

1987 No. 218

## EUROPEAN COMMUNITIES

## ROAD TRAFFIC AND VEHICLES

**The Community Drivers' Hours and Recording Equipment  
(Exemptions and Supplementary Provisions) Regulations  
(Northern Ireland) 1987**

*Made* . . . . . 11th May 1987

*Coming into operation* . . . . . 8th June 1987

The Department of the Environment, being a department designated(a) for the purpose of section 2(2) of the European Communities Act 1972(b) in relation to the regulation of the type, description, construction or equipment of vehicles and the regulation and supervision of working conditions of persons engaged in road transport, in exercise of the powers conferred by that section, and in exercise of the powers conferred on it by Articles 83 and 218(1) of the Road Traffic (Northern Ireland) Order 1981(c) 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 Community Drivers' Hours and Recording Equipment (Exemptions and Supplementary Provisions) Regulations (Northern Ireland) 1987 and shall come into operation on 8th June 1987.

*Interpretation*

2.—(1) In these Regulations—

“the Community Drivers' Hours Regulation” means Council Regulation (EEC) No. 3820/85 of 20th December 1985 on the harmonisation of certain social legislation relating to road transport(d);

“the Community Recording Equipment Regulation” means Council Regulation (EEC) No. 3821/85 of 20th December 1985 on recording equipment in road transport(e); and

“permissible maximum weight” has the same meaning as in Article 19 of the Road Traffic (Northern Ireland) Order 1981.

(2) The Interpretation Act (Northern Ireland) 1954(f) shall apply to these Regulations as it applies to a Measure of the Northern Ireland Assembly.

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(a) S.I.s 1972/1811 and 1975/1707

(b) 1972 c. 68

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

(d) O.J. No. L370/1 of 31.12.85

(e) O.J. No. L370/8 of 31.12.85

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

*Revocation*

3. The Community Road Transport Rules (Exemptions) Regulations (Northern Ireland) 1979(a), the Community Road Transport Rules (Exemptions) (Amendment) Regulations (Northern Ireland) 1980(b), the Community Road Transport Rules (Exemptions) (Amendment No. 2) Regulations (Northern Ireland) 1980(c), and the Community Road Transport Rules (Exemptions) (Amendment) Regulations (Northern Ireland) 1981(d) are revoked.

*Exemptions from the Community Drivers' Hours Regulation*

4.—(1) Subject to paragraph (2) pursuant to Article 13(1) of the Community Drivers' Hours Regulation exemption is granted from all the provisions of that Regulation except Article 5 (minimum ages for drivers, etc.) in respect of any vehicle of a description specified in the Schedule.

(2) The exemption in paragraph (1) shall not apply to vehicles specified in paragraphs 2, 8, 9 and 10 of the Schedule where they are operating on cross-border journeys between Northern Ireland and the Republic of Ireland.

*Supplementary provisions relating to the Community Drivers' Hours Regulation*

5. Pursuant to Article 6(1) of the Community Drivers' Hours Regulation the application of the fourth sub-paragraph of that Article shall be extended to national passenger services other than regular passenger services.

*Exemptions from the Community Recording Equipment Regulation*

6.—(1) Subject to paragraph (2) pursuant to Article 3(2) of the Community Recording Equipment Regulation exemption is granted from the provisions of that Regulation in respect of any vehicle of a description specified in the Schedule.

(2) The exemption in paragraph (1) shall not apply to vehicles specified in paragraphs 2, 8, 9 and 10 of the Schedule where they are operating on cross-border journeys between Northern Ireland and the Republic of Ireland.

*Application of the Community Recording Equipment Regulation*

7.—(1) Pursuant to Article 3(4) of the Community Recording Equipment Regulation that Regulation shall apply (notwithstanding the exception in Article 3(1)) to vehicles used for the carriage of postal articles on national transport operations except—

- (a) vehicles which have a permissible maximum weight which does not exceed 3.5 tonnes; and
- (b) vehicles which are being used by the Post Office in connection with the carriage of letters.

(2) This regulation shall not have effect—

- (a) before 1st April 1988 in relation to vehicles which have a permissible maximum weight of 7.5 tonnes or more; or

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(a) S.R. 1979 No. 121  
(b) S.R. 1980 No. 83  
(c) S.R. 1980 No. 458  
(d) S.R. 1981 No. 414

(b) before 1st January 1990 in relation to vehicles which have a permissible maximum weight which exceeds 3.5 tonnes but which is less than 7.5 tonnes.

(3) In paragraph (1)(b) "letters" has the same meaning as in the Post Office Inland Post Scheme 1979.

Sealed with the Official Seal of the Department of the Environment on 11th May 1987.

(L.S.)

*Trevor Pearson*

Assistant Secretary

**Exempted Vehicles**

1. A vehicle used for carrying passengers which is by virtue of its construction and equipment suitable for carrying not more than 17 persons including the driver and is intended for that purpose.

2.—(1) A vehicle which, on or after 1st January 1990 is being used by—

(a) a Health and Social Services Board in pursuance of its functions under the Health and Personal Social Services (N.I.) Order 1972(a)—

(i) to provide ambulance services, services for old persons and services for persons to whom welfare arrangements for physically and mentally handicapped persons apply; or

(ii) to carry staff, patients, medical supplies or equipment;

(b) Her Majesty's Coastguard, or a general lighthouse authority;

(c) a harbour authority within the limits of a harbour for the improvement, maintenance or management of which the authority is responsible;

(d) an airports authority within the perimeter of an airport owned or managed by the authority;

(e) the Northern Ireland Railways Company Limited for the purpose of maintaining railways; or

(f) the Department of Agriculture for the purpose of maintaining navigable waterways.

