

Regulation (EU) No 165/2014 of the European Parliament and of the Council of 4 February 2014 on tachographs in road transport, repealing Council Regulation (EEC) No 3821/85 on recording equipment in road transport and amending Regulation (EC) No 561/2006 of the European Parliament and of the Council on the harmonisation of certain social legislation relating to road transport (Text with EEA relevance)

## CHAPTER V

### DRIVER CARDS

#### *Article 26*

#### **Issuing of driver cards**

1        <sup>F1</sup>A driver card is to be issued by the Secretary of State on request to a person whose normal residence is in the United Kingdom. <sup>F2</sup>A driver card is to be issued within one month of the receipt by the <sup>F3</sup>Secretary of State of the request and all necessary documentation.

2        For the purposes of this Article, ‘normal residence’ means the place where a person usually lives, that is for at least 185 days in each calendar year, because of personal and occupational ties, or, in the case of a person with no occupational ties, because of personal ties which show close links between that person and the place where he is living.

However, the normal residence of a person whose occupational ties are in a place different from their personal ties and who consequently lives in turn in different places <sup>F4</sup>... shall be regarded as being the place of their personal ties, provided that such person returns there regularly. This last condition need not be complied with where the person is living in a <sup>F5</sup>place in order to carry out a fixed-term assignment.

3        Drivers shall give proof of their normal residence by any appropriate means, such as their <sup>F6</sup>passport or any other valid document. Where the <sup>F7</sup>Secretary of State has doubts as to the validity of a statement as to normal residence, or for the purpose of certain specific controls, <sup>F8</sup>the Secretary of State may request any additional information or evidence.

4        In duly justified and exceptional cases, <sup>F9</sup>the Secretary of State may issue a temporary and non-renewable driver card valid for a maximum period of 185 days to a driver who does not have his normal residence in <sup>F10</sup>the United Kingdom or in a State which is a Contracting Party to the AETR Agreement, provided that such driver is in a labour law relationship with an undertaking established in the <sup>F11</sup>United Kingdom and, in so far as Regulation (EC) No 1072/2009 of the European Parliament and of the Council applies, presents a driver attestation as referred to in that Regulation.

<sup>F12</sup>  
...

5        The <sup>F13</sup>Secretary of State shall take appropriate measures to ensure that an applicant does not already hold a valid driver card and shall personalise the driver card, ensuring that its data are visible and secure.

6        The driver card shall not be valid for more than five years.

7        A valid driver card shall not be withdrawn or suspended unless the <sup>F14</sup>Secretary of State finds that the card has been falsified, or the driver is using a card of which he is not

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the holder, or the card held has been obtained on the basis of false declarations and/or forged documents. <sup>F15</sup>....

[<sup>F16</sup>7a The [<sup>F17</sup>Secretary of State] may require a driver to replace the driver card by a new one if this is necessary to comply with the relevant technical specifications.]

8 [<sup>F18</sup>The Secretary of State] shall take all necessary measures to prevent driver cards from being falsified.

<sup>F19</sup>g .....

