

1978 No. 1364

ROAD TRAFFIC

**The Drivers' Hours (Goods Vehicles) (Exemptions)
Regulations 1978**

<i>Made</i>	-	-	-	<i>16th September 1978</i>
<i>Laid before Parliament</i>				<i>26th September 1978</i>
<i>Coming into Operation</i>				<i>17th October 1978</i>

The Secretary of State for Transport, in exercise of the powers conferred by section 96(10) of the Transport Act 1968(a) and now vested in him(b), and of all other enabling powers, and after consultation with representative organisations in accordance with section 101(6) of the said Act, hereby makes the following Regulations:—

Commencement, citation and revocation

1.—(1) These Regulations shall come into operation on 17th October 1978, and may be cited as the Drivers' Hours (Goods Vehicles) (Exemptions) Regulations 1978.

(2) The Drivers' Hours (Goods Vehicles) (Exemptions) Regulations 1972(c) are hereby revoked.

Interpretation

2.—(1) In these Regulations, unless the context otherwise requires—

“the Act” means the Transport Act 1968;

“the Community rules” means those provisions of Council Regulation (EEC) No. 543/69 of 25th March 1969 on the harmonisation of certain social legislation relating to road transport(d) (as last amended by Council Regulations (EEC) Nos. 2827/77(e) and 2829/77(f), both of 12th December 1977) which regulate the driving and rest periods of drivers of goods and passenger vehicles and which apply in unmodified form to journeys or work in connection with international transport operations, but apply until 31st December 1980 in modified form, and thereafter in unmodified form, to journeys or work in connection with national transport operations in Great Britain;

“Community regulated journeys or work” means journeys or work to which the Community rules apply, whether in modified or unmodified form;

“domestic journeys or work” means journeys or work to which the Community rules do not apply but to which the provisions of Part VI of the Act do apply;

“the Harmonisation Regulations” means the Drivers' Hours (Harmonisation with Community Rules) Regulations 1978(g);

“section 96” means section 96 of the Act;

(a) 1968 c. 73.

(b) S.I. 1970/1681.

(c) S.I. 1972/574.

(d) O.J. No. L. 77/49 of 29.3.1969.

(e) O.J. No. L. 334/1 of 24.12.1977.

(f) O.J. No. L. 334/11 of 24.12.1977.

(g) S.I. 1978/1157.

and any other expression which is also used in Part VI of the Act has the same meaning as in that Part of that Act.

(2) The references in these Regulations to the Community rules as applying in modified form are references to those rules as temporarily modified by the Community Drivers' Hours Rules (Temporary Modifications) Regulations 1978(a) and the references in these Regulations to the Community rules as applying in unmodified form are references to those rules as they have effect without that modification.

(3) Any reference in an entry in Column 1 of Part I of the Schedule to these Regulations to an emergency is a reference to such a case of emergency as is specified in Column 2 of that Part in relation to that entry, and any reference in an entry in Column 1 of Part II of the Schedule to these Regulations to a special need is a reference to such a special need as is specified in Column 2 of that Part in relation to that entry.

(4) Subject to paragraph (5) below, any reference in these Regulations to an enactment or instrument is a reference to that enactment or instrument as amended by any subsequent enactment or instrument.

(5) In interpreting a provision of these Regulations which grants an exemption from the requirements of any of subsections (1) to (6) of section 96, or imposes a condition in relation to such exemption, in a case (and only in a case) where apart from the exemption the subsection in question would apply to a driver in a form affected by the provisions of the Harmonisation Regulations, any reference in that provision to the subsection in question shall be construed as a reference to that subsection as amended by the Harmonisation Regulations and—

- (a) the expression “working day” in that provision shall be construed in accordance with the amendment to the definition of that expression made by Regulation 4(3) of the Harmonisation Regulations, and
- (b) the expression “working week” in that provision shall be construed in accordance with the revised definition of that expression given in Regulation 4(8), or Regulation 5(6) of the Harmonisation Regulations (as the case may be), if, and only if, that revised definition would have been used in applying the requirements of the particular subsection of section 96 to that driver, had there been no such exemption.

