

## 1970 No. 356

## ROAD TRAFFIC

**The Drivers' Hours (Passenger Vehicles) (Modifications) Order  
1970**
*Laid before Parliament in draft*

<i>Made</i>	-	-	-	-	-	<i>6th March 1970</i>
<i>Coming into Operation</i>	-	-				<i>15th March 1970</i>

The Minister of Transport, in exercise of his powers under section 96(12) 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 Order:—

*Commencement and citation*

1. This Order shall come into operation on the 15th March 1970, and may be cited as the Drivers' Hours (Passenger Vehicles) (Modifications) Order 1970.

*Interpretation*

2.—(1) In this Order, unless the context otherwise requires, “the Act” means the Transport Act 1968 and any other expression which is also used in Part VI of the Act or Part III of the Road Traffic Act 1960(b) has the same meaning as in the said Part VI or Part III respectively.

(2) Any reference in this Order to a numbered section is a reference to the section bearing that number in the Act except where otherwise expressly provided.

(3) Any references in this Order to any enactment or instrument shall be construed, unless the context otherwise requires, as a reference to that enactment or instrument as amended by any subsequent enactment or instrument.

(4) The Interpretation Act 1889(c) shall apply for the interpretation of this Order as it applies for the interpretation of an Act of Parliament.

*Drivers of public service vehicles*

3.—(1) Where during any working day, or during each working day which falls wholly or partly within any working week, a driver spends all or the greater part of his time when he is driving vehicles to which Part VI of the Act applies in driving one or more public service vehicles, then, as respects that driver and that working day or working week (as the case may be), the provisions of sections 96 and 103 mentioned in paragraphs (2) to (5) of this Article shall, subject to paragraph (6) of this Article, have effect with the modifications, additions or amendments respectively specified in those paragraphs.

---

 (a) 1968 c. 73.

(b) 1960 c. 16.

(c) 1889 c. 63.

(2) Section 96(4) shall have effect in relation to drivers to whom this Article applies as if after the words “paragraph (b)” in paragraph (a) there were added the words “or (c)” and there were added after paragraph (b) the following paragraph—

“(c) on not more than three occasions in each working week (or on not more than two such occasions in any case where a driver has had an interval of rest between two successive working days, being days falling wholly within that working week or on part or the whole of the first day of that working week, of less than 11 hours in accordance with paragraph (b) of this subsection) may be of less than 11 hours but of not less than eight and a half hours, but in any case where the interval for rest is less than 11 hours in pursuance of this paragraph the interval for rest taken after the next working day shall be not less than 12 hours:

Provided that no interval for rest of a driver between two successive working days shall be less than eleven hours by virtue of this paragraph unless he drives one or more stage carriages on both of those days.”

(3) The definition of “working day” in section 103 shall have effect for the purposes of subsections (1) to (4) and (6) to (8) of section 96 as if for the words “(where permitted by virtue of section 96(4)(b) of this Act) of not less than nine and a half hours” there were inserted “(where permitted by virtue of paragraph (b) or (c) of section 96(4) of this Act) of not less than nine and a half hours or eight and a half hours (as the case may be)”.

(4) Section 96(5) shall have effect as if for the words “sixty hours” there were substituted the following:—

“seventy-two hours and a driver shall not be on duty in any two successive working weeks for periods amounting in aggregate to more than one hundred and thirty-two hours”.

(5) Paragraph (b) of section 96(6) shall have effect as if for the words “drives one or more stage carriages” there were substituted the words “spends all or the greater part of his time when he is driving vehicles to which Part VI of the Act applies in driving one or more public service vehicles” and as if at the end of that paragraph there were added the words “and if the driver does not in the two successive working weeks work more than thirteen working days”.

(6) Paragraphs (2), (3) and (4) of this Article shall cease to have effect on the 4th October 1971.

#### *Drivers of stage carriages*

4.—(1) Where during any working day a driver spends all or the greater part of the time when he is driving vehicles to which Part VI of the Act applies in driving one or more passenger vehicles (including one or more stage carriages) then, as respects that driver and that working day, the provisions of section 96 mentioned in paragraphs (2) and (3) of this Article shall, subject to paragraph (4) of this Article, have effect with the modifications or additions respectively specified in those paragraphs.

(2) Section 96(2) shall have effect as if there were added the following proviso—

“Provided that the foregoing requirements of this subsection shall not apply in respect of a working day of a driver where the working day does not—

- (i) exceed eight and a half hours and includes a period of, or periods amounting in aggregate to, not less than forty-five minutes during which he is not required to drive a vehicle, or

- (ii) exceed eight hours and includes a period of, or periods amounting in aggregate to, not less than forty minutes during which he is not required to drive a vehicle”.
- (3) Section 96(3) shall have effect as if for the words “twelve and a half hours” in paragraph (b) thereof there were substituted the words “fourteen hours”.
- (4) Paragraph (3) of this Article shall cease to have effect on the 4th October 1971.

