

## **EXPLANATORY MEMORANDUM TO**

### **The Passenger and Goods Vehicles (Recording Equipment) (Downloading of Data) (Amendment) Regulations (Northern Ireland) 2016**

#### **SR 2016 No. 2**

#### **1. Introduction**

- 1.1. This Explanatory Memorandum has been prepared by the Department of the Environment to accompany the Statutory Rule (details above) which is laid before the Northern Ireland Assembly.
- 1.2. The Statutory Rule is made under section 2(2) of the European Communities Act and is subject to the negative resolution procedure.

#### **2. Purpose**

- 2.1. Commission Regulation (EU) No 581/2010, adopted on 1 July 2010, introduced maximum periods for the downloading of relevant data and specified that digital tachograph data from the vehicle unit should be downloaded at least every 90 days before it is overwritten.
- 2.2. The Department's proposal is to amend the requirement in NI law so that data must be downloaded within 90 days (rather than the current 56).
- 2.3. Following a similar consultation in Britain, the Department for Transport decided to proceed with adoption of the 90 day timescale and amending legislation is now in place.

#### **3. Background**

- 3.1. Drivers and operators of vehicles that are in scope of the EU drivers' hours rules are required to fit and use a tachograph – a device which records, in real time, each driver's driving time.
- 3.2. The rules on using the tachograph are contained in Regulation (EC) 3821/85 (as amended). The digital tachograph was first required in new vehicles from 2006 and the previous paper-based analogue tachograph is still used in older vehicles.
- 3.3. Digital tachographs work by storing digital data on the driver and vehicle in their own memory and separately on a driver's smart card. Each driver has a unique card issued to them which must be used with the digital tachograph for each daily working period to store the driver's activity.
- 3.4. Transport operators must periodically download this data from the digital tachograph and from driver cards and analyse the information to ensure that the rules have been complied with.
- 3.5. Under the EU drivers' hours rules, Member States are required to ensure transport undertakings that use vehicles fitted with a tachograph download all relevant data from the vehicle unit and driver card regularly. To meet this requirement the Passenger and Goods Vehicles (Recording Equipment) (Downloading and Retention of Data) Regulations (Northern

Ireland) 2010 were made following a UK-wide public consultation in 2007.

#### **4. Consultation**

- 4.1. A Northern Ireland consultation was carried out from 25th September 2014 to the 18th December 2014. The outcome of the consultation was a positive response regarding the proposed amendment.

#### **5. Equality Impact**

- 5.1. An equality screening analysis was carried out and it was considered that there was no evidence to suggest that there would be an adverse impact on any of the Section 75 Groups.

#### **6. Regulatory Impact**

- 6.1. A Regulatory Impact Assessment is not considered necessary as no adverse impact on the costs of the private or voluntary sectors has been identified.

#### **7. Financial Implications**

- 7.1. Not applicable.

#### **8. Section 24 of the Northern Ireland Act 1998**

- 8.1. The proposals have been scrutinised to ensure compliance with section 24 of the Northern Ireland Act 1998. They are compatible with Convention rights, Community Law and do not result in discrimination.

#### **9. EU Implications**

- 9.1. Not applicable.

#### **10. Parity or Replicatory Measure**

- 10.1. These Regulations replicate the equivalent GB SI, which is The Passenger and Goods Vehicles (Recording Equipment) (Downloading of Data) Regulations 2015 (S.I. 2015 No. 502).

#### **11. Additional Information**

- 11.1. Not applicable.