
STATUTORY INSTRUMENTS

2019 No. 453

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

PART 3

Amendments pursuant to the European Union (Withdrawal) Act 2018

CHAPTER 1

Amendments of primary legislation

Transport Act 1968

- 31.** The Transport Act 1968 is amended as follows.
- 32.** In section 95—
- (a) in subsection (1)(1) omit the words from “but the” to the end;
 - (b) omit subsection (1A)(2).
- 33.** In section 96 (as amended by regulation 3 of these Regulations)—
- (a) in subsection (11A)(3), for “, another member State, or a contracting third country” substitute “or another contracting country”;
 - (b) in subsection (13)(4) omit “section 95(1) of this Act or”.
- 34.** In section 96A(1)(a)(5), for “under Article 13” substitute “as required by Article 11A”.
- 35.—**(1) Section 97 (as amended by regulation 4 of these Regulations) is amended as follows.
- (2) In subsection (1)(a)—
- (a) in sub-paragraph (i), after “EU Tachographs Regulation” insert “or the equivalent EU Regulation”;
 - (b) in sub-paragraph (ii), for “that Regulation (including the relevant Annexes to it)” substitute “the EU Tachographs Regulation (including the relevant technical specifications)”.
- (3) In subsection (1)(b), at the end insert “or the equivalent EU Regulation”.

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- (1) Section 95(1) was amended by section 2(1)(d) of the Road Traffic (Drivers' Ages and Hours of Work) Act 1976 (c. 3) and by S.I. 2011/1043.
- (2) Section 95(1A) was substituted by section 2(1)(d) of the Road Traffic (Drivers' Ages and Hours of Work) Act 1976 (c. 3) and amended by S.I. 2011/1043.
- (3) Section 96(11A) was inserted by paragraph 9(2)(a) of Schedule 4 to the European Communities Act 1972 (c. 68) and amended by section 2(1)(c) of the Road Traffic (Drivers' Ages and Hours of Work) Act 1976 (c. 3) and by S.I. 1986/1457, 2007/1819, 2018/24.
- (4) Section 96(13) was inserted by section 2(1) of the Road Traffic (Drivers' Ages and Hours of Work) Act 1976 (c. 3).
- (5) Section 96A was inserted by S.I. 2016/248.

(4) In subsection (4B), for “a type-approval mark issued under Article 14 of the EU Tachographs Regulation” substitute “the relevant UK type-approval mark or the relevant EU type-approval mark (see Article 11A of the EU Tachographs Regulation)”.

(5) In subsection (7)—

(a) before the definition of “the EU Tachographs Regulation” insert—

““the equivalent EU Regulation” means [Regulation \(EU\) No 165/2014](#) of the European Parliament and of the Council on tachographs in road transport⁽⁶⁾ as it has effect in EU law, as amended from time to time;”

(b) in the definition of “the EU Tachographs Regulation”, omit the words from “as read with” to the end;

(c) after the definition of “recording equipment” insert—

““the relevant EU type-approval mark”, in relation to recording equipment, means a type-approval mark issued by an EU member State in relation to that type of recording equipment under Article 14 of the equivalent EU Regulation;”;

(d) in the definition of “the relevant Annexes”—

(i) for ““the relevant Annexes” to the EU Tachographs Regulation” substitute ““the relevant technical specifications””;

(ii) in paragraph (a)(i) and (ii), for “that Regulation” substitute “the EU Tachographs Regulation”;

(iii) for paragraph (b) substitute—

“(b) in the case of a vehicle put into service for the first time on or after that date means—

(i) Annex IB and Annex II to the EU Tachographs Regulation, except where regulations under Article 11 of that Regulation provide for other detailed provisions to apply instead of those Annexes;

(ii) where regulations under Article 11 of the EU Tachographs Regulation provide as mentioned in sub-paragraph (i), the detailed provisions that apply as a result of those regulations;”;

(e) at the end insert—

““the relevant UK type-approval mark”, in relation to recording equipment, means the mark which is “the relevant type-approval mark” in relation to the marking of that equipment, for the purposes of the Motor Vehicles (Type Approval) Regulations 1980.”.

36. In section 97ZB(5) (as inserted by regulation 5 of these Regulations)—

(a) in paragraph (a) of the definition of “appropriate type-approval certificate”, for sub-paragraph (ii) substitute—

“(ii) issued under the equivalent EU Regulation;”;

(b) in paragraph (b) of that definition, in sub-paragraph (ii), for “a contracting third country” substitute “another contracting country”;

(c) after that definition insert—

““the equivalent EU Regulation” has the meaning given by section 97(7);”.

37. In section 98 (as amended by regulation 14 of these Regulations)—

(a) in subsection (2A), in paragraph (a), for “Annexes” substitute “technical specifications”;

(6) OJNo. L 60, 28.2.2014, p. 1.

(b) in subsection (4)(b)(7), for “, another member State or a contracting third country” substitute “or another contracting country”.

38. In section 99ZA(7)(a) (as amended by regulation 16 of these Regulations), for the words from “Annex 1B” to the end substitute—

- “(i) where Annex 1B to the EU Tachographs Regulation applies to the vehicle, that Annex;
- (ii) where Regulations under article 11 of the EU Tachographs Regulation provide for other detailed provisions to apply instead of Annex 1B, the detailed provisions that apply as a result of those Regulations;”

39. In section 101—

- (a) in subsection (3)(8) omit “under section 95(1) or”;
- (b) omit subsection (3A)(9).

