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1977 No. 777

## ROAD TRAFFIC

**The Passenger and Goods Vehicles (Recording Equipment)  
Regulations 1977**

Made - - - -	25th April 1977
Laid before Parliament	13th May 1977
Coming into Operation	1st August 1977

The Secretary of State for Transport, being a Minister designated(a) for the purposes of section 2(2) of the European Communities Act 1972(b) in relation to the regulation and supervision of working conditions of persons engaged in road transport, in exercise of the powers conferred by that section, and in exercise of powers conferred by section 98 of the Transport Act 1968(c) and now vested in him(d), 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, Revocation, Interpretation*

1.—(1) These Regulations shall come into operation on 1st August 1977, and may be cited as the Passenger and Goods Vehicles (Recording Equipment) Regulations 1977.

(2) The Foreign Passenger and Goods Vehicles (Recording Equipment) Regulations 1975(e) are hereby revoked.

(3) In these Regulations—

“the Act of 1960” means the Road Traffic Act 1960(f);

“the Act of 1968” means the Transport Act 1968;

“the Act of 1972” means the Road Traffic Act 1972(g);

“employee-driver” and “owner driver” shall be construed in accordance with section 95(3) of the Act of 1968;

“goods vehicle” and “passenger vehicle” shall be construed in accordance with section 95(2) of the Act of 1968;

“licensing authority” and “traffic commissioners” shall be construed in accordance with section 59 of the Act of 1968 and Part III of the Act of 1960 respectively;

“officer” means a certifying officer appointed under Part III of the Act of 1960, a public service vehicle examiner, an examiner appointed under Part II of the Act of 1972 and any person authorised for the purposes of Regulation 7 of these Regulations by the traffic commissioners or licensing authority for any area;

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(a) S.I. 1975/1707 (1975 III, p. 5814).

(d) S.I. 1970/1681 (1970 III, p. 5551).

(f) 1960 c. 16.

(b) 1972 c. 68.

(e) 1968 c. 73.

(g) S.I. 1975/485 (1975 I, p. 1499).

(c) 1972 c. 20.

“recording equipment” means equipment which is designed for recording information as to the use of a vehicle and which is installed in a vehicle for the purposes of the relevant Community instrument;

“the relevant Community instrument” means Council Regulation (EEC) No. 1463/70 of 20 July 1970(a).

(4) Any reference in these Regulations to an Article or Annex followed by a number is a reference to the Article or the Annex, as the case may be, so numbered in the relevant Community instrument.

(5) Any reference in these Regulations to any enactment is a reference to that enactment as amended, extended or applied by or under that or any other enactment.

(6) The Interpretation Act 1889(b) shall apply for the interpretation of these Regulations as it applies for the interpretation of an Act of Parliament, and as if for the purpose of section 38 of that Act these Regulations were an Act of Parliament and the Regulations revoked by paragraph (2) of this Regulation were an Act of Parliament thereby repealed.

#### *Application of Regulations*

2. These Regulations apply to passenger vehicles and goods vehicles which are registered in any of the Member States and in which recording equipment is installed for the purposes of the relevant Community instrument.

#### *Use of Recording Equipment*

3.—(1) Where recording equipment in a vehicle to which these Regulations apply conforms to the provisions of Annexes I and II (which relate to the construction, testing, installation, inspection and marking of recording equipment) and is operated and used in accordance with Articles 15 and 17 (which relate to the functioning and use of recording equipment), any record produced by means of such equipment shall, in any proceedings under Part VI of the Act of 1968, be evidence of the matters appearing from the record.

(2) For the purposes of this Regulation recording equipment shall, until the contrary is proved, be presumed to conform to the provisions of Annexes I and II if there is affixed to or alongside the equipment an installation plaque as required by paragraph V.3. of the said Annex I and if the seals referred to in paragraph V.4. of that Annex are unbroken.

(3) Any entry made by a crew member in accordance with Article 17(2) and (3) or Article 18(2) on the record sheet of the recording equipment or on a temporary sheet attached to the record sheet, shall, in any proceedings under Part VI of the Act of 1968, be evidence of the matters appearing from the sheet in question.

