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## EXPLANATORY NOTE

These Regulations amend section 97 (installation and use of recording equipment of the Transport Act 1968 (“the Act of 1968”) and the Passenger and Goods Vehicles (Recording Equipment) Regulations 1979 (“the Regulations of 1979”).

Under subsection (1) of section 97 of the Act of 1968 as brought into force by paragraph (2) and (3) of Regulation 2 of the 1979 Regulations vehicles to which that section applies which were being used on international journeys were required to have recording equipment (defined in subsection (7) of that section) installed and in use in accordance with the Community Recording Equipment Regulation (defined in the said subsection (7)) by the 14th January 1980. Most vehicles to which that section applies which were not being used on such journeys were required to have recording equipment installed in accordance with the Community Recording Equipment Regulation before the requirement to use the equipment in accordance with that regulation came into force in relation to such vehicles on the 31st December 1981. Subsection (1) of section 97 therefore distinguishes between the requirement to install recording equipment (subsection (1)(a)) and the requirement to use it (subsection (1)(b)). Now that the transitional period for the coming into force of that subsection has expired the distinction is no longer necessary. Regulation 2 of these Regulations accordingly substitutes a new subsection (1) in section 97 of the Act of 1968 which requires the equipment to be installed and used in the vehicle and revokes paragraphs (2) to (4) now spent, of Regulation 2 of the Regulations of 1979.

Regulation 4 of the Regulations of 1979 provides for the approval of fitters and workshops to install and repair recording equipment in accordance with Article 14 of the Community Recording Equipment Regulation. Regulation 3 of these Regulations substitutes a new Regulation for Regulation 4 which also—

(a) provides for the nomination by the Secretary of State of bodies for the carrying out of checks and inspections of recording equipment in accordance with Chapter VI of Annex I to the Community Recording Equipment Regulation; and

(b) provides for the conditions that may be attached to any such nomination (including conditions as to the fees to be charged for checking and inspecting recording equipment) and for the publication by the Secretary of State of lists of the bodies nominated by him.

Regulation 3(2) of these Regulations indicates when the first periodic inspection required by paragraph 3(a) or (b) of Chapter VI of Annex I to the Community Recording Equipment Regulation is to be carried out.