

1975 No. 296

EUROPEAN COMMUNITIES

Road Traffic and Vehicles : Recording Equipment Regulations
(Northern Ireland) 1975*Made* 17th October 1975*Coming into operation* 1st December 1975

The Department of the Environment for Northern Ireland, as a designated Department under the European Communities (Designation) Order 1972(a) and in exercise of the powers conferred on it by section 2 of the European Communities Act 1972(b) hereby makes the following regulations:

1. These regulations may be cited as the Public Service and Goods Vehicles (Recording Equipment) Regulations (Northern Ireland) 1975 and shall come into operation on 1st December 1975.

2.—(1) In these regulations—

“the Act” means the Road Traffic Act (Northern Ireland) 1970(c);

“goods vehicle” means a motor vehicle constructed or adapted for use for the carriage of goods or a trailer so constructed or adapted;

“public service vehicle” means a mechanically propelled vehicle used in standing or plying for hire or used to carry passengers for hire but does not include a vehicle seating not more than eight persons in addition to the driver;

“recording equipment” means equipment which is designed for recording information as to the use of a vehicle and which is installed in a vehicle for the purposes of the relevant Community instrument;

“the relevant Community instrument” means Council Regulation (EEC) No. 1463/70 of 20th July 1970(d).

(2) The Interpretation Act (Northern Ireland) 1954(e) shall apply to the interpretation of these regulations as it applies to an Act of the Parliament of Northern Ireland.

3. These regulations apply to public service vehicles and goods vehicles—

(a) which are registered in any of the following Member states, namely—

the Kingdom of Belgium,
the Federal Republic of Germany,
the French Republic,
the Italian Republic,
the Grand Duchy of Luxembourg,
the Kingdom of the Netherlands, and

(b) in which recording equipment is installed for the purposes of the relevant Community instrument.

(a) S.I. 1972/1811 (1972 III, p. 5216)

(b) 1972 c. 68

(c) 1970 c. 2 (N.I.)

(d) O.J. No. L164/1 of 27.7.70

(e) 1954 c. 33 (N.I.)

4. It shall be an offence for a person to use on a road in Northern Ireland a vehicle to which these regulations apply unless—

- (a) the recording equipment is operated and used in accordance with Articles 15 and 17 of the relevant Community instrument, or
- (b) the appropriate entries are made on record sheets in accordance with Article 18 of that instrument, or
- (c) the members of the crew of the vehicle comply with the provisions of Council Regulation (EEC) No. 543/69 of 25th March 1969^(f) with respect to the keeping of, and the making of entries in, individual control books.

5. Where recording equipment in a vehicle to which these regulations apply is operated and used in accordance with Articles 15 and 17 of the relevant Community instrument any record produced by means of such equipment shall, for the purposes of Part IV of the Act, be evidence of the matters appearing from the record.

6.—(1) In relation to any vehicle to which these regulations apply, an inspector of vehicles or a constable may on production if so required of his authority enter any such vehicle and inspect any equipment installed therein in compliance with the relevant Community instrument and inspect and copy any record on the vehicle which has been produced by means of that equipment or on which entries are made in accordance with Article 18 of the relevant Community instrument.

(2) For the purposes of exercising his powers under paragraph (1) an inspector of vehicles or a constable, as the case may be, may detain the vehicle during such time as is required for the exercise of that power.

Sealed with the Official Seal of the Department of the Environment for Northern Ireland on 17th October 1975.

(L.S.)

B. D. Palmer

Assistant Secretary

EXPLANATORY NOTE

(This note is not part of the regulations but is intended to indicate their general purport.)

These regulations apply to public service and goods vehicles which are registered in any of the original six Member States of the European Economic Community and in which recording equipment (tachographs) is installed for the purposes of Council Regulation (EEC) No. 1463/70.

It shall be an offence for a vehicle to which these regulations apply to be used on a road in Northern Ireland unless the recording equipment is operated and used or other records are made in accordance with Council Regulation (EEC) No. 1463/70 or the provisions of Council Regulation EEC No. 543/69 with regard to the keeping and use of individual control books by the members of the crew are observed.

Any records produced by the recording equipment if used in accordance with Council Regulation (EEC) No. 1463/70 are to be treated as evidence for the purposes of proceedings under Part IV of the Road Traffic Act (Northern Ireland) 1970 which relates to drivers hours.

An authorised officer may detain a vehicle and inspect a vehicle, recording equipment and the records produced by it.