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SCHEDULES

SCHEDULE 4

ENACTMENTS AMENDED

H: ROAD VEHICLES (DRIVING UNDER AGE, AND DRIVERS' HOURS)

- 9 (1) In section 4(4) of the Road Traffic Act 1972 (offence of driving below the permitted age) there shall be added at the end the words " and this subsection shall apply to a contravention in Great Britain of any directly applicable Community provision relating to the driving of road vehicles on international journeys, being a provision as to the minimum age for driving a vehicle of any description, as it applies to a contravention of the provisions of this section ".
- (2) In Part VI of the Transport Act 1968, in section 103(1), after the definition of " employer " there shall be inserted the words " ' the international rules' means any directly applicable Community provision relating to the driving of road vehicles on international journeys " ; and—
- (a) after section 96(11) there shall be inserted as subsection (11 A)—
- “(11A) Where, in the case of a driver or member of the crew of a motor vehicle, there is in Great Britain a contravention of any requirement of the international rules as to periods of driving, or distance driven, or periods on or off duty, then the offender and any other person (being the offender's employer or a person to whose orders the offender was subject) who caused or permitted the contravention shall be liable on summary conviction to a fine not exceeding £200 ;”;
- and in section 98(4) (failure to comply with regulations as to keeping of records etc.) after the words "regulations made under this section " there shall be inserted the words " or any requirement as to books or records of the international rules ", in section 98(5) after the words " of regulations under this section " there shall be inserted the words " or of the international rules ", and in section 99(5) (falsification of records) after the words " regulations under section 98 thereof " there shall be inserted the words " or the international rules "
- (b) in section 99(1) (power of enforcement officer to inspect records and other documents) there shall be inserted after paragraph (c)—
- “(d) any corresponding book, register or document required by the international rules or which the officer may reasonably require to inspect for the purpose of ascertaining whether the requirements of the international rules have been complied with”;
- and in section 99(3) after the words " subsection (1)(a)" there shall be inserted " or (d) " ;
- (c) in section 98(2) (power to make provision supplementary and incidental to the provision made under section 98(1) as to the keeping of books

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and records) there shall be inserted after the words " supplementary and incidental provisions " the words " including provisions supplementary and incidental to the requirements of the international rules as to books and records ", and after the words " for the purpose of the regulations " in paragraph (a) the words " or of the international rules ".

(3) At the end of section 95(1) of the Transport Act 1968 there shall be added the words—

“but the Secretary of State may by regulations make such provision supplemental or incidental to, or by way of adaptation of, this Part of this Act as is in his opinion called for to take account, in relation to journeys and work to which the international rules apply, of the operation of those rules and to ensure compatibility of operation between section 96(1) to (9) as they apply to other journeys and work and the international rules ; and regulations made under this subsection—

- (a) may in particular make exceptions from the operation of section 96(1) to (6), and include provision as to the circumstances in which a period of driving or duty to which the international rules apply is to be included or excluded in reckoning any period for purposes of section 96(1) to (6) ; and
- (b) may contain such transitional and supplementary provisions as the Secretary of State thinks necessary or expedient;

and a reference to the international rules shall be deemed to be included in any reference to this Part of this Act in sections 35(2)(b), 62(4)(b) and 64(2)(c) of this Act and in paragraph 2(5) of Schedule 9 thereto.”

(4) In the following provisions as amended by the Transport Act 1968 (which, as so amended, allow records kept under Part VI of that Act to be inspected), that is to say, in section 11(1)(a) of the Road Haulage Wages Act 1938 and in section 19(3)(b) of the Wages Councils Act 1959, after the words " Part VI of the Transport Act 1968 " there shall be inserted the words " or of the international rules within the meaning of the said Part VI " ; and in Schedule 2 to the Road Traffic (Foreign Vehicles) Act 1972, in the entry relating to sections 96 to 98 of the Transport Act 1968 and regulations and orders thereunder, there shall be added at the end of the words in the first column the words " and the international rules within the meaning of Part VI of that Act ".