
STATUTORY INSTRUMENTS

1971 No. 818**ROAD TRAFFIC****The Drivers' Hours (Passenger and Goods Vehicles)
(Modifications) Order 1971***Laid before Parliament in draft**Made - - - - 17th May 1971**Coming into Operation 29th May 1971*

The Secretary of State for the Environment, in exercise of his powers under sections 96(12), 101 and 157 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 that Act, hereby makes the following Order:—

PART I—GENERAL*Commencement, citation and interpretation*

1. This Order shall come into operation on the 29th May 1971 and may be cited as the Drivers' Hours (Passenger and Goods Vehicles) (Modifications) Order 1971.

2.—(1) In this Order, "the Act" means the Transport Act 1968 and any other expression which is also used in Part VI of the Act has the same meaning as in that Part.

(2) The Interpretation Act 1889(b) shall apply for the interpretation of this Order as it applies for the interpretation of an Act of Parliament, and as if for the purposes of section 38 of that Act this Order were an Act of Parliament and the Order revoked by Article 3 below were an Act of Parliament thereby repealed.

PART II—DRIVERS OF PASSENGER VEHICLES

3. The Drivers' Hours (Passenger Vehicles) (Modifications) Order 1970(c) is hereby revoked.

(a) 1968 c. 73.
(c) S.I. 1970/356 (1970 I, p. 1270).

(b) 1889 c. 63.

4.—(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 the time when he is driving vehicles to which Part VI of the Act applies in driving one or more passenger vehicles, then, as respects that driver and that working day or working week (as the case may be), the provisions of section 96 of the Act (permitted driving time and periods of duty of drivers of certain vehicles) and of section 103 thereof (interpretation of Part VI of the Act) mentioned in paragraphs (2) to (8) below shall have effect with the modifications or amendments respectively specified in those paragraphs.

(2) Section 96(2) (interval for rest between periods of duty) shall have effect as if for the words from “if on any working day” onwards there were substituted the following words:—

“if on any working day a driver has been driving a vehicle or vehicles to which this Part of this Act applies—

- (a) for a period of five and a half hours and the end of that period does not mark the end of the working day; or
- (b) for periods amounting in the aggregate to five and a half hours and there has not been between any of those periods an interval of not less than half an hour in which the driver was able to obtain rest and refreshment and the end of the last of those periods does not mark the end of the working day,

there shall, as respects the period mentioned in paragraph (a) above, at the end of that period or, in the case of the periods mentioned in paragraph (b) above, at the end of the last of those periods, be such an interval as aforesaid; but the requirements of the foregoing provisions of this subsection need not be satisfied in relation to a driver who, within any continuous period of eight and a half hours in the working day, drives for periods amounting in the aggregate to not more than seven and three-quarter hours, being periods of driving between which there is a period of, or there are periods amounting in the aggregate to, not less than forty-five minutes during which the driver has not been driving, if—

- (i) the end of the last of those periods of driving marks the end of the working day, or
- (ii) at the end of the last of those periods there is such an interval as is mentioned in paragraph (b) above.”.

(3) Section 96(3) (the working day of a driver) shall have effect as if for paragraph (c) there were substituted the following paragraph:—

“(c) if during that day all or the greater part of the time when he is driving vehicles to which this Part of this Act applies is spent in driving one or more passenger vehicles, shall not exceed sixteen hours.”.

(4) Section 96(4) (interval for rest between working days) shall have effect as if for paragraphs (a) and (b) there were substituted the words “shall not be of less than ten hours except that on not more than three occasions in any working week the said interval may be of less than ten hours but not of less than eight and a half hours;”.

(5) Section 96(5) and (8)(b) (maximum duty periods in a working week) shall not apply.

(6) Section 96(6) (off-duty periods in a working week) shall have effect as if for the words from “in the case of each working week of a driver” onwards there were substituted the following words:—

“in the case of every two successive working weeks of a driver, a period of not less than twenty-four hours for which he is off duty, being a period either falling wholly in those weeks or beginning in the second of those weeks and ending in the first of the next two successive weeks; but where the requirements of the foregoing provisions of this subsection have been satisfied in the case of any two successive working weeks by reference to a period ending in the first of the next two successive weeks, no part of that period (except any part after the expiration of the first twenty-four hours of it) shall be taken into account for the purpose of satisfying those requirements in the case of the said next two successive weeks.”.

(7) For section 96(7) there shall be substituted the following subsections:—

“(7) If in the case of the working week of any driver the following requirements are satisfied, that is to say, that—

(a) the driver does not drive any vehicle to which this Part of this Act applies for a period of, or for periods amounting in the aggregate to, more than four hours in more than two of the periods of twenty-four hours beginning at midnight which make up that working week (any such period of twenty-four hours in which the driver does drive for a period of, or for periods amounting in the aggregate to, more than four hours being in this subsection, and in subsection (7B) below, referred to as “a full time day”); and

(b) the provisions of subsection (7B) of this section are complied with in relation to him as respects each full time day in that week,

then, subject to subsection (7A) of this section, the provisions of subsections (1) to (4) of this section shall not apply to that driver in that week, and where the said requirements are satisfied in the case of two successive working weeks of that driver the provisions of subsection (6) of this section shall not apply to him as respects those working weeks.

