

## THE SCHEDULE

Regulations 2 and 4

### EXEMPTED VEHICLES

#### PART 1

##### Vehicles exempted by Regulations 2(1) and 4(1)

1.—(1) Any vehicle which is owned or hired without a driver by a public authority to undertake carriage by road otherwise than in competition with private transport undertakings.

(2) A vehicle does not fall within the description specified in this paragraph unless the vehicle—

- (a) is being used for the provision of ambulance services—
  - (i) by a relevant NHS body, <sup>F1</sup>...
  - (ii) in pursuance of arrangements made by or at the request of a relevant NHS body, or made with the Secretary of State or with the Welsh or Scottish Ministers; [<sup>F2</sup>or
  - (iii) services for persons who are aged 18 or over and have a disability within the meaning given by section 6 of the Equality Act 2010 (disability).]
- (b) is being used for the transport of organs, blood, equipment, medical supplies or personnel—
  - (i) by a relevant NHS body, or
  - (ii) in pursuance of arrangements of the kind mentioned in paragraph (a)(ii);
- (c) is being used by a local authority to provide, in the exercise of social services functions—
  - (i) services for old persons; or
  - (ii) services for persons to whom section 29 of the National Assistance Act 1948 <sup>M1</sup> (welfare arrangements for physically and mentally handicapped persons) applies;
- (d) is being used by Her Majesty's Coastguard, a general lighthouse authority or a local lighthouse authority;
- (e) is being used for the purpose of maintaining railways by the British Railways Board, any holder of a network licence (within the meaning of Part 1 of the Railways Act 1993) <sup>M2</sup> which is a company wholly owned by the Crown (within the meaning of that Act), Transport for London, any wholly owned subsidiary of Transport for London, a Passenger Transport Executive or a local authority;
- (f) is being used by the British Waterways Board [<sup>F3</sup>or Canal & River Trust] for the purpose of maintaining navigable waterways.

(3) In this paragraph—

“general lighthouse authority” and “local lighthouse authority” have the same meaning as in Part 8 of the Merchant Shipping Act 1995 <sup>M3</sup>;

“local authority” means—

- (a) in relation to England and Wales, a county or district council, a London borough council or the Common Council of the City of London; and
- (b) in relation to Scotland, a regional, islands or district council;

“relevant NHS body” means—

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- (a) in England, [<sup>F4</sup>the National Health Service Commissioning Board, a clinical commissioning group, ] a National Health Service Trust, a Special Health Authority, and an NHS foundation trust;
- (b) in Wales, a Local Health Board, a National Health Service Trust, and a Special Health Authority; and
- (c) in Scotland, a Health Board, a Special Health Board, or the Common Services Agency for the Scottish Health Service;

“social services functions”—

- (a) in relation to England and Wales, has the meaning given by section 1A of the Local Authority Social Services Act 1970 <sup>M4</sup>; and
- (b) in relation to Scotland, means functions under the enactments referred to in section 5(1B) of the Social Work (Scotland) Act 1968 <sup>M5</sup>;

“wholly owned subsidiary” in relation to Transport for London, has the meaning given by section 736(2) of the Companies Act 1985 <sup>M6</sup>.

#### Textual Amendments

- F1** Word in Sch. para. 1(2)(c)(i) omitted (1.4.2015) by virtue of [The Care Act 2014 \(Consequential Amendments\) \(Secondary Legislation\) Order 2015 \(S.I. 2015/643\)](#), art. 1(2), **Sch. para. 28(a)** (with art. 4); S.I. 2015/993, art. 2(a)
- F2** Word in Sch. para. 1(2)(c)(iii) inserted (1.4.2015) by virtue of [The Care Act 2014 \(Consequential Amendments\) \(Secondary Legislation\) Order 2015 \(S.I. 2015/643\)](#), art. 1(2), **Sch. para. 28(b)** (with art. 4); S.I. 2015/993, art. 2(a)
- F3** Words in Sch. para. 1(2)(f) inserted (2.7.2012) by [The British Waterways Board \(Transfer of Functions\) Order 2012 \(S.I. 2012/1659\)](#), art. 1(2), **Sch. 3 para. 36** (with arts. 4-6)
- F4** Words in Sch. para. 1(3) substituted (1.4.2013) by [The National Treatment Agency \(Abolition\) and the Health and Social Care Act 2012 \(Consequential, Transitional and Saving Provisions\) Order 2013 \(S.I. 2013/235\)](#), art. 1(2), **Sch. 2 para. 114**

