

## STATUTORY INSTRUMENTS

**1986 No. 1493****ROAD TRAFFIC****The Drivers' Hours (Keeping of Records) (Amendment)  
Regulations 1986***Made* - - - 28th August 1986*Laid before Parliament* 8th September 1986*Coming into Operation* 29th September 1986

The Secretary of State for Transport, being a Minister designated (a) for the purpose of section 2(2) of the European Communities Act 1972(b) in relation to the regulation and supervision of the working conditions of persons engaged in road transport, in exercise of the powers conferred by that section, and also in exercise of the powers conferred by sections 98 and 101(2) 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:—

1. These Regulations may be cited as the Drivers' Hours (Keeping of Records) (Amendment) Regulations 1986 and shall come into operation on the 29th September 1986.

2. The Drivers' Hours (Keeping of Records) (Amendment) Regulations 1978(e) and the Drivers' Hours (Keeping of Records) (Amendment) (No. 2) Regulations 1978(f) are hereby revoked and the Drivers' Hours (Keeping of Records) Regulations 1976(g) shall be amended in accordance with the following provisions of these Regulations.

3. In regulation 3, in paragraph (1):—

(1) the definitions of "British goods vehicle" and "British passenger vehicle" shall be deleted and for the definition of "the Community rules" there shall be substituted the following definition —

"the Community rules" means those provisions of Council Regulation (EEC) No. 3820/85(h) of the 20th December 1985 on the harmonisation

(a) S.I. 1975/1707.

(b) 1972 c.68.

(c) 1968 c.73; section 98 was amended by Schedule 4, para. 9(2) to the European Communities Act 1972 (c.68) and by section 2(1) of the Road Traffic (Drivers Ages and Hours of Work) Act 1976 (c.3).

(d) S.I. 1970/1681, 1979/571 and 1981/238.

(e) S.I. 1978/1878.

(f) S.I. 1978/1938.

(g) S.I. 1976/1447.

(h) O.J. No. L 370/1 of 31.12.85.

of certain social legislation relating to road transport which are directly applicable Community provisions relating to the driving of road vehicles;”;  
and

(2) in the definition of “driver’s record book” the words “the Community rules or, as the case may be”, and the words “(this being also the model prescribed by the Community rules)” shall be deleted.

4. In regulation 4, in paragraph (1), the words “, except as provided in Part III of these Regulations,” shall be deleted.

5. In regulation 5:—

(1) in paragraph (1)(a) after “crew member” there shall be inserted the words “except information relating to rest or breaks and information to be contained in a weekly report”; and

(2) at the end of paragraph (1) there shall be added the words “except instructions relating to a weekly report.”.

6. In regulation 6, in paragraph (2) the words “and weekly reports” shall be deleted.

7. In regulation 8, in paragraph (5) for the words “Regulation 9(6)” there shall be substituted the words “Regulation 9(2)”.

8. For regulation 9 there shall be substituted the following regulation:—

*“Supply of information and production of drivers’ record books by employers and employee-drivers*

9.—(1) Where an employee-driver has or has had during any period more than one employer in relation to whom he is an employee-driver each employer, who is not an employer who is required by these Regulations to issue a driver’s record book to that employee-driver, shall require that driver to produce his current driver’s record book and shall enter on the front sheet contained therein the name and address of his undertaking and a statement that the holder of the record book is also a driver in his employment.

(2) An employee-driver shall produce his current driver’s record book for inspection by the employer who issued it to him, or by any other person in relation to whom he is at any time during the period of currency of that book an employee-driver, whenever required to do so by that employer or that other person.

(3) An employee-driver shall return his current driver’s record book to the employer who issued it to him at the end of any week beginning at midnight between Sunday and Monday, if required to do so by that employer.”.

9. In regulation 10 paragraph (4) shall be deleted.

**10.** In regulation 12 —

- (1) in paragraph (1) the words “commencing at midnight” shall be deleted;
- (2) in paragraph (2):—
  - (a) the words “beginning at midnight”, “(hereinafter referred to as “the exempted period”)”, and “Provided that where the exempted period is followed by a period of twenty-four hours in respect of any part of which a driver is not exempted from all the specified requirements the driver shall be required to enter in his driver’s record book the date and time when his last working day ended if such day ended during the exempted period” shall be deleted, and
  - (b) for the words “twenty five miles” there shall be substituted the words “50 kilometres”;
- (3) after paragraph (2) there shall be inserted the following paragraphs:—
  - (2A) Where during any working day a driver does not spend all or the greater part of the time when he is driving vehicles to which Part VI of the Act applies in driving goods vehicles, then he, and if he is an employee-driver, his employer shall be exempted for that working day from the specified requirements;
  - (2B) Where a vehicle is used in such circumstances that by virtue of regulation 5 of the Community Drivers’ Hours and Recording Equipment (Exemptions and Supplementary Provisions) Regulations 1986(a) the Community Recording Equipment Regulation applies to the vehicle when used in those circumstances, then the driver of the vehicle and, if he is an employee driver, his employer shall be exempted from the specified requirements in relation to the use of the vehicle in those circumstances.” and
- (4) at the end of paragraph (3) there shall be added the following words:—

‘and the expression “the Community Recording Equipment Regulation” has the same meaning as in the Community Drivers’ Hours and Recording Equipment (Exemptions and Supplementary Provisions) Regulations 1986’.

