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## EXPLANATORY NOTE

*(This note is not part of the Regulations)*

These Regulations make provision in relation to the cards (company cards, control cards, driver cards and workshop cards) used with digital tachographs, which are tachographs complying with Annex IB to Regulation (EEC) 3821/85. Those new vehicles, which are required to be fitted with tachographs, have been required to be fitted with digital tachographs since 1 May 2006 (Regulation 561/2006).

They prohibit the use by a person of more than one driver card, of a driver card of which he is not the holder, of a forged or altered card and of a card issued as a result of an incorrect application. Making a false statement in an application for a card is also prohibited. Breach is an offence, the penalty depending upon the nature of the breach (regulation 3).

They prohibit the use by a person of more than one workshop card, or PIN, for each workshop in which he works, of a workshop card or PIN of which he is not the holder or in a place which is not his workplace, of a forged or altered card and of a card issued as a result of an incorrect application. They also prohibit the divulging of a PIN. Breach is an offence, the penalty depending on the nature of the breach (regulation 4).

Causing or permitting a person to breach such prohibitions is also prohibited, the maximum penalty being, if the offender is convicted on indictment, two years and a fine, or if the offender is convicted summarily, the statutory maximum (regulations 3 and 4).

They require written notification of lost or stolen cards to be given to the Secretary of State and the return to him of damaged or malfunctioning cards. Failure to comply is an offence punishable by a level 5 fine (regulation 5).

They require a card holder to notify the Secretary of State of details on the card requiring correction and to return it for correction. The Secretary of State may also require the return of cards issued erroneously for correction. Failure to comply is an offence punishable by a level 5 fine (regulation 6).

A card which identifies another person as the holder, which has been falsified or which has been issued as a result of a false application must be surrendered or may be confiscated by a constable or VOSA examiner. Failure to surrender such a card is an offence punishable by a level 5 fine (regulation 7).

A Regulatory Impact Assessment has not been prepared for this instrument as it has no significant impact on the costs of business.