40.—(1) Section 103(1) (as amended by regulation 19 of these Regulations) is amended as follows—

- (a) in the definition of “contracting third country”—
 - (i) omit “third”;
 - (ii) omit “other than a member State”;
 - (iii) omit paragraph (b) (and the “or” before it);
- (b) for the definition of “the applicable Community rules”, substitute—
 - ““the applicable Community rules” means—
 - (a) the Community Drivers’ Hours Regulation, including the AETR; and
 - (b) the EU Tachographs Regulation;”;
- (c) omit the definition of “relevant EU provision”.

Road Traffic Offenders Act 1988

41. The Road Traffic Offenders Act 1988(10) is amended as follows.

42. In section 54(8A)(d)(11), for “another member State or a contracting third country” substitute “or in another contracting country”.

43. In section 75(3C)(d)(12), for “another member State or a contracting third country” substitute “or in another contracting country”.

44.—(1) Section 89 is amended as follows.

(2) In subsection (1)—

- (a) in the definition of “the applicable Community rules”(13), for the words from “means” to the end substitute “has the meaning given by section 103(1) of the Transport Act 1968”;
- (b) in the definition of “contracting third country”(14)—

(7) Section 98(4) was amended by section 4 of, and paragraph 9(2) of Schedule 4 to, the European Communities Act 1972 (c. 68), by section 2(1) of the Road Traffic (Drivers’ Ages and Hours of Work) Act 1976 (c. 3) and by S.I. 2018/24.

(8) Section 101(3) was amended by section 2(1)(i) of the Road Traffic (Drivers’ Ages and Hours of Work) Act 1976 (c. 3).

(9) Section 101(3A) was inserted by section 2(1)(i) of the Road Traffic (Drivers’ Ages and Hours of Work) Act 1976 (c. 3).

(10) 1988 c. 53.

(11) Section 54(8A) was inserted by S.I. 2018/24.

(12) Section 75 was substituted by section 34 of the Road Traffic Act 1991 (c. 40). Section 75(3C) was inserted by S.I. 2018/24.

(13) Definition inserted by S.I. 2018/24.

(14) Definition inserted by S.I. 2018/24.

- (i) omit “third”;
- (ii) omit “other than a member State”;
- (iii) omit paragraph (b) (and the “or” before it).

45. In section 90A(6)(c)(**15**), for “, another member State or a contracting third country” substitute “or in another contracting country”.

46. In section 90F(**16**), in the definition of “contracting third country” omit “third”.

Road Traffic (Foreign Vehicles) Act 1972

47. In section 1(1)(a) of the Road Traffic (Foreign Vehicles) Act 1972(**17**), for “an EU instrument” substitute “a provision of retained direct EU legislation”.

CHAPTER 2

Amendments of secondary legislation

Passenger and Goods Vehicles (Recording Equipment) Regulations 1979

48.—(1) Regulation 4 of the Passenger and Goods Vehicles (Recording Equipment) Regulations 1979 (as amended by regulation 22 of these Regulations) is amended as follows.

- (2) In paragraph (1)—
 - (a) for the words before sub-paragraph (a) substitute “This Regulation applies to—”;
 - (b) in sub-paragraph (a) for “for the approval” substitute “the approval by the Secretary of State”;
 - (c) in sub-paragraph (b) for “for the approval and nomination” substitute “the approval and nomination by the Secretary of State”.

(3) In paragraph (2) for “Any approval or nomination under this Regulation” substitute “An approval or nomination”.

Motor Vehicles (Type Approval) Regulations 1980

49.—(1) The Motor Vehicles (Type Approval) Regulations 1980 (as amended by regulation **23** of these Regulations) are amended as follows.

- (2) In regulation 3(1)—
 - (a) omit the definition of “Member State”;
 - (b) for the definition of “the relevant approval mark” substitute—
 - ““the relevant approval mark”, in relation to the marking of a component of a vehicle, means a marking which is—
 - (a) designated as an approval mark applicable to such a component pursuant to section 80(1) of the Road Traffic Act 1988, or
 - (b) an approval mark applicable to such a component under regulations under Article 14 of [Regulation \(EU\) No 165/2014](#) of the European Parliament and of the Council on tachographs in road transport(**18**), as it has effect in EU law, as amended from time to time;”;

(15) Section 90A was inserted by section 11(1) of the Road Safety Act 2006 (c. 49) and amended by [S.I. 2018/24](#).

(16) Section 90F was inserted by section 11(1) of the Road Safety Act 2006 (c. 49) and amended by [S.I. 2018/24](#).

(17) [1972 c. 27](#). Section 1(1)(a) was amended by section 10(4) of the Transport Act 1982 (c. 49) and by [S.I. 1984/748](#), [1999/1322](#), [2011/1043](#).

(18) OJ No. L 60, 28.2.2014, p.1.

- (c) omit the words after the definition of “vehicle component” (which interpret references to the competent authority of a Member State other than the United Kingdom).
- (3) Omit the following—
 - (a) in regulation 5(3), the words from “and, within one month” to the end;
 - (b) regulation 5(4);
 - (c) regulation 6(2);
 - (d) regulation 10(3);
 - (e) regulation 12(1)(b) (and the “or” before it);
 - (f) regulation 12(2);
 - (g) regulation 13(1)(b) (and the “and” before it).

Road Transport (Working Time) Regulations 2005

50.—(1) The Road Transport (Working Time) Regulations 2005 (as amended by regulation 26 of these Regulations) are amended as follows.

- (2) In regulation 3—
 - (a) in paragraphs (1) and (1A), for “a Member State of the European Union” substitute “the United Kingdom”;
 - (b) in paragraph (3)(c), for “international transport” substitute “transport operations wholly or partly outside the United Kingdom”.
- (3) Omit regulation 3A(2)(**19**).

Community Drivers’ Hours and Recording Equipment Regulations 2007

51. The Community Drivers’ Hours and Recording Equipment Regulations 2007 (as amended by regulation 28 of these Regulations) are amended as follows.