#### *Supply, return and retention of record sheets*

4.—(1) Where recording equipment in a vehicle to which these Regulations apply is used in accordance with Articles 15 and 17, any failure—

- (a) by an owner-driver, before a record sheet is taken for use by him or by the employer of the crew members, before a record sheet is issued to a crew member, to insert in the record sheet a serial number which is different from the serial number on any other record sheet taken for use or (as the case may be) issued by him during the preceding 12 months, or

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(a) OJ No. L164/1 of 27.7.70.

(b) 1889 c. 63.

- (b) by the employer of the crew members—
- (i) to supply them with the appropriate record sheets in accordance with Article 16(1), or
  - (ii) without reasonable excuse to secure that the crew members return to him, when completed, the record sheets supplied to them as aforesaid, or
  - (iii) within 7 days from the date on which a record sheet is returned to him by the crew member to whom it was issued, to examine and sign that sheet, or
  - (iv) to retain the sheets containing the records produced by the equipment, or entered in accordance with Article 18(2), for the period specified in Article 16(2), or
- (c) by a crew member—
- (i) to be able to produce to an officer at any time during the prescribed period each record sheet containing records produced by the equipment, or entered in accordance with Article 18(2), and relating to him, or
  - (ii) to return to his employer, within 21 days of the completion of the entries on that sheet (unless the sheet has been previously taken by an officer or police constable in pursuance of Regulation 7 of these Regulations) each record sheet containing records produced by the equipment, or entered in accordance with Article 18(2), and relating to him, or
  - (iii) when a record sheet supplied to him has been so damaged, or so affected by dirt, that it will not, if used in the recording equipment, produce a satisfactory record, to return that record sheet to his employer as soon as is reasonably practicable after the occurrence of the damage or the time when it became so affected, or
  - (iv) on leaving the employment of the employer who has supplied him with any record sheets for use in the equipment, to return to that employer any unused record sheets in his possession, or
  - (v) if an owner-driver of the vehicle, to retain the sheets containing the records produced by the equipment, or entered in accordance with Article 18(2), for the period specified in Article 16(2),

shall be an offence punishable on summary conviction by a fine not exceeding £200.

(2) In this Regulation a failure to return, retain or be able to produce a record sheet includes a failure to return, retain or be able to produce a temporary sheet attached to a record sheet as mentioned in Article 18(2) (which relates to the making of manual entries on record sheets and on sheets attached thereto), and the expression “the prescribed period” in relation to a record sheet means the period prescribed by Article 17(5) or, as the case may be, prescribed in pursuance of Article 17(6) by Regulation 5 below (whichever period is appropriate as respects that record sheet).

*Period of retention of records by crew members*

5. For the purposes of these Regulations the period for which the crew members of a vehicle registered in Great Britain and engaging in national transport operations are required by Article 17 (which in paragraph (5) prescribes a period of 14 days but in paragraph (6) permits Member States to

reduce that period for such crew members) to retain and have with them the record sheets relating to such operations shall be two days.

*Keeping of register of record sheets*

6.—(1) Where recording equipment in a vehicle to which these Regulations apply is used in accordance with Articles 15 and 17—

- (a) the employer who supplies the record sheets in accordance with Article 16(1) to the crew members employed by him shall keep a register containing particulars of the record sheets supplied, and
- (b) the owner-driver who uses the record sheets shall keep a register containing the particulars of the record sheets taken by him for use.

(2) Where the owner-driver of a vehicle employs other persons who act as crew members of the vehicle, the same register may be used for the record sheets used by the owner-driver and for the record sheets supplied by him to his employees.

(3) A register kept in accordance with this Regulation at a place where record sheets are supplied by the employer to crew members employed by him or are taken by an owner-driver for use by him shall bear a number which is different from that borne by any other such register kept at that place and shall contain pages (numbered consecutively) each of which shall bear the number of the register and shall contain the following entries—

- (a) the name and address of the employer or owner-driver,
- (b) in a case where a goods vehicle is involved, the operator's licence number (where there is such a licence for the vehicle under Part V of the Act of 1968),
- (c) the address of the place where the record sheets are supplied or taken for use, and
- (d) in respect of each occasion when record sheets are supplied by an employer to a crew member employed by him or are taken by an owner-driver for use by him—
  - (i) the serial numbers of the sheets supplied or taken,
  - (ii) the date on which they are supplied or taken,
  - (iii) the name of the crew member to whom the sheets are supplied by the employer,
  - (iv) the signature of the employer of the crew member,
  - (v) the signature of the crew member, and
  - (vi) the date or dates of the return of those sheets to the employer or of their removal from the vehicle by the owner-driver.

