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STATUTORY INSTRUMENTS

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**2019 No. 453**

**The Drivers' Hours and Tachographs  
(Amendment etc.) (EU Exit) Regulations 2019**

**PART 2**

Amendments pursuant to the European Communities Act 1972

**CHAPTER 1**

Amendments of primary legislation

**Transport Act 1968**

2. The Transport Act 1968(1) is amended as follows.
- 3.—(1) Section 96 is amended as follows.
  - (2) In subsection (11B)(2)—
    - (a) in paragraph (c), in the words before sub-paragraph (i), after “paragraph (b)” insert “in respect of a contravention of a provision of the Community Drivers’ Hours Regulation(3)”;
    - (b) in paragraph (c)(ii) for “contravention.” substitute “contravention; or”;
    - (c) after paragraph (c) (and the “or” inserted by paragraph (b) above) insert—
      - “(d) being charged as mentioned in paragraph (b) in respect of a contravention of a provision of the AETR(4), the person proves—
        - (i) that at the time of the contravention the person was complying with Article 11(1) to (3) of the AETR (organisation of drivers’ work, distance-related payments etc); and
        - (ii) that the person took all reasonable precautions to avoid the contravention.”.
  - (3) In subsection (11C)(5)—
    - (a) after “Community Drivers’ Hours Regulation” insert “or Article 11(5) of the AETR”;
    - (b) for “that Regulation” substitute “that provision”.
4. In section 97(6)—
  - (a) in the heading, at the end insert “: EU requirements”;

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(1) 1968 c. 73.

(2) Section 96(11B) was inserted by section 10 of the Transport Act 1978 (c. 55) and amended by S.I. 2007/1819.

(3) OJ No. L 102, 11.4.2006, p. 1; relevant amending instruments are OJ No. L 300, 14.11.2009, p. 88 and OJ No. L 60, 28.2.2014, p. 1. Defined in section 103(1) of the Transport Act 1968 (c. 73).

(4) The AETR is the European Agreement concerning the work of Crews of Vehicles engaged in International Road Transport of 1st July 1970 and is defined in section 103(1) of the Transport Act 1968 (c. 73). The AETR can be found in Cmnd 7401, Cmnd 8572, Cmnd 9037, Cm 1776, Cm 3042 and Cm 3135.

(5) Section 96(11C) was inserted by S.I. 2007/1819.

(6) Section 97 was amended by S.I. 1979/1746, 1984/144, 1986/1457, 1989/2121, 2005/1904, 2006/1117, 2008/198, 2016/248.

- (b) for subsection (1)(a)(ii) (but not the “and” at the end) substitute—
  - “(ii) complies with that Regulation (including the relevant Annexes to it);”;
- (c) in subsection (2) omit “the requirements of the relevant Annexes to”;
- (d) in subsection (6), after “97G of this Act” insert “(so far as those sections relate to the EU Tachographs Regulation)”;
- (e) in subsection (7)—
  - (i) in the definition of “the EU Tachographs Regulation”, after “transport” insert “, as amended from time to time,”;
  - (ii) in the definition of “the relevant Annexes”, for “Community Recording Equipment Regulation” substitute “EU Tachographs Regulation”.

5. After section 97 insert—

**“Installation and use of recording equipment: AETR requirements**

**97ZA.**—(1) No person shall use, or cause or permit to be used, a vehicle to which this section applies—

- (a) unless there is in the vehicle recording equipment which—
    - (i) has been installed in accordance with the AETR;
    - (ii) complies with the AETR (including the relevant Appendices to the Annex to the AETR); and
    - (iii) is being used as provided by Articles 10 to 13 of the Annex to the AETR; or
  - (b) in which there is recording equipment which has been repaired (whether before or after installation) otherwise than in accordance with the AETR.
- (2) A person who contravenes subsection (1) shall be liable on summary conviction—
- (a) in England and Wales, to a fine;
  - (b) in Scotland, to a fine not exceeding level 5 on the standard scale.
- (3) A person shall not be liable to be convicted for contravention of subsection (1) of this section if the person proves to the court that the person neither knew nor ought to have known that the recording equipment had not been installed or repaired, as the case may be, in accordance with the AETR.
- (4) A person shall not be liable to be convicted for contravention of subsection (1)(a) if the person proves to the court that the vehicle in question was proceeding to a place where recording equipment which would comply with the AETR was to be installed in the vehicle in accordance with the AETR.
- (5) A person shall not be liable to be convicted for contravention of subsection (1)(a) by reason of the recording equipment installed in the vehicle in question not being in working order if the person proves to the court that—
- (a) it had not become reasonably practicable for the equipment to be repaired by an approved fitter or workshop; and
  - (b) the requirements of Article 13(2)(a) of the Annex to the AETR were being complied with.
- (6) A person shall not be liable to be convicted for contravention of subsection (1)(a) by reason of any seal on the recording equipment installed in the vehicle in question not being intact if the person proves to the court that—
- (a) the breaking or removal of the seal could not have been avoided;

- (b) it had not become reasonably practicable for the seal to be replaced by an approved fitter or workshop; and
- (c) in all other respects the equipment was being used as provided by Articles 10 to 13 of the Annex to the AETR.

