

## 1970 No. 2014

## ROAD TRAFFIC

**The Drivers' Hours (Goods Vehicles) (Exemptions)  
(Amendment) (No. 3) Regulations 1970**

<i>Made - - - -</i>	<i>22nd December 1970</i>
<i>Laid before Parliament</i>	<i>31st December 1970</i>
<i>Coming into Operation</i>	<i>1st January 1971</i>

The Secretary of State, in exercise of his powers under section 96(10) of the Transport Act 1968(a) and of all other enabling powers, and after consultation with representative organisations in accordance with section 101(6) of the said Act of 1968, hereby makes the following Regulations:—

*Commencement, citation and revocation*

**1.**—(1) These Regulations shall come into operation on 1st January 1971, and may be cited as the Drivers' Hours (Goods Vehicles) (Exemptions) (Amendment) (No. 3) Regulations 1970.

(2) The Drivers' Hours (Goods Vehicles) (Exemptions) (Amendment) Regulations 1970(b) and the Drivers' Hours (Goods Vehicles) (Exemptions) (Amendment) (No. 2) Regulations 1970(c) are hereby revoked.

**2.** The Drivers' Hours (Goods Vehicles) (Exemptions) Regulations 1970(d) shall have effect as though for Part II of the Schedule (exemptions from the requirements as to drivers' hours to meet certain special needs) there were substituted the provisions set out in the Schedule to these Regulations.

## SCHEDULE

*Substituted Part II of the Schedule to the Drivers' Hours (Goods Vehicles) (Exemptions) Regulations 1970*  
(See Regulation 2)

## PART II

## Cases of Special Need

Column 1 Drivers exempted, requirements exempted from and conditions of exemption	Column 2 Special Needs
<b>Post Office</b> 1.—(1) A driver of a goods vehicle which is used for the purposes of the Post Office is exempted from the requirements of— (a) section 96(3) in respect of any work-	1. Work done wholly or mainly in connection with the handling of mail.
(a) 1968 c. 73. (c) S.I. 1970/1067 (1970 II, p. 3324).	(b) S.I. 1970/429 (1970 I, p. 1491). (d) S.I. 1970/144 (1970 I, p. 627).

ing day to which this paragraph applies during which the time spent by him on duty is spent wholly or mainly in meeting a special need, subject to the condition that that working day does not exceed 14 hours; and

(b) section 96(5) and (6) in respect of any working week to which this paragraph applies during which the time spent by him on duty is spent wholly or mainly in meeting such a need, subject, in the case of the exemption from the requirements of—

(i) section 96(5), to the condition that he is not on duty in that week for periods amounting in the aggregate to more than 66 hours, and

(ii) section 96(6), to the conditions specified in Part III of this Schedule.

(2) The working weeks to which this paragraph applies are any which fall wholly or partly in the month of December in any year, and the working days to which this paragraph applies are any which fall wholly or partly within any such working week.

*Carriage of food and drink*

2.—(1) A driver is exempted from the requirements of—

(a) section 96(3) in respect of any working day to which this paragraph applies during which the time spent by him on duty is spent wholly or mainly in meeting a special need, subject to the condition that that working day does not exceed 14 hours; and

(b) section 96(5) and (6) in respect of any working week to which this paragraph applies during which the time spent by him on duty is spent wholly or mainly in meeting such a need, subject, in the case of the exemption from the requirements of—

(i) section 96(5), to the condition that he is not on duty in that week for periods amounting in the aggregate to more than 66 hours, and

(ii) section 96(6), to the conditions specified in Part III of this Schedule.

(2) The working weeks to which this paragraph applies are—

(a) the working week in which Good Friday falls;

2. Work done wholly or mainly in connection with the carriage of food or drink other than—

(a) bread;

(b) milk;

(c) fodder or feeding stuffs for animals; or

(d) articles or substances used only as drugs.

- (b) the working week which immediately precedes that in which the spring bank holiday Monday falls;
- (c) the six working weeks which immediately precede the working week in which the summer bank holiday Monday falls; and
- (d) the working week in which 1st January falls and the two immediately preceding working weeks;

and the working days to which this paragraph applies are any which fall wholly or partly within any such working week.

In this paragraph the expression "bank holiday" means a holiday which is, or is to be observed as, a bank holiday, or a holiday under the Bank Holidays Act 1871(a) or the Holidays Extension Act 1875(b), either generally or in the particular locality where the journey or part of the journey takes place.

