
 STATUTORY INSTRUMENTS

1987 No. 1421

ROAD TRAFFIC

 The Drivers' Hours (Goods Vehicles) (Keeping of
Records) Regulations 1987

<i>Made</i> - - - -	<i>5th August 1987</i>
<i>Laid before Parliament</i>	<i>18th August 1987</i>
<i>Coming into force</i>	<i>2nd November 1987</i>

The Secretary of State for Transport, in exercise of the powers conferred by sections 98 and 101(2) of the Transport Act 1968(a), and now vested in him(b), 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 Regulations:

Commencement and citation

1. These Regulations may be cited as the Drivers' Hours (Goods Vehicles) (Keeping of Records) Regulations 1987 and shall come into force on 2nd November 1987.

Revocation

2. The Drivers' Hours (Keeping of Records) Regulations 1976(c) and the Drivers' Hours (Keeping of Records) (Amendment) Regulations 1986(d) are hereby revoked.

Interpretation

3. In these Regulations, unless the context otherwise requires—

“the Act” means the Transport Act 1968;

“driver's record book” means a book which complies with regulation 5, and any reference in relation to a driver's record book to a front sheet, instructions to drivers for completion of sheets, and weekly record sheets is a reference to those components of a driver's record book referred to in regulation 5.

“operator's licence” has the same meaning as in section 60(1) of the Act; and

“passenger vehicles” and “goods vehicles” have the same meaning as in section 95(2) of the Act.

Application of Regulations

4. Subject to the provisions of regulations 12 and 13 these Regulations apply to drivers of goods vehicles and to employers of employee-drivers of such vehicles but they do not so apply in relation to a journey made or work done by a driver in a case where the journey or, as the case may be, the work is a journey or work to which the applicable Community rules apply.

(a) 1968 c.73.

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

(c) S.I. 1976/1447.

(d) S.I. 1986/1493.

Form of driver's record book

5. A driver's record book shall contain—

- (a) a front sheet;
- (b) instructions to drivers for completion of sheets;
- (c) notes for guidance on use of the book; and
- (d) weekly record sheets divided up into boxes for entry of information relating to each day of the week and a duplicate of each weekly record sheet together with one sheet of carbon paper or other means whereby an entry on a weekly record sheet may be simultaneously reproduced on the duplicate of that sheet

each of which shall conform to the model in the Schedule to these Regulations and shall have the standard A6 format (105 × 148mm) or a larger format.

Issue of Driver's Record Books

6.—(1) Where an employee-driver is required by these Regulations to enter information in a driver's record book the employer shall issue to him and from time to time as may be necessary while the employee-driver remains in the employment of that employer supply him with a new driver's record book.

(2) If on the date of the coming into operation of these Regulations or at any time thereafter an employee-driver has more than one employer in relation to whom he is an employee-driver of a vehicle, the employer who is to issue a new driver's record book to him shall be the employer for whom the employee-driver first acts in the course of his employment on or after the said date or time.

(3) Where during the currency of a driver's record book an employee-driver ceases to be employed by an employer who has issued that book to him he shall return that book, (including all unused weekly record sheets), to that employer and, if he is at that time employed by some other person or persons in relation to whom he is an employee-driver of a vehicle, that other person, or if there is more than one such other person, that one of them for whom he first acts in the course of his employment after ceasing to be so employed as aforesaid, shall issue a new driver's record book to him in accordance with the provisions of paragraph (1) above.

Entries in driver's record books

7.—(1) An employer of an employee-driver or an owner-driver shall enter or secure that there is entered on the front sheet the information specified in items 4 and 6 of that sheet.

(2) The entries referred to in paragraph (1) shall be made—

- (a) in the case of an employer, before the driver's record book is issued to the driver pursuant to regulation 6, and
- (b) in the case of an owner-driver before the book is used.

(3) (a) For the purpose of entering the information specified in item 4, the address shall, in the case of an owner-driver, be the address of the driver's place of business.

