
STATUTORY INSTRUMENTS

1979 No. 1746

The Passenger and Goods Vehicles (Recording Equipment) Regulations 1979

Consequential adaptation of enactments

3.—(1) In section 98 (written records) of the Act of 1968 there shall be inserted after subsection (2) the following subsection—

“(2A) The requirements of regulations made under this section shall not apply as respects the driving of a vehicle to which section 97 of this Act applies and in relation to which subsection (1) (b) of that section has come into force.”.

(2) After subsection (4) of that section there shall be inserted the following subsection—

“(4A) A person shall not be liable to be convicted under subsection (4) of this section by reason of contravening any regulation made under this section if he proves to the court that, if the vehicle in question had been such a vehicle as is mentioned in subsection (2A) of this section, there would have been no contravention of the provisions of this Part of this Act so far as they relate to the use of such vehicles.”.

(3) In subsection (1) of section 99 of the Act of 1968 (inspection of records and other documents)

—
(a) in paragraph (b) the word “record” and the words “97 or” shall be omitted;

(b) after that paragraph there shall be inserted the following paragraph—

“(bb) any record sheet which that person is required by Article 16(2) of the Community Recording Equipment Regulation to retain or by Article 17(5) of that Regulation to be able to produce;”

and

(c) after the word “record”, in the second place where that word occurs, there shall be inserted the word “sheet”.

(4) In subsection (2) of the said section 99—

(a) for paragraph (a) there shall be substituted the following paragraph—

“(a) at any time, enter any vehicle to which this Part of this Act applies and inspect that vehicle and any recording equipment installed in it and inspect and copy any record sheet on the vehicle on which record has been produced by means of the equipment or an entry has been made;”

and

(b) in paragraph (b) for the word “record” there shall be substituted the words “record sheets” and after the word “record” there shall be inserted the word “sheet”.

(5) After subsection (4) of the said section 99 there shall be inserted the following subsection—

“(4A) A person shall not be liable to be convicted under subsection (4) of this section by reason of failing to comply with any requirement under subsection (1) (a) or (b) of this section if he proves

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to the court that, if the vehicle in question had been such a vehicle as is mentioned in section 98(2A) of this Act, there would have been no contravention of the provisions of this Part of this Act so far as they relate to the use of such vehicles.”

(6) In subsection (5) of the said section 99 for the words “any such record as is mentioned in” there shall be substituted the words “any record or entry on a record sheet kept or carried for the purposes of the Community Recording Equipment Regulation or”.

(7) In subsection (1) of section 103 of the Act of 1968 (interpretation of Part VI)—

(a) after the definition of “agriculture” there shall be inserted the following definition—

“‘the Community Recording Equipment Regulation’ has the meaning given by section 97(7) of this Act;”

and

(b) after the definition of “prescribed” there shall be inserted the following definitions—

“‘recording equipment’ has the meaning given by section 97(7) of this Act;
‘record sheet’ includes a temporary sheet attached to a record sheet in accordance with Article 18(2) of the Community Recording Equipment Regulation;”

(8) In subsection (6) of the said section 103 for the words “sections 97(2)(a) and” there shall be substituted the word “section”.

(9) In Schedule 1 to the Road Traffic (Foreign Vehicles) Act 1972 (enactments conferring functions on examiners) for the entry relating to section 99 of the Act of 1968 there shall be substituted the following entry—

“Section 99 of the Transport Act 1968.	To inspect and copy record sheets, books, registers and other documents required to be carried on goods vehicles and public service vehicles, to inspect recording equipment and to inspect and copy record sheets on which records have been produced by such equipment or entries have been made”.
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Commencement Information

II Reg. 3 in force at 14.1.1980, see **reg. 1(1)**

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Changes and effects yet to be applied to the whole Instrument associated Parts and Chapters:

- Blanket amendment words substituted by [S.I. 2011/1043 art. 3-68-10](#)

Whole provisions yet to be inserted into this Instrument (including any effects on those provisions):

- reg. 4(1)(a) words substituted by [S.I. 1986/1457 reg. 3\(4\)](#)
- reg. 4(1)(a) words substituted by [S.I. 2016/248 reg. 14\(3\)\(a\)](#)
- reg. 4(1)(a) words substituted by [S.I. 2019/453 reg. 48\(2\)\(b\)](#)
- reg. 4(1)(b) words inserted by [S.I. 2016/248 reg. 14\(3\)\(b\)](#)
- reg. 4(1)(b) words inserted by [S.I. 2019/453 reg. 22](#)
- reg. 4(1)(b) words substituted by [S.I. 2019/453 reg. 48\(2\)\(c\)](#)
- reg. 4(6) inserted by [S.I. 2016/248 reg. 14\(3\)\(c\)](#)