

1985 No. 293

ROAD TRAFFIC AND VEHICLES

Vehicles (Drivers' Hours of Duty) Regulations (Northern Ireland) 1985

Made 24th October 1985

Coming into operation 2nd December 1985

ARRANGEMENT OF REGULATIONS

	<i>Regulation</i>
Citation and commencement	1
Revocation	2
Interpretation	3
Continuous driving hours	4
Continuous driving in 24 hour period	5
Rest periods	6
Keeping of records	7
Form of records	8
Manner of keeping records	9
Examination of records	10
Exemptions from requirement to keep records	11

SCHEDULE

	<i>Page</i>
Daily record of hours of work	4

The Department of the Environment in exercise of the powers conferred on it by Articles 56(1) and (5), 58, 63 and 218(1) of the Road Traffic (Northern Ireland) Order 1981(a) and of all other powers enabling it in that behalf makes the following regulations:

Citation and commencement

1. These regulations may be cited as the Vehicles (Drivers' Hours of Duty) Regulations (Northern Ireland) 1985 and shall come into operation on 2nd December 1985.

Revocation

2. The Public Service Vehicles and Goods Vehicles (Drivers' Hours of Duty) Regulations, 1935(b) and the Public Service Vehicles and Goods Vehicles (Drivers' Hours of Duty) (Amendment) Regulations, 1948(c) are revoked.

(a) S.I. 1981/154 (N.I. 1)

(b) S.R. & O. (N.I.) 1935 No. 22 (p. 230)

(c) S.R. & O. (N.I.) 1948 No. 140 (p. 652)

Interpretation

3. In these regulations—

“the Order” means the Road Traffic (Northern Ireland) Order 1981;

“vehicle” means a goods vehicle or a public service vehicle.

Continuous driving hours

4.—(1) Subject to paragraph (2) for the purposes of Article 56(1)(a) of the Order the number of hours for a continuous period of driving shall be—

(a) in the case of a goods vehicle, 5½ hours;

(b) in the case of a public service vehicle, 6 hours.

(2) In the case of a public service vehicle the 6 hour period may be substituted by a period of 9 hours where in any period of 24 hours one period of driving only is worked provided that the driver of the vehicle is allowed intervals of time for—

(a) signing on and off;

(b) looking over the vehicle before it leaves and after it returns to the depot;

(c) lay over which, in the aggregate is not less than 45 minutes or where the period of driving does not exceed 8 hours, 40 minutes.

(3) In this regulation “lay over” means any period during which the vehicle sits idle at a depot or terminus between stages.

Continuous driving in 24 hour period

5. For the purposes of Article 56(1)(b) of the Order the number of hours for continuous periods of driving in any period of 24 hours shall be, in the aggregate, 11 hours.

Rest periods

6.—(1) Subject to paragraph (2) for the purposes of Article 56(1)(c) of the Order the period for rest in any period of 24 hours shall be 10 consecutive hours.

(2) The 10 consecutive hour period may be substituted by a period of 8 consecutive hours on one day in any period of 7 consecutive days if the driver has a period of at least 12 consecutive hours for rest on the next day following any day on which he has not had 10 consecutive hours for rest.

Keeping of records

7. The driver of a vehicle shall keep, and the employer of a driver of a vehicle shall cause to be kept, a record as specified in regulation 8.

Form of records

8. The record shall conform to and contain the information contained in the model set out in the Schedule.

Manner of keeping records

9.—(1) The driver shall—

(a) make each entry in the record as soon as the particular to be recorded is ascertained;

(b) keep the record in his possession until he completes his work for the period to which the record relates;

(c) sign the record in the space provided; and

(d) deliver the record to his employer or his employer’s authorised representative within 7 days of the expiration of the period to which the record relates.

(2) A person shall not be guilty of an offence under paragraph (1)(d) if he proves to the court that it was not reasonably practicable for the record to be so delivered.

Examination of records

10. The driver, or the employer of a driver, of a vehicle shall at all times afford to an inspector of vehicles or a constable full facilities for examining the records.

Exemptions from requirement to keep records

11.—(1) Regulation 7 shall not apply to the driver or the employer of a driver of—

- (a) a trailer when drawn by a motor vehicle constructed solely for the carriage of not more than 7 passengers exclusive of the driver and their effects, for any purpose other than the carriage of goods for hire or reward;
- (b) a vehicle used for the purpose of funerals;
- (c) a vehicle used by a district council for the purpose of road cleansing, road watering or the collection or disposal of refuse, night-soil or the contents of cesspools;
- (d) an agricultural tractor (including a trailer drawn by it);
- (e) a goods vehicle which has a relevant plated weight not exceeding 3.5 tonnes or (not having a relevant plated weight) has an unladen weight not exceeding 1.525 tonnes;
- (f) a vehicle in which an approved tachograph is installed and used in accordance with the Passenger and Goods Vehicles (Recording Equipment) Regulations (Northern Ireland) 1979(a).

(2) In paragraph (1)(d) “agricultural tractor” means a tractor used primarily for work on land in connection with agriculture and in paragraph (1)(e) “relevant plated weight” means the maximum gross weight of the vehicle as shown on a plate affixed to the vehicle by virtue of regulation 38 of the Motor Vehicles (Construction and Use) Regulations (Northern Ireland) 1976(b).

Sealed with the Official Seal of the Department of the Environment on 24th October 1985.

(L.S.)

J. M. Irvine

Assistant Secretary

(a) S.R. 1979 No. 443 as amended by instruments not relevant to these regulations

(b) S.R. 1976 No. 320 as amended by S.R. 1983 No. 62 and further amending instruments not relevant to these regulations

SCHEDULE

(See regulation 8)

DAILY RECORD OF HOURS OF WORK

To be completed by the driver of a goods vehicle or public service vehicle.

A separate form must be used in respect of each period of 24 consecutive hours during any part of which the driver is employed in driving.

Name of employer

Date

Name of driver	Date and time last ceased work	Time commenced work	Intervals of Rest		Time ceased work	Total time worked excluding intervals of rest
			From	To		

State in each case if a.m. or p.m.

..... Signature of driver

EXPLANATORY NOTE

(This note is not part of the regulations.)

These regulations revoke and re-enact the Public Service Vehicles and Goods Vehicles (Drivers' Hours of Duty) Regulations, 1935.

The principal changes are that the exemptions from the requirement to keep records of driving time have been extended to include—

- (a) all agricultural tractors; previously tractors were exempted according to the amount of vehicle excise duty payable (regulation 11(1)(d));
- (b) goods vehicles with a relevant plated weight not exceeding 3.5 tonnes or (not having a relevant plated weight) have an unladen weight not exceeding 1.525 tonnes (regulation 11(1)(e)); and
- (c) a vehicle in which an approved tachograph is installed and used in accordance with the Passenger and Goods Vehicles (Recording Equipment) Regulations (Northern Ireland) 1979 (regulation 11(1)(f)).

A person who acts in contravention of the regulations shall be guilty of an offence and shall be liable on summary conviction to a fine not exceeding £400.