Exemptions from requirements as to drivers' hours

3.—(1) For the purpose of enabling drivers of goods vehicles to deal with the cases of emergency and to meet the special needs specified in Parts I and II of the Schedule to these Regulations such drivers are hereby exempted from the requirements of the relevant subsections of section 96 to the extent specified in column 1 of the said Parts I and II in relation to them, subject, however, to the conditions specified or referred to therein in relation to them.

(2) For the purposes of paragraph (1) above “the relevant subsections of section 96” means—

- (a) in relation to a driver who spends time on duty to deal with an emergency—
 - (i) where that time is spent by him on domestic journeys or work, subsections (1) to (6),

- (ii) where that time is spent by him on Community regulated journeys or work, subsections (2), (3) and (5),
- (b) in relation to a driver who spends time on duty to meet a special need—
 - (i) where that time is spent by him on domestic journeys or work, subsections (3) to (6),
 - (ii) where that time is spent by him on Community regulated journeys or work, subsections (3) and (5).
- (3) Where in a working day or a working week a driver spends time on duty to meet a special need and that time is spent on both domestic journeys or work and Community regulated journeys or work, then, in applying the provisions of these Regulations, account shall be taken of both the domestic and the Community regulated journeys or work in determining whether the time spent by the driver in the working day or working week in question has been spent wholly or mainly in meeting the special need.
- (4) Nothing in these Regulations shall exempt any driver from the relevant requirements of the Community rules in any case where they apply.

William Rodgers,
Secretary of State for Transport.

16th September 1978.

SCHEDULE
(See Regulation 3)

PART I
CASES OF EMERGENCY

Column 1	Column 2
Drivers exempted, requirements exempted from and conditions of exemption	Emergencies
<p>A driver who spends time on duty to deal with an emergency—</p> <p>(1) is exempted from the requirements of section 96(1), (2) and (3) in respect of any working day during which he spends time on such duty, subject to the condition that he does not during that day spend time on duty (otherwise than for dealing with an emergency) for a period of, or periods amounting in the aggregate to, more than 11 hours:</p> <p style="padding-left: 2em;">Provided that where a driver spends time on duty to deal with an emergency which interrupts what would otherwise have been an interval for rest between two successive working days, this condition shall not preclude him from subsequently spending not more than 11 hours on duty (of which not more than 10 hours shall be spent in driving vehicles to which Part VI of the Act applies) for other purposes, if he has had, since he was last on duty for such other purposes, two or more intervals for rest which amount in the aggregate to a period of not less than 10 hours;</p> <p>(2) is exempted from the requirement of section 96(4) in respect of the interval for rest between any working day during which he spends time on such duty and any succeeding working day, subject to the condition that he has between those days an interval for rest of not less than 10 hours, and in such a case subsections (1) to (3) and (8) of section 96 and sub-paragraph (1) above shall, in respect of each of the said working days mentioned above, apply in relation to the driver as if, for the purposes of the expression "working day" in each of those subsections, and in that sub-paragraph, he had had an interval for rest between the said days of not less than 11 hours;</p>	<p>1. Events which—</p> <p>(a) cause or are likely to cause such—</p> <p style="padding-left: 2em;">(i) danger to the life or health of one or more individuals or animals, or</p> <p style="padding-left: 2em;">(ii) a serious interruption in the maintenance of public services for the supply of water, gas, electricity or drainage or of telecommunication or postal services, or</p> <p style="padding-left: 2em;">(iii) a serious interruption in the use of roads or air ports, or</p> <p>(b) are likely to cause such serious damage to property, as to necessitate the taking of immediate action to prevent the occurrence or continuance of such danger or interruption or the occurrence of such damage.</p>

Column 1 Drivers exempted, requirements exempted from and conditions of exemption	Column 2 Emergencies
<p>(3) is exempted from the requirement of section 96(5) in respect of any working week during which he spends time on such duty subject to the condition that he does not during that week spend time on duty (otherwise than for dealing with an emergency) for periods amounting in the aggregate to more than 66 hours;</p> <p>(4) is exempted from the requirement of section 96(6) in respect of any working week during which he spends time on such duty—</p> <p>(a) subject to the conditions specified in Part III of this Schedule, and</p> <p>(b) in a case where he spends time on such duty during the last 24 hours of that working week, subject also to the condition that he does not during that period of 24 hours after spending time on duty for dealing with an emergency, spend time on duty for any other purpose.</p>	