(7) A person shall not be liable to be convicted for contravention of subsection (1)(a) by reason of the driver card not being used with the recording equipment installed in the vehicle in question if the person proves to the court that—

- (a) the driver card was damaged, malfunctioning, lost or stolen;
- (b) the requirements of Articles 12(1) and 13(2) and (3) of the Annex to the AETR were being complied with; and
- (c) in all other respects the recording equipment was being used as provided by Articles 10 to 13 of the Annex to the AETR.

(8) Where a person (“the driver”)—

- (a) in the course of the driver’s employment, uses a vehicle in contravention of subsection (1), and
- (b) is liable to be convicted for the contravention of that subsection in respect of that use,

the employer also commits an offence and shall be liable on summary conviction to a fine.

(9) A person shall not be liable to be convicted under subsection (8) in respect of the use of a vehicle if the requirements of Article 11(1) to (3) of the AETR and Article 11(1) of the Annex to the AETR were complied with in relation to that use.

(10) For the purposes of this section recording equipment is used as provided by Articles 10 to 13 of the Annex to the AETR if, and only if, the circumstances of its use are such that each requirement of those Articles is complied with.

(11) This section applies at any time to any vehicle to which this Part of this Act applies if, at that time, the AETR requires recording equipment to be installed and used in that vehicle; and in this section and sections 97B to 97G of this Act (so far as those sections relate to the AETR) any expression which is also used in the AETR has the same meaning as in the AETR.

(12) In this Part of this Act—

“AETR” means the European Agreement concerning the Work of Crews of Vehicles engaged in International Road Transport of 1st July 1970(7) (as applied by Article 2(3) of the Community Drivers’ Hours Regulation);

“the relevant Appendices” to the Annex to the AETR—

- (a) in the case of a vehicle put into service for the first time before 16th June 2010 means—
  - (i) either Appendix 1 or Appendix 1B to that Annex; and
  - (ii) Appendix 2 to that Annex; and
- (b) in the case of a vehicle put into service for the first time on or after that date means—
  - (i) Appendix 1B to that Annex; and
  - (ii) Appendix 2 to that Annex.

### Supply of recording equipment which is not type-approved

**97ZB.**—(1) A person commits an offence if the person supplies, as recording equipment which complies with the EU Tachographs Regulation or the AETR, recording equipment in respect of which no appropriate type-approval certificate is in force.

(2) It is a defence to show that—

- (a) the recording equipment was supplied for export from Great Britain,
- (b) the person had reasonable cause to believe that the recording equipment would not be installed in a vehicle used on a road in Great Britain or would not be so installed until an appropriate type-approval certificate was in force, or
- (c) the person had reasonable cause to believe that the recording equipment would only be installed in a vehicle which was not required under the relevant instrument to have recording equipment installed in it.

(3) A person who commits an offence under this section is liable on summary conviction to a fine not exceeding level 4 on the standard scale.

(4) Nothing in this section affects the validity of a contract or any rights arising under or in relation to a contract.

(5) In this section—

“appropriate type-approval certificate” means—

- (a) in relation to recording equipment supplied as complying with the EU Tachographs Regulation, a type-approval certificate—
  - (i) issued under the Motor Vehicles (Type Approval) Regulations 1980<sup>(8)</sup> and the EU Tachographs Regulation, or
  - (ii) issued in another member State under the EU Tachographs Regulation;
- (b) in relation to recording equipment supplied as complying with the AETR, a type approval certificate—
  - (i) issued under the Motor Vehicles (Type Approval) Regulations 1980 and the AETR, or
  - (ii) issued in a contracting third country under the AETR;

“relevant instrument”—

- (a) in relation to recording equipment supplied as complying with the EU Tachographs Regulation, means that Regulation;
- (b) in relation to recording equipment supplied as complying with the AETR, means the AETR;

“supplies” includes—

- (a) sells;
- (b) offers to sell or supply;
- (c) exposes for sale.

### Recording equipment system elements: security vulnerabilities

**97ZC.**—(1) A person commits an offence if—

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<sup>(8)</sup> S.I. 1980/1182, amended by S.I. 1982/7, 1986/1501, 1988/1103, 2011/1043.

