

## 1984 No. 144

## ROAD TRAFFIC

**The Passenger and Goods Vehicles (Recording Equipment)  
(Amendment) Regulations 1984**

<i>Made</i>	- - - -	8th February 1984
<i>Laid before Parliament</i>		20th February 1984
<i>Coming into Operation</i>		13th March 1984

The Secretary of State for Transport, being a Minister designated<sup>(a)</sup> for the purposes of section 2(2) of the European Communities Act 1972<sup>(b)</sup> in relation to the regulation and supervision of the working conditions of persons engaged in road transport and the regulation of the type, description, construction or equipment of vehicles, in exercise of the powers conferred by that section, and now vested in him<sup>(c)</sup> hereby makes the following Regulations:—

1. These Regulations shall come into operation on 13th March 1984 and may be cited as the Passenger and Goods Vehicles (Recording Equipment) (Amendment) Regulations 1984.

2.—(1) For subsection (1) of section 97 of the Transport Act 1968<sup>(d)</sup> (installation and use of recording equipment) as substituted by paragraph (1) of Regulation 2 (installation and use of recording equipment) of the Passenger and Goods Vehicles (Recording Equipment) Regulations 1979<sup>(e)</sup> there shall be substituted the following subsection—

“(1) No person shall use, or cause or permit to be used, a vehicle to which this section applies unless there is in the vehicle recording equipment which—

- (a) has been installed in accordance with the Community Recording Equipment Regulation;
- (b) complies with Annexes I and II to that Regulation; and
- (c) is being used as provided by Articles 15 to 17 of that Regulation;

and any person who contravenes this subsection shall be liable on summary conviction to a fine not exceeding level 4 on the standard scale.”.

(a) S.I. 1975/1707 and 1972/1811.  
(c) S.I. 1979/571 and 1981/238.  
(e) S.I. 1979/1746.

(b) 1972 c. 68.  
(d) 1968 c. 73.

(2) In subsection (7) of that section as so substituted, at the end of the definition of "Community Recording Equipment Regulation" there shall be added the words "and the Passenger and Goods Vehicles (Recording Equipment) (Amendment) Regulations 1984."

(3) Paragraphs (2) to (4) of the said Regulation 2 (which are spent) are hereby revoked.

3.—(1) For Regulation 4 (Approval of fitters and workshops) of the said Regulations of 1979 there shall be substituted the following Regulation:—

*"Installation or repair of recording equipment, checks and inspections*

4.—(1) The Secretary of State shall be the competent authority in Great Britain—

- (a) for the approval of fitters and workshops for the installation or repair of recording equipment in accordance with Article 14 of the Community Recording Equipment Regulation; and
- (b) for the nomination of bodies for the carrying out of checks and inspections of recording equipment in accordance with Chapter VI of Annex I to that Regulation.

(2) Any approval or nomination under this Regulation shall be in writing, shall specify its scope, shall provide for its withdrawal by the Secretary of State on notice given by him and, if the Secretary of State thinks fit, may contain conditions.

(3) Such conditions may in particular relate to—

- (a) the fees to be charged for installing or repairing or, as the case may be, checking or inspecting recording equipment;
- (b) the places where and equipment by means of which such activities are, or are to be, carried out;
- (c) the procedure to be adopted in carrying out such activities;
- (d) the records to be kept and the evidence to be furnished of the carrying out of such activities;
- (e) the training of persons for carrying out such activities;
- (f) the inspection by or on behalf of the Secretary of State of places where and equipment by means of which such activities are, or are to be, carried out; and
- (g) the display, at the places where such activities are carried out, of signs indicating that such activities are carried out there by fitters or workshops approved or, as the case may be, bodies nominated, by the Secretary of State.

- (4) The Secretary of State shall publish from time to time lists of—
- (a) the fitters and workshops for the time being approved by him; and
  - (b) the bodies for the time being nominated by him;

and any list published under sub-paragraph (a) above shall specify the mark to be placed by each approved fitter or workshop on any seals which he or they affix to any recording equipment.