### Textual Amendments

- F1** Words in Art. 26(1) substituted (31.12.2020) by The Drivers' Hours and Tachographs (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/453), regs. 1(3), **87(2)(a)**; 2020 c. 1, Sch. 5 para. 1(1)
- F2** Words in Art. 26(1) substituted (31.12.2020) by The Drivers' Hours and Tachographs (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/453), regs. 1(3), **87(2)(b)(i)**; 2020 c. 1, Sch. 5 para. 1(1)
- F3** Words in Art. 26(1) substituted (31.12.2020) by The Drivers' Hours and Tachographs (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/453), regs. 1(3), **87(2)(b)(ii)**; 2020 c. 1, Sch. 5 para. 1(1)
- F4** Words in Art. 26(2) omitted (31.12.2020) by virtue of The Drivers' Hours and Tachographs (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/453), regs. 1(3), **87(3)(a)** (with reg. 114); 2020 c. 1, Sch. 5 para. 1(1)
- F5** Word in Art. 26(2) substituted (31.12.2020) by The Drivers' Hours and Tachographs (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/453), regs. 1(3), **87(3)(b)**; 2020 c. 1, Sch. 5 para. 1(1)
- F6** Word in Art. 26(3) substituted (31.12.2020) by The Drivers' Hours and Tachographs (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/453), regs. 1(3), **87(4)(a)**; 2020 c. 1, Sch. 5 para. 1(1)
- F7** Words in Art. 26(3) substituted (31.12.2020) by The Drivers' Hours and Tachographs (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/453), regs. 1(3), **87(4)(b)(i)**; 2020 c. 1, Sch. 5 para. 1(1)
- F8** Words in Art. 26(3) substituted (31.12.2020) by The Drivers' Hours and Tachographs (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/453), regs. 1(3), **87(4)(b)(ii)**; 2020 c. 1, Sch. 5 para. 1(1)
- F9** Words in Art. 26(4) substituted (31.12.2020) by The Drivers' Hours and Tachographs (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/453), regs. 1(3), **87(5)(a)(i)**; 2020 c. 1, Sch. 5 para. 1(1)
- F10** Words in Art. 26(4) substituted (31.12.2020) by The Drivers' Hours and Tachographs (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/453), regs. 1(3), **87(5)(a)(ii)**; 2020 c. 1, Sch. 5 para. 1(1)
- F11** Words in Art. 26(4) substituted (31.12.2020) by The Drivers' Hours and Tachographs (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/453), regs. 1(3), **87(5)(a)(iii)**; 2020 c. 1, Sch. 5 para. 1(1)
- F12** Words in Art. 26(4) omitted (31.12.2020) by virtue of The Drivers' Hours and Tachographs (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/453), regs. 1(3), **87(5)(b)** (with reg. 114); 2020 c. 1, Sch. 5 para. 1(1)
- F13** Words in Art. 26(5) substituted (31.12.2020) by The Drivers' Hours and Tachographs (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/453), regs. 1(3), **87(6)**; 2020 c. 1, Sch. 5 para. 1(1)
- F14** Words in Art. 26(7) substituted (31.12.2020) by The Drivers' Hours and Tachographs (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/453), regs. 1(3), **87(7)(a)**; 2020 c. 1, Sch. 5 para. 1(1)
- F15** Words in Art. 26(7) omitted (31.12.2020) by virtue of The Drivers' Hours and Tachographs (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/453), regs. 1(3), **87(7)(b)** (with reg. 114); 2020 c. 1, Sch. 5 para. 1(1)
- F16** Inserted by Regulation (EU) 2020/1054 of the European Parliament and of the Council of 15 July 2020 amending Regulation (EC) No 561/2006 as regards minimum requirements on maximum daily and weekly driving times, minimum breaks and daily and weekly rest periods and Regulation (EU) No 165/2014 as regards positioning by means of tachographs.
- F17** Words in Art. 26(7a) substituted (3.3.2021) by The Drivers' Hours and Tachographs (Amendment) Regulations 2021 (S.I. 2021/135), regs. 1, **3(7)**
- F18** Words in Art. 26(8) substituted (31.12.2020) by The Drivers' Hours and Tachographs (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/453), regs. 1(3), **87(8)**; 2020 c. 1, Sch. 5 para. 1(1)

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**F19** Art. 26(9) omitted (31.12.2020) by virtue of [The Drivers' Hours and Tachographs \(Amendment etc.\) \(EU Exit\) Regulations 2019 \(S.I. 2019/453\)](#), regs. 1(3), **87(9)** (with reg. 114); 2020 c. 1, Sch. 5 para. 1(1)

## Article 27

### Use of driver cards

- 1 The driver card is personal.
- 2 A driver may hold no more than one valid driver card, and is only authorised to use his own personalised driver card. A driver shall not use a driver card which is defective or which has expired.

## Article 28

### Renewal of driver cards

- 1 Where a driver wishes to renew his driver card, he shall apply to the [<sup>F20</sup>Secretary of State] not later than 15 working days before the expiry date of the card.

<sup>F21</sup>2 .....

- 3 In the event of a request for the renewal of a card which is imminently about to expire, the [<sup>F22</sup>Secretary of State] shall supply a new card before the expiry date, provided that the request was sent within the time-limits laid down in paragraph 1.

