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## EXPLANATORY NOTE

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

These Regulations make provision under section 2(2) of the European Communities Act 1972 implementing the EU Drivers' Hours Regulation (Regulation (EC) No 561/2006) and the EU Tachographs Regulation (Regulation (EU) No 165/2014). Article 2(3) of the EU Drivers' Hours Regulation applies the European Agreement concerning the Work of Crews of Vehicles engaged in International Road Transport of 1st July 1970 (known as the "AETR") in EU member States, requiring the implementation of the AETR in those States. The provision under section 2(2) includes provision implementing the AETR.

The Regulations also make provision in exercise of the powers in section 8(1) of, and Schedule 7, paragraph 21(b) to, the European Union (Withdrawal) Act 2018 (c.16) ("the 2018 Act") in order to address failures of retained EU law relating to drivers' hours and tachographs to operate effectively and other deficiencies (in particular under section 8(2)(a), (b), (c) and (g), (3)(a), (5) and (6)) arising from the withdrawal of the United Kingdom from the European Union.

Part 1 of the Regulations contains introductory provision. Part 2 contains the amendments made under section 2(2) of the European Communities Act 1972, which update pre-existing references to the two EU Regulations and the AETR, and include references to the EU Tachographs Regulation as amended from time to time and the AETR. The amendments in this Part also implement penalties relating to requirements on testing for security vulnerabilities and penalties relating to the prohibition of the supply of recording equipment without a type approval certificate; and provide for offences and penalties for failure to comply with requirements under AETR, in particular failing to properly install and use recording equipment; supplying recording equipment without a valid type approval certificate; and failing to notify authorities of security vulnerabilities. Chapter 1 of Part 2 amends primary legislation and Chapter 2 of Part 2 amends secondary legislation. Part 3 contains amendments under the 2018 Act to correct deficiencies in existing domestic legislation and EU retained law resulting from the withdrawal of the United Kingdom from the European Union. Chapter 1 of Part 3 amends primary legislation. Chapter 2 of Part 3 amends secondary legislation and Chapter 3 of Part 3 amends retained direct EU legislation. An impact assessment has not been produced for this instrument as no, or no significant, impact on the private or voluntary sector is foreseen. An Explanatory Memorandum is published alongside this instrument on [www.legislation.gov.uk](http://www.legislation.gov.uk).

**Changes to legislation:**

There are currently no known outstanding effects for the The Drivers' Hours and Tachographs (Amendment etc.) (EU Exit) Regulations 2019.