(4) Each register kept in accordance with this Regulation shall be preserved not less than 12 months from the date of the making of the last entry in it.

(5) Any failure by an employer or an owner-driver to keep or preserve the register required by this Regulation shall be an offence punishable on summary conviction by a fine not exceeding £200.

*Inspection of recording equipment and records*

7.—(1) In relation to any vehicle to which these Regulations apply an officer may, on production if so required of his authority—

- (a) require any person to produce, and permit him to inspect and copy, any record which is produced by the recording equipment, or on

which entries are made in accordance with Article 18, and which that person is required by Article 16(2) to retain or by Article 17(5) to be able to produce,

- (b) at any time, enter the vehicle and inspect the vehicle and the recording equipment, and inspect and copy any record on the vehicle which has been produced by means of that equipment or on which entries are made in accordance with Article 18,
- (c) at any time which is reasonable having regard to the circumstances of the case, enter any premises on which he has reason to believe that such a vehicle is kept or that any such records are to be found or that a register required by Regulation 6 above is kept, and inspect any such vehicle and inspect and copy any such record or register which he finds there.

(2) Where an officer, in exercise of his powers under sub-paragraph (a) of paragraph (1) of this Regulation, has required a person to produce to him any record, the officer may, by notice in writing served on that person, require the record to be produced by him at the office of the traffic commissioners or licensing authority specified in the notice within such time (not being less than 10 days from the service of the notice) as may be specified therein.

(3) For the purpose of exercising his powers under sub-paragraph (b) of paragraph (1) of this Regulation, an officer may detain the vehicle in question during such time as is required for the exercise of that power.

(4) Any person who—

- (a) fails to comply with any requirement under paragraph (1)(a) or (2) of this Regulation or
- (b) obstructs an officer in the exercise of his powers under paragraph (1) or (3) of this Regulation,

shall be liable on summary conviction to a fine not exceeding £100.

(5) Any person who makes, or causes to be made, any such record, or any entry in such register, as is mentioned in paragraph (1) of this Regulation, which he knows to be false or, with intent to deceive, alters or causes to be altered any such record or entry, shall be liable—

- (a) on summary conviction, to a fine not exceeding £200;
- (b) on conviction on indictment, to imprisonment for a term not exceeding two years.

(6) If an officer has reason to believe that an offence under paragraph (5) of this Regulation has been committed in respect of any record or register inspected by him under this Regulation, he may seize that record or register; and where a record or register is seized as aforesaid and within six months of the date on which it was seized no person has been charged since that date with an offence in relation to that record or register under that paragraph and the record or register has not been returned to the person from whom it was taken, a magistrate's court shall, on application made for the purpose by that person, or by an officer, make such order respecting the disposal of the record or register and award such costs as the justice of the case may require.

(7) Any proceedings in Scotland under paragraph (6) of this Regulation shall be taken by way of summary application in the sheriff court; and in the application of that paragraph to Scotland references to costs shall be construed as references to expenses.

(8) The powers conferred by this Regulation on an officer shall be exercisable also by a police constable, who shall not, if wearing uniform, be required to produce any authority.

(9) In this Regulation references to the inspection and copying of any record produced by recording equipment include references to the application to the record of any process for eliciting the information recorded thereby and to taking down the information elicited from it.

*Approval of fitters and workshops for recording equipment*

**8.**—(1) The Secretary of State shall be the competent authority in Great Britain for approving fitters and workshops for recording equipment in accordance with Article 14 (which requires recording equipment to be installed and repaired by approved fitters or approved workshops).

(2) Any approval of a fitter or workshop shall be in writing which shall specify the scope of the approval, shall provide for its withdrawal by the Secretary of State on notice given by him and may contain conditions.

(3) Such conditions may in particular relate to—

- (a) the fees to be charged by the fitter or workshop,
- (b) the premises and equipment to be used for installing, repairing, checking or inspecting recording equipment,
- (c) the procedure to be adopted in carrying out such activities,
- (d) the training of persons for carrying out such activities,
- (e) the inspection by or on behalf of the Secretary of State of premises and equipment used or to be used for carrying out such activities and,
- (f) the display, in a conspicuous place on premises where such activities are carried out, of a sign indicating that such activities are carried out there with the approval of the Secretary of State.

