
STATUTORY INSTRUMENTS

2016 No. 248

**The Passenger and Goods Vehicles
(Tachographs) (Amendment) Regulations 2016**

PART 2

Amendments to primary legislation

Transport Act 1968

- 4.—(1) Section 97 (installation and use of recording equipment)(1) is amended as follows.
- (2) In subsection (1)—
- (a) in paragraph (a)(i) for “Community Recording Equipment Regulation” substitute “EU Tachographs Regulation”;
 - (b) in paragraph (a)(iii) for “13 to 15” substitute “27 to 29 and 32 to 37”;
 - (c) in paragraph (b) for “Community Recording Equipment Regulation” substitute “EU Tachographs Regulation”.
- (3) In subsections (1A) and (2) for “Community Recording Equipment Regulation” substitute “EU Tachographs Regulation”.
- (4) In subsection (3)(b) for “Article 16(2) of the Community Recording Equipment Regulation” substitute “Article 37(2) of the EU Tachographs Regulation”.
- (5) In subsection (4)(c) for “Article 13 to 15 of the Community Recording Equipment Regulation” substitute “Articles 27 to 29 and 32 to 37 of the EU Tachographs Regulation”.
- (6) In subsection (4A)—
- (a) in paragraph (b) for “Article 16(2) and, apart from the last paragraph thereof, Article 16(3) of the Community Recording Equipment Regulation” substitute “Articles 29(2) to (5), 35 and 37(2)” of the EU Tachographs Regulation”.
 - (b) in paragraph (c) for “Articles 13 to 15” substitute “Articles 27 to 29 and 32 to 37”.
- (7) After subsection (4A) insert—
- “(4B) A person shall not be liable to be convicted under subsection (1) of this section by reason of using recording equipment which does not bear a type-approval mark issued under Article 14 of the EU Tachographs Regulation if he proves to the court that the use of the recording equipment was in the course of a field test authorised under section 96A.
- (4C) Where a person (“the driver”)—
- (a) in the course of the driver’s employment, uses a vehicle in contravention of subsection (1), and
 - (b) is liable to be convicted under that subsection in respect of that use,

(1) Section 97 is substituted by S.I. 1979/1746 and amended by S.I. 1986/1457, S.I. 1989/2121, S.I. 1994/1838, S.I. 2005/1904, S.I. 2006/1117, S.I. 2008/198 and S.I. 2010/892.

the employer also commits an offence and shall be liable on summary conviction to a fine.

(4D) A person shall not be liable to be convicted under subsection (4C) in respect of the use of a vehicle if the requirements of Article 10(1) and (2) of the Community Drivers' Hours Regulation (liability of transport undertakings) and Article 33(1) of the EU Tachographs Regulation (responsibility of transport undertakings) were complied with in relation to that use."

(8) In subsection (5) for "Article 13 to 15 of the Community Recording Equipment Regulation" substitute "Articles 27 to 29 and 32 to 37 of the EU Tachographs Regulation".

(9) In subsection (6) for "Community Recording Equipment Regulation" substitute "EU Tachographs Regulation".

(10) In subsection (7) for the definition of "the Community Recording Equipment Regulation" substitute—

““the EU Tachographs Regulation” means Regulation (EU) No. 165/2014 of the European Parliament and of the Council on tachographs in road transport as read with the Community Drivers' Hours and Recording Equipment Regulations 2007 ([S.I. 2007/1819](#));”.