



# Transport Act 1968

## 1968 CHAPTER 73

### PART VI

#### DRIVERS' HOURS

#### **[<sup>F1</sup>99ZB Inspection of records and other documents and data relating to recording equipment**

##### **Power of entry**

- (1) An officer may, on production if so required of his authority, at any time enter any vehicle to which section 97 [<sup>F2</sup>or 97ZA] of this Act applies in order to inspect that vehicle and any recording equipment in or on it.
- (2) Where any officer enters any vehicle under subsection (1) of this section he may—
  - (a) inspect, remove, retain and copy any record sheet that he finds there on which a record has been produced by means of analogue recording equipment or on which an entry has been made;
  - (b) inspect, remove, retain and copy any hard copy of data that he finds there which was stored on any digital recording equipment or on a driver card;
  - (c) inspect, remove, retain and copy any other document that he finds there which the officer may reasonably require to inspect for the purpose of ascertaining whether the requirements of the applicable Community rules have been complied with;
  - (d) inspect any driver card that he finds there, copy the data stored on it (using any digital recording equipment in or on the vehicle or temporarily removing the driver card for the purpose of copying the data) and remove and retain the copy;
  - (e) copy data stored on any digital recording equipment that is in or on the vehicle and remove and retain that copy;
  - (f) inspect any recording equipment that is in or on the vehicle and, if necessary for the purposes of the inspection, remove it from the vehicle;
  - (g) retain the recording equipment as evidence if he finds that it has been interfered with;

---

*Changes to legislation: There are currently no known outstanding effects  
for the Transport Act 1968, Section 99ZB. (See end of Document for details)*

---

- (h) inspect the vehicle for the purpose of ascertaining whether there is in or on the vehicle any device which is capable of interfering with the proper operation of any recording equipment in or on the vehicle;
  - (i) inspect anything in or on the vehicle which he believes is such a device and, if necessary for the purpose of the inspection, remove it from the vehicle;
  - (j) retain the device as evidence if he finds that it is capable of interfering with the proper operation of the recording equipment.
- (3) Where any officer who is an examiner appointed under section 66A of the Road Traffic Act 1988, or any constable, enters any vehicle under subsection (1) of this section, he may, if he has reason to believe that—
- (a) any recording equipment in or on the vehicle has been interfered with so as to affect its proper operation, or
  - (b) there is in or on the vehicle any device which is capable of interfering with the proper operation of any recording equipment in or on the vehicle,
- require the driver or operator of the vehicle to take it to an address specified by the officer or constable for the purposes of enabling an inspection of the recording equipment, the vehicle or any device in or on it to be carried out.
- (4) An officer may, on production if so required of his authority, at any time which is reasonable having regard to the circumstances of the case, enter any premises on which he has reason to believe that—
- (a) a vehicle to which section 97 [<sup>F3</sup>or 97ZA] of this Act applies is kept;
  - (b) any such document as is mentioned in section 99ZA(1) of this Act is to be found;
  - (c) any driver card or copy of data previously stored on a driver card or on recording equipment is to be found; or
  - (d) any digital recording equipment is to be found.
- (5) Where any officer enters any premises under subsection (4) of this section he may—
- (a) inspect any vehicle which he finds there and to which section 97 [<sup>F4</sup>or 97ZA] of this Act applies;
  - (b) inspect, remove, retain and copy any such document as is mentioned in section 99ZA(1) of this Act that he finds there;
  - (c) make a copy of any such copy of data as is mentioned in subsection (4)(c) of this section that he finds there, and remove and retain the copies he makes;
  - (d) inspect any driver card that he finds there, copy the data stored on it (using any digital recording equipment on the premises or temporarily removing the driver card for the purpose of copying the data) and remove and retain the copy;
  - (e) copy data stored on any digital recording equipment that he finds there and remove and retain that copy;
  - (f) inspect any recording equipment that he finds there and, if necessary for the purposes of inspection, remove it from the premises;
  - (g) retain any such recording equipment as evidence if he finds that it has been interfered with;
  - (h) inspect anything that he finds there which he believes is a device capable of interfering with the proper operation of any recording equipment and, if necessary for the purpose of the inspection, remove it from the premises;
  - (i) retain any such device as evidence if he finds that it is capable of interfering with the proper operation of recording equipment.