**11.** Part III (Provisions supplementary to the Community rules in cases where those rules apply), Part IV (provisions applicable in cases where the Community rules with regard to drivers’ hours apply but where the specific requirements of those rules as to record books do not apply) and Part V (Provisions modifying Community rules in cases where those rules apply) shall be deleted.

Signed by authority of  
the Secretary of State.  
28th August 1986.

*Caithness,*  
Parliamentary Under Secretary of State,  
Department of Transport.

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(a) S.I. 1986/1456.

## EXPLANATORY NOTE

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

These Regulations amend the Drivers' Hours (Keeping of Records) Regulations 1976 ("the 1976 Regulations") to take account of the coming into force on the 29th September 1986 of certain changes in the law relating to the hours of driving duty and rest of drivers of goods and passenger vehicles, namely—

- (i) the repeal by Council Regulation (EEC) No 3820 of 20th December 1985 on the harmonisation of certain social legislation relating to road transport of the provision in Council Regulation (EEC) No. 543/69 of the 25th March 1969 on the harmonisation of certain social legislation relating to road transport for an individual control book (Article 14) and for certain exemptions for internal goods transport operations carried out within a radius of 50 kilometres from the place where the vehicle is based (Article 14a.1);
- (ii) the exemption for drivers who spend all or the greater part of their time in driving vehicles to which Part VI of the Transport Act 1968 ("the Act of 1968") applies in driving goods vehicles from all the provisions of section 96 of that Act except the daily driving limit in subsection (1) and the daily duty limit in subsection (3)(a), introduced by the Drivers' Hours (Goods Vehicles) (Modifications) Order 1986 (S.I. 1986/1459);
- (iii) the Drivers' Hours (Harmonisation with Community Rules) Regulations 1986 (S.I. 1986/1458) whereby drivers of vehicles on national transport operations to which the Community rules apply are no longer required also to comply with the provisions of the said section 96 relating to duty and rest;
- (iv) the requirement of regulation 5 of the Community Drivers' Hours and Recording Equipment (Exemptions and Supplementary Provisions) Regulations 1986 which requires recording equipment as prescribed by Council Regulation (EEC) No. 3821/85 of 20th December 1985 on recording equipment in road transport to be installed and used in certain vehicles used for the carriage of postal articles.

The principal changes made by these Regulations are as follows:—

- (a) Entries need no longer be made under regulation 5 of the 1976 Regulations in record books relating to rest or breaks and the weekly report need not be completed (regulation 5);
- (b) Regulation 9 of the 1976 Regulations is amended so that where an employee-driver changes his employment the employers are no longer required to supply each other with information relating to the driver's periods of duty and rest (regulation 8);
- (c) in regulation 12(1) and (2) of the 1976 Regulations the period during which the exemption from the record-keeping requirements may apply is any period of 24 hours rather than any period of 24 hours beginning at midnight (regulation 10(1) and (2));

- (d) in regulation 12(2) of the 1976 Regulations the radius within which the exemption conferred by that provision applied is increased from twenty five miles to 50 kilometres and the driver is no longer required to enter, under certain circumstances, in his record book the date and time when his last working day ended (regulation 10(2));
- (e) two new exemptions are inserted in regulation 12 of the 1976 Regulations for—
  - (i) drivers who do not spend all or the greater part of their time spent driving vehicles to which Part VI of the Act of 1968 applies in driving goods vehicles; and
  - (ii) certain vehicles used for the carriage of postal articles on national transport operations (in which by virtue of regulation 5 of the Community Drivers' Hours and Recording Equipment (Exemptions and Supplementary Provisions Regulations) 1986 recording equipment is required to be installed and used) (regulation 10(3)).
- (f) the provisions of the 1976 Regulations which would be applicable to cases where the Community rules apply, Part III, IV and V, are deleted (regulations 3(2), 4 and 11).

The Regulations also revoke the Drivers' Hours (Keeping of Records) (Amendment) Regulations 1978 and the Drivers' Hours (Keeping of Records) (Amendment) (No. 2) Regulations 1978.

SI 1986/1493  
ISBN 0-11-067493-6



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