



Road Traffic Act 1960

1960 CHAPTER 16

PART I

GENERAL PROVISIONS RELATING TO ROAD TRAFFIC

Provisions as to Manning and Hours of Duty

72 Requirements as to employment of persons to attend to locomotives and trailers

- (1) In the case of heavy locomotives and light locomotives, two persons shall be employed in driving or attending the locomotive whilst being driven on a highway, and where any such locomotive is drawing a trailer or trailers on a highway one or more persons, in addition to the persons employed as aforesaid, shall be employed for the purpose of attending to the trailer or trailers at the rate of one such additional person for each trailer in excess of one:

Provided that this subsection shall not apply to a road roller while engaged in rolling a road.

- (2) Where a motor vehicle other than a heavy locomotive or a light locomotive is drawing a trailer or trailers on a highway, one person, in addition to the driver of the vehicle, shall be carried either on the vehicle or on a trailer for the purpose of attending to the trailer or trailers.
- (3) For the purposes of this section the expression " trailer " shall not include a vehicle used solely for carrying water for the purposes of the drawing vehicle or an agricultural vehicle not constructed to carry a load.
- (4) If a person causes or permits a motor vehicle or trailer to be driven or drawn in contravention of this section, he shall be liable on summary conviction to a fine not exceeding twenty pounds, or in the case of a second or subsequent conviction to a fine not exceeding fifty pounds or to imprisonment for a term not exceeding three months.
- (5) The Minister may by regulations vary the requirements of this section in respect of any class or description of motor vehicles or any class or description of trailers, and

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regulations made under this subsection with respect to a class or description of vehicles may make different provision in different circumstances.

73 Limitation of hours of duty of certain drivers

- (1) With a view to protecting the public against the risks which arise in cases where the drivers of motor vehicles are suffering from excessive fatigue, it is hereby enacted that it shall not be lawful in the case of:—
- (a) a public service vehicle, or
 - (b) a heavy locomotive, light locomotive or motor tractor, or
 - (c) a motor vehicle constructed to carry goods other than the effects of passengers, for a person to drive or cause or permit a person employed by him or subject to his orders to drive—
 - (i) for any continuous period of more than five hours and one half, or
 - (ii) for continuous periods amounting in the aggregate to more than eleven hours in any period of twenty-four hours commencing two hours after midnight, or
 - (iii) so that the driver has not at least ten consecutive hours for rest in any period of twenty-four hours calculated from the commencement of any period of driving.
- (2) It shall be a sufficient compliance with the provisions of paragraph (iii) of the foregoing subsection if the driver has at least nine consecutive hours for rest in any such period of twenty-four hours as is therein mentioned provided that he has an interval of at least twelve consecutive hours for rest in the next following period of twenty-four hours.
- (3) If a person acts in contravention of this section, he shall be liable on summary conviction to a fine not exceeding twenty pounds, or in the case of a second or subsequent conviction to a fine not exceeding fifty pounds or to imprisonment for a term not exceeding three months; but a person shall not be liable to be convicted under this section if he proves to the court that the contravention was due to unavoidable delay in the completion of a journey arising out of circumstances which he could not reasonably have foreseen.
- (4) For the purposes of this section—
- (a) any two or more periods of time shall be deemed to be a continuous period unless separated by an interval of not less than half an hour in which the driver is able to obtain rest and refreshment;
 - (b) any time spent by a driver on other work in connection with a vehicle or the load carried thereby, including, in the case of a public service vehicle, any time spent on a vehicle while on a journey in any other capacity than as a passenger, shall be reckoned as time spent in driving;
 - (c) in the case of a vehicle which is being used in the course of operations of agriculture or forestry a person shall not be deemed to be driving the vehicle or to be spending time on work in connection with the vehicle or the load carried thereby so long as the vehicle is elsewhere than on a road;

and for the purposes of the provisions of this section which relate to the number of consecutive hours for rest which a driver is to have in a specified period, time during which the driver is bound by the terms of his employment to obey the directions of his employer, or to remain on or near the vehicle, or during which the vehicle is at a place where no reasonable facilities exist for the driver to rest away from the vehicle, shall be deemed not to be time which the driver has for rest.

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- (5) The Minister may, on the application of a joint industrial council, conciliation board or other similar body, or on an application by any such organisation, representative of employers or workpeople in the industry, as the Minister of Labour may certify to be a proper body to make such an application, and after referring the matter to the Industrial Court for advice, by order made by statutory instrument vary the periods of time prescribed in this section, provided that he is of opinion that the variation is not likely to be detrimental to the public safety; and an order may be made under this subsection so as to have effect only as respects a particular class of public service vehicles, or only as respects public service vehicles when used in particular circumstances.
- (6) Where an application is made under the last foregoing subsection as respects drivers of stage carriages when used either—
 - (a) on regular services under a road service licence to which a condition requiring the observance of a time-table is attached, or
 - (b) on regular services in respect of which no road service licence is required,then, if it is shown to the satisfaction of the Industrial Court and of the Minister that the conditions under which the services are operated are such as to secure that the periods deemed to be continuous periods for the purposes of this section during which the vehicles are driven include times in which the drivers are able to obtain rest and refreshment, the Industrial Court, in advising on the application, and the Minister in giving his determination thereon, may have regard to those conditions.
- (7) An order made under subsection (5) of this section may be revoked or varied by a subsequent order made in like manner and subject to the like conditions.
- (8) This section shall not apply to vehicles used for fire brigade or ambulance purposes.