PART II

CASES OF SPECIAL NEED

Column 1 Drivers exempted, requirements exempted from and conditions of exemption	Column 2 Special Needs
<p>Post Office</p> <p>1.—(1) A driver of a goods vehicle which is used for the purposes of the Post Office is exempted from the requirements of—</p> <p>(a) section 96(3) in respect of any working day to which this paragraph applies during which the time spent by him on duty is spent wholly or mainly in meeting a special need, subject to the condition that that working day does not exceed 14 hours; and</p>	<p>1. Work done wholly or mainly in connection with the handling of mail.</p>

Column 1 Drivers exempted, requirements exempted from and conditions of exemption	Column 2 Special Needs
<p>(b) section 96(5) and (6) in respect of any working week to which this paragraph applies during which the time spent by him on duty is spent wholly or mainly in meeting such a need, subject, in the case of the exemption from the requirements of—</p> <p>(i) section 96(5), to the condition that he is not on duty in that week for periods amounting in the aggregate to more than 66 hours, and</p> <p>(ii) section 96(6), to the conditions specified in Part III of this Schedule.</p> <p>(2) The working weeks to which this paragraph applies are any which fall wholly or partly in the month of December in any year, and the working days to which this paragraph applies are any which fall wholly or partly within any such working week.</p> <p><i>Carriage of food and drink</i></p> <p>2.—(1) A driver is exempted from the requirements of—</p> <p>(a) section 96(3) in respect of any working day to which this paragraph applies during which the time spent by him on duty is spent wholly or mainly in meeting a special need, subject to the condition that that working day does not exceed 14 hours; and</p> <p>(b) section 96(5) and (6) in respect of any working week to which this paragraph applies during which the time spent by him on duty is spent wholly or mainly in meeting such a need, subject, in the case of the exemption from the requirements of—</p> <p>(i) section 96(5), to the condition that he is not on duty in that week for periods amounting in the aggregate to more than 66 hours, and</p> <p>(ii) section 96(6), to the conditions specified in Part III of this Schedule.</p> <p>(2) The working weeks to which this paragraph applies are—</p> <p>(a) the working week in which Good Friday falls;</p> <p>(b) the working week which immediately precedes that in which the first Monday in May bank holiday falls;</p>	<p>2. Work done wholly or mainly in connection with the carriage of food or drink other than—</p> <p>(a) bread;</p> <p>(b) milk;</p> <p>(c) fodder or feeding stuffs for animals; or</p> <p>(d) articles or substances used only as drugs.</p>

Column 1 Drivers exempted, requirements exempted from and conditions of exemption	Column 2 Special Needs
<p>(c) the working week which immediately precedes that in which the spring bank holiday Monday falls;</p> <p>(d) the six working weeks which immediately precede the working week in which the summer bank holiday Monday falls; and</p> <p>(e) the working week in which 1st January falls and the two immediately preceding working weeks;</p> <p>and the working days to which this paragraph applies are any which fall wholly or partly within any such working week.</p> <p>In this paragraph the expression "bank holiday" means a bank holiday under the Banking and Financial Dealings Act 1971(a), either generally or in the particular locality where the journey or part of the journey takes place.</p> <p><i>Carriage of bread</i></p> <p>3.—(1) A driver is exempted from the requirements of—</p> <p>(a) section 96(3) in respect of any working day to which this sub-paragraph applies during which the time spent by him on duty is spent wholly or mainly in meeting a special need, subject to the condition that that working day does not exceed 14 hours;</p> <p>(b) section 96(5) in respect of any working week such as is mentioned in paragraph 2(2) above during which the time spent by him on duty is spent wholly or mainly in meeting such a need, subject to the condition that he is not on duty in that week for periods amounting in the aggregate to more than 66 hours; and</p> <p>(c) section 96(6) in respect of any working week during which the time spent by him on duty is spent wholly or mainly in meeting such a need, subject to the conditions specified in Part III of this Schedule.</p> <p>(2) The working days to which sub-paragraph (1)(a) above applies are—</p> <p>(a) subject to sub-paragraph (3) below, any which fall wholly or partly on a Friday or on a Saturday; or</p>	<p>3. Work done wholly or mainly in connection with the carriage of bread.</p>