---

*Changes to legislation: There are currently no known outstanding effects for the Transport Act 1968, Section 99ZB. (See end of Document for details)*

---

- (6) For the purposes of—
- (a) exercising any of his powers under this section in relation to a vehicle or anything found in or on a vehicle, or
  - (b) exercising any of his powers under section 99ZA(1) or (2) of this Act in respect of a document or driver card carried by the driver of a vehicle,
- an officer may detain the vehicle during such time as is required for the exercise of that power.
- (7) If—
- (a) at the time when a requirement is imposed under subsection (3) of this section the vehicle is more than five miles from the address specified by the officer or constable to which the vehicle is to be taken; and
  - (b) the [<sup>F5</sup>relevant instrument] is found not to have been contravened in relation to the recording equipment, the vehicle or any device in or on it;
- the relevant person must pay, in respect of loss occasioned, such amount as in default of agreement may be determined by a single arbitrator (in Scotland, arbiter) agreed upon by the parties or, in default of agreement, appointed by the Secretary of State.
- [<sup>F6</sup>(8) In subsection (7) of this section—
- “relevant person” means—
  - (a) if the requirement was imposed by an examiner appointed under section 66A of the Road Traffic Act 1988, the Secretary of State;
  - (b) if the requirement was imposed by a constable, the chief officer of police for the police area in which the requirement was imposed;
- “relevant instrument” means—
- (a) in relation to a vehicle to which section 97 applies, the EU Tachographs Regulation;
  - (b) in relation to a vehicle to which section 97ZA applies, the AETR.
- (9) In this Part of this Act, “analogue recording equipment” means—
- (a) in relation to a vehicle to which section 97 applies, recording equipment that complies with Annex I to the EU Tachographs Regulation;
  - (b) in relation to a vehicle to which section 97ZA applies, recording equipment that complies with Appendix 1 to Annex 1 to the AETR.]]

#### Textual Amendments

- F1** Ss. 99ZA-99ZF inserted (5.8.2005) by [The Passenger and Goods Vehicles \(Recording Equipment\) Regulations 2005 \(S.I. 2005/1904\)](#), regs. 1(1), **6**
- F2** Words in s. 99ZB(1) inserted (26.3.2019) by [The Drivers' Hours and Tachographs \(Amendment etc.\) \(EU Exit\) Regulations 2019 \(S.I. 2019/453\)](#), regs. 1(2), **17(2)**
- F3** Words in s. 99ZB(4) inserted (26.3.2019) by [The Drivers' Hours and Tachographs \(Amendment etc.\) \(EU Exit\) Regulations 2019 \(S.I. 2019/453\)](#), regs. 1(2), **17(3)**
- F4** Words in s. 99ZB(5)(a) inserted (26.3.2019) by [The Drivers' Hours and Tachographs \(Amendment etc.\) \(EU Exit\) Regulations 2019 \(S.I. 2019/453\)](#), regs. 1(2), **17(4)**
- F5** Words in s. 99ZB(5)(a) inserted (26.3.2019) by [The Drivers' Hours and Tachographs \(Amendment etc.\) \(EU Exit\) Regulations 2019 \(S.I. 2019/453\)](#), regs. 1(2), **17(5)**
- F6** S. 99ZB(8)(9) substituted (26.3.2019) by [The Drivers' Hours and Tachographs \(Amendment etc.\) \(EU Exit\) Regulations 2019 \(S.I. 2019/453\)](#), regs. 1(2), **17(6)**

**Changes to legislation:**

There are currently no known outstanding effects for the Transport Act 1968, Section 99ZB.