- (a) the person is a manufacturer of a vehicle unit, motion sensor or tachograph card for which a type-approval certificate has been issued under the Motor Vehicles (Type Approval) Regulations 1980 and the EU Tachographs Regulation,
- (b) the person knows that security vulnerabilities have been detected for elements already on the market, as mentioned in Article 20(3) of the EU Tachographs Regulation, and
- (c) the person fails to inform the Secretary of State that the security vulnerabilities have been detected.

(2) A person who commits an offence under this section is liable on summary conviction to a fine not exceeding level 4 on the standard scale.”.

6. In section 97AA(1)(9), after “97” insert “ or 97ZA”.

7. In section 97B(10), for subsection (2) substitute—

“(2) Any entry made on a record sheet or printout by a driver for the purposes of—

- (a) Article 34(1), (3), (4) or (6) or 37(2) of the EU Tachographs Regulation, or
- (b) Article 12(1), (2) or (5) or 13(2)(a) of the Annex to the AETR,

shall, in any proceedings under this Part of this Act, be evidence, and in Scotland sufficient evidence, of the matters appearing from that entry.”.

8. In section 97C(11)—

- (a) in subsection (1)(b), at the end insert “or the AETR”;
- (b) in subsection (2), after “97” insert “or 97ZA”.

9. In section 97D(12)—

- (a) in subsection (1), after “Community Drivers’ Hours Regulation” insert “or article 11(2) (b) of the Annex to the AETR”;
- (b) in subsection (3), in column 2 of the table entry relating to case 1, in paragraph (b), after “article 10” insert “of the Community Drivers’ Hours Regulation or article 11(2)(b) of the Annex to the AETR”.

10. In section 97E(13)—

- (a) in subsection (1), after “Community Drivers’ Hours Regulation” insert “or article 11(2) (b) of the Annex to the AETR”;
- (b) in subsection (3), in column 2 of the table entry relating to case 1, in paragraph (b), after “article 10” insert “of the Community Drivers’ Hours Regulation or article 11(2)(b) of the Annex to the AETR”.

11. In section 97F(1)(b)(14), after “Community Drivers’ Hours Regulation” insert “or article 11(2)(b) of the Annex to the AETR”.

12. In section 97G(2)(15), after “Community Drivers’ Hours Regulation” insert “or article 11(2) (b) of the Annex to the AETR”.

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(9) Section 97AA was inserted by [S.I. 1989/2121](#).

(10) Section 97B was inserted by [S.I. 1979/1746](#) and amended by [S.I. 2005/1904](#), [2016/248](#).

(11) Section 97C was inserted by [S.I. 2008/198](#) and amended by [S.I. 2016/248](#).

(12) Section 97D was inserted by [S.I. 2008/198](#) and amended by [S.I. 2015/502](#), [2016/248](#).

(13) Section 97E was inserted by [S.I. 2008/198](#).

(14) Section 97F was inserted by [S.I. 2008/198](#) and amended by [S.I. 2016/248](#).

(15) Section 97G was inserted by [S.I. 2008/198](#).

**13.** In section 97H(3)(**16**), after “Community Drivers’ Hours Regulation” insert “or article 11(2) (b) of the Annex to the AETR”.

**14.**—(1) Section 98(2A)(**17**) is amended as follows.

(2) The words from “a vehicle” to the end become paragraph (a).

(3) In that paragraph, for the words from “the relevant Annexes” to the end substitute “the EU Tachographs Regulation (including the relevant Annexes, within the meaning of that section);”.

(4) After that paragraph insert—

“(b) a vehicle to which section 97ZA applies and which is installed with recording equipment complying with the AETR (including the relevant Appendices to the Annex, within the meaning of that section).”.

**15.** In section 99(11)(**18**), after “97” insert “or 97ZA”.

**16.**—(1) Section 99ZA(**19**) is amended as follows.

(2) In subsection (1)—

(a) in paragraph (a), after “97” insert “or 97ZA”;

(b) in paragraph (b), after “Regulation” insert “or the AETR”.

(3) In subsection (2)(a), after “Regulation” insert “or Article 12(7)(a) or (b) of the Annex to the AETR”.

(4) In subsection (6)—

(a) in the definition of “digital recording equipment”, for “Annex 1B to the EU Tachographs Regulation” substitute “the relevant provision”;

(b) in the definition of “driver card”, for “in that annex” substitute “by the relevant provision”;

(c) in the definition of “electronic copy”, for “that Annex” substitute “the relevant provision”.

(5) After subsection (6) insert—

“(7) In subsection (6) “relevant provision” means—

(a) in relation to a vehicle to which section 97 applies, Annex 1B to the EU Tachographs Regulation;

(b) in relation to a vehicle to which section 97ZA applies, Appendix 1B to the Annex to the AETR.”.