Column 1 Drivers exempted, requirements exempted from and conditions of exemption	Column 2 Special Needs
<p>(b) any which fall wholly or partly within any working week such as is mentioned in paragraph 2(2) above; or</p> <p>(c) without prejudice to sub-paragraph (b) above, any two each of which falls wholly or partly within a period of 7 days immediately preceding a bank holiday.</p> <p>In this sub-paragraph the expression "bank holiday" has the same meaning as in paragraph 2 above.</p> <p>(3) In a case where, by virtue of sub-paragraphs (1) and (2)(a) above, a driver is exempted from the requirements mentioned in the said sub-paragraph (1) in respect of a working day which falls wholly or partly on a Friday, the said sub-paragraph (2)(a) shall apply in his case as if the reference to a Saturday were omitted.</p> <p><i>Carriage of milk</i></p> <p>4. A driver is exempted from the requirements of—</p> <p>(a) section 96(3) in respect of any working day to which this sub-paragraph applies during which the time spent by him on duty is spent wholly or mainly in meeting a special need, subject to the condition that that working day does not exceed 14 hours; and</p> <p>(b) section 96(5) and (6) in respect of any working week during which the time spent by him on duty is spent wholly or mainly in meeting such a need, subject, in the case of the exemption from the requirements of—</p> <p>(i) section 96(5), to the condition that he is not on duty in that week for periods amounting in the aggregate to more than 66 hours, and</p> <p>(ii) section 96(6), to the condition that he has in the 14 day period which comprises that working week and the next following working week a continuous period of not less than 48 hours for which he is off duty.</p> <p><i>Carriage of liquid egg</i></p> <p>5.—(1) A driver is exempted from the requirements of—</p> <p>(a) section 96(3) in respect of any working day to which this sub-paragraph</p>	<p>4. Work done wholly or mainly in connection with the carriage of milk.</p> <p>5. Work done wholly or mainly in connection with the carriage of liquid egg in bulk.</p>

Column 1 Drivers exempted, requirements exempted from and conditions of exemption	Column 2 Special Needs
<p>applies during which the time spent by him on duty is spent wholly or mainly in meeting a special need, subject to the condition that that working day does not exceed 14 hours; and</p> <p>(b) section 96(5) and (6) in respect of any working week during which the time spent by him on duty is spent wholly or mainly in meeting such a need, subject, in the case of the exemption from the requirements of—</p> <p>(i) section 96(5), to the condition that he is not on duty in that week for periods amounting in the aggregate to more than 66 hours, and</p> <p>(ii) section 96(6), to the conditions specified in Part III of this Schedule.</p> <p>(2) The working days to which subparagraph (1)(a) above applies are any which fall wholly or partly within any working week such as is mentioned in paragraph 2(2) above.</p> <p><i>Carriage of animals</i></p> <p>6.—(1) A driver is exempted from the requirements of—</p> <p>(a) section 96(3) in respect of any working day during which the time spent by him on duty is spent wholly or mainly in meeting a special need, subject to the condition that that working day does not exceed 14 hours;</p> <p>(b) section 96(4) in respect of the interval for rest between that day and any succeeding working day, subject to the condition that he has between those days an interval for rest of not less than 10 hours; and</p> <p>(c) section 96(5) and (6) in respect of any working week during which the time spent by him on duty is spent wholly or mainly in meeting such a need, subject, in the case of the exemption from the requirements of—</p> <p>(i) section 96(5), to the condition that he is not on duty in that week for periods amounting in the aggregate to more than 66 hours, and</p> <p>(ii) section 96(6), to the conditions specified in Part III of this Schedule.</p>	<p>6. Work done wholly or mainly in connection with the carriage of animals.</p>