#### Marginal Citations

- M1** 1948 c.29. Section 29 has been amended by the [National Assistance \(Amendment\) Act 1959 \(c.30\)](#), **section 1**, the [Mental Health \(Scotland\) Act 1960 \(c.61\)](#), **sections 113** and 114 and Schedule 4, the [Social Work \(Scotland\) Act 1968 \(c.49\)](#), **section 95** and Schedule 9, Part 1, the [Local Government Act 1972 \(c.70\)](#), **sections 195** and 272 and Schedule 23, paragraph 2 and Schedule 30, the [Employment and Training Act 1973 \(c.50\)](#), **section 14** and Schedule 2, paragraph 3, the [National Health Service Act 1977 \(c.49\)](#), **section 129** and Schedule 15, paragraph 6, the [Health Service and Social Security Adjudications Act 1983 \(c.41\)](#), **section 30** and Schedule 10, Part 1, the [Children Act 1989 \(c.41\)](#), **Schedule 14**, paragraph 11 and the [National Health Service and Community Care Act 1990 \(c.19\)](#), **section 44**.
- M2** 1993 c.21.
- M3** 1995 c.21.
- M4** 1970 c.42. Section 1A was inserted by section 102(3) of the [Local Government Act 2000 \(c.22\)](#).
- M5** 1968 c.49. Section 5(1B) was inserted by the [Local Government etc. \(Scotland\) Act 1994 \(c.39\)](#), **Schedule 13**, paragraph 76 and has subsequently been amended by the [Children \(Scotland\) Act 1995 \(c.36\)](#), **Schedule 4**, paragraph 15, and by the [Criminal Procedure \(Consequential Provisions\)\(Scotland\) Act 1995 \(c.40\)](#), Schedule 4, paragraph 6.
- M6** 1985 c.6; section 736 was substituted by section 144(1) of the [Companies Act 1989 \(c.40\)](#). A further amendment to that section is not relevant to these Regulations.

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**2.—(1)** Any vehicle which is being used or hired without a driver by an agricultural, horticultural, forestry, farming or fishery undertaking for carrying goods as part of its own entrepreneurial activity within a 100 kilometre radius from where the undertaking is based.

(2) A vehicle which is being used by a fishery undertaking does not fall within the description specified in this paragraph unless the vehicle is being used—

- (a) to carry live fish; or
- (b) to carry a catch of fish from the place of landing to a place where it is to be processed.

**3.** Any tractor which is used for agricultural or forestry work within a 100 kilometre radius of the base of the undertaking which owns, hires or leases the tractor.

**4.—(1)** Any vehicle which has a maximum permissible mass not exceeding 7.5 tonnes and is being used for carrying materials, equipment or machinery for the driver's use in the course of the driver's work.

(2) A vehicle does not fall within the description specified in this paragraph if—

- (i) the vehicle is being used outside a 50 kilometre radius from the base of the undertaking; or
- (ii) driving the vehicle constitutes the driver's main activity.

**5.** Any vehicle which operates exclusively on an island which does not exceed 2300 square kilometres in area and is not linked to the rest of Great Britain by a bridge, ford or tunnel open for use by motor vehicles.

**6.** Any vehicle which is used by an undertaking for the carriage of goods within a 50 kilometre radius from where the undertaking is based, is propelled by means of natural or liquefied gas or electricity and has a maximum permissible mass, including the mass of any trailer or semi-trailer drawn by it, not exceeding 7.5 tonnes.

**7.—(1)** Any vehicle which is being used for driving instruction and examination with a view to obtaining a driving licence or certificate of professional competence.

(2) A vehicle does not fall within the description specified in this paragraph if the vehicle or any trailer or semi-trailer drawn by it is being used for the commercial carriage of goods or passengers.

**8.** Any vehicle which is being used in connection with—

- (a) sewerage, flood protection, water, gas or electricity maintenance services;
- (b) road maintenance or control;
- (c) door-to-door household refuse collection or disposal;
- (d) telegraph or telephone services;
- (e) radio or television broadcasting; or
- (f) the detection of radio or television transmitters or receivers.

**9.** Any vehicle with not more than 17 seats, including the driver's seat, used exclusively for the non-commercial carriage of passengers.

**10.** Any specialised vehicle which is being used for transporting circus or funfair equipment.

**11.** Any mobile project vehicle the primary purpose of which is use as an educational facility when stationary and which is specially fitted for that purpose.

**12.** Any vehicle which is being used for the collection of milk from farms or for the return to farms of milk containers or milk products intended for animal feed.

**13.** Any vehicle which is being used to carry animal waste or carcasses which are not intended for human consumption.

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**14.—(1)** Any vehicle which is used exclusively on roads inside hub facilities.

(2) For the purposes of this paragraph, examples of “hub facilities” include ports, interports and railway terminals.

**15.** Any vehicle which is being used to carry live animals from a farm to a market, or from a market to a slaughterhouse, where the distance between the farm and the market, or between the market and the slaughterhouse, does not exceed 50 kilometres.

## **PART 2**

### **Vehicles Exempted by Regulations 2(2) and 4(2)**

**16.** Any vehicle which is being used by the Royal National Lifeboat Institution for the purpose of hauling lifeboats.

**17.** Any vehicle which was manufactured before 1st January 1947.

**18.** Any vehicle which is propelled by steam.

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