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STATUTORY INSTRUMENTS

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**2019 No. 453**

**The Drivers' Hours and Tachographs  
(Amendment etc.) (EU Exit) Regulations 2019**

**PART 3**

Amendments pursuant to the European Union (Withdrawal) Act 2018

CHAPTER 1

Amendments of primary legislation

**Transport Act 1968**

- 31.** The Transport Act 1968 is amended as follows.
- 32.** In section 95—
- (a) in subsection (1)(1) omit the words from “but the” to the end;
  - (b) omit subsection (1A)(2).
- 33.** In section 96 (as amended by regulation 3 of these Regulations)—
- (a) in subsection (11A)(3), for “, another member State, or a contracting third country” substitute “or another contracting country”;
  - (b) in subsection (13)(4) omit “section 95(1) of this Act or”.
- 34.** In section 96A(1)(a)(5), for “under Article 13” substitute “as required by Article 11A”.
- 35.**—(1) Section 97 (as amended by regulation 4 of these Regulations) is amended as follows.
- (2) In subsection (1)(a)—
- (a) in sub-paragraph (i), after “EU Tachographs Regulation” insert “or the equivalent EU Regulation”;
  - (b) in sub-paragraph (ii), for “that Regulation (including the relevant Annexes to it)” substitute “the EU Tachographs Regulation (including the relevant technical specifications)”.
- (3) In subsection (1)(b), at the end insert “or the equivalent EU Regulation”.

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- (1) Section 95(1) was amended by section 2(1)(d) of the Road Traffic (Drivers' Ages and Hours of Work) Act 1976 (c. 3) and by S.I. 2011/1043.
- (2) Section 95(1A) was substituted by section 2(1)(d) of the Road Traffic (Drivers' Ages and Hours of Work) Act 1976 (c. 3) and amended by S.I. 2011/1043.
- (3) Section 96(11A) was inserted by paragraph 9(2)(a) of Schedule 4 to the European Communities Act 1972 (c. 68) and amended by section 2(1)(c) of the Road Traffic (Drivers' Ages and Hours of Work) Act 1976 (c. 3) and by S.I. 1986/1457, 2007/1819, 2018/24.
- (4) Section 96(13) was inserted by section 2(1) of the Road Traffic (Drivers' Ages and Hours of Work) Act 1976 (c. 3).
- (5) Section 96A was inserted by S.I. 2016/248.

(4) In subsection (4B), for “a type-approval mark issued under Article 14 of the EU Tachographs Regulation” substitute “the relevant UK type-approval mark or the relevant EU type-approval mark (see Article 11A of the EU Tachographs Regulation)”.

(5) In subsection (7)—

(a) before the definition of “the EU Tachographs Regulation” insert—

““the equivalent EU Regulation” means [Regulation \(EU\) No 165/2014](#) of the European Parliament and of the Council on tachographs in road transport<sup>(6)</sup> as it has effect in EU law, as amended from time to time;”

(b) in the definition of “the EU Tachographs Regulation”, omit the words from “as read with” to the end;

(c) after the definition of “recording equipment” insert—

““the relevant EU type-approval mark”, in relation to recording equipment, means a type-approval mark issued by an EU member State in relation to that type of recording equipment under Article 14 of the equivalent EU Regulation;”;

(d) in the definition of “the relevant Annexes”—

(i) for ““the relevant Annexes” to the EU Tachographs Regulation” substitute ““the relevant technical specifications””;

(ii) in paragraph (a)(i) and (ii), for “that Regulation” substitute “the EU Tachographs Regulation”;

(iii) for paragraph (b) substitute—

“(b) in the case of a vehicle put into service for the first time on or after that date means—

(i) Annex IB and Annex II to the EU Tachographs Regulation, except where regulations under Article 11 of that Regulation provide for other detailed provisions to apply instead of those Annexes;

(ii) where regulations under Article 11 of the EU Tachographs Regulation provide as mentioned in sub-paragraph (i), the detailed provisions that apply as a result of those regulations;”;

(e) at the end insert—

““the relevant UK type-approval mark”, in relation to recording equipment, means the mark which is “the relevant type-approval mark” in relation to the marking of that equipment, for the purposes of the Motor Vehicles (Type Approval) Regulations 1980.”.