Column 1 Drivers exempted, requirements exempted from and conditions of exemption	Column 2 Special Needs
<p>(2) In any case where a driver is exempted by virtue of paragraph (1)(b) above from the requirement of section 96(4), subsections (1) to (3) and (8) of section 96 and the said sub-paragraph (1)(b) shall, in respect of each of the said working days mentioned in the said paragraph (1)(b), apply in relation to him as if, for the purposes of the expression "working day" in each of those subsections, and in that sub-paragraph, he had had an interval for rest between the said days of not less than 11 hours.</p> <p><i>Carriage of animal waste not intended for human consumption</i></p> <p>7.—(1) A driver is exempted from the requirements of—</p> <p>(a) section 96(3) in respect of any working day during which the time spent by him on duty is spent wholly or mainly in meeting a special need, subject to the condition that that working day does not exceed 14 hours;</p> <p>(b) section 96(4) in respect of the interval for rest between that day and any succeeding working day, subject to the condition that he has between those days an interval for rest of not less than 10 hours; and</p> <p>(c) section 96(5) in respect of any working week during which the time spent by him on duty is spent wholly or mainly in meeting such a need, subject to the condition that he is not on duty in that week for periods amounting in the aggregate to more than 66 hours.</p> <p>(2) In any case where a driver is exempted by virtue of paragraph (1)(b) above from the requirement of section 96(4), subsections (1) to (3) and (8) of section 96 and the said sub-paragraph (1)(b) shall, in respect of each of the said working days mentioned in the said paragraph (1)(b), apply in relation to him as if, for the purposes of the expression "working day" in each of those subsections, and in that sub-paragraph, he had had an interval for rest between the said days of not less than 11 hours.</p>	<p>7. Work done wholly or mainly in connection with the carriage of animal waste not intended for human consumption.</p>

Column 1 Drivers exempted, requirements exempted from and conditions of exemption	Column 2 Special Needs
<p><i>Carriage of fish and agricultural produce, of things used for the repair or replacement of agricultural machinery, of certain materials used in agriculture and of felled trees.</i></p> <p>8. A driver is exempted from the requirements of—</p> <p>(a) section 96(3) in respect of any working day during which the time spent by him on duty is spent wholly or mainly in meeting a special need, subject to the condition that that working day does not exceed 14 hours; and</p> <p>(b) section 96(5) and (6) in respect of any working week during which the time spent by him on duty is spent wholly or mainly in meeting such a need, subject, in the case of the exemption from the requirements of—</p> <p>(i) section 96(5), to the condition that he is not on duty in that week for periods amounting in the aggregate to more than 66 hours, and</p> <p>(ii) section 96(6), to the conditions specified in Part III of this Schedule.</p>	<p>8. Work done wholly or mainly in connection with—</p> <p>(a) the carriage of fish from the place where it has been landed direct to another place, where the carriage takes place immediately after the fish has been landed; or</p> <p>(b) the carriage of anything produced in the course of agriculture from the place where it is produced (being a place at which the business of agriculture is carried on) direct to another place, where the journey on which the produce is carried commenced during the harvest period for that produce.</p> <p>For the purposes of this paragraph a journey shall not be treated otherwise than as direct by reason only of any temporary interruption made for the purpose of transferring the produce from one means of transport to another; or</p> <p>(c) the carriage of anything used for or in connection with the repair or replacement of agricultural machinery (including fuel and lubricants for such machinery) at a time when it is being used in connection with the harvesting of such produce as aforesaid; or</p> <p>(d) the carriage of agricultural lime, seed or fertilizers, or of fodder or feeding stuffs for animals; or</p> <p>(e) the carriage of trees from any place where they have recently been felled.</p> <p>In this paragraph "agriculture" has the same meaning as in Part VI of the Act, except that it does not include dairy farming or livestock breeding and keeping, and "agricultural" shall be construed accordingly.</p>