**17.**—(1) Section 99ZB(**20**) is amended as follows.

(2) In subsection (1), after “97” insert “or 97ZA”.

(3) In subsection (4)(a), after “97” insert “or 97ZA”.

(4) In subsection (5)(a), after “97” insert “or 97ZA”.

(5) In subsection (7)(b), for “EU Tachographs Regulation” substitute “relevant instrument”.

(6) For subsections (8) and (9) substitute—

“(8) In subsection (7) of this section—

“relevant person” means—

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(16) Section 97H was inserted by [S.I. 2008/198](#).

(17) Section 98(2A) was inserted by [S.I. 1979/1746](#) and amended by [S.I. 2005/1904](#).

(18) Section 99(11) was inserted by [S.I. 2005/1904](#).

(19) Section 99ZA was inserted by [S.I. 2005/1904](#) and amended by [S.I. 2016/248](#).

(20) Section 99ZB was inserted by [S.I. 2005/1904](#) and amended by [S.I. 2016/248](#).

- (a) if the requirement was imposed by an examiner appointed under section 66A of the Road Traffic Act 1988(21), the Secretary of State;
- (b) if the requirement was imposed by a constable, the chief officer of police for the police area in which the requirement was imposed;

“relevant instrument” means—

- (a) in relation to a vehicle to which section 97 applies, the EU Tachographs Regulation;
  - (b) in relation to a vehicle to which section 97ZA applies, the AETR.
- (9) In this Part of this Act, “analogue recording equipment” means—
- (a) in relation to a vehicle to which section 97 applies, recording equipment that complies with Annex I to the EU Tachographs Regulation;
  - (b) in relation to a vehicle to which section 97ZA applies, recording equipment that complies with Appendix 1 to Annex 1 to the AETR.”

18. In section 99ZE(2)(a)(22), for “or section 97” substitute “, the AETR or section 97 or 97ZA”.

19. In section 103(1)(23), before the definition of “agriculture” insert—

““AETR” has the meaning given by section 97ZA(12) of this Act;”.

### Road Traffic Offenders Act 1988

20. In Schedule 3 to the Road Traffic Offenders Act 1988(24), after the entry relating to section 97(1) of the Transport Act 1968 insert—

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“Section 97ZA(1) and (2) of that Act	Using vehicle in contravention of requirements relating to installation, use or repair or recording equipment in accordance with the AETR.”
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## CHAPTER 2

### Amendments of secondary legislation

### Motor Vehicles (Designation of Approval Marks) Regulations 1979

21.—(1) In the Motor Vehicles (Designation of Approval Marks) Regulations 1979(25), the table in Schedule 4 is amended as follows.

(2) In item 3—

- (a) in column 3, for “Road transport recording equipment and the model record sheet” substitute “Vehicle unit, motion sensor, model record sheet and tachograph card”;
- (b) in column 4, for “The road transport recording equipment and the model record sheet” substitute “The vehicle unit, motion sensor, model record sheet and tachograph card”;

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(21) 1988 c. 52; section 66A was inserted by section 9(1) of the Road Traffic Act 1991 (c. 40) and was amended by the Goods Vehicles (Licensing of Operators) Act 1995 (c. 23).

(22) Section 99ZE was inserted by S.I. 2005/1904 and amended by S.I. 2016/248.

(23) Section 103(1) was amended by section 2(1) of the Road Traffic (Drivers’ Ages and Hours of Work) Act 1976 (c. 3) and by S.I. 1979/1746, 1981/1373, 1986/1458, 2005/1904, 2007/1819, 2008/198, 2011/1043, 2013/1644, 2016/248, 2018/24.

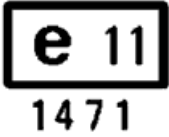
(24) 1988 c. 53. Schedule 3 was amended by S.I. 2009/483 and 2016/248; there are other amendments which are not relevant to these Regulations.

(25) S.I. 1979/1088, as amended by S.I. 2011/1043; there are other amendments which are not relevant to these Regulations.

(c) in column 5, for “Council Regulation (EEC) No. 1463/70 of 20th July 1970” substitute “Regulation (EU) No 165/2014 of the European Parliament and of the Council of 4th February 2014”;

(d) in column 6, for “OJ L164, 27.7.70, p 1” substitute “OJ L60, 28.2.2014, p 1”.

