
STATUTORY RULES OF NORTHERN IRELAND

2009 No. 91

The Community Drivers' Hours and Recording Equipment (Exemptions and Supplementary Provisions) Regulations (Northern Ireland) 2009

Amendment of Part VI of the Road Traffic (Northern Ireland) Order 1981

- 6.—(1) The Road Traffic (Northern Ireland) Order 1981⁽¹⁾ shall be amended as follows.
- (2) In Article 2(2) (interpretation)—
- (a) at the end of the definition of “applicable Community Rules” insert—
- “and includes the European Agreement concerning the Work of Crews of Vehicles engaged in International Road Transport of 1st July 1970⁽²⁾, as amended from time to time”; and
- (b) After the definition of “certificate of insurance” insert—
- ““the Community Drivers' Hours Regulation” means Regulation No [\(EC\) 561/2006](#) of the European Parliament and of the Council⁽³⁾ as amended from time to time;”.
- (3) In Article 81 (offences against applicable community rules)—
- (a) for paragraph (1) substitute—
- “(1) Where, in the case of a driver of a motor vehicle, there is a contravention of any requirement of the applicable Community rules as to periods of driving, or distance driven, or periods on or off duty, then the offender, the offender's employer and any other person to whose orders the offender was subject shall be guilty of an offence under this Order.”; and
- (b) after paragraph (1) insert the following paragraphs—
- “(1A) A person shall not be liable to be convicted under paragraph (1) if being charged as the offender's employer, or a person to whose orders the offender was subject, he proves—
- (a) that at the time of the contravention he was complying with Article 10(1) (distance related payments etc.) and Article 10(2) (organisation of drivers' work etc.) of the Community Driver's Hours Regulation); and
- (b) that he took all reasonable steps to avoid the contravention.
- (1B) A person who—
- (a) is subject to the requirement imposed by Article 10(4) of the Community Drivers' Hours Regulation (undertakings etc. to ensure that contractually agreed transport time schedules respect that Regulation); and
- (b) fails to take all reasonable steps to comply with that requirement,
- shall be guilty of an offence under this Order.”.

(1) [1981 No. 154 \(N.I. 1\)](#)

(2) [Cmnd 7401](#), [Cmnd 8572](#), [Cmnd 9037](#), [Cm 1776](#), [Cm 3042](#) and [Cm 3135](#)

(3) [O.J. No.L102](#), 11.04.06, p.1.

Changes to legislation: *There are currently no known outstanding effects for the The Community Drivers' Hours and Recording Equipment (Exemptions and Supplementary Provisions) Regulations (Northern Ireland) 2009, Section 6. (See end of Document for details)*

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Commencement Information

II [Reg. 6](#) in operation at 23.4.2009, see [reg. 1](#)

Changes to legislation:

There are currently no known outstanding effects for the The Community Drivers' Hours and Recording Equipment (Exemptions and Supplementary Provisions) Regulations (Northern Ireland) 2009, Section 6.