Column 1 Drivers exempted, requirements exempted from and conditions of exemption	Column 2 Special Needs
<p><i>Blood transfusion service</i></p> <p>9. A driver is exempted from the requirement of section 96(3) in respect of any working day during which the time spent by him on duty is spent wholly or mainly in meeting a special need, subject to the conditions that—</p> <p>(a) that working day does not exceed 14 hours;</p> <p>(b) he is able to obtain rest and refreshment during that day for a period which is, or for periods which in the aggregate are, not less than the time by which the working day exceeds 10 hours; and</p> <p>(c) he has not taken advantage of the exemption conferred by this paragraph on more than one previous working day which forms part of the working week of which that day forms part.</p> <p><i>Distribution of newspapers, magazines and periodicals</i></p> <p>10.—(1) A driver is exempted from the requirements of—</p> <p>(a) section 96(3) in respect of any working day during which the time spent by him on duty is spent wholly or mainly in meeting a special need, subject to the condition that that working day does not exceed 14 hours; and</p> <p>(b) section 96(4) in respect of the interval for rest between that day and any succeeding working day, subject to the condition that he has between those days an interval for rest of not less than 10 hours.</p> <p>(2) In any case where a driver is exempted by virtue of sub-paragraph (1)(b) above from the requirement of section 96(4), subsections (1) to (3) and (8) of section 96 and the said sub-paragraph (1)(b), shall, in respect of each of the said working days mentioned in the said paragraph (1)(b), apply in relation to him as if, for the purposes of the expression "working day" in each of those subsections, and in that sub-paragraph, he had had an interval for rest between the said days of not less than 11 hours.</p>	<p>9. Work done wholly or mainly in connection with the collection and delivery of blood for the purposes of transfusion.</p> <p>10. Work done wholly or mainly in connection with the distribution of newspapers, magazines or periodicals to wholesalers or to persons or premises for the purposes of their sale by retail by those persons or at those premises.</p>

Column 1 Drivers exempted, requirements exempted from and conditions of exemption	Column 2 Special Needs
<p><i>Carriage of materials used in building or civil engineering work</i></p> <p>11. A driver is exempted from the requirements of—</p> <p>(a) section 96(3) in respect of any working day during which the time spent by him on duty is spent wholly or mainly in meeting a special need, subject to the condition that that working day does not exceed 14 hours; and</p> <p>(b) section 96(5) and (6) in respect of any working week during which the time spent by him on duty is spent wholly or mainly in meeting such a need, subject in the case of the exemption from the requirements of—</p> <p>(i) section 96(5), to the condition that he is not on duty in that week for periods amounting in the aggregate to more than 66 hours, and</p> <p>(ii) section 96(6), to the conditions specified in Part III of this Schedule.</p>	<p>11. Work done wholly or mainly in connection with the carriage of materials or components used in building or civil engineering work to or from sites where such work is being prepared or carried out.</p>
<p><i>Furniture removal and carriage of shopfittings</i></p> <p>12. A driver is exempted from the requirement of section 96(3) in respect of any working day during which the time spent by him on duty is spent wholly or mainly in meeting a special need, subject to the condition that that working day does not exceed 14 hours.</p>	<p>12. Work done wholly or mainly in connection with furniture removal (that is to say, the carriage of household furniture and effects from one private residence to another or to or from a place where such furniture and effects are to be or have been put in store) or with the carriage of shopfittings to or from shops.</p>
<p><i>Carriage of explosives, radioactive substances and ships' stores</i></p> <p>13. A driver is exempted from the requirement of section 96(3) in respect of any working day during which the time spent by him on duty is spent wholly or mainly in meeting a special need, subject to the condition that that working day does not exceed 14 hours.</p>	<p>13. Work done wholly or mainly in connection with—</p> <p>(a) the carriage of explosives (within the meaning of the Explosives Act 1875(a)); or</p> <p>(b) the carriage of radioactive substances (within the meaning of the Radioactive Substances Act 1948(b)); or</p> <p>(c) the delivery of stores to ships.</p>
<p><i>Carriage of exceptional loads when accompanied by the police</i></p> <p>14. A driver is exempted from the requirements of—</p> <p>(a) section 96(3) in respect of any working day during which the time spent by him on duty is spent wholly or mainly in meeting a special need,</p>	<p>14. Work done wholly or mainly in connection with the carriage of a load where, owing to its dimensions or weight, the vehicle by which it is carried is accompanied for the whole or the greater part of its journey by</p>
(a) 1875 c. 17.	(b) 1948 c. 37.