(2) In sub-paragraph (1)—

“airport” means an aerodrome within the meaning given by section 19(1) of the Aerodromes Act (Northern Ireland) 1971(b);

“airports authority” means Northern Ireland Airports Limited or Belfast Harbour Airport Services Limited or a district council which owns or manages an airport;

“general lighthouse authority” has the meaning given by section 634(1) of the Merchant Shipping Act 1894(c);

“harbour” and “harbour authority” have the meanings given by section 38 of the Harbours Act (Northern Ireland) 1970(d).

3.—(1) Subject to sub-paragraph (2) a vehicle which is being used by an agricultural, horticultural, forestry or fishery undertaking to carry goods within a 50 kilometre radius of the place where the vehicle is normally based or to carry goods beyond that radius in local government districts the administrative centres of which are situated within that radius.

(2) A vehicle which is being used by a fishery undertaking falls within sub-paragraph (1) only if it 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.

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(a) S.I. 1972/1265 (N.I. 14)

(b) 1971 c. 15 (N.I.)

(c) 1894 c. 60

(d) 1970 c. 1 (N.I.)

4. A vehicle which is being used to carry animal waste or carcasses which are not intended for human consumption.

5. A vehicle which is being used to carry live animals between a farm and a local market or from a market to a local slaughterhouse.

6. A vehicle which is being used—

(a) as a shop at a local market;

(b) for door-to-door selling;

(c) for mobile banking, exchange or saving transactions;

(d) for worship;

(e) for the lending of books, records or cassettes; or

(f) for cultural events or exhibitions,

and is specially fitted for that use.

7.—(1) Subject to sub-paragraph (2) a vehicle used for the carriage of goods which has a permissible maximum weight of less than 7.5 tonnes and is carrying material or equipment for the driver's use in the course of his work within a 50 kilometre radius of the place where the vehicle is normally based.

(2) A vehicle does not fall within sub-paragraph (1) if driving the vehicle constitutes the driver's main activity.

8. A vehicle which operates exclusively on an island which does not exceed 2,300 square kilometres in area and is not linked to the rest of Northern Ireland by a bridge, ford or tunnel open for use by motor vehicles.

9. A vehicle which is being used for the carriage of goods which has a permissible maximum weight not exceeding 3.5 tonnes and is propelled by means of gas produced on the vehicle or by means of electricity.

10.—(1) Subject to sub-paragraph (2) a vehicle which is being used for driving instruction with a view to obtaining a driving licence.

(2) A vehicle does not fall within sub-paragraph (1) if the vehicle or any trailer or semi-trailer drawn by it is carrying out a journey in connection with the carriage of goods for hire or reward.

11. A tractor which, on or after 1st January 1990, is used exclusively for agricultural and forestry work.

## EXPLANATORY NOTE

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

In respect of certain transport operations, these Regulations grant exemptions from and make supplementary provisions to, provisions of Council Regulation (EEC) No. 3820/85, ("the Community Drivers' Hours Regulation") and Council Regulation (EEC) No. 3821/85, ("the Community Recording Equipment Regulation").

The Regulations repeal and replace with modifications respectively Council Regulation (EEC) No. 543/69 of 25th March 1969 on harmonization of certain social legislation relating to road transport (O.J. No. L77/49 of 29.3.69) and Council Regulation (EEC) No. 1463/70 of 20th July 1970 on the introduction of recording equipment in road transport (O.J. No. L164/1 of 27.7.70).

The Regulations accordingly revoke the Community Road Transport Rules (Exemptions) Regulations (Northern Ireland) 1979 and the Regulations which amend them (regulation 3).

The exemptions and supplementary provisions made by these Regulations are as follows—

- (1) Exemption from the provisions (except Article 5) of the Community Drivers' Hours Regulation and the provisions of the Community Recording Equipment Regulation is granted in respect of the use of certain descriptions of vehicles (regulations 4 and 6).
- (2) The application of the fourth sub-paragraph of Article 6(1) of the Community Drivers' Hours Regulation (which allows drivers of vehicles being used for the international carriage of passengers, other than on regular services, to postpone their weekly rest periods until the end of the twelfth day of duty if their total driving time over the twelve days does not exceed the maximum corresponding to twelve daily driving periods) is extended to national passenger services other than regular services (regulation 5).
- (3) Notwithstanding the exception from the requirement to install and use recording equipment in Article 3(1) of the Community Recording Equipment Regulation, for the carriage of postal articles, such equipment is required to be installed and used in vehicles used for the carriage of postal articles on national transport operations except where the vehicles have a permissible maximum weight not exceeding 3.5 tonnes or are being used by the Post Office for the carriage of letters (regulation 7).

The Post Office Inland Post Scheme 1979 (Post Office Scheme P1/1979) referred to in regulation 7(3) is published as a supplement to the London Gazette of Thursday 31st May 1979.

Copies of the supplement, the London Gazette and the EEC Regulations referred to in these Regulations may be obtained from Her Majesty's Stationery Office.