every project, and so this is a must.

Electrical work

A landscaper was jailed for five years in 2005 after the faulty electrics he fitted in a garden caused harm to a child. Since 2005, all electrical work in dwellings in England and Wales, whether professional or DIY jobs, must meet the Part P requirements of the Building Regulations.



By law, the homeowner or landlord must be able to prove that all electrical installation work on their property meets Part P requirements, or they will be committing a criminal offence.

Electrical work which requires notification differs between England and Wales. Additional changes were introduced to Part P in England in April 2013. This means that electrical work in a dwelling, or associated with its surroundings, is notifiable to a local building control body where it includes:

- Circuit alteration or addition in a special location (bathroom, showerroom, swimming pool, sauna)
- Installation of one or more new circuits
- Installation of a replacement consumer unit (fuse box)
- Rewire of all circuits
- Partial rewire
- New full electrical installation.

Our landscapers at Cube do not carry out any electrical works. A qualified electrician is always brought in for electrical installations, and provides the client with the relevant certification.

Knowing and understanding the law will give you peace of mind. It would be great, in my opinion, if the professional associations tested contractors and designers on their knowledge of some basic laws like the examples above. Setting high standards to abide by can only be good for all of us, and our profession.

Look out for the second part of this series next month, where I will look at avoiding legal disputes and complaints over high structures.

References: www.drivex.co.uk, www.gov.uk, www.electricalsafetyfirst.org.uk

ABOUT SEAN BUTLER

Sean Butler is a landscape designer and director of Cube 1994. With a background in civil engineering, Sean has an in-depth understanding of the design, construction and maintenance of the physical and naturally built landscape.

www.cube1994.com