

Draft Regulations laid before Parliament under section 101(3A) Transport Act 1968 for approval by resolution of each House of Parliament.

DRAFT STATUTORY INSTRUMENTS

1998 No.

ROAD TRAFFIC

**The Community Drivers' Hours and Recording
Equipment (Amendment) Regulations 1998**

Made - - - - 1998
Coming into force - - 1998

The Secretary of State for the Environment, Transport and the Regions in exercise of the powers conferred by sections 95(1) and (1A) of the Transport Act 1968⁽¹⁾ and now vested in him⁽²⁾, and of all other powers enabling him in that behalf, after consultation with representative organisations in accordance with the provisions of section 101(6) of that Act hereby makes the following Regulations, a draft of which has been laid before and approved by a resolution of each House of Parliament pursuant to section 101(3A) of that Act.

Citation and commencement

1.—(1) These Regulations may be cited as the Community Drivers' Hours and Recording Equipment (Amendment) Regulations 1998.

(2) These Regulations shall come into force on the fourteenth day after the day on which they are made.

Drivers' hours and recording equipment

2. In subsection (2) of section 95 of the Transport Act 1968 (vehicles and drivers subject to control under Part VI), after paragraph (b) there shall be inserted the following paragraph—

- “(c) vehicles not falling within paragraph (a) or (b) of this subsection which—
- (i) are vehicles within the meaning given by Article 1 of Council Regulation (EEC) No. 3820/85 of 29th December 1985 on the harmonization of certain social legislation relating to road transport; and
 - (ii) are not referred to in Article 4 of that Regulation.”

(1) 1968 c. 73; section 95(1) was amended and section 95(1A) inserted by the Road Traffic (Drivers' Ages and Hours of Work) Act 1976 c. 3, section 2(1); section 97 was substituted by S.I. 1979/1746 and further substituted by S.I. 1984/144, and then amended by S.I. 1986/1457, S.I. 1989/2121 and S.I. 1996/941.

(2) S.I. 1997/2971.

Exemptions for vehicles used by health service bodies

3.—(1) In paragraph 2(2) of the Schedule to the Community Drivers' Hours and Recording Equipment (Exemptions and Supplementary Provisions) Regulations 1986⁽³⁾ (exempted vehicles), for paragraph (a) there shall be substituted the following paragraph—

- “(a) is being used by a health service body—
- (i) to provide ambulance services in pursuance of its duty under the National Health Service Act 1977⁽⁴⁾, the National Health Service and Community Care Act 1990⁽⁵⁾ or the National Health Service (Scotland) Act 1978⁽⁶⁾; or
 - (ii) to carry staff, patients, medical supplies or equipment in pursuance of its general duties under that Act;”.

(2) In paragraph 2(3) of that Schedule, after the definition of “harbour” and “harbour authority” there shall be inserted the following definition—

““health service body” —

- (a) in relation to England and Wales, means a Health Authority, a Special Health Authority or an NHS trust (each within the meaning of the National Health Service Act 1977);
- (b) in relation to Scotland, means the Agency, a Health Board, a Special Health Board or an NHS trust (each within the meaning of the National Health Service (Scotland) Act 1978).”

Signed by authority of the Secretary of State for Environment, Transport and the Regions

Parliamentary Under Secretary of State,
Department of the Environment, Transport and
the Regions

1998

⁽³⁾ S.I. 1986/1456, the Schedule to which has been amended by S.I. 1987/805, S.I. 1988/760 and S.I. 1994/857.

⁽⁴⁾ 1977 c. 49.

⁽⁵⁾ 1990 c. 19.

⁽⁶⁾ 1978 c. 29.

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations provide that:

- (a) Part VI of the Transport Act 1968 (Drivers Hours) applies to a vehicle defined as such in Article 1 of Council Regulation (EEC) 3820/85 (OJ No. L370, 31.12.85, p.1) as long as it is not a vehicle which would also come within Article 4 of that Regulation. The effect of this measure is that the definitions covering goods vehicles in the European Union and British legislation are now compatible so that in all cases enforcement of a breach of a requirement in the EU Regulations, including the case of a vehicle without a fitted tachograph drawing a trailer carrying another vehicle, will be possible in Great Britain.
- (b) vehicles used by health service bodies defined in these Regulations to provide ambulance services or to carry staff, patients, medical supplies or equipment, shall be exempt from Council Regulation (EEC) 3820/85 (EU Drivers Hours Rules) (except for Article 5) and Council Regulation 3821/85 (OJ No. L370, 31.12.85, p.8) (EU Tachograph Rules).