(3) After item 3 insert—

“3A		Control device, distance and speed sensor, model record sheet and memory card.	The control device, distance and speed sensor, model record sheet and memory card.	Regulation (EC) No 561/2006 of the European Parliament and of the Council of 15th March 2006, so far it applies the European Agreement concerning the Work of Crews of Vehicles Engaged in International Road Transport (see Article 2(3) of that Regulation)	OJ L102, 11.4.06, p 1	1 and 2”
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### Passenger and Goods Vehicles (Recording Equipment) Regulations 1979

22. In regulation 4(1)(b) of the Passenger and Goods Vehicles (Recording Equipment) Regulations 1979(26), after “for the” insert “approval and”.

### Motor Vehicles (Type Approval) Regulations 1980

23.—(1) The Motor Vehicles (Type Approval) Regulations 1980(27) are amended as follows.

(2) In regulation 3(1)—

(a) in the definition of “component”—

(i) for “section 63(4) of the Road Traffic Act 1972” substitute “section 80(4) of the Road Traffic Act 1988”;

(ii) for “Council Directive 78/315/EEC of 21st December 1977” substitute “Directive 2007/46/EC of the European Parliament and of the Council of 5th September 2007(28)”;

(b) in the definition of “road”, for “section 196(1) of the Road Traffic Act 1972” substitute “section 192(1) of the Road Traffic Act 1988”;

(c) omit the definition of “the Community Directives”;

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(26) S.I. 1979/1746, amended by S.I. 1984/144, 2016/248; there are other amendments which are not relevant to these Regulations.

(27) S.I. 1980/1182, amended by S.I. 1982/7, 1986/1501, 1988/1103, 2011/1043.

(28) OJ No. L 263, 9.10.2007, p. 1; relevant amending instruments are OJ No. L 175, 7.7.2017, p. 1, OJ No. L 175, 7.7.2017, p. 708 and OJ No. L 349, 29.12.2017, p. 1.



- (d) in the definition of “the Community Regulations”—
    - (i) omit “Council”;
    - (ii) omit the words from “concerning” to the end;
  - (e) in the definition of “the relevant approval mark”, for “section 63 of the Road Traffic Act 1972” substitute “section 80(1) of the Road Traffic Act 1988”;
  - (f) in the definition of “the type approval requirements” omit “Community Directives or”.
- (3) In regulation 6(1), after “such other documents” insert “or things”.
- (4) After regulation 12 insert—

**“Recording equipment which breaches the type approval requirements or displays a general defect**

- 12A.**—(1) The Secretary of State must, by notice under Regulation 13, cancel a type-approval certificate relating to a relevant component of recording equipment if satisfied that the component—
- (a) is not in conformity with the type-approval requirements, or
  - (b) displays a general defect during use which makes it unsuitable for the purpose for which it is intended.
- (2) For the purposes of this regulation, each of the following is a relevant component of recording equipment—
- (a) the component referred to as a vehicle unit or control device;
  - (b) the component referred to as a motion sensor or distance and speed sensor;
  - (c) the component referred to as a model record sheet;
  - (d) the component referred to as a tachograph card or memory card.”.
- (5) In regulation 16(1) omit “Community Directives or the”.
- (6) For Schedule 2, Part 2 substitute—

## “Part II

### The Community Regulations

1. Regulation (EC) No 561/2006 of the European Parliament and of the Council of 15 March 2006 on the harmonisation of certain social legislation relating to road transport and amending Council Regulations (EEC) No 3821/85 and (EC) No 2135/98 and repealing Council Regulation (EEC) No 3820/85<sup>(29)</sup> so far as it applies the Annex to the European Agreement concerning the Work of Crews of Vehicles Engaged in International Road Transport (which contains requirements corresponding to those contained in Regulation (EU) No 165/2014). See Article 2(3) of Regulation (EC) No 561/2006.

2. Regulation (EU) No 165/2014 of the European Parliament and of the Council of 4 February 2014 on tachographs in road transport, repealing Council Regulation (EEC) No 3821/85 on recording equipment in road transport and amending Regulation (EC) No 561/2006 of the European Parliament and the Council on the harmonisation of certain social legislation relating to transport<sup>(30)</sup>.”

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<sup>(29)</sup> OJ No. L 102, 11.4.2006, p.1.

<sup>(30)</sup> OJ No. L 60, 28.2.2014, p.1.

### Motor Vehicles (Tests) Regulations 1981

24.—(1) The Motor Vehicles (Tests) Regulations 1981(31) are amended as follows.

(2) In regulation 3(1)—

- (a) omit the definition of “Community Recording Equipment Regulation”;
- (b) insert at the appropriate place—

““EU Tachographs Regulation” has the meaning given in section 85 of the Road Traffic Act 1988;”.

(3) In each of the following, for “Community Recording Equipment Regulation” substitute “EU Tachographs Regulation”—

- (a) regulation 13(1)(m);
- (b) regulation 20(7)(c)(xix);
- (c) paragraph 5(f) of Schedule 2;
- (d) paragraph 5A(c) of Schedule 2.

