

1986 No. 1457

## ROAD TRAFFIC

**The Community Drivers' Hours and Recording Equipment Regulations 1986***Laid before Parliament in draft*

Made - - - - - 22nd August 1986

Coming into Operation 29th September 1986

The Secretary of State for Transport, being a Minister designated **(a)** for the purpose of section 2(2) of the European Communities Act 1972 **(b)** in relation to the regulation and supervision of the 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, hereby makes the following Regulations, a draft of which has been laid before and approved by resolution of each House of Parliament pursuant to paragraph 2(2) of Schedule 2 to that Act:—

*Citation, commencement, interpretation and revocation*

1.—(1) These Regulations may be cited as the Community Drivers' Hours and Recording Equipment Regulations 1986 and shall come into operation on 29th September 1986.

(2) In these Regulations “the 1968 Act” means the Transport Act 1968 **(c)**.

(3) Regulation 5 of the Passenger and Goods Vehicles (Recording Equipment) Regulations 1979 **(d)** is hereby revoked.

*Drivers' hours*

2. In section 96(11A) of the 1968 Act the words “or member of the crew” shall be omitted.

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**(a)** S.I. 1975/1707 and 1972/1811.

**(b)** 1972 c. 68.

**(c)** 1968 c. 73; section 96(11A) was added by the European Communities Act 1972, Schedule 4, para. 9(2)(a) and amended by the Road Traffic (Drivers' Ages and Hours of Work) Act 1976 (c. 3), section 2(1)(c); sections 97, 97A and 97B were substituted by S.I. 1979/1746 and section 97 amended by S.I. 1984/144; section 99(1)(bb) was inserted and section 103 amended by S.I. 1979/1746.

**(d)** S.I. 1979/1746.

*Recording equipment*

3.—(1) For the definition of “the Community Recording Equipment Regulation” in each of the provisions specified in paragraph (2) below there shall be substituted the following definition—

“‘the Community Recording Equipment Regulation’ means Council Regulation (EEC) No. 3821/85 of 20th December 1985 on recording equipment in road transport<sup>(a)</sup> as read with the Community Drivers’ Hours and Recording Equipment (Exemptions and Supplementary Provisions) Regulations 1986<sup>(b)</sup>”;

(2) The provisions referred to in paragraph (1) above are—

- (a) section 97(7) of the 1968 Act;
- (b) section 82 of the Road Traffic Act 1972<sup>(c)</sup>;
- (c) Regulation 1(3) of the Passenger and Goods Vehicles (Recording Equipment) Regulations 1979; and
- (d) Regulation 3(3) of the Passenger and Goods Vehicles (Recording Equipment) (Amendment) Regulations 1984<sup>(d)</sup>.

(3) Part VI of the 1968 Act shall be further amended as follows, that is to say—

- (a) in subsections (1)(c), (4)(c) and (5) of section 97 for the words “Articles 15 to 17” there shall be substituted the words “Articles 13 to 15”;
- (b) in subsection (3)(b) of that section for the words “Article 18(2)” there shall be substituted the words “Article 16(2)”;
- (c) in subsections (1) and (3) of section 97A for the words “crew member”, in each place where they occur, there shall be substituted the word “driver”;
- (d) in subsection (2) of that section for the words “crew members” there shall be substituted the word “drivers”;
- (e) in section 97B(2) for the words “crew member” there shall be substituted the word “driver” and for the words “Article 17(2) or (3) or 18(2)” there shall be substituted the words “Article 15(2) or (5) or 16(2)”;
- (f) in section 99(1)(bb) for the words “Article 16(2)” there shall be substituted the words “Article 14(2)” and for the words “Article 17(5)” there shall be substituted the words “Article 15(7)”;
- (g) in section 103, in the definition of “record sheet” for the words “Article 18(2)” there shall be substituted the words “Article 16(2)”.

(a) OJ No L370/8 of 31.12.85.

(c) 1972 c. 20; section 82 was amended by S.I. 1981/1692.

(b) S.I. 1986/1456.

(d) S.I. 1984/144.

(4) In Regulation 4(1)(a) of the said Regulations of 1979 for the words "Article 14" there shall be substituted the words "Article 12".

Signed by authority of  
the Secretary of State

*Peter Bottomley,*  
Parliamentary Under Secretary of State,  
Department of Transport.

22nd August 1986.

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#### EXPLANATORY NOTE

*(This Note is not part of the Regulations.)*

These Regulations modify the provisions of Part VI of the Transport Act 1968, the Passenger and Goods Vehicles (Recording Equipment) Regulations 1979 and the Passenger and Goods Vehicles (Recording Equipment) (Amendment) Regulations 1984 to take account of the repeal and replacement by Council Regulation (EEC) No. 3820/85 of the 20th December 1985 on the harmonisation of certain social legislation relating to road transport (OJ No L370/1 of 31.12.85) and Council Regulation (EEC) No 3821/85 of 20th December 1985 on recording equipment in road transport (OJ No L370/8 of 31.12.85) of existing Community Regulations concerning the same matters.

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