

1990 No. 98

EUROPEAN COMMUNITIES

ROAD TRAFFIC AND VEHICLES

**Passenger and Goods Vehicles (Recording Equipment)
(Amendment) Regulations (Northern Ireland) 1990**

Made 14th March 1990

Coming into operation 23rd April 1990

The Department of the Environment, being a department designated(a) for the purpose of section 2(2) of the European Communities Act 1972(b) in relation to the regulation and supervision of working conditions of persons engaged in road transport and the regulation of the type, description, construction or equipment of vehicles, in exercise of the powers conferred by that section, and in exercise of the powers conferred on it by section 56(1) and (5) of the Finance Act 1973(c) and by Articles 56(5), 58(1), 63 and 83 of the Road Traffic (Northern Ireland) Order 1981(d), and of all other powers enabling it in that behalf, and with the consent of the Department of Finance and Personnel(e) as regards regulation 3(3), makes the following Regulations:

Citation and commencement

1. These Regulations may be cited as the Passenger and Goods Vehicles (Recording Equipment) (Amendment) Regulations (Northern Ireland) 1990 and shall come into operation on 23rd April 1990.

Interpretation

2. The Interpretation Act (Northern Ireland) 1954(f) shall apply to these Regulations as it applies to a Measure of the Northern Ireland Assembly.

Regulations amended

3. The Passenger and Goods Vehicles (Recording Equipment) Regulations (Northern Ireland) 1979(g) shall be amended as follows:

(a) S.Is. 1972/1811 and 1975/1707

(b) 1972 c. 68

(c) 1973 c. 51

(d) S.I. 1981/154 (N.I. 1)

(e) Formerly the Department of Finance. See S.I. 1982/338 (N.I. 6) Art. 3

(f) 1954 c. 33 (N.I.)

(g) S.R. 1979 No. 443; relevant amending Regulations are S.Rs. 1984 No. 199, 1987 No. 217 and 1989 No. 232

(1) In regulation 4 (installation and use of recording equipment)—

(a) for paragraph (1) substitute—

“(1) A person shall not use, or cause or permit to be used, a vehicle to which this regulation applies—

(a) unless there is in the vehicle recording equipment which—

(i) has been installed in accordance with the Community Recording Equipment Regulation,

(ii) complies with Annexes I and II to that Regulation, and

(iii) is being used as provided by Articles 13 to 15 of that Regulation; or

(b) if there is in the vehicle recording equipment which has been repaired (whether before or after installation) otherwise than in accordance with the Community Recording Equipment Regulation,

and any person who contravenes this provision shall be guilty of an offence and liable on summary conviction to a fine not exceeding £2,000.”; and

(b) after paragraph (1) insert—

“(1A) A person shall not be liable to be convicted under paragraph (1) if he proves to the court that he neither knew nor ought to have known that the recording equipment had not been installed or repaired, as the case may be, in accordance with the Community Recording Equipment Regulation.”.

(2) After regulation 5 insert—

“*Forgery, etc. of seals on recording equipment*

5A.—(1) A person who, with intent to deceive, forges, alters or uses any seal on recording equipment installed in, or designed for installation in, a vehicle to which regulation 4 applies, shall be guilty of an offence.

(2) A person guilty of an offence under paragraph (1) shall be liable—

(a) on conviction on indictment to imprisonment for a term not exceeding two years; or

(b) on summary conviction to a fine not exceeding £2,000.

(3) In this regulation a person forges a seal if he makes a false seal in order that it may be used as genuine.”.

(3) In regulation 11 (fee for approval or renewal of approval of fitters and workshops)—

(a) in paragraph (a) for “£225” substitute “£230”; and

(b) in paragraph (b) for “£90” substitute “£93”.

Sealed with the Official Seal of the Department of the Environment on
14th March 1990.

(L.S.)

Trevor Pearson

Assistant Secretary

The Department of Finance and Personnel consents to regulation 3(3).

Sealed with the Official Seal of the Department of Finance and Personnel
on 14th March 1990.

(L.S.)

Derek A. Hill

Assistant Secretary

EXPLANATORY NOTE

(This note is not part of the Regulations.)

These Regulations further amend the Passenger and Goods Vehicles (Recording Equipment) Regulations (Northern Ireland) 1979 (“the 1979 Regulations”) by—

- (1) making it an offence to use, or cause or permit to be used, a vehicle to which regulation 4 of the 1979 Regulations applies if the recording equipment in the vehicle has been repaired otherwise than in accordance with the Community Recording Equipment Regulation (regulation 3(1)(a));
- (2) increasing the penalty on summary conviction for an offence under regulation 4 from £500 to £2,000 (regulation 3(1)(a));
- (3) introducing a defence for a person charged with contravention of regulation 4 if he proves to the court that he neither knew nor ought to have known that the recording equipment had not been installed or repaired, as the case may be, in accordance with the Community Recording Equipment Regulation (regulation 3(1)(b));
- (4) introducing a new regulation which makes forgery, alteration or use, with deceitful intent, of a seal on recording equipment an offence. The penalties for such an offence are—
 - (a) on conviction on indictment to imprisonment for a term not exceeding 2 years; or
 - (b) on summary conviction to a fine not exceeding £2,000 (regulation 3(2)); and
- (5) increasing the fee for—
 - (a) the grant of an approval of a fitter or workshop for the installation or repair of recording equipment (tachographs) from £225 to £230; and
 - (b) the renewal of an approval from £90 to £93 (regulation 3(3)).