### Fixed Penalty Order 2000

25.—(1) Schedule 2 to the Fixed Penalty Order 2000(32) is amended as follows.

(2) In paragraph 2, in table 2—

- (a) in column 1 of items 15 and 16, omit “the first sub-paragraph of”;
- (b) after item 16 insert—

“16A. Exceeding the weekly driving time of 56 hours, in contravention of Article 6.2 of the AETR	More than 56 hours but less than 58 hours driving	58 hours or more but less than 59 hours driving	59 hours or more driving”
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- (c) in column 1 of item 17, for the words from “total” to “Article 6.2” substitute “accumulated driving time in any two consecutive weeks, in contravention of Article 6.3”;
- (d) in column 1 of item 19—
  - (i) after “Insufficient” insert “regular”;
  - (ii) for “the first sub-paragraph of Article 8.1” substitute “Articles 8.1 and 8.2”;
- (e) in column 1 of item 20—
  - (i) omit “(where permitted)”;
  - (ii) for “the first sub-paragraph of Article 8.1” substitute “Articles 8.1 and 8.2”;
- (f) omit item 21;
- (g) for item 22 substitute—

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(31) S.I. 1981/1694, amended by S.I. 1991/1525, 1998/1672, 2003/1698. There are other amendments which are not relevant to these Regulations.

(32) S.I. 2000/2792; Schedule 2 was inserted by S.I. 2009/488 and amended by S.I. 2010/2720, 2013/1569, 2016/248. There are other amendments which are not relevant to these Regulations.

“22. Failure to take first rest of at least 3 consecutive hours where daily rest period is split, as required by Article 1(o)(i) of the AETR and in contravention of Articles 8.1 and 8.2 of the AETR	Less than 3 hours but more than 2 hours rest	2 hours or less but more than 1 hours rest	1 hour or less rest
22A. Failure to take second rest of at least 9 consecutive hours where daily rest period is split, as required by Article 1(o)(i) of the AETR and in contravention of Articles 8.1 and 8.2 of the AETR	Less than 9 hours but more than 8 hours rest	8 hours or less but more than 7 hours rest	7 hours or less rest”

- (h) in column 1 of item 23—
- (i) for “12 hours in total, in accordance with Article 8.1 of the AETR,” substitute “at least 12 hours in total”;
  - (ii) at the end insert “, as required by Article 1(o)(i) of the AETR and in contravention of Articles 8.1 and 8.2 of the AETR”;
- (i) in item 24—
- (i) for the entry in column 1 substitute “24. Insufficient rest in 30 hour period by a driver engaged in multi-manning, in contravention of Articles 8.1 and 8.3 of the AETR”;
  - (ii) in column 2, for “8 hours” substitute “9 hours”;
  - (iii) for “7 hours”, in both places it occurs, substitute “8 hours”;
  - (iv) for “6 hours”, in both places it occurs, substitute “7 hours”;
- (j) in column 1 of item 25, for “Articles 6.1 and 8.3” substitute “Articles 8.1 and 8.6(a)”;
- (k) omit item 26;
- (l) in column 1 of item 27—
- (i) omit the words from “of 24 hours” to “driver is based”;
  - (ii) for “Articles 6.1 and 8.3” substitute “Articles 8.1 and 8.6(a)”;
- (m) in column 1 of item 28, for the words from “sufficient” to the end substitute “equivalent period of compensatory rest before the end of the third week where reduced weekly rest period has been taken, as required by Article 8.6(a)(ii) of the AETR”.
- (3) After paragraph 3 insert—

“3A. Section 97ZA Transport Act 1968

**Table 3A**

<i>(1) Nature of contravention or failure constituting the offence</i>	<i>(2) Amount of penalty</i>
1. Failure to ensure recording equipment installed in accordance with section 97ZA(1) of the Transport Act 1968	£300
2. Failure to ensure the correct functioning of recording equipment or driver card, in accordance with Article 10 of the Annex to the AETR	£100
3. Failure to ensure the proper use of the recording equipment, in accordance with Article 10 of the Annex to the AETR	£200
4. Failure to ensure the proper use of the driver card, in accordance with Article 10 of the Annex to the AETR	£300
5. Failure to ensure that printing can be carried out correctly in the event of an inspection (other than a failure to provide sufficient printing material), in accordance with the second sub-paragraph of Article 11.1 of the Annex to the AETR	£200
6. Failure to ensure that printing can be carried out correctly in the event of an inspection by a failure to provide sufficient printing material, in accordance with the first sub-paragraph of Article 11.1 of the Annex to the AETR	£100
7. Using driver card of which the driver is not the holder, contrary to the third sub-paragraph of Article 11.4(a) of the Annex to the AETR	£300
8. Using a defective driver card, contrary to the third sub-paragraph of Article 11.4(a) of the Annex to the AETR	£100
9. Failure to use record sheets or driver card, in accordance with the first sub-paragraph of Article 12.2(a) of the Annex to the AETR	£300
10. Unauthorised withdrawal of record sheet or driver card, contrary to the first sub-paragraph of Article 12.2(a) of the Annex to the AETR	£200
11. Failure to enter legibly on the record sheet, when away from the vehicle, periods of time, in accordance with Article 12.2(b) of the Annex to the AETR	£200
12. Failure to amend record sheet or driver card as necessary when more than one driver on board the vehicle, in accordance with paragraph (2)(c) or the	£200