Column 1 Drivers exempted, requirements exempted from and conditions of exemption	Column 2 Special Needs
<p>subject to the conditions that—</p> <ul style="list-style-type: none"> (i) that working day does not exceed 14 hours, and (ii) he is off duty during that day for a period which is, or for periods which in the aggregate are, not less than the time by which that working day exceeds 11 hours; and <p>(b) section 96(5) and (6) in respect of any working week during which the time spent by him on duty is spent wholly or mainly in meeting such a need, subject, in the case of the exemption from the requirements of—</p> <ul style="list-style-type: none"> (i) section 96(5), to the condition that he is not on duty in that week for periods amounting in the aggregate to more than 66 hours, and (ii) section 96(6), to the conditions specified in Part III of this Schedule. <p><i>Carriage of goods by sea ferry</i></p> <p>15. A driver is exempted from the requirement of section 96(3) in respect of any working day during which the time spent by him on duty is spent wholly or mainly in meeting a special need, subject to the conditions that—</p> <ul style="list-style-type: none"> (a) that working day does not exceed 14 hours; and (b) he is off duty during that day for a period which is, or for periods which in the aggregate are, not less than the time by which that working day exceeds 11 hours. 	<p>one or more motor vehicles each driven by a constable in uniform.</p> <p>15. Work done wholly or mainly in connection with the carriage of goods where the journey on which they are carried—</p> <ul style="list-style-type: none"> (a) involves their being ferried across the sea from one place within Great Britain to another such place, without being removed from the vehicle in which they are carried, and (b) is one during the whole of which the vehicle is driven or accompanied by the same driver.

PART III

CONDITIONS APPLICABLE TO EXEMPTIONS FROM SECTION 96(6)

Where any entry in column 1 of this Schedule (other than entry No. 4 in Part II) provides for an exemption from the requirement of section 96(6) in relation to any such working week of a driver as is mentioned in that entry to enable that driver to spend time on duty to meet an emergency or a special need subject to the conditions specified in this Part of this Schedule, the conditions so referred to are the following—

- (i) that the driver has, in respect of each working week in the course of which he has not had such a period off duty as is required by section 96(6), a period of not less than 24 hours for which he is off duty,
- (ii) that any such period is taken within a period of 28 days starting from the beginning of the working week in respect of which he is required to have that period and is taken by him in addition to any other period for which the driver is required by these conditions or by section 96(6) to be off duty in the case of any other working week.

EXPLANATORY NOTE

(This Note is not part of the Regulations.)

These Regulations, which revoke and replace (with amendments) the Drivers' Hours (Goods Vehicles) (Exemptions) Regulations 1972, provide exemptions, subject to conditions, from the requirements of section 96(1) to (6) of the Transport Act 1968 (which relates to permitted driving times and periods of duty and to required periods of rest) to enable drivers of goods vehicles to deal with cases of emergency and to meet certain special needs.

The changes provided for in these Regulations reflect the application to national transport operations of Council Regulation (EEC) No. 543/69 (which relates to the hours of work for drivers) and the effect of the Drivers' Hours (Harmonisation with Community Rules) Regulations 1978 (which specify the relationship between the provisions of the EEC Council Regulation and section 96(1) to (6) of the 1968 Act).

Details of the exemptions for cases of emergency are set out in Part I of the Schedule and details of the exemptions to meet special needs are set out in Part II of the Schedule. Regulation 3 makes clear which of the subsections of section 96 are affected by the exemptions in cases where the EEC Council Regulation applies and in cases where that Regulation does not apply.

A new special needs exemption is provided in connection with the carriage of animal waste not intended for human consumption (Item 7 in Part II of the Schedule) and the conditions of the exemption relating to the carriage of milk (Item 4 in Part II of the Schedule) have been changed so as to accord with the Community Road Transport Rules (Exemptions) Regulations 1978 (S.I. No. 1158).

Nothing in these Regulations exempts any driver from the applicable provision of the EEC Council Regulation but provision is made in Article 13a of that Regulation for certain exemptions from that Regulation in certain emergency situations.

SI 1978/1364
ISBN 0-11-084364-9



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