*Carriage of bread*

3.—(1) A driver is exempted from the requirements of—

- (a) section 96(3) in respect of any working day to which this sub-paragraph applies during which the time spent by him on duty is spent wholly or mainly in meeting a special need, subject to the condition that that working day does not exceed 14 hours;
- (b) section 96(5) in respect of any working week such as is mentioned in paragraph 2(2) above during which the time spent by him on duty is spent wholly or mainly in meeting such a need, subject to the condition that he is not on duty in that week for periods amounting in the aggregate to more than 66 hours; and
- (c) section 96(6) in respect of any working week during which the time spent by him on duty is spent wholly or mainly in meeting such a need, subject to the conditions specified in Part III of this Schedule.

(2) The working days to which sub-paragraph (1)(a) above applies are—

- (a) subject to sub-paragraph (3) below, any which fall wholly or partly on a Friday or on a Saturday; or

3. Work done wholly or mainly in connection with the carriage of bread.

- (b) any which fall wholly or partly within any working week such as is mentioned in paragraph 2(2) above; or
- (c) without prejudice to sub-paragraph (b) above, any two each of which falls wholly or partly within a period of 7 days immediately preceding a bank holiday.

In this sub-paragraph the expression "bank holiday" has the same meaning as in paragraph 2 above.

(3) In a case where, by virtue of sub-paragraphs (1) and (2)(a) above, a driver is exempted from the requirements mentioned in the said sub-paragraph (1) in respect of a working day which falls wholly or partly on a Friday, the said sub-paragraph (2)(a) shall apply in his case as if the reference to a Saturday were omitted.

#### *Carriage of milk*

4.—(1) A driver is exempted from the requirements of—

- (a) section 96(3) in respect of any working day to which this sub-paragraph applies during which the time spent by him on duty is spent wholly or mainly in meeting a special need, subject to the condition that that working day does not exceed 14 hours; and
- (b) section 96(5) and (6) in respect of any working week during which the time spent by him on duty is spent wholly or mainly in meeting such a need, subject, in the case of the exemption from the requirements of—
  - (i) section 96(5), to the condition that he is not on duty in that week for periods amounting in the aggregate to more than 66 hours, and
  - (ii) section 96(6), to the conditions specified in Part III of this Schedule.

(2) The working days to which sub-paragraph (1)(a) above applies are any which fall wholly or partly within any working week such as is mentioned in paragraph 2(2) above.

#### *Carriage of animals*

5.—(1) A driver is exempted from the requirements of—

- (a) section 96(3) in respect of any working day during which the time spent by him on duty is spent wholly or mainly in meeting a special need, subject to the condition that that working day does not exceed 14 hours;

4. Work done wholly or mainly in connection with the carriage of milk.

5. Work done wholly or mainly in connection with the carriage of animals.

- (b) section 96(4) in respect of the interval for rest between that day and any succeeding working day, subject to the condition that he has between those days an interval for rest of not less than 10 hours; and
- (c) section 96(5) and (6) in respect of any working week during which the time spent by him on duty is spent wholly or mainly in meeting such a need, subject, in the case of the exemption from the requirements of—
  - (i) section 96(5), to the condition that he is not on duty in that week for periods amounting in the aggregate to more than 66 hours, and
  - (ii) section 96(6), to the conditions specified in Part III of this Schedule.

(2) In any case where a driver is exempt by virtue of paragraph (1)(b) above from the requirement of section 96(4), subsections (1) to (3) and (8) of section 96 shall, in respect of the second of the two working days mentioned in the said paragraph (1)(b), apply in relation to him as if, for the purposes of the expression "working day" in each of those subsections, he had had an interval for rest between the said days of not less than 11 hours.

*Carriage of fish and agricultural produce, the repair of agricultural machinery, the carriage of certain materials used in agriculture and, in Scotland, of felled trees.*

6. A driver is exempted from the requirements of—

- (a) section 96(3) in respect of any working day during which the time spent by him on duty is spent wholly or mainly in meeting a special need, subject to the condition that that working day does not exceed 14 hours; and
- (b) section 96(5) and (6) in respect of any working week during which the time spent by him on duty is spent wholly or mainly in meeting such a need, subject, in the case of the exemption from the requirements of —
  - (i) section 96(5), to the condition that he is not on duty in that week for periods amounting in the aggregate to more than 66 hours, and
  - (ii) section 96(6), to the conditions specified in Part III of this Schedule.

6. Work done wholly or mainly in connection with—

- (a) the removal direct to another place—
  - (i) of fish from the place where it is landed, when such removal is effected immediately after it is landed, or
  - (ii) from agricultural premises of anything produced at those premises in the course of agriculture, when such removal is effected during the harvest period for that produce; or
- (b) the repair of agricultural machinery at a time when it is being used in connection with the harvesting of such produce as aforesaid; or
- (c) the carriage of agricultural lime, seed or fertilisers; or

*Blood transfusion service*

7. A driver is exempted from the requirement of section 96(3) in respect of any working day during which the time spent by him on duty is spent wholly or mainly in meeting a special need, subject to the conditions that—

- (a) that working day does not exceed 14 hours;
- (b) he is able to obtain rest and refreshment during that day for a period which is, or for periods which in the aggregate are, not less than the time by which the working day exceeds 10 hours; and
- (c) he has not taken advantage of the exemption conferred by this paragraph on more than one previous working day which forms part of the working week of which that day forms part.