- 52.**—(1) Regulation 2(**20**) is amended as follows.
- (2) In paragraph (1)—
 - (a) omit “Pursuant to Article 13(1) of the Community Drivers’ Hours Regulation,”;
 - (b) for “that Regulation” substitute “the Community Drivers’ Hours Regulation”.
 - (3) In paragraph (2)—
 - (a) omit “Pursuant to Article 14(1) of the Community Drivers’ Hours Regulation,”;
 - (b) for “that Regulation” substitute “the Community Drivers’ Hours Regulation”.

53.—(1) Regulation 4(**21**) is amended as follows.

- (2) In paragraph (1)—
 - (a) omit “Pursuant to Article 3(2) of the EU Tachographs Regulation,”;
 - (b) for “that Regulation” substitute “the EU Tachographs Regulation”.
- (3) In paragraph (2)—
 - (a) omit “Pursuant to Article 3(3) of the EU Tachographs Regulation,”;
 - (b) for “that Regulation” substitute “the EU Tachographs Regulation”.

(19) Regulation 3A was inserted by [S.I. 2012/991](#).

(20) Regulation 2 was amended by [S.I. 2016/248](#).

(21) Regulation 4 was amended by [S.I. 2016/248](#).

Road Safety (Financial Penalty Deposit) Order 2009

54. In Article 5(2)(a) of the Road Safety (Financial Penalty Deposit) Order 2009(22) (as amended by regulation 29 of these Regulations), for paragraphs (ii) and (iii) substitute—

“(ii) another contracting country.”.

CHAPTER 3

Amendments of retained direct EU legislation

Regulation (EC) No 561/2006 of the European Parliament and of the Council

55. Regulation (EC) No 561/2006 of the European Parliament and of the Council on the harmonisation of certain social legislation relating to road transport is amended as follows.

56. In Article 1, omit “by Member States”.

57. In Article 2—

(a) in paragraph 2, for the words from “undertaken” to the end substitute “undertaken exclusively within the United Kingdom”;

(b) in paragraph 3—

(i) in the words before point (a), for “in part outside the areas mentioned in paragraph 2” substitute “wholly or partly outside the United Kingdom”;

(ii) in points (a) and (b), for “Community” substitute “United Kingdom”;

(iii) omit the words after point (b).

58. In Article 3(i), for the words from “which have a historic” to the end substitute—

“which are used for the non-commercial carriage of passengers or goods and which have a historic status according to:

- in relation to England and Wales and Scotland, regulation 3 of the Community Drivers’ Hours and Recording Equipment Regulations 2007;
- in relation to Northern Ireland, regulation 4 of the Community Drivers’ Hours and Recording Equipment (Exemptions and Supplementary Provisions) Regulations (Northern Ireland) 2009(23) in Northern Ireland.”.

59. In Article 4—

(a) in point (e), for “Article 3(a) of Directive 2002/15/EC” substitute “regulation 2 of the Road Transport (Working Time) Regulations 2005 in England and Wales and Scotland, or in regulation 2(2) of the Road Transport (Working Time) Regulations (Northern Ireland) 2005(24) in Northern Ireland”;

(b) in point (j)—

(i) in the first indent, for the words from “Annex I” to the end substitute “Article 2(2) (a) of Regulation (EU) No 165/2014”;

(ii) in the second indent, for the words from “Article 16(2)” to the end substitute “Article 37(2) of Regulation (EU) No 165/2014”;

(c) in point (n), for the words after “international services” substitute “which provide for the carriage of passengers at specified intervals along specified routes, passengers being picked up and set down at predetermined stopping points”.

(22) S.I. 2009/491. Article 5(2) was inserted by S.I. 2018/24.

(23) S.R. 2009 No. 91, amended by S.R. 2016 No. 343.

(24) S.R. 2005 No. 241, amended by S.R. 2012 No. 169, 2016 No. 49.

- 60.** In Article 5(2) omit the words from “However” to the end.
- 61.**—(1) Article 6 is amended as follows.
- (2) In paragraph 2, for the words from “result” to the end substitute—
- “(a) in relation to England and Wales and Scotland, result in the maximum weekly working time laid down in the Road Transport (Working Time) Regulations 2005 being exceeded;
 - (b) in relation to Northern Ireland, result in the maximum weekly working time laid down in the Road Transport (Working Time) Regulations (Northern Ireland) 2005 being exceeded”.
- (3) In paragraph 4, for “on the territory of the Community or of a third country” substitute “, whether within or outside the United Kingdom”.
- (4) In paragraph 5, omit “, as defined in Article 15(3)(c) of Regulation (EEC) No 3821/85,”.
- (5) After paragraph 5 insert—
- “**6.** In paragraph 5, “periods of availability” is to be read in accordance with—
 - (a) in relation to England and Wales and Scotland, the definition of “period of availability” in regulation 2 of the Road Transport (Working Time) Regulations 2005;
 - (b) in relation to Northern Ireland, the definition of “period of availability” in regulation 2(2) of the Road Transport (Working Time) Regulations (Northern Ireland) 2005.”
- 62.** Omit Article 8(6a).
- 63.**—(1) Article 10 is amended as follows.
- (2) In paragraph 2, for “Regulation (EEC) No 3821/85” substitute “Regulation (EU) No 165/2014”.
- (3) Omit paragraph 3.
- (4) In paragraph 5(a)—
- (a) in the words before point (i), for “Regulation (EEC) No 3821/85” substitute “Regulation (EU) No 165/2014”;
 - (b) in point (i), for the words from “as regularly” to the end substitute “in accordance with sections 97D and 97E of the Transport Act 1968 or regulations 6B and 6C of the Passenger and Goods Vehicles (Recording Equipment) Regulations (Northern Ireland) 1996(25) (as applicable)”.
- (5) In paragraph 5(b), for the words from “shall” to the end substitute “means copied, together with the digital signature, from a part, or from a complete set, of data files recorded in the data memory of the vehicle unit or in the memory of a tachograph card, provided that this process does not alter or delete any stored data”.
- (6) Omit paragraph 5(c).
- 64.** For Article 11 substitute—

“Article 11

Articles 6 to 9 are subject to—

(25) S.R. 1996 No. 145, amended by S.R. 1998 No. 270, 2002 No. 50, 2005 No. 325, 2005 No. 441, 2006 No. 274, 2010 No. 23, 2011 No. 235, 2016 No. 2, 2016 No. 343.