(b) For the purpose of entering the information specified in item 6 the Operator's Licence No. shall be the serial number of the operator's licence granted under Part V of the Act by virtue of which each goods vehicle used by the driver during the currency of the record book is an authorised vehicle for the purposes of the said Part V.

(4) A driver shall enter, and where he is an employee-driver, his employer shall cause him to enter, in accordance with the instructions to drivers for the completion of sheets—

- (a) on the front sheet the information specified in relation to the front sheet in those instructions; and
- (b) in the appropriate boxes in the weekly record sheet the information specified in relation to weekly record sheets in those instructions.

(5) A driver when making an entry in a weekly record sheet (including signing such a sheet) shall ensure by the use of carbon paper or otherwise, that the entry is simultaneously reproduced on the duplicate of that sheet.

Manner of keeping driver's record books – supplementary

8.—(1) Where a weekly record sheet has been completed by an employee-driver he shall deliver the driver's record book (including the duplicate of the weekly record sheet which has been completed) to the employer who issued or should have issued the record book to him within a period of seven days from the date when the weekly record sheet was completed or earlier if so required by the employer.

(2) An employer to whom a driver's record book has been delivered pursuant to paragraph 1 above shall—

- (a) examine the weekly record sheet which has been completed and sign it and its duplicate;
- (b) detach the duplicate sheet; and
- (c) return the book to the driver before he is next on duty.

(3) When all the weekly record sheets in a driver's record book have been used, the driver shall retain the book for a period of fourteen days from the date on which the book was last returned to him pursuant to paragraph (2)(c) above and shall then return the book to the employer as soon as is reasonably practicable.

(4) When a weekly record sheet has been completed by an owner-driver he shall, within a period of seven days from the date of its being completed, detach the duplicate sheet and deliver it to the address which is required to be entered in item 4 on the front sheet.

(5) An employee-driver or an owner-driver shall not be treated as having failed to comply with any of the requirements of paragraphs (1) and (4) above with respect to the period within which the duplicate of a weekly record sheet shall be delivered if he can show that it was not reasonably practicable to comply with that requirement and that the duplicate of the weekly record sheet was delivered as soon as it was reasonably practicable to do so.

(6) A driver who is in possession of a driver's record book in which he has made any entry pursuant to regulation 7 shall not, until all the weekly record sheets in that book have been completed, make any entry in any other record book.

(7) An employee-driver shall not make any entry in a driver's record book pursuant to regulation 7 if the book was not supplied to him by his employer unless a driver's record book so supplied was not available to him.

(8) No person shall erase or obliterate any entry once made in a driver's record book, and if a correction is required it shall be made by striking the original entry through in such a way that it may still be read and by writing the appropriate correction near to the entry so struck through, and any person making such a correction shall initial it.

Production of driver's record books by 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 the 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 the information contained in item 5.

(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 the currency of that book an employee-driver, whenever required to do so by that employer or that other person.

Driver's record books to be carried by drivers

10. A driver shall have his current driver's record book (including all unused record sheets) in his possession at all times when he is on duty.

Preservation of driver's record books

11.—(1) An owner-driver shall preserve his driver's record book intact when it has been completed or he has ceased to use it, and the employer of an employee-driver to whom any driver's record book relating to that employee-driver has been returned shall preserve that book intact, for the period specified in paragraph (3) below.

(2) An employer of an employee-driver or an owner-driver who has detached duplicates of weekly sheets pursuant to regulation 8(2)(b) or as the case may be regulation 8(4) shall preserve those sheets for the period specified in paragraph (3) below.

(3) The period for which driver's record books and duplicates of weekly record sheets must be preserved as required by this regulation shall be one year reckoned, in the case of an owner-driver, from the day on which that book was completed or ceased to be used by him, or in the case of an employee-driver, from the day on which that book was returned to his employer pursuant to regulation 8(3).

Exemptions

12.—(1) Where a driver does not during any working day drive any goods vehicle other than a vehicle the use of which is exempted from any requirement to have an operator's licence or, in the case of a vehicle in the public service of the Crown, would be so exempted by virtue of section 60(2) of the Act, were it not such a vehicle, that driver and, if he is an employee-driver, his employer, shall be exempted for that period from the specified requirements.