**36.** In section 97ZB(5) (as inserted by regulation 5 of these Regulations)—

(a) in paragraph (a) of the definition of “appropriate type-approval certificate”, for sub-paragraph (ii) substitute—

“(ii) issued under the equivalent EU Regulation;”;

(b) in paragraph (b) of that definition, in sub-paragraph (ii), for “a contracting third country” substitute “another contracting country”;

(c) after that definition insert—

““the equivalent EU Regulation” has the meaning given by section 97(7);”.

**37.** In section 98 (as amended by regulation 14 of these Regulations)—

(a) in subsection (2A), in paragraph (a), for “Annexes” substitute “technical specifications”;

(6) OJNo. L 60, 28.2.2014, p. 1.

(b) in subsection (4)(b)(7), for “, another member State or a contracting third country” substitute “or another contracting country”.

**38.** In section 99ZA(7)(a) (as amended by regulation 16 of these Regulations), for the words from “Annex 1B” to the end substitute—

- “(i) where Annex 1B to the EU Tachographs Regulation applies to the vehicle, that Annex;
- (ii) where Regulations under article 11 of the EU Tachographs Regulation provide for other detailed provisions to apply instead of Annex 1B, the detailed provisions that apply as a result of those Regulations;”

**39.** In section 101—

- (a) in subsection (3)(8) omit “under section 95(1) or”;
- (b) omit subsection (3A)(9).

**40.—**(1) Section 103(1) (as amended by regulation 19 of these Regulations) is amended as follows—

- (a) in the definition of “contracting third country”—
  - (i) omit “third”;
  - (ii) omit “other than a member State”;
  - (iii) omit paragraph (b) (and the “or” before it);
- (b) for the definition of “the applicable Community rules”, substitute—
  - ““the applicable Community rules” means—
  - (a) the Community Drivers’ Hours Regulation, including the AETR; and
  - (b) the EU Tachographs Regulation;”;
- (c) omit the definition of “relevant EU provision”.

### **Road Traffic Offenders Act 1988**

**41.** The Road Traffic Offenders Act 1988(10) is amended as follows.

**42.** In section 54(8A)(d)(11), for “another member State or a contracting third country” substitute “or in another contracting country”.

**43.** In section 75(3C)(d)(12), for “another member State or a contracting third country” substitute “or in another contracting country”.

**44.—**(1) Section 89 is amended as follows.

(2) In subsection (1)—

- (a) in the definition of “the applicable Community rules”(13), for the words from “means” to the end substitute “has the meaning given by section 103(1) of the Transport Act 1968”;
- (b) in the definition of “contracting third country”(14)—

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(7) Section 98(4) was amended by section 4 of, and paragraph 9(2) of Schedule 4 to, the European Communities Act 1972 (c. 68), by section 2(1) of the Road Traffic (Drivers’ Ages and Hours of Work) Act 1976 (c. 3) and by S.I. 2018/24.

(8) Section 101(3) was amended by section 2(1)(i) of the Road Traffic (Drivers’ Ages and Hours of Work) Act 1976 (c. 3).

(9) Section 101(3A) was inserted by section 2(1)(i) of the Road Traffic (Drivers’ Ages and Hours of Work) Act 1976 (c. 3).

(10) 1988 c. 53.

(11) Section 54(8A) was inserted by S.I. 2018/24.

(12) Section 75 was substituted by section 34 of the Road Traffic Act 1991 (c. 40). Section 75(3C) was inserted by S.I. 2018/24.

(13) Definition inserted by S.I. 2018/24.

(14) Definition inserted by S.I. 2018/24.

- (i) omit “third”;
- (ii) omit “other than a member State”;
- (iii) omit paragraph (b) (and the “or” before it).

**45.** In section 90A(6)(c)(**15**), for “, another member State or a contracting third country” substitute “or in another contracting country”.

**46.** In section 90F(**16**), in the definition of “contracting third country” omit “third”.

### **Road Traffic (Foreign Vehicles) Act 1972**

**47.** In section 1(1)(a) of the Road Traffic (Foreign Vehicles) Act 1972(**17**), for “an EU instrument” substitute “a provision of retained direct EU legislation”.

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**(15)** Section 90A was inserted by section 11(1) of the Road Safety Act 2006 (c. 49) and amended by S.I. 2018/24.

**(16)** Section 90F was inserted by section 11(1) of the Road Safety Act 2006 (c. 49) and amended by S.I. 2018/24.

**(17)** 1972 c. 27. Section 1(1)(a) was amended by section 10(4) of the Transport Act 1982 (c. 49) and by S.I. 1984/748, 1999/1322, 2011/1043.