<i>(1) Nature of contravention or failure constituting the offence</i>	<i>(2) Amount of penalty</i>
second sub-paragraph of paragraph (2)(a) of Article 12 of the Annex to the AETR	
13. Failure at the start of the journey, to print out information required, etc, in accordance with Article 13.2(b)(i) of the Annex to the AETR	£200
14. Failure, at the end of the journey, to print out information required, etc, in accordance with Article 13.2(b)(ii) of the Annex to the AETR	£200”

### **Road Transport (Working Time) Regulations 2005**

26. In regulation 3(3)(b) of the Road Transport (Working Time) Regulations 2005(33), for “Article 2(2)(b)” substitute “Article 2(2)”.

### **Passenger and Goods Vehicles (Recording Equipment) (Tachograph Card Fees) Regulations 2005**

27. In regulation 3(2)(a)(i) of the Passenger and Goods Vehicles (Recording Equipment) (Tachograph Card Fees) Regulations 2005(34), for “Commission Regulation (EEC) No 3820/85” substitute “Regulation (EC) No 561/2006 of the European Parliament and of the Council(35)”.

### **Community Drivers’ Hours and Recording Equipment Regulations 2007**

28. In regulation 3 of the Community Drivers’ Hours and Recording Equipment Regulations 2007(36), after “Regulation” insert “and Article 2.2(k) of the European Agreement concerning the Work of Crews of Vehicles Engaged in International Road Transport (as applied by Article 2(3) of that Regulation)”.

### **Road Safety (Financial Penalty Deposit) Order 2009**

29. In Part 1 of the Schedule to the Road Safety (Financial Penalty Deposit) Order 2009(37), in Table 1—

- (a) in the entry relating to section 97(1) of the Transport Act 1968, in the second column, for the words from “any” to the end substitute, “requirements relating to installation, use or repair of recording equipment in accordance with the EU Tachographs Regulation”;
- (b) after that entry insert—

“Section 97ZA(1) and (2)	Using vehicle in contravention of requirements relating to installation, use or repair of recording equipment in accordance with the AETR.”.
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(33) S.I. 2005/639, amended by S.I. 2007/853, 2012/991.

(34) S.I. 2005/1140, amended by S.I. 2014/2557, 2016/248.

(35) OJ No. L 102, 11.4.2006, p. 1; relevant amending instruments are OJ No. L 300, 14.11.2009, p. 88, OJ No. L 60, 28.2.2014, p. 1 and OJ No. L 195, 20.7.2016, p. 83.

(36) S.I. 2007/1819, amended by S.I. 2016/248. There are other amendments which are not relevant to these Regulations.

(37) S.I. 2009/491, amended by S.I. 2018/24.

**Road Safety (Financial Penalty Deposit) (Appropriate Amount) Order 2009**

**30.**—(1) Schedule 2 to the Road Safety (Financial Penalty Deposit) (Appropriate Amount) Order 2009~~(38)~~ is amended as follows.

(2) In Table 2—

- (a) in column 1 of items 15 and 16, omit “the first sub-paragraph of”;
- (b) after item 16 insert—

“16A. Exceeding the weekly driving time of 56 hours, in contravention of Article 6.2 of the AETR	More than 56 hours but less than 58 hours driving	58 hours or more but less than 59 hours driving	59 hours or more driving”
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- (c) in column 1 of item 17, for the words from “total” to “Article 6.2” substitute “accumulated driving time in any two consecutive weeks, in contravention of Article 6.3”;
- (d) in column 1 of item 19—
  - (i) after “Insufficient” insert “regular”;
  - (ii) for “the first sub-paragraph of Article 8.1” substitute “Articles 8.1 and 8.2”;
- (e) in column 1 of item 20—
  - (i) omit “(where permitted)”;
  - (ii) for “the first sub-paragraph of Article 8.1” substitute “Articles 8.1 and 8.2”;
- (f) omit item 21;
- (g) for item 22 substitute—