(2)(a) Where in any working day a driver does not drive a goods vehicle for more than four hours and does not drive any such vehicle outside a radius of 50 kilometres from the operating centre of the vehicle, then he and, if he is an employee-driver, his employer shall be exempted for that period from the specified requirements.

(b) For the purposes of computing the period of four hours mentioned in subparagraph (a) above no account shall be taken of any time spent in driving a vehicle elsewhere than on a road if the vehicle is being so driven in the course of operations of agriculture, forestry or quarrying or in the course of carrying out work in the construction, reconstruction, alteration or extension or maintenance of, or of a part of, a building, or of any other fixed works of construction of civil engineering (including works for the construction, improvement or maintenance of a road) and, for the purposes of this sub-paragraph, where the vehicle is being driven on, or on a part of, a road in the course of carrying out of any work for the improvement or maintenance of, or of that part of, that road, it shall be treated as being driven elsewhere than on a road.

(3) 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.

(4) 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) Council Regulation (EEC) No. 3821/85 of 20th December 1985 on recording equipment in road transport(b) applies to the vehicle, 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.

(5)(a) In this regulation "the specified requirements" means the provisions of regulations 7 and 10.

(b) In paragraph (2)(a) above "operating centre" has the same meaning as in section 92 of the Act(c).

Drivers of goods vehicles and passenger vehicles

13.—(1) Subject to the provisions of regulation 12(3), regulations 7 and 10 apply to a driver who in any working week drives goods and passenger vehicles as they apply to a driver who only drives a goods vehicle and the information to be entered in the driver's record book pursuant to regulation 7 shall be information in relation to his employments in connection with both goods and passenger vehicles.

(a) S.I. 1986/1456.

(b) O.J. L370, 31.12.85, p.8.

(c) Section 92 was amended by section 52(1) of the Transport Act 1982 (c.49).

(2) If a driver of both goods vehicles and passenger vehicles has a different employer in relation to his employment in connection with goods vehicles from his employer in relation to his employment in connection with passenger vehicles his employer for the purpose of regulation 6 shall be his employer in relation to his employment in connection with goods vehicles notwithstanding the provisions of regulation 6(2).

Signed by authority of the Secretary of State.

Peter Bottomley
Parliamentary Under Secretary of State,
Department of Transport

5th August 1987

SCHEDULE

MODEL FOR DRIVER'S RECORD BOOK

(a) *Front sheet*

RECORD BOOK FOR DRIVERS IN ROAD TRANSPORT

1. Date book first used
2. Date book last used
3. Surname, first name(s), and address of holder of book
4. Name, address, telephone number and stamp (if any) of employer/undertaking
5. Name, address, telephone number and stamp (if any) of any other employer(s)
6. Operator's Licence No. (Nos.)

(b) *Instructions to drivers for completion of sheets*

INSTRUCTIONS TO DRIVERS FOR COMPLETION OF SHEETS

FRONT SHEET

1. Enter your surname, first name(s) and address (item 3). Owner-drivers need not make any entry in item 3 unless their personal address is different from the address of their place of business.
2. Enter the date on which you first use the book (item 1).
3. Immediately after you have completed all the weekly sheets enter in item 2 the date on which you last made an entry in a weekly sheet. If you cease to be employed by the employer who issued you with a record book enter the last date on which you were employed in item 2.

WEEKLY RECORD SHEET

4. Use a new sheet each week. A week runs from midnight on Sunday/Monday to midnight the next Sunday/Monday.
5. Complete boxes 1 and 2 at the beginning of each week in which you work as a driver.
6. Each day on which you do work as a driver complete boxes 3-9 in accordance with the instructions below.
7. Enter in box 3 for the day in question the registration number of any vehicle used during that day.
8. Complete boxes 4 and 5 at the beginning of each day on which you do work as a driver.
9. Complete boxes 6, 7 and 8 and 9 at the end of the day's work.

