

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 of the Council on the harmonisation of certain social legislation relating to road transport (Text with EEA relevance)

CHAPTER V

DRIVER CARDS

Article 26

Issuing of driver cards

1 [F¹A driver card is to be issued by the Secretary of State on request to a person whose normal residence is in the United Kingdom.] [F²A driver card is to] be issued within one month of the receipt by the [F³Secretary of State] of the request and all necessary documentation.

2 For the purposes of this Article, ‘normal residence’ means the place where a person usually lives, that is for at least 185 days in each calendar year, because of personal and occupational ties, or, in the case of a person with no occupational ties, because of personal ties which show close links between that person and the place where he is living.

However, the normal residence of a person whose occupational ties are in a place different from their personal ties and who consequently lives in turn in different places F⁴... shall be regarded as being the place of their personal ties, provided that such person returns there regularly. This last condition need not be complied with where the person is living in a [F⁵place] in order to carry out a fixed-term assignment.

3 Drivers shall give proof of their normal residence by any appropriate means, such as their [F⁶passport] or any other valid document. Where the [F⁷Secretary of State has] doubts as to the validity of a statement as to normal residence, or for the purpose of certain specific controls, [F⁸the Secretary of State] may request any additional information or evidence.

4 In duly justified and exceptional cases, [F⁹the Secretary of State] may issue a temporary and non-renewable driver card valid for a maximum period of 185 days to a driver who does not have his normal residence in [F¹⁰the United Kingdom] or in a State which is a Contracting Party to the AETR Agreement, provided that such driver is in a labour law relationship with an undertaking established in the [F¹¹United Kingdom] and, in so far as Regulation (EC) No 1072/2009 of the European Parliament and of the Council applies, presents a driver attestation as referred to in that Regulation.

F¹²
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5 The [F¹³ Secretary of State] shall take appropriate measures to ensure that an applicant does not already hold a valid driver card and shall personalise the driver card, ensuring that its data are visible and secure.

6 The driver card shall not be valid for more than five years.

Changes to legislation: There are currently no known outstanding effects for the Regulation (EU) No 165/2014 of the European Parliament and of the Council, Article 26. (See end of Document for details)

7 A valid driver card shall not be withdrawn or suspended unless the [^{F14}Secretary of State finds] that the card has been falsified, or the driver is using a card of which he is not the holder, or the card held has been obtained on the basis of false declarations and/or forged documents. ^{F15}....

[^{F16}7a The [^{F17}Secretary of State] may require a driver to replace the driver card by a new one if this is necessary to comply with the relevant technical specifications.]

8 [^{F18}The Secretary of State] shall take all necessary measures to prevent driver cards from being falsified.

^{F19}g

Textual Amendments

- F1** Words in Art. 26(1) substituted (31.12.2020) by The Drivers' Hours and Tachographs (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/453), regs. 1(3), **87(2)(a)**; 2020 c. 1, Sch. 5 para. 1(1)
- F2** Words in Art. 26(1) substituted (31.12.2020) by The Drivers' Hours and Tachographs (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/453), regs. 1(3), **87(2)(b)(i)**; 2020 c. 1, Sch. 5 para. 1(1)
- F3** Words in Art. 26(1) substituted (31.12.2020) by The Drivers' Hours and Tachographs (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/453), regs. 1(3), **87(2)(b)(ii)**; 2020 c. 1, Sch. 5 para. 1(1)
- F4** Words in Art. 26(2) omitted (31.12.2020) by virtue of The Drivers' Hours and Tachographs (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/453), regs. 1(3), **87(3)(a)** (with reg. 114); 2020 c. 1, Sch. 5 para. 1(1)
- F5** Word in Art. 26(2) substituted (31.12.2020) by The Drivers' Hours and Tachographs (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/453), regs. 1(3), **87(3)(b)**; 2020 c. 1, Sch. 5 para. 1(1)
- F6** Word in Art. 26(3) substituted (31.12.2020) by The Drivers' Hours and Tachographs (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/453), regs. 1(3), **87(4)(a)**; 2020 c. 1, Sch. 5 para. 1(1)
- F7** Words in Art. 26(3) substituted (31.12.2020) by The Drivers' Hours and Tachographs (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/453), regs. 1(3), **87(4)(b)(i)**; 2020 c. 1, Sch. 5 para. 1(1)
- F8** Words in Art. 26(3) substituted (31.12.2020) by The Drivers' Hours and Tachographs (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/453), regs. 1(3), **87(4)(b)(ii)**; 2020 c. 1, Sch. 5 para. 1(1)
- F9** Words in Art. 26(4) substituted (31.12.2020) by The Drivers' Hours and Tachographs (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/453), regs. 1(3), **87(5)(a)(i)**; 2020 c. 1, Sch. 5 para. 1(1)
- F10** Words in Art. 26(4) substituted (31.12.2020) by The Drivers' Hours and Tachographs (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/453), regs. 1(3), **87(5)(a)(ii)**; 2020 c. 1, Sch. 5 para. 1(1)
- F11** Words in Art. 26(4) substituted (31.12.2020) by The Drivers' Hours and Tachographs (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/453), regs. 1(3), **87(5)(a)(iii)**; 2020 c. 1, Sch. 5 para. 1(1)
- F12** Words in Art. 26(4) omitted (31.12.2020) by virtue of The Drivers' Hours and Tachographs (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/453), regs. 1(3), **87(5)(b)** (with reg. 114); 2020 c. 1, Sch. 5 para. 1(1)
- F13** Words in Art. 26(5) substituted (31.12.2020) by The Drivers' Hours and Tachographs (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/453), regs. 1(3), **87(6)**; 2020 c. 1, Sch. 5 para. 1(1)
- F14** Words in Art. 26(7) substituted (31.12.2020) by The Drivers' Hours and Tachographs (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/453), regs. 1(3), **87(7)(a)**; 2020 c. 1, Sch. 5 para. 1(1)
- F15** Words in Art. 26(7) omitted (31.12.2020) by virtue of The Drivers' Hours and Tachographs (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/453), regs. 1(3), **87(7)(b)** (with reg. 114); 2020 c. 1, Sch. 5 para. 1(1)
- F16** Inserted by Regulation (EU) 2020/1054 of the European Parliament and of the Council of 15 July 2020 amending Regulation (EC) No 561/2006 as regards minimum requirements on maximum daily and weekly driving times, minimum breaks and daily and weekly rest periods and Regulation (EU) No 165/2014 as regards positioning by means of tachographs.
- F17** Words in Art. 26(7a) substituted (3.3.2021) by The Drivers' Hours and Tachographs (Amendment) Regulations 2021 (S.I. 2021/135), regs. 1, **3(7)**

Changes to legislation: There are currently no known outstanding effects for the Regulation (EU) No 165/2014 of the European Parliament and of the Council, Article 26. (See end of Document for details)

- F18** Words in Art. 26(8) substituted (31.12.2020) by The Drivers' Hours and Tachographs (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/453), regs. 1(3), **87(8)**; 2020 c. 1, Sch. 5 para. 1(1)
- F19** Art. 26(9) omitted (31.12.2020) by virtue of The Drivers' Hours and Tachographs (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/453), regs. 1(3), **87(9)** (with reg. 114); 2020 c. 1, Sch. 5 para. 1(1)

Changes to legislation:

There are currently no known outstanding effects for the Regulation (EU) No 165/2014 of the European Parliament and of the Council, Article 26.