*Drivers of express or contract carriages*

5.—(1) Where during any working day a driver spends all of the time when he is driving vehicles to which Part VI of the Act applies in driving one or more express or contract carriages, then, as respects that driver and that working day, the provisions of section 96 mentioned in paragraphs (2) and (3) of this Article shall have effect with the modifications or additions respectively specified in those paragraphs.

(2) Section 96(2) shall have effect as if there were added the following paragraph:—

“If on any working day any of the intervals which a driver is required to have by this subsection is spent on a double-manned vehicle he shall have at the end of that working day an interval for rest which is of not less than twelve hours”.

(3) Section 96(3) shall have effect as if:—

(a) after the words “paragraph (b) or (c)” in paragraph (a) there were added the words “or (d) or (e)” and there were added the following paragraphs—

“(d) if—

- (i) he is able during that day for periods amounting in aggregate to not less than four hours, one of which is not less than two hours, to obtain rest and refreshment, and
- (ii) at the end of that working day he has an interval for rest which is of not less than twelve hours,

shall not exceed fourteen hours;

(e) if—

- (i) he is able to obtain rest and refreshment for a period of not less than the time by which that working day exceeds ten hours and in any case of not less than four hours (hereinafter referred to as “the rest period”), and
- (ii) none of his working days has exceeded fourteen hours previously during the working week, except in the case of a working week in which a bank holiday falls in which case not more than one of his working days has exceeded fourteen hours previously during the working week,

shall not exceed sixteen hours.

If on any working day which exceeds eleven hours by virtue of this paragraph any part of the rest period is spent on a double-manned vehicle he shall have at the end of that working day an interval for rest of not less than twelve hours;”

(b) after paragraph (c) there were added the following words:—

“If on any working day which exceeds eleven hours by virtue of this paragraph any part of the said period of not less than four hours is spent on a

double-manned vehicle he shall have at the end of that working day an interval for rest which is of not less than twelve hours”.

(4) For the purposes of section 96(2) and (3) as modified by this Article the expression “double-manned vehicle” means a passenger carrying vehicle which carries two drivers who take turns in driving it and in which a seat is reserved for the use of the driver who is not driving it in order that he may obtain rest on the vehicle, and for the purposes of section 96(3) as modified by this Article 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.

*Drivers of vehicles on a long tour*

6.—(1) Where during any working week a driver spends all of the time when he is driving vehicles to which Part VI of the Act applies in driving one or more express or contract carriages engaged on a long tour, then, as respects that driver and that working week, section 96(6) shall have effect as if there were added thereto the following paragraph—

“(c) those requirements need not be satisfied in the case of any working week where the working week falls within a period of three successive working weeks (being working weeks during which all the time when he is driving vehicles to which Part VI of the Act applies is spent in driving one or more express or contract carriages on long tours) during which he has two periods of not less than twenty-four hours for which he is off duty and one such period of twenty-four hours is not separated from another period of twenty-four hours for which he is off duty (whether or not it occurs during the three successive working weeks) by more than fourteen days.”

(2) For the purposes of this Article and section 96(6) as modified by this Article the expression “long tour” means a service for the carriage of passengers entitling passengers to travel together on a journey with or without breaks from the place or places at which passengers are taken up (being the same place or two or more places in the same vicinity) to one or more other places and back to the place or places at which they were taken up, it being intended that the passengers shall not return to the last-mentioned places until not less than five days have elapsed from the day when the passengers were taken up.

Given under the Official Seal of the Minister of Transport the 6th March 1970.

(L.S.)

*Fred Mulley,*  
Minister of Transport.

## EXPLANATORY NOTE

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

This Order modifies in relation to drivers of passenger vehicles the requirements of section 96 of the Transport Act 1968 (which relates to permitted driving times and periods of duty). The requirements as to periods of rest between working days, the maximum number of hours of duty in a working week and days off in respect of a working week are modified in relation to drivers of public service vehicles (Article 3). The requirements as to rest periods during a working day and the length of a working day are modified in relation to drivers of stage carriages (Article 4). The requirements as to rest periods during a working day and the length of a working day are modified in relation to drivers of express and contract carriages (Article 5). The requirements as to days off during a working week are modified in relation to drivers of express or contract carriages on a long tour (Article 6). Certain of the modifications relating to drivers of public service vehicles and stage carriages cease to have effect on the 4th October 1971 (Articles 3(6) and 4(4)).

SI 1970/ 356  
ISBN 0-11-000356-X



780110 003566