(7A) Where in the case of the working week of a driver the requirements mentioned in subsection (7) above are satisfied but there is a working day of the driver which falls partly in that working week and partly in a working week in the case of which the said requirements are not satisfied, then the provisions of subsections (1), (2) and (3) of this section shall nevertheless have effect in relation to the whole of that working day.

(7B) The following provisions shall apply as respects each full time day in a working week of a driver in the case of which the requirement mentioned in subsection (7)(a) above is satisfied, that is to say—

(a) each period of duty of that driver shall fall wholly within the full time day;

- (b) there shall be an interval for rest of not less than ten hours immediately before his first period of duty and immediately after his last period of duty in the full time day or, if there is only one such period of duty therein, immediately before and after that period of duty;
- (c) the driver shall not in the full time day drive a vehicle or vehicles to which this Part of this Act applies for periods amounting in the aggregate to more than ten hours;
- (d) if in the full time day the driver has been driving a vehicle or vehicles to which this Part of this Act applies—
 - (i) for a period of five and a half hours and the end of that period of driving does not mark the end of his period of duty, or of the last of his periods of duty, in that day, or
 - (ii) for periods amounting in the aggregate to five and a half hours and there has not been between any of those periods of driving an interval of not less than half an hour in which the driver was able to obtain rest and refreshment and the end of the last of those periods of driving does not mark the end of his period of duty, or of the last of his periods of duty, in that day,

there shall be such an interval as aforesaid at the end of the period of driving mentioned in sub-paragraph (i) above or of the last of the periods of driving mentioned in sub-paragraph (ii) above: provided however that the foregoing requirements of this paragraph need not be satisfied in relation to a driver who, within any continuous period of eight and a half hours falling wholly within the full time day, drives for periods amounting in the aggregate to not more than seven and three-quarter hours, being periods of driving between which there is a period of, or there are periods amounting in the aggregate to, not less than forty-five minutes during which the driver has not been driving, if the end of the last of those periods of driving marks the end of his period, or of the last of his periods, of duty in that day, or at the end of the last of those periods of driving there is such an interval as is mentioned in sub-paragraph (ii) above; and

- (e) the period during which the driver is on duty in the full time day or, if there is more than one such period, the period between the beginning of his first period of duty in that day and the end of his last period of duty therein, shall not exceed 16 hours.”.

(8) 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 from “eleven hours” to the words “nine and a half hours” there were substituted the words “ten hours or (where permitted by virtue of section 96(4) of this Act) of not less than eight and a half hours”.

PART III—DRIVERS OF GOODS VEHICLES

5. The Drivers’ Hours (Goods Vehicles) (Modifications) Order 1970(a) shall have effect as though—

(a) S.I. 1970/257 (1970 I, p. 993).

(a) in Article 3(2) (exemptions from certain of the provisions of section 96 for drivers of light goods vehicles), after sub-paragraph (d) there were added the following sub-paragraph:—

“or

(e) solely in connection with the carrying on by him or by his employer of the business of cinematography or of radio or television broadcasting;” and

(b) in Article 4 (exemptions for drivers engaged on building, construction and civil engineering work)—

(a) in the heading, after the word “engaged” there were inserted the words “in quarrying operations or”; and

(b) in the exemption provided by that Article, after the words “in the course of”, where they first occur, there were inserted the words “operations of quarrying or of”.

Signed by authority of the
Secretary of State.

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

17th May 1971.

EXPLANATORY NOTE

(This Note is not part of the Order.)

This Order modifies, in relation to drivers of passenger vehicles and goods vehicles, the requirements of section 96 of the Transport Act 1968 (which relates to permitted driving times and periods of duty).

Part II of the Order relates to drivers of passenger vehicles. It revokes the Drivers' Hours (Passenger Vehicles) (Modifications) Order 1970 and provides for modification of the requirements as to the intervals for rest and refreshment which a driver must have during a working day (Article 4(2)), the length of the working day (Article 4(3)), the intervals for rest between working days (Article 4(4)) and the period off duty in a working week (Article 4(6)).

The Order also provides that the requirements as to the maximum periods of duty of a driver in a working week are not to apply (Article 4(5)) and that none of the requirements of section 96 will apply in the case of a driver who, in a working week, does not drive for a period or periods of more than four hours in more than two of the twenty-four hour periods beginning at midnight which make up that week if, in relation to any such twenty-four hour periods, certain conditions are complied with (Article 4(7)).

Part III of the Order relates to drivers of goods vehicles. It amends the Drivers' Hours (Goods Vehicles) (Modifications) Order 1970 so as to extend, in relation to vehicles used solely in connection with the business of cinematography or of radio or television broadcasting, the exemptions from certain of the provisions of the said section 96 applicable to light goods vehicles (Article 5(a)) and to extend, in relation to vehicles driven in the course of operations of quarrying, the provisions of section 96(9) under which time spent in driving a vehicle elsewhere than on a road is, in certain cases, not taken into account for certain of the purposes of that section (Article 5(b)).

SI 1971/ 818
ISBN 0-11-010818-3