- (a) regulation 2 of the Community Drivers' Hours and Recording Equipment Regulations 2007;
- (b) regulation 3 of the Community Drivers' Hours and Recording Equipment Regulations 2012(26);
- (c) regulation 3 of the Community Drivers' Hours and Recording Equipment (Exemptions and Supplementary Provisions) Regulations (Northern Ireland) 2009;
- (d) any provision made under Article 14(1) or (2)."

65. Omit Article 13.

66. In Article 14—

- (a) in paragraph 1, for "Member States may, after authorisation by the Commission," substitute "the appropriate authority may by regulations";
- (b) for paragraphs 2 and 3 substitute—

"2. In an urgent case the appropriate authority may grant a temporary exception by publishing a notice specifying—

- (a) the transport operations and circumstances to which the exception relates, and
- (b) the period for which the exception has effect, which may not exceed 30 days.

3. In this Article "the appropriate authority" means—

- (a) in relation to transport operations carried out in England, Wales or Scotland, the Secretary of State;
- (b) in relation to transport operations carried out in Northern Ireland, the Department for Infrastructure in Northern Ireland."

67. Omit Articles 15 to 19.

68. In Article 20—

- (a) in paragraph 1—
 - (i) for "evidence provided by a Member State" substitute "documentation provided by an enforcement officer or a court";
 - (ii) for "pursuant to this Regulation" substitute "by virtue of this Regulation read with Part 6 of the Transport Act 1968 or Part 6 of the Road Traffic (Northern Ireland) Order 1981(27)";
- (b) after paragraph 3 insert—

"4. In this Article "enforcement officer" means—

- (a) an examiner appointed under section 66A of the Road Traffic Act 1988 or Article 74 of the Road Traffic (Northern Ireland) Order 1995(28),
- (b) a person authorised for the purposes of Part 6 of the Transport Act 1968 by a traffic commissioner, or
- (c) a police constable."

69. Omit Articles 21 to 25.

(26) S.I. 2012/1502.

(27) S.I. 1981/154 (N.I. 1), amended by the Road Traffic (Amendment) Act (Northern Ireland) 2016 (c. 11 (N.I.)), S.I. 2007/916 (N.I. 10), S.R. 2009 No. 91, 2010 No. 23, S.I. 2015/583. There are other amendments which are not relevant to these Regulations.

(28) S.I. 1995/2994 (N.I. 18); Article 74 was amended by the Goods Vehicles (Licensing of Operators) Act (Northern Ireland) 2010 (c. 2 (N.I.)), S.I. 2011/996.

70. After Chapter 5 insert—

“CHAPTER 5A
SUPPLEMENTARY

Article 25A

1. Regulations under this Regulation may—
 - (a) make consequential, supplementary, incidental, transitional, transitory or saving provision;
 - (b) make different provision for different purposes.
2. Regulations made by the Secretary of State under this Regulation are to be made by statutory instrument.
3. A statutory instrument containing regulations made by the Secretary of State under this Regulation is subject to annulment in pursuance of a resolution of either House of Parliament.
4. Regulations made by the Department of Infrastructure in Northern Ireland under this Regulation are to be made by statutory rule for the purposes of the Statutory Rules (Northern Ireland) Order 1979(29).
5. Regulations made by the Department of Infrastructure in Northern Ireland under this Regulation are subject to negative resolution (within the meaning of section 41(6) of the Interpretation Act (Northern Ireland) 1954(30)).”

71. After Article 29, omit “This Regulation shall be binding in its entirety and directly applicable in all Member States.”.

Regulation (EU) No 165/2014 of the European Parliament and of the Council

72. Regulation (EU) No 165/2014 of the European Parliament and of the Council 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 of the Council on the harmonisation of certain social legislation relating to road transport is amended as follows.

73. In Article 1(1) for the words from “Regulation (EC)” to the end substitute—
- “(a) Regulation (EC) No 561/2006;
 - (b) regulations 36A to 36C and 70A of, and Schedule 3B to, the Road Vehicles (Construction and Use) Regulations 1986(31);
 - (c) the Road Transport (Working Time) Regulations 2005;
 - (d) regulations 42, 43 and 83 of, and Schedule 3 to, the Motor Vehicles (Construction and Use) Regulations (Northern Ireland) 1999(32);
 - (e) the Road Transport (Working Time) Regulations (Northern Ireland) 2005.”.

(29) S.I. 1979 No. 1573 (N.I. 12), to which there are amendments not relevant to these Regulations.

(30) 1954 c. 33 (N.I.).

(31) S.I. 1986/1078; regulations 36A to 36C and Schedule 3B were amended by S.I. 1992/422, 1993/1946, 1993/3048, 1995/329, 1996/2064, 1997/1340, 2003/1946, 2003/2096, 2004/2102, 2004/3168, S.S.I. 2005/344, S.I. 2005/2929 (W. 214), S.I. 2005/3170, 2007/1898, 2007/3132, 2009/142, S.S.I. 2013/119. Regulation 70A was amended by S.I. 1993/3048, 2004/2102. There are other amendments to this instrument which are not relevant to these Regulations.