*Distribution of newspapers, magazines and periodicals*

8.—(1) A driver is exempted from the requirements of—

- (a) section 96(3) in respect of any working day during which the time spent by him on duty is spent wholly or mainly in meeting a special need, subject to the conditions that—
  - (i) that working day does not exceed 14 hours, and
  - (ii) he is off duty during that day for a period which is, or for periods which in the aggregate are, not less than 4 hours; and
- (b) section 96(4) in respect of the interval for rest between that day and any succeeding working day, subject to the condition that he has between those days an interval for rest of not less than 10 hours.

(2) In any case where a driver is exempt by virtue of sub-paragraph (1)(b) above from the requirement of section 96(4), subsections (1) to (3) and (8) of section 96 shall, in respect of

- (d) the carriage of trees from any place in Scotland where they have recently been felled to another place in Scotland.

In this paragraph "agriculture" has the same meaning as in Part VI of the Act, except that it does not include dairy farming or livestock breeding and keeping, and "agricultural" shall be construed accordingly.

7. Work done wholly or mainly in connection with the collection and delivery of blood for the purposes of transfusion.

8. Work done wholly or mainly in connection with the distribution of newspapers, magazines or periodicals to wholesalers or to persons or premises for the purposes of their sale by retail by those persons or at those premises.

the second of the two working days mentioned in the said paragraph (1)(b), apply in relation to him as if, for the purposes of the expression "working day" in each of those subsections, he had had an interval for rest between the said days of not less than 11 hours.

*Carriage of asphalt and coated macadam*

9. A driver is exempted from the requirement of section 96(3) in respect of any working day during which the time spent by him on duty is spent wholly or mainly in meeting a special need, subject to the conditions that—

- (a) that working day does not exceed 14 hours; and
- (b) he is off duty during that day for a period which is, or for periods which in the aggregate are, not less than the time by which that working day exceeds 11 hours.

*Furniture removal*

10. A driver is exempted from the requirement of section 96(3) in respect of any working day during which the time spent by him on duty is spent wholly or mainly in meeting a special need, subject to the condition that that working day does not exceed 14 hours.

*Carriage of exceptional loads when accompanied by the police*

11. A driver is exempted from the requirements of—

- (a) section 96(3) in respect of any working day during which the time spent by him on duty is spent wholly or mainly in meeting a special need, subject to the conditions that—
  - (i) that working day does not exceed 14 hours, and
  - (ii) he is off duty during that day for a period which is, or for periods which in the aggregate are, not less than the time by which that working day exceeds 11 hours; and
- (b) section 96(5) and (6) in respect of any working week during which the time spent by him on duty is spent wholly or mainly in meeting such a need, subject, in the case of the exemption from the requirements of—

9. Work done wholly or mainly in connection with the carriage of asphalt or coated macadam.

10. Work done wholly or mainly in connection with furniture removal, that is to say, the carriage of household furniture and effects from one private residence to another or to or from a place where such furniture and effects are to be or have been put in store.

11. Work done wholly or mainly in connection with the carriage of a load, where, owing to its dimensions or weight, the vehicle by which it is carried is accompanied for the whole or the greater part of its journey by one or more motor vehicles each driven by a constable in uniform.

- (i) section 96(5), to the condition that he is not on duty in that week for periods amounting in the aggregate to more than 66 hours, and
- (ii) section 96(6), to the conditions specified in Part III of this Schedule.

Signed by authority of the Secretary of State.  
22nd December 1970.

*John Peyton,*  
Minister for Transport Industries  
Department of the Environment.

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#### EXPLANATORY NOTE

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

The Drivers' Hours (Goods Vehicles) (Exemptions) Regulations 1970, as amended, provide exemptions subject to conditions from the requirements of section 96(1) to (6) of the Transport Act 1968 (which relate to drivers hours) to enable drivers of goods vehicles to meet (inter alia) certain special needs. These Regulations further amend the said Regulations of 1970 by re-enacting all the exemptions so provided (with slight modifications in certain cases), and by providing further exemptions in the cases where work is done in connection with—

- (a) the repair of agricultural machinery at harvest time, the carriage of agricultural lime, seeds and fertilisers and, in Scotland, of recently felled trees (Schedule, paragraph 6(b), (c) and(d));
- (b) the carriage of asphalt and coated macadam (Schedule, paragraph 9);
- (c) furniture removal (Schedule, paragraph 10); and
- (d) the carriage of exceptional loads when accompanied by the police (Schedule, paragraph 11).

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