#### Textual Amendments

- F20** Words in Art. 28(1) substituted (31.12.2020) by [The Drivers' Hours and Tachographs \(Amendment etc.\) \(EU Exit\) Regulations 2019 \(S.I. 2019/453\)](#), regs. 1(3), **88(a)**; 2020 c. 1, Sch. 5 para. 1(1)
- F21** Art. 28(2) omitted (31.12.2020) by virtue of [The Drivers' Hours and Tachographs \(Amendment etc.\) \(EU Exit\) Regulations 2019 \(S.I. 2019/453\)](#), regs. 1(3), **88(b)** (with reg. 114); 2020 c. 1, Sch. 5 para. 1(1)
- F22** Words in Art. 28(3) substituted (31.12.2020) by [The Drivers' Hours and Tachographs \(Amendment etc.\) \(EU Exit\) Regulations 2019 \(S.I. 2019/453\)](#), regs. 1(3), **88(c)**; 2020 c. 1, Sch. 5 para. 1(1)

## Article 29

### Stolen, lost or defective driver cards

- 1 [<sup>F23</sup>The Secretary of State] shall keep records of issued, stolen, lost or defective driver cards for a period at least equivalent to their period of validity.
- 2 If a driver card is damaged or if it malfunctions, the driver shall return it to the [<sup>F24</sup>Secretary of State]. Theft of the driver card shall be formally declared to the [<sup>F25</sup>Secretary of State].
- 3 Any loss of the driver card shall be reported in a formal declaration to the [<sup>F26</sup>Secretary of State].

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4 If the driver card is damaged, malfunctions or is lost or stolen, the driver shall, within seven calendar days, apply for its replacement to the [F27Secretary of State]. [F28The Secretary of State] shall supply a replacement card within eight working days after F29... receipt of a detailed request to that effect.

5 In the circumstances set out in paragraph 4, the driver may continue to drive without a driver card for a maximum period of 15 calendar days or for a longer period if this is necessary for the vehicle to return to the premises where it is based, provided that the driver can prove the impossibility of producing or using the card during that period.

#### Textual Amendments

- F23** Words in Art. 29(1) substituted (31.12.2020) by The Drivers' Hours and Tachographs (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/453), regs. 1(3), **89(2)**; 2020 c. 1, Sch. 5 para. 1(1)
- F24** Words in Art. 29(2) substituted (31.12.2020) by The Drivers' Hours and Tachographs (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/453), regs. 1(3), **89(3)(a)**; 2020 c. 1, Sch. 5 para. 1(1)
- F25** Words in Art. 29(2) substituted (31.12.2020) by The Drivers' Hours and Tachographs (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/453), regs. 1(3), **89(3)(b)**; 2020 c. 1, Sch. 5 para. 1(1)
- F26** Words in Art. 29(3) substituted (31.12.2020) by The Drivers' Hours and Tachographs (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/453), regs. 1(3), **89(4)**; 2020 c. 1, Sch. 5 para. 1(1)
- F27** Words in Art. 29(4) substituted (31.12.2020) by The Drivers' Hours and Tachographs (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/453), regs. 1(3), **89(5)(a)**; 2020 c. 1, Sch. 5 para. 1(1)
- F28** Words in Art. 29(4) substituted (31.12.2020) by The Drivers' Hours and Tachographs (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/453), regs. 1(3), **89(5)(b)(i)**; 2020 c. 1, Sch. 5 para. 1(1)
- F29** Word in Art. 29(4) omitted (31.12.2020) by virtue of The Drivers' Hours and Tachographs (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/453), regs. 1(3), **89(5)(b)(ii)**; 2020 c. 1, **Sch. 5 para. 1(1)**

#### Article 30

#### [F30Recognition of EU driver cards]

1 Driver cards issued by Member States shall be F31... recognised.

F32 2 .....

F32 3 .....

F32 4 .....

#### Textual Amendments

- F30** Art. 30 heading substituted (31.12.2020) by The Drivers' Hours and Tachographs (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/453), regs. 1(3), **90(a)**; 2020 c. 1, Sch. 5 para. 1(1)
- F31** Word in Art. 30(1) omitted (31.12.2020) by virtue of The Drivers' Hours and Tachographs (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/453), regs. 1(3), **90(b)**; 2020 c. 1, **Sch. 5 para. 1(1)**
- F32** Art. 30(2)-(4) omitted (31.12.2020) by virtue of The Drivers' Hours and Tachographs (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/453), regs. 1(3), **90(c)**; 2020 c. 1, **Sch. 5 para. 1(1)**

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<sup>F33</sup> Article 31

**Electronic exchange of information on driver cards**

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**Textual Amendments**

**F33** Art. 31 omitted (31.12.2020) by virtue of The Drivers' Hours and Tachographs (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/453), regs. 1(3), **91** (with reg. 114); 2020 c. 1, Sch. 5 para. 1(1)

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