(32) S.R. 1999 No. 454; regulations 42 and 43 were amended by S.R. 2005 No. 249, 2006 No. 32, 2011 No. 303. Regulation 83 and Schedule 3 were amended by S.R. 2005 No. 249. There are other amendments to this instrument which are not relevant to these Regulations.

74. In Article 2(2)—

- (a) in point (f), for “authorities of a Member State” substitute “Secretary of State”;
- (b) in point (i), for “authorities of a Member State” substitute “Secretary of State”;
- (c) in point (j), for “authorities of a Member State” substitute “Secretary of State”;
- (d) in point (k)—
 - (i) for “authorities of a Member State” substitute “Secretary of State”;
 - (ii) for “that Member State” substitute “the Secretary of State”;
- (e) in point (u), omit the words from “, by a Member State” to “Article 13,”;
- (f) after point (z) insert—
 - “(z1) “control officer” means—
 - (i) an examiner appointed under section 66A of the Road Traffic Act 1988 or Article 74 of the Road Traffic (Northern Ireland) Order 1995,
 - (ii) a person authorised for the purposes of Part 6 of the Transport Act 1968 by a traffic commissioner, or
 - (iii) a police constable;
 - (z2) “equivalent EU regulation” means [Regulation \(EU\) No 165/2014](#) of the European Parliament and of the Council of 4 February 2014 on tachographs in road transport(**33**), as it has effect in EU law, as amended from time to time.”.

75.—(1) Article 3 is amended as follows.

- (2) In paragraph 1 omit “registered in a Member State”.
- (3) For paragraphs 2 to 5 substitute—

“2. This Regulation is subject to—

- (a) regulation 4 of the Community Drivers’ Hours and Recording Equipment Regulations 2007;
- (b) regulation 5 of the Community Drivers’ Hours and Recording Equipment (Exemptions and Supplementary Provisions) Regulations (Northern Ireland) 2009;
- (c) any provision made under paragraph 3.

3. The appropriate authority may by regulations except from the application of this Regulation vehicles used for transport operations which are being (or have been) granted an exception by regulations under Article 14(1) of Regulation [\(EC\) No 561/2006](#). An exception granted under regulations under this Article ceases to have effect when the exception granted under regulations under Article 14(1) of Regulation [\(EC\) No 561/2006](#) ceases to have effect (unless the regulations under this Article cease to have effect first).

In an urgent case the appropriate authority may grant a temporary exception in respect of vehicles which are being (or have been) granted an exception under Article 14(2) of Regulation [\(EC\) No 561/2006](#) by publishing a notice specifying—

- (a) the transport operations and circumstances to which the exception relates, and
- (b) the period for which the exception has effect, which may not exceed 30 days.

4. In this Article “the appropriate authority” means—

(33) OJ No. L 60, 28.2.2014, p.1.

- (a) in relation to transport operations carried out in England, Wales or Scotland, the Secretary of State;
- (b) in relation to transport operations carried out in Northern Ireland, the Department for Infrastructure in Northern Ireland.”.

76. In Article 4(8)—

- (a) in the first sentence—
 - (i) for “the Commission shall, by means of implementing acts, adopt” substitute “the Secretary of State may, by regulations, make”;
 - (ii) omit “uniform”;
- (b) omit the second sentence.

77. In Article 6(5)—

- (a) in the first sentence—
 - (i) for “the Commission shall, by means of implementing acts, adopt” substitute “the Secretary of State may, by regulations, make”;
 - (ii) omit “uniform”;
- (b) omit the second sentence.

78. Omit Article 7.

79.—(1) Article 9 is amended as follows.

(2) In paragraph (2)—

- (a) in the first sentence, for “Member States shall equip their control authorities” substitute “the Secretary of State must ensure that control authorities are equipped”;
- (b) omit the second sentence.

(3) In paragraph (8), for the words from “the risk” to the end substitute “a risk rating system based on the relative number and severity of infringements of [Regulation \(EC\) 561/2006](#) of the European Parliament and of the Council that an individual undertaking has committed”.

80. In Article 11—

- (a) in the first sentence—
 - (i) for “the Commission shall, by means of implementing acts, adopt” substitute “the Secretary of State may, by regulations, make”;
 - (ii) omit “uniform”;
- (b) omit the second sentence.

81. For Chapter 3 (type-approval) substitute—

“CHAPTER III
TYPE-APPROVAL

Article 11A

Requirement for UK or EU type-approval

1. A vehicle unit, motion sensor, model record sheet or tachograph card shall, where installed or used in a vehicle to which Article 3 applies, be of a type approved in accordance with—

- (a) this Chapter and the Motor Vehicles (Type Approval) Regulations 1980 (“the 1980 Regulations”), or
- (b) Chapter 3 of the equivalent EU Regulation.

2. In this Chapter a reference to “UK type-approval” is a reference to type-approval in accordance with this Chapter and the 1980 Regulations, and related expressions are to be read accordingly.

