

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations facilitate compliance with the new Community Drivers' Hours Regulation (Regulation (EC) No 561/2006), which had full effect as from 11 April 2007, replacing the former Community Drivers' Hours Regulation (Council Regulation (EEC) No 3820/85). These Regulations revoke the Community Drivers' Hours and Recording Equipment (Exemptions and Supplementary Provisions) Regulations 1987, as amended, that implemented certain discretionary, national exemptions allowed under Council Regulation (EEC) No 3820/85, as amended, which sets out the drivers' hours enforcement penalties (in relation to both the EC and domestic drivers' hours rules).

These Regulations make provisions to implement the new enforcement measures contained in the new Community Drivers' Hours Regulation that: make transport undertakings automatically liable for infringements committed by their drivers, although a defence is provided; make undertakings, consignors, freight forwarders, tour operators, principal contractors, sub-contractors and driver employment agencies responsible for ensuring that contractually agreed transport time schedules respect the new Community Drivers' Hours Regulation; and enable enforcement authorities in Northern Ireland to take action in respect of infringements detected there but committed outside Northern Ireland.

These Regulations give effect to those discretionary national derogations contained in the Community Drivers' Hours Regulation that have been adopted in Northern Ireland. They exempt certain types of operation from the Community Drivers' Hours Regulation and, in most cases, from the application of the Community Recording Equipment Regulation (Council Regulation (EEC) No 3821/85). These Regulations also continue to exempt certain operations that were exempted after a special authorisation was granted by the European Commission in 1987.

These Regulations define "historic status" for the purpose of a new automatic exemption in the new Community Drivers' Hours Regulation for commercial vehicles which have a historic status according to the legislation of the Member State in which they are being driven and which are used for the non-commercial carriage of passengers or goods.

Copies of EC Regulations referred to in these Regulations can be obtained from TSO, 16 Arthur Street, Belfast BT1 4GB.

Changes to legislation:

There are currently no known outstanding effects for the The Community Drivers' Hours and Recording Equipment (Exemptions and Supplementary Provisions) Regulations (Northern Ireland) 2009.