
STATUTORY INSTRUMENTS

2018 No. 24

**The Community Drivers' Hours Offences
(Enforcement) Regulations 2018**

Amendment of section 89 of the Road Traffic Offenders Act 1988

5.—(1) Section 89 of the Road Traffic Offenders Act 1988 (interpretation of Part 3) is amended as follows.

(2) In subsection (1)—

(a) before the definition of “authorised person”, insert—

““the applicable Community rules” means any directly applicable EU provision for the time being in force about the driving of road vehicles and includes the European Agreement concerning the Work of Crews of Vehicles engaged in International Road Transport of 1st July 1970, as amended, as applied by Article 2(3) of the Community Drivers' Hours Regulation,”;

(b) after the definition of “chief officer of police”, insert—

““the Community Drivers' Hours Regulation” means Regulation (EC) No 561/2006 of the European Parliament and of the Council of 15th March 2006 on the harmonisation of certain social legislation relating to road transport (and amending and repealing certain Council Regulations), as amended from time to time,

“contracting third country” means a country other than a member State which is a contracting party to—

(a) the European Agreement concerning the Work of Crews of Vehicles engaged in International Road Transport of 1st July 1970, as amended; or

(b) the EEA agreement.”.

(3) After subsection (2), insert—

“(3) For the purposes of this Part of this Act, a person commits a “Community drivers' hours offence” if the person commits a fixed penalty offence under—

(a) section 96(11A) of the Transport Act 1968 (permitted driving time and periods of duty);

(b) section 98(4)(b) of the Transport Act 1968 (written records);

(c) section 99C(1) of the Transport Act 1968 (failure to comply with prohibition), where the prohibition is imposed under section 99A(1)(b)(ii); or

(d) section 3(1) of the Road Traffic (Foreign Vehicles) Act 1972(2) (enforcement provisions) where the offence arises as a result of a contravention of the applicable Community rules.”.

(1) Section 99C was inserted by section 266 of the Transport Act 2000 (c. 38).

(2) 1972 c. 27.