Article 12

Applications for UK type-approval: certificates

1. An application for UK type-approval shall be made to the Secretary of State.
2. The application shall be made in accordance with regulation 6 of the 1980 Regulations.
3. The form of the document issued by the Secretary of State for the purposes of such an application (in accordance with paragraph (iii) of the definition of “information document” in regulation 3(1) of the 1980 Regulations) shall require the application to be accompanied by—
 - (a) a security certificate;
 - (b) a functionality certificate;
 - (c) an interoperability certificate;
 - (d) in the case of an application relating to a vehicle unit, information about the seals.
4. A security certificate shall be issued by a person appointed by the Secretary of State (which may be a person outside the United Kingdom).
5. A functionality certificate shall be issued by the Secretary of State.
6. An interoperability certificate shall be issued by a person appointed by the Secretary of State (which may be a person outside the United Kingdom).
7. In respect of tachographs, their relevant components, and tachograph cards:
 - (a) the security certificate shall certify the following for the vehicle unit, tachograph cards, motion sensor, and connection to the satellite navigation system receiver when the satellite navigation system is not embedded in the vehicle units:
 - (i) compliance with security targets;
 - (ii) fulfilment of the following security functions: identification and authentication, authorisation, confidentiality, accountability, integrity, audit, accuracy and reliability of service;
 - (b) the functional certificate shall certify that the tested item fulfils the appropriate requirements in terms of functions performed, environmental characteristics, electromagnetic compatibility characteristics, compliance with physical requirements and compliance with other applicable standards;
 - (c) the interoperability certificate shall certify that the tested item is fully interoperable with the necessary tachographs or tachograph card models.
8. The Secretary of State shall give notice to manufacturers as provided for in regulation 10(1)(c) of the 1980 Regulations to ensure that a manufacturer is required to give notice under that regulation of any alterations in software or hardware of a tachograph or in the nature of materials used for its manufacture.

9. Where notice of alterations is given to the Secretary of State under regulation 10 of the 1980 Regulations, the Secretary of State may require an update or a confirmation of the relevant functional, security or interoperability certificates, before confirming to the manufacturer the extension of the type-approval or taking action under regulation 11 of those Regulations.

Article 17

Approval of record sheets

1. For the purposes of an application for UK type-approval of a model record sheet, the form of information document issued by the Secretary of State (as mentioned in Article 12(3)) shall require that—

- (a) an applicant for UK type-approval of a model record sheet states on the application form the type or types of analogue tachograph on which the record sheet in question is designed to be used, and
- (b) suitable equipment of such type or types is required in connection with the application for type-approval, for the purpose of testing the record sheet.

2. The Secretary of State shall indicate on the approval certificate for the model record sheet the type or types of analogue tachograph on which that model record sheet may be used.

Article 20

Security

1. Manufacturers shall design, test and review vehicle units, motion sensors and tachograph cards put into production so as to detect vulnerabilities arising in all phases of the product life-cycle, and shall prevent or mitigate their possible exploitation. The frequency of tests shall be at least every two years.

2. Manufacturers shall submit the documentation necessary for vulnerability analysis to the person who, under Article 12, is responsible for issuing security certificates.

3. If, in the course of the tests referred to in paragraph 1, vulnerabilities in system elements (vehicle units, motion sensors and tachograph cards) are detected, no security certificate is to be issued and, accordingly, no type-approval application is to be considered (see Article 12(3)). If vulnerabilities are detected in the course of the tests referred to in paragraph 1 for elements already on the market, the manufacturer shall inform the Secretary of State. The Secretary of State shall take all measures necessary to ensure that the problem is addressed, in particular by the manufacturer (including, where necessary, the withdrawal of type-approval).

Article 21

Field tests

Drivers and transport undertakings participating in a field test authorised under section 96A of the Transport Act 1968 or regulation 2A of the Passenger and Goods Vehicles (Recording Equipment) Regulations (Northern Ireland) 1996 shall comply with the requirements of Regulation (EC) No 561/2006. In order to demonstrate such compliance, drivers shall follow the procedure set out in Article 35(2) of this Regulation.”.

82. In Article 22—

- (a) in paragraph 1—
 - (i) for “the competent authorities of the Member States” substitute “by the Secretary of State”;
 - (ii) at the end insert “(but see Article 25A)”;
- (b) in paragraph 2 omit “referred to in Article 15”;
- (c) in paragraph 3, omit the second and third sentences;
- (d) in paragraph 5, in the second indent, for the last sentence substitute “The Secretary of State may by regulations make provision about the form of the written statement”.

83.—(1) Article 23 is amended as follows.

- (2) In paragraph 3, in the first sentence, for “national competent authority” substitute “Secretary of State”.
- (3) In paragraph 4—
 - (a) in the first sentence, after “retained” insert “by the workshop”;
 - (b) omit the second sentence;
 - (c) in the third sentence—
 - (i) for the words from the beginning to “upon” substitute “Upon”;
 - (ii) for “competent authority” substitute “Secretary of State”.

84.—(1) Article 24 is amended as follows.

- (2) In paragraph 1, for “Member States” substitute “The Secretary of State”.
- (3) In paragraph 2—
 - (a) in the first sentence—
 - (i) for “Member States” substitute “The Secretary of State”;
 - (ii) after “manufacturers” insert “approved, controlled and certified under paragraph 1”;
 - (b) in the second sentence, for “they” substitute “the Secretary of State”.
- (4) In paragraph 3, in point (a), for “Member States” substitute “The Secretary of State”.
- (5) In paragraph 4, for “Member States and their competent authorities” substitute “The Secretary of State”.
- (6) Omit paragraph 5.
- (7) In paragraph 6, for “The competent authorities in Member States” substitute “The Secretary of State”.

85.—(1) Article 25 is amended as follows.

- (2) In paragraph 1, for “competent authority” substitute “Secretary of State”.
- (3) In paragraph 2—
 - (a) for “competent authority”, in both places it occurs, substitute “Secretary of State”;
 - (b) for “Competent authorities” substitute “The Secretary of State”.
- (4) In paragraph 3—
 - (a) for “a Member State” substitute “the Secretary of State”;
 - (b) for “it” substitute “the Secretary of State”.
- (5) In paragraph 4, for “Member States” substitute “The Secretary of State”.