(5) In this Regulation “recording equipment” means equipment for recording information as to the use of a vehicle.”.

(2) Nothing in paragraph 3(a) or (b) of Chapter VI of Annex I to the Community Recording Equipment Regulation shall require an inspection of recording equipment installed in a vehicle to be carried out—

- (a) before the expiry of the period of three months beginning with the coming into operation of these Regulations; or
- (b) where the vehicle is subject to an annual test and the equipment was installed before 13th June 1983, before the annual test of the vehicle next following the expiry of that period and the relevant period.

(3) In sub-paragraph (2) above—

“annual test” means an annual test required by regulations under section 43 or 45 of the Road Traffic Act 1972(a);

“the Community Recording Equipment Regulation” means Council Regulation (EEC) No. 1463/70 of 20th July 1970 on the introduction of recording equipment in road transport(b), as amended by Council Regulations (EEC) Nos. 1787/73(c) and 2828/77(d), and as read with the Community Road Transport Rules (Exemptions) Regulations 1978(e);

“relevant period” means—

- (a) in the case of an inspection required by the said paragraph 3(a), the period of two years;
- (b) in the case of an inspection required by the said paragraph 3(b), the period of six years,

beginning (in either case) with the date shown on the installation plaque affixed to the vehicle.

*Nicholas Ridley,*  
Secretary of State for Transport.

8th February 1984.

(a) 1972 c. 20.

(c) O.J. No. L. 181/1 of 4.7.73.

(e) S.I. 1978/1158.

(b) O.J. No. L. 164/1 of 27.7.70.

(d) O.J. No. L. 334/5 of 24.12.77.

## EXPLANATORY NOTE

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

These Regulations amend section 97 (installation and use of recording equipment of the Transport Act 1968 (“the Act of 1968”) and the Passenger and Goods Vehicles (Recording Equipment) Regulations 1979 (“the Regulations of 1979”).

Under subsection (1) of section 97 of the Act of 1968 as brought into force by paragraph (2) and (3) of Regulation 2 of the 1979 Regulations vehicles to which that section applies which were being used on international journeys were required to have recording equipment (defined in subsection (7) of that section) installed and in use in accordance with the Community Recording Equipment Regulation (defined in the said subsection (7)) by the 14th January 1980. Most vehicles to which that section applies which were not being used on such journeys were required to have recording equipment installed in accordance with the Community Recording Equipment Regulation before the requirement to use the equipment in accordance with that regulation came into force in relation to such vehicles on the 31st December 1981. Subsection (1) of section 97 therefore distinguishes between the requirement to install recording equipment (subsection (1)(a)) and the requirement to use it (subsection (1)(b)). Now that the transitional period for the coming into force of that subsection has expired the distinction is no longer necessary. Regulation 2 of these Regulations accordingly substitutes a new subsection (1) in section 97 of the Act of 1968 which requires the equipment to be installed and used in the vehicle and revokes paragraphs (2) to (4) now spent, of Regulation 2 of the Regulations of 1979.

Regulation 4 of the Regulations of 1979 provides for the approval of fitters and workshops to install and repair recording equipment in accordance with Article 14 of the Community Recording Equipment Regulation. Regulation 3 of these Regulations substitutes a new Regulation for Regulation 4 which also—

- (a) provides for the nomination by the Secretary of State of bodies for the carrying out of checks and inspections of recording equipment in accordance with Chapter VI of Annex I to the Community Recording Equipment Regulation; and
- (b) provides for the conditions that may be attached to any such nomination (including conditions as to the fees to be charged for checking and inspecting recording equipment) and for the publication by the Secretary of State of lists of the bodies nominated by him.

Regulation 3(2) of these Regulations indicates when the first periodic inspection required by paragraph 3(a) or (b) of Chapter VI of Annex I to the Community Recording Equipment Regulation is to be carried out.



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