(c) *Notes for guidance on the use of the book*

NOTES FOR GUIDANCE ON THE USE OF RECORD BOOKS**FOR EMPLOYERS**

1. After completing items 4 and 6 on the front sheet, issue a record book to the drivers employed by you.
2. Give the holder the necessary instructions for correct use of the book.
3. When the record book is handed in to you by the drivers employed by you within seven days of the end of each week of driving, examine and sign the weekly record sheet (including the duplicate sheet) for the week to which it relates. Tear out and keep the duplicate sheets, leaving the top sheets in the book and return the book to the driver before he is next on duty.
4. When the used books have been handed back to you by the drivers employed by you preserve them together with the duplicate sheets for not less than one year.

FOR EMPLOYEE-DRIVERS

5. Ensure that items 1 and 3 on the front sheet are completed before you use the book.
6. This record book is personal. Carry it with you when on duty and produce it to any authorised inspecting officer on request. Hand it over to your employer when you leave the undertaking.
7. Produce this record book to your employer within 7 days of the end of each week of driving, so that he can check and countersign your entries. Keep the top sheets in the book.
8. When the book is completed, complete item 2 on the front sheet and keep the book for 2 weeks so that it can be produced at any time to an authorised inspecting officer and then hand it to your employer.

FOR OWNER-DRIVERS

9. Ensure that items 1, 3 (if applicable) 4 and 6 on the front sheet are completed before you use the record book. Enter your business address in item 4.
10. This record book is personal. Carry it with you when on duty and produce it to any authorised inspecting officer on request.
11. Tear out and keep the duplicate of each weekly record sheet at the end of the week to which it relates.
12. When the book is completed, complete item 2 on the front sheet. Preserve the used books and the duplicate sheets for not less than a year.

GENERAL

13. All entries must be made in ink or with a ball-point pen.

14. If you have to correct an entry, strike the incorrect entry through, write the correct entry near it and initial the correction.

(These notes are for guidance only and reference should be made to Part VI of the Transport Act 1968 and, the Drivers' Hours (Keeping of Records) Regulations 1987 for particulars of the statutory provisions).

(d) Weekly record sheets

WEEKLY SHEET									
1. DRIVER'S NAME		2. PERIOD COVERED BY SHEET WEEK COMMENCING (DATE) TO WEEK ENDING (DATE)							
DAY ON WHICH DUTY COMMENCED	REGISTRATION NO. OF VEHICLE(S) 3	PLACE WHERE VEHICLE(S) BASED 4	TIME OF GOING ON DUTY 5	TIME OF GOING OFF DUTY 6	TIME SPENT DRIVING 7	TIME SPENT ON DUTY 8	SIGNATURE OF DRIVER 9		
MONDAY									
TUESDAY									
WEDNESDAY									
THURSDAY									
FRIDAY									
SATURDAY									
SUNDAY									
10. CERTIFICATION BY EMPLOYER					I HAVE EXAMINED THE ENTRIES IN THIS SHEET				
					SIGNATURE				
					POSITION HELD				

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations revoke and replace the Drivers' Hours (Keeping of Records) Regulations 1976 and the Drivers' Hours (Keeping of Records) (Amendment) Regulations 1986. The main change is the introduction of a simplified record book in place of the requirements in the 1976 Regulations. These Regulations apply to the driving of goods vehicles in cases where Community rules on drivers' hours (contained in Council Regulation (EEC) No. 3820/85 of 20th December 1985 on the harmonisation of certain social legislation relating to road transport(a)) do not apply.

Regulation 3 contains provisions for the interpretation of the Regulations and regulation 4 for their application. Regulation 5 with the Schedule provides for the form of drivers' record books. Regulations 6 to 8 concern the issue of record books, the making of entries in them and contain supplementary provisions as to the manner of keeping drivers' record books. Regulation 9 concerns production of drivers' record books by employee-drivers. Regulation 10 provides that drivers' record books should be carried by drivers when they are on duty. Regulation 11 makes provision for the preservation of drivers' record books and duplicates of weekly sheets. Regulation 12 contains exemptions and regulation 13 makes provision for cases where a driver drives passenger vehicles as well as goods vehicles.