(4) The Secretary of State shall publish from time to time a list of the fitters and workshops for the time being approved by him under this Regulation and such list shall specify the mark used by each approved fitter or by each workshop for placing on the seals of the recording equipment installed or checked by that fitter or by that workshop.

*Exemption from requirement to keep drivers' record books*

**9.** Where recording equipment in a vehicle to which these Regulations apply conforms to the provisions of Annexes I and II and is operated and used in accordance with Articles 15 and 17, and the relevant requirements of Articles 17 and 18(2) with respect to the making of manual entries on the record sheets or on temporary sheets attached thereto are complied with, the driver of that vehicle, and the employer of that driver (if an employee driver), shall be exempted from the requirements of the Drivers Hours (Keeping of Records) Regulations 1976(a) with respect to the keeping of, and making of entries in, drivers' record books, so far as regards the driving of, and other work in connection with, that vehicle.

*Consequential adaptation of certain legislation*

**10.**—(1) In the following enactments in the Act of 1968, that is to say, in sections 35(2)(b), 62(4)(b), 64(2)(c) and 69(4)(c) (which relate to the grant

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(a) S.I. 1976/1447 (1976 III, p. 3914).

suspension and revocation of public service vehicle licences and operators' licences) the reference to Part VI of that Act shall include a reference to these Regulations.

(2) In the following enactments, that is to say, section 11(1)(a) of the Road Haulage Wages Act 1938(a) and section 19(3)(b) of the Wages Councils Act 1959(b) (both amended by Schedule 11 to the Act of 1968) (which relate to the production of records to authorised officers) the reference to Part VI of the Act of 1968 shall include a reference to these Regulations.

(3) In the Road Traffic (Foreign Vehicles) Act 1972(c)—

- (a) in Schedule 1 to that Act (which lists enactments conferring functions on examiners) the reference to section 99 of the Act of 1968 shall include a reference to Regulation 7 of these Regulations, and
- (b) in Schedule 2 to that Act (which lists enactments which may be contravened in relation to foreign vehicles) there shall be inserted at the end the following entry:

“Regulation 4 of the Passenger and Goods Vehicles (Recording Equipment) Regulations 1977

To require the retention of records produced by recording equipment”.

25th April 1977.

*William Rodgers,*  
Secretary of State for Transport.

## EXPLANATORY NOTE

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

These Regulations apply to passenger and goods vehicles which are registered in any of the Member States of the European Economic Community and in which recording equipment (tachographs) is installed for the purposes of Council Regulation (EEC) No. 1463/70. They revoke the Foreign Passenger and Goods Vehicles (Recording Equipment) Regulations 1975 (which related only to vehicles registered in the original six Member States).

Regulation 3 enables any records produced by the recording equipment, if used in accordance with the EEC Regulation, to be treated as evidence for the purposes of proceedings under Part VI of the Transport Act 1968 which relates to drivers' hours.

Regulation 4 makes it an offence, punishable on summary conviction by a fine not exceeding £200, for employers and crew members to fail to comply with certain requirements as to the supply, return and retention of record sheets for the recording equipment.

Regulation 5 limits the period during which crew members engaging in national transport operations are required to retain record sheets.

Regulation 6 requires employers to keep a register of record sheets issued by them and owner-drivers to keep a register of record sheets used by them.

Regulation 7 provides for the production of record sheets to certain authorised officers or to the police and for the inspection and copying of record sheets and registers and the entry on vehicles and premises by authorised officers or the police. Failure to produce record sheets or obstruction of authorised officers or the police is an offence punishable on summary conviction by a fine not exceeding £100. Falsification of records or registers is an offence punishable on summary conviction of a fine not exceeding £200 or on indictment by imprisonment for a term not exceeding two years.

Regulation 8 provides for the approval by the Secretary of State of fitters and workshops for the installation and repair of recording equipment.

Regulation 9 exempts drivers who use recording equipment from the requirement to keep drivers' record books.

Regulation 10 brings these Regulations within certain statutory provision which refer to Part VI of the Transport Act 1968. These provisions, in particular relate to the grant, suspension and revocation of public service vehicle licence and operators' licences and to the powers of vehicle examiners in connection with foreign vehicles.

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