
STATUTORY INSTRUMENTS

1989 No. 2121

ROAD TRAFFIC

**The Passenger and Goods Vehicles
(Recording Equipment) Regulations 1989**

Approved by both Houses of Parliament

Made - - - - 16th November 1989

Coming into force - - 23rd November 1989

The Secretary of State for Transport, being a Minister designated⁽¹⁾ for the purpose of section 2(2) of the European Communities Act 1972⁽²⁾ in relation to the regulation and supervision of the working conditions of persons engaged in road transport and the regulation of the type, description, construction or equipment of vehicles, in exercise of the powers conferred by that section, hereby makes the following Regulations:

1. These Regulations may be cited as the Passenger and Goods Vehicles (Recording Equipment) Regulations 1989 and shall come into force on the seventh day after the day on which it is made.

2.—(1) Section 97 of the Transport Act 1968⁽³⁾ (installation and use of recording equipment) shall be amended as follows.

(2) In subsection (1)–

(a) the words from “unless” to the end of paragraph (c) shall become paragraph “(a)”, with paragraphs (a), (b) and (c) becoming sub-paragraphs “(i)”, “(ii)” and “(iii)” of that paragraph;

(b) at the end of that paragraph there shall be inserted the following

“, or

(b) in which there is recording equipment which has been repaired (whether before or after installation) otherwise than in accordance with the Community Recording Equipment Regulation;”;

(c) for the words “level 4” there shall be substituted the words “level 5”.

(3) After subsection (1) there shall be inserted the following subsection–

“**1A)** A person shall not be liable to be convicted under subsection (1) of this section if he proves to the court that he neither knew nor ought to have known that the recording

(1) S.I.1975/1707 and 1972/1811.

(2) 1972 c. 68.

(3) Section 97 of the Transport Act 1968 (c. 73) was substituted by S.I. 1979/1746 and amended by S.I. 1984/144 and 1986/1457.

equipment had not been installed or repaired, as the case may be, in accordance with the Community Recording Equipment Regulation.”.

(4) In subsections (2), (3) and (4), after the words “subsection (1)” there shall be inserted “(a)”.

3. After section 97A of the Transport Act 1968⁽⁴⁾ (provisions supplementary to section 97) there shall be inserted the following section:—

“Forgery, etc of seals on recording equipment

97AA.—(1) A person who, with intent to deceive, forges, alters or uses any seal on recording equipment installed in, or designed for installation in, a vehicle to which section 97 of this Act applies, shall be guilty of an offence.

(2) A person guilty of an offence under subsection (1) above shall be liable—

(a) on conviction on indictment, to imprisonment for a term not exceeding two years,
or

(b) on summary conviction, to a fine not exceeding the statutory maximum.

(3) In the application of this section to England and Wales a person “forges” a seal if he makes a false seal in order that it may be used as genuine.”.

Signed by authority of the Secretary of State for Transport.

16th November 1989

Robert Atkins
Parliamentary Under Secretary of State,
Department of Transport

(4) Section 97A of the Transport Act 1968 was inserted by S.I. [1979/1746](#).

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations further amend section 97 of the Transport Act 1968 which requires the installation and use of recording equipment in certain goods vehicles (regulation 2) and inserts a new section 97AA in that Act concerning the forgery of seals on such equipment (regulation 3).

The amendments in regulation 2–

- (a) make it an offence to use, or cause or permit to be used, a vehicle to which section 97 applies if the recording equipment in the vehicle has been repaired otherwise than in accordance with the Community Recording Equipment Regulation as defined in section 97 as amended;
- (b) introduce a defence for a person charged with contravention of section 97 if he proves to the court that he neither knew nor ought to have known that the recording equipment had not be installed or repaired, as the case may be, in accordance with the Community Recording Equipment Regulation; and
- (c) increase from level 4 on the standard scale to level 5 the penalty on summary conviction for an offence under section 97.

Regulation 3 introduces a new section 97AA which makes forgery, alteration or use, with intent to deceive, of a seal on recording equipment an offence. A person guilty of the offence is liable–

- (a) on conviction on indictment, to imprisonment for a term not exceeding two years, or
- (b) on summary conviction, to a fine not exceeding the statutory maximum.