
EXPLANATORY NOTE

(This note is not part of these Regulations)

These Regulations amend the provisions of Part VI of the Transport Act 1968 to take account of the new, digital tachograph, provided for by Council Regulation (EC) No.2135/98, which amended Regulation (EEC) No.3821/85 on recording equipment in road transport. A digital tachograph is one which complies with Annex IB to the amended Regulation. They also make changes to the enforcement regime, which applies to both analogue tachographs and digital tachographs.

They add, in new sections 99ZA to 99ZF, more detailed enforcement provisions which apply where tachographs, whether analogue or digital, are used or documents are required under Community Rules. The enforcement powers are conferred on officers, who are examiners from the Vehicle and Operator Services Agency or police.

Under new section 99ZA officers may require the production of records and the driver cards used with digital tachographs. They may copy the electronic data.

New section 99ZB confers powers of entry on officers. They may enter vehicles required to be fitted with tachographs, inspect equipment and other things on and in the vehicle, copy data and retain evidence. They may also enter premises. A time limit of six months is imposed by new section 99ZC on the retention powers, unless the retained items are required for proceedings.

Under new section 99ZD it is an offence not to comply with an officer's requirements or obstruct him. The maximum penalty is level 5 on the standard scale.

New section 99ZE provides for offences in respect of false records and data, destruction of records and data and failure to make relevant records. The offences extend to those causing or permitting the actions as well as those actually doing them. The maximum penalty on summary conviction is the statutory maximum; on conviction on indictment it is two years' imprisonment or a fine.

A Regulatory Impact Assessment has been produced and a copy placed in the library of both Houses of Parliament. Copies may be obtained from the Department for Transport, Great Minster House, 76 Marsham Street, London SW1P 4DR. Alternatively copies can be obtained from the Department's website which is at ww.dft.gov.uk.

Changes to legislation:

There are currently no known outstanding effects for the The Passenger and Goods Vehicles (Recording Equipment) Regulations 2005.