86. After Article 25 insert—

“Article 25A

Recognition of EU approved fitters, workshops and vehicle manufacturers

1. Fitters, workshops and vehicle manufacturers which are approved by an EU member State in accordance with Article 24 of the equivalent EU Regulation (“EU approved fitters, workshops and vehicle manufacturers”) shall be treated for the purposes of this Regulation as if they were approved by the Secretary of State in accordance with Article 24 of this Regulation.

2. The Secretary of State is not required by Article 24(1) of this Regulation to control or certify EU approved fitters, workshops and vehicle manufacturers and the following provisions of this Regulation do not apply in relation to EU approved fitters, workshops and vehicle manufacturers—

- (a) Article 2(2)(k);
- (b) Article 24(2) to (6);
- (c) Article 25.”.

87.—(1) Article 26 is amended as follows.

(2) In paragraph 1—

- (a) for the first sentence substitute “A driver card is to be issued by the Secretary of State on request to a person whose normal residence is in the United Kingdom.”;
- (b) in the second sentence—
 - (i) for “They shall” substitute “A driver card is to”;
 - (ii) for “competent authority” substitute “Secretary of State”.

(3) In paragraph 2, in the second subparagraph—

- (a) omit “situated in two or more Member States”;
- (b) for “Member State” substitute “place”.

(4) In paragraph 3—

- (a) in the first sentence, for “identity card” substitute “passport”;
- (b) in the second sentence—
 - (i) for “competent authorities of the Member State issuing the driver card have” substitute “Secretary of State has”;
 - (ii) for “they” substitute “the Secretary of State”.

(5) In paragraph 4—

- (a) in the first subparagraph—
 - (i) for “Member States” substitute “the Secretary of State”;
 - (ii) for “a Member State” substitute “the United Kingdom”;
 - (iii) for “issuing Member State” substitute “United Kingdom”;
- (b) omit the second subparagraph.

(6) In paragraph 5, for “competent authorities of the issuing Member State” substitute “Secretary of State”.

(7) In paragraph 7—

- (a) in the first sentence, for “competent authorities of a Member State find” substitute “Secretary of State finds”;
 - (b) omit the second and third sentences.
- (8) In paragraph 8, for “Member States” substitute “The Secretary of State”.
- (9) Omit paragraph 9.
- 88.** In Article 28—
- (a) in paragraph 1, for “competent authorities of the Member State of his normal residence” substitute “Secretary of State”;
 - (b) omit paragraph 2;
 - (c) in paragraph 3, for “competent authority” substitute “Secretary of State”.
- 89.**—(1) Article 29 is amended as follows.
- (2) In paragraph 1, for “Issuing authorities” substitute “The Secretary of State”.
- (3) In paragraph 2—
- (a) in the first sentence, for the words from “competent authority” to the end substitute “Secretary of State”;
 - (b) in the second sentence, for the words from “competent authorities” to the end substitute “Secretary of State”.
- (4) In paragraph 3, for the words from “competent authorities”, in the first place it occurs, to the end substitute “Secretary of State”.
- (5) In paragraph 4—
- (a) in the first sentence, for the words from “competent authorities” to the end substitute “Secretary of State”;
 - (b) in the second sentence—
 - (i) for “Those authorities” substitute “The Secretary of State”;
 - (ii) omit “their”.
- 90.** In Article 30—
- (a) for the heading substitute “Recognition of EU driver cards”;
 - (b) in paragraph 1, omit “mutually”;
 - (c) omit paragraphs 2 to 4.
- 91.** Omit Article 31.
- 92.** Omit Article 32(5).
- 93.**—(1) Article 33 is amended as follows.
- (2) In paragraph 1, in the second subparagraph, for “an authorised” substitute “a”.
- (3) In paragraph 2, omit “authorised”.
- (4) Omit paragraph 3.
- 94.** In Article 34—
- (a) in paragraph 3, in the second subparagraph, for “Member States shall not impose on drivers a requirement” substitute “Drivers are not required”;
 - (b) omit paragraph 7.

- 95.**—(1) Article 36 is amended as follows.
- (2) In paragraph 1, for “an authorised” substitute “a”.
 - (3) In paragraph 2, for “an authorised” substitute “a”.
 - (4) Omit paragraph 3.
- 96.** In Article 37(1) omit the third subparagraph.
- 97.**—(1) Article 38 is amended as follows.
- (2) In paragraph 1, omit “authorised”.
 - (3) In paragraph 3, in the second sentence omit “national”.
- 98.**—(1) Article 39 is amended as follows.
- (2) In paragraph 1 for “Member States” substitute “The Secretary of State”.
 - (3) Omit paragraph 2.
 - (4) In paragraph 3—
 - (a) in the first sentence, for “The Commission shall, by means of implementing acts,” substitute “The Secretary of State may, by regulations,”;
 - (b) in the second sentence, for “shall” substitute “may”;
 - (c) omit the final sentence.
 - (5) Omit paragraph 4.
- 99.** Omit Articles 40 and 41.
- 100.** After Chapter 7 insert—

“CHAPTER 7A

REGULATIONS UNDER THIS REGULATION

Article 41A

Regulations under this Regulation

- 1.** Regulations under this Regulation may—
 - (a) make consequential, supplementary, incidental, transitional, transitory or saving provision;
 - (b) make different provision for different purposes.
 - 2.** Regulations made by the Secretary of State under this Regulation are to be made by statutory instrument.
 - 3.** A statutory instrument containing regulations made by the Secretary of State under this Regulation is subject to annulment in pursuance of a resolution of either House of Parliament.
 - 4.** Regulations made by the Department of Infrastructure in Northern Ireland under this Regulation are to be made by statutory rule for the purposes of the Statutory Rules (Northern Ireland) Order 1979.
 - 5.** Regulations made by the Department of Infrastructure in Northern Ireland under this Regulation are subject to negative resolution (within the meaning of section 41(6) of the Interpretation Act (Northern Ireland) 1954).”
- 101.** Omit Articles 42 to 44.