“22. Failure to take first rest of at least 3 consecutive hours where daily rest period is split, as required by Article 1(o)(i) of the AETR and in contravention of Articles 8.1 and 8.2 of the AETR	Less than 3 hours but more than 2 hours rest	2 hours or less but more than 1 hours rest	1 hour or less rest
22A. Failure to take second rest of at least 9 consecutive hours where daily rest period is split, as	Less than 9 hours but more than 8 hours rest	8 hours or less but more than 7 hours rest	7 hours or less rest”

(38) S.I. 2009/492, amended by S.I. 2013/2025, 2016/248. There are other amendments which are not relevant to these Regulations.

required by Article 1(o)(i) of the AETR and in contravention of Articles 8.1 and 8.2 of the AETR			
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- (h) in column 1 of item 23—
    - (i) for “12 hours in total, in accordance with Article 8.1 of the AETR,” substitute “at least 12 hours in total”;
    - (ii) at the end insert “, as required by Article 1(o)(i) of the AETR and in contravention of Articles 8.1 and 8.2 of the AETR”;
  - (i) in item 24—
    - (i) for the entry in column 1 substitute “24. Insufficient rest in 30 hour period by a driver engaged in multi-manning, in contravention of Articles 8.1 and 8.3 of the AETR”;
    - (ii) in column 2, for “8 hours” substitute “9 hours”;
    - (iii) for “7 hours”, in both places it occurs, substitute “8 hours”;
    - (iv) for “6 hours”, in both places it occurs, substitute “7 hours”;
  - (j) in column 1 of item 25, for “Articles 6.1 and 8.3” substitute “Articles 8.1 and 8.6(a)”;
  - (k) omit item 26;
  - (l) in column 1 of item 27—
    - (i) omit the words from “of 24 hours” to “driver is based”;
    - (ii) for “Articles 6.1 and 8.3” substitute “Articles 8.1 and 8.6(a)”;
  - (m) in column 1 of item 28, for the words from “sufficient” to the end substitute “equivalent period of compensatory rest before the end of the third week where reduced weekly rest period has been taken, as required by Article 8.6(a)(ii) of the AETR”.
- (3) After Table 3 insert—

**“Table 3A**

**Section 97ZA Transport Act 1968**

<i>(1) Nature of contravention or failure constituting the offence</i>	<i>(2) Applicable level of deposit</i>
1. Failure to ensure recording equipment installed in accordance with section 97ZA(1) of the Transport Act 1968	£300
2. Failure to ensure the correct functioning of recording equipment or driver card, in accordance with Article 10 of the Annex to the AETR	£100
3. Failure to ensure the proper use of the recording equipment, in accordance with Article 10 of the Annex to the AETR	£200
4. Failure to ensure the proper use of the driver card, in accordance with Article 10 of the Annex to the AETR	£300

*Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.*

<i>(1) Nature of contravention or failure constituting the offence</i>	<i>(2)Applicable level of deposit</i>
5. Failure to ensure that printing can be carried out correctly in the event of an inspection (other than a failure to provide sufficient printing material), in accordance with the second sub-paragraph of Article 11.1 of the Annex to the AETR	£200
6. Failure to ensure that printing can be carried out correctly in the event of an inspection by a failure to provide sufficient printing material, in accordance with the first sub-paragraph of Article 11.1 of the Annex to the AETR	£100
7. Using driver card of which the driver is not the holder, contrary to the third sub-paragraph of Article 11.4(a) of the Annex to the AETR	£300
8. Using a defective driver card, contrary to the third sub-paragraph of Article 11.4(a) of the Annex to the AETR	£100
9. Failure to use record sheets or driver card, in accordance with the first sub-paragraph of Article 12.2(a) of the Annex to the AETR	£300
10. Unauthorised withdrawal of record sheet or driver card, contrary to the first sub-paragraph of Article 12.2(a) of the Annex to the AETR	£200
11. Failure to enter legibly on the record sheet, when away from the vehicle, periods of time, in accordance with Article 12.2(b) of the Annex to the AETR	£200
12. Failure to amend record sheet or driver card as necessary when more than one driver on board the vehicle, in accordance with paragraph (2)(c) or the second sub-paragraph of paragraph (2)(a) of Article 12 of the Annex to the AETR	£200
13. Failure, at the start of the journey, to print out information required, etc, in accordance with Article 13.2(b)(i) of the annex to the AETR	£200
14. Failure, at the end of the journey, to print out information required, etc, in accordance with Article 13.2(b)(ii) of the Annex to the AETR	£200
15. In all other cases	£50”