102. Omit Article 46.

103. After Article 48, omit “This Regulation shall be binding in its entirety and directly applicable in all Member States.”.

104. For Annexes I and II substitute—

“ANNEX I

Requirements for construction, testing, installation and inspection of analogue tachographs

1. In this Annex—

“AETR” means the European Agreement concerning the Work of Crews of Vehicles engaged in International Road Transport of 1st July 1970;

“enactment” includes—

- (a) an enactment contained in subordinate legislation within the meaning of the Interpretation Act 1978⁽³⁴⁾;
- (b) an enactment contained in, or in an instrument made under, Northern Ireland legislation.

2. Appendix 1 to the Annex to the AETR (which makes provision corresponding to Annex I to the equivalent EU regulation) applies for the purposes of this Regulation.

3. References in any enactment to Annex I to this Regulation are to be read as references to Appendix 1 to the Annex to the AETR as applied by paragraph 2.

ANNEX IB

Requirements for construction, testing, installation and inspection of digital tachographs

1. In this Annex—

“AETR” means the European Agreement concerning the Work of Crews of Vehicles engaged in International Road Transport of 1st July 1970;

“enactment” includes—

- (a) an enactment contained in subordinate legislation within the meaning of the Interpretation Act 1978⁽³⁵⁾;
- (b) an enactment contained in, or in an instrument made under, Northern Ireland legislation.

2. Appendix 1B to the Annex to the AETR (which is an adaptation of Annex IB to Regulation (EEC) No 3821/85, as it has effect in EU law) applies for the purposes of this Regulation.

3. References in any enactment to Annex IB to this Regulation are to be read as references to Appendix 1B to the Annex to the AETR (including the provisions adapted by it) as applied by paragraph 2.

⁽³⁴⁾ 1978 c. 30.

⁽³⁵⁾ 1978 c. 30.

ANNEX II

Approval mark and certificate

1. In this Annex—

“AETR” means the European Agreement concerning the Work of Crews of Vehicles engaged in International Road Transport of 1st July 1970;

“enactment” includes—

- (a) an enactment contained in subordinate legislation within the meaning of the Interpretation Act 1978⁽³⁶⁾;
- (b) an enactment contained in, or in an instrument made under, Northern Ireland legislation.

2. Appendix 2 to the Annex to the AETR (which makes provision corresponding to Annex II to the equivalent EU Regulation) applies for the purposes of this Regulation.

3. References in any enactment to Annex II to this Regulation are to be read as references to Appendix 2 to the Annex to the AETR as applied by paragraph 2.”.

Commission Implementing Regulation (EU) No 2016/799

105. Commission Implementing Regulation (EU) No 2016/799, implementing Regulation (EU) No 165/2014 of the European Parliament and of the Council laying down the requirements for the construction, testing, installation, operation and repair of tachographs and their components, is amended as follows.

106.—(1) Article 1 is amended as follows.

(2) In paragraph 1, in the words before paragraph (a), omit “uniform”.

(3) In paragraph 3, for “Council Regulation (EEC) No 3821/85” substitute “Regulation (EU) No 165/2014”.

(4) In paragraph 4—

- (a) omit “Pursuant to Article 10d of Directive 96/53/EC,”;
- (b) for “an internal on-board weighing system” substitute “any internal on-board weighing system installed to aid the enforcement of requirements as to the maximum authorised weight of vehicles”.

(5) Omit paragraph 5.

107.—(1) Article 2 is amended as follows.

(2) In definition (3), for “type-approval authority” substitute “Secretary of State”.

(3) In definition (4)—

- (a) for “type-approval authority” substitute “Secretary of State”;
- (b) omit “EC”.

(4) In definition (5) omit “EC”.

(5) Omit definition (9).

108.—(1) Article 4 is amended as follows.

(36) 1978 c. 30.

(2) In paragraph 1, in the first sentence, for “the type-approval authorities designated by each Member State” substitute “the Secretary of State”.

(3) In paragraph 2—

(a) for “A Member State” substitute “The Secretary of State”;

(b) for “type-approval authority” substitute “Secretary of State”.

(4) In paragraph 3, for “type-approval authority” substitute “Secretary of State”.

(5) In paragraph 4—

(a) for “type-approval authorities” substitute “Secretary of State”;

(b) for “entities” substitute “persons”.

(6) In paragraph 5—

(a) for “type-approval authorities” substitute “Secretary of State”;

(b) for “those authorities” substitute “the Secretary of State”.

109. In Article 5—

(a) In paragraph 1, for “without delay the type-approval authorities that granted the original type-approval,” substitute “the Secretary of State without delay”.

(b) In paragraph 2—

(i) in the first sentence, for “type-approval authorities” substitute “Secretary of State”;

(ii) for “type-approval authority”, in each place it occurs, substitute “Secretary of State”.

110. After Article 6, omit “This Regulation shall be binding in its entirety and directly applicable in all Member States.”.

Council Regulation (EEC) No 3916/90

111. Council Regulation (EEC) No 3916/90 on measures to be taken in the event of a crisis in the market in the carriage of goods by road is revoked.

Commission Implementing Regulation (EU) No 2016/68

112. Commission Implementing Regulation (EU) No 2016/68 on common procedures and specifications necessary for the interconnection of electronic registers of driver cards is revoked.

Annex XIII to the EEA agreement

113. In Annex XIII to the EEA agreement, omit the following (which refer to Regulations which are revoked by these Regulations)—

(a) point 21ba;

(b) point 26b.