

STATUTORY INSTRUMENTS

2019 No. 453

**The Drivers' Hours and Tachographs
(Amendment etc.) (EU Exit) Regulations 2019**

PART 2

Amendments pursuant to the European Communities Act 1972

CHAPTER 2

Amendments of secondary legislation

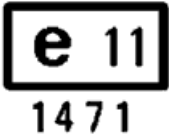
Motor Vehicles (Designation of Approval Marks) Regulations 1979

21.—(1) In the Motor Vehicles (Designation of Approval Marks) Regulations 1979(1), the table in Schedule 4 is amended as follows.

(2) In item 3—

- (a) in column 3, for “Road transport recording equipment and the model record sheet” substitute “Vehicle unit, motion sensor, model record sheet and tachograph card”;
- (b) in column 4, for “The road transport recording equipment and the model record sheet” substitute “The vehicle unit, motion sensor, model record sheet and tachograph card”;
- (c) in column 5, for “[Council Regulation \(EEC\) No. 1463/70](#) of 20th July 1970” substitute “[Regulation \(EU\) No 165/2014](#) of the European Parliament and of the Council of 4th February 2014”;
- (d) in column 6, for “OJ L164, 27.7.70, p 1” substitute “OJ L60, 28.2.2014, p 1”.

(3) After item 3 insert—

“3A		Control device, distance and speed sensor, model record sheet and memory card.	The control device, distance and speed sensor, model record sheet and memory card.	Regulation (EC) No 561/2006 of the European Parliament and of the Council of 15th March 2006, so far it applies the European Agreement concerning the Work of Crews of Vehicles	OJ L102, 11.4.06, p 1	1 and 2”
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(1) [S.I. 1979/1088](#), as amended by [S.I. 2011/1043](#); there are other amendments which are not relevant to these Regulations.

				Engaged in International Road Transport (see Article 2(3) of that Regulation)		
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Passenger and Goods Vehicles (Recording Equipment) Regulations 1979

22. In regulation 4(1)(b) of the Passenger and Goods Vehicles (Recording Equipment) Regulations 1979(2), after “for the” insert “approval and”.

Motor Vehicles (Type Approval) Regulations 1980

23.—(1) The Motor Vehicles (Type Approval) Regulations 1980(3) are amended as follows.

(2) In regulation 3(1)—

(a) in the definition of “component”—

(i) for “section 63(4) of the Road Traffic Act 1972” substitute “section 80(4) of the Road Traffic Act 1988”;

(ii) for “Council [Directive 78/315/EEC](#) of 21st December 1977” substitute “[Directive 2007/46/EC](#) of the European Parliament and of the Council of 5th September 2007(4)”;

(b) in the definition of “road”, for “section 196(1) of the Road Traffic Act 1972” substitute “section 192(1) of the Road Traffic Act 1988”;

(c) omit the definition of “the Community Directives”;

(d) in the definition of “the Community Regulations”—

(i) omit “Council”;

(ii) omit the words from “concerning” to the end;

(e) in the definition of “the relevant approval mark”, for “section 63 of the Road Traffic Act 1972” substitute “section 80(1) of the Road Traffic Act 1988”;

(f) in the definition of “the type approval requirements” omit “Community Directives or”.

(3) In regulation 6(1), after “such other documents” insert “or things”.

(4) After regulation 12 insert—

“Recording equipment which breaches the type approval requirements or displays a general defect

12A.—(1) The Secretary of State must, by notice under Regulation 13, cancel a type-approval certificate relating to a relevant component of recording equipment if satisfied that the component—

(a) is not in conformity with the type-approval requirements, or

(b) displays a general defect during use which makes it unsuitable for the purpose for which it is intended.

(2) [S.I. 1979/1746](#), amended by [S.I. 1984/144](#), [2016/248](#); there are other amendments which are not relevant to these Regulations.

(3) [S.I. 1980/1182](#), amended by [S.I. 1982/7](#), [1986/1501](#), [1988/1103](#), [2011/1043](#).

(4) OJ No. L 263, 9.10.2007, p. 1; relevant amending instruments are OJ No. L 175, 7.7.2017, p. 1, OJ No. L 175, 7.7.2017, p. 708 and OJ No. L 349, 29.12.2017, p. 1.

- (2) For the purposes of this regulation, each of the following is a relevant component of recording equipment—
- (a) the component referred to as a vehicle unit or control device;
 - (b) the component referred to as a motion sensor or distance and speed sensor;
 - (c) the component referred to as a model record sheet;
 - (d) the component referred to as a tachograph card or memory card.”.
- (5) In regulation 16(1) omit “Community Directives or the”.
- (6) For Schedule 2, Part 2 substitute—

“Part II

The Community Regulations

1. Regulation (EC) No 561/2006 of the European Parliament and of the Council of 15 March 2006 on the harmonisation of certain social legislation relating to road transport and amending Council Regulations (EEC) No 3821/85 and (EC) No 2135/98 and repealing Council Regulation (EEC) No 3820/85⁽⁵⁾ so far as it applies the Annex to the European Agreement concerning the Work of Crews of Vehicles Engaged in International Road Transport (which contains requirements corresponding to those contained in Regulation (EU) No 165/2014). See Article 2(3) of Regulation (EC) No 561/2006.

2. Regulation (EU) No 165/2014 of the European Parliament and of the Council of 4 February 2014 on tachographs in road transport, repealing Council Regulation (EEC) No 3821/85 on recording equipment in road transport and amending Regulation (EC) No 561/2006 of the European Parliament and the Council on the harmonisation of certain social legislation relating to transport⁽⁶⁾.”

Motor Vehicles (Tests) Regulations 1981

24.—(1) The Motor Vehicles (Tests) Regulations 1981⁽⁷⁾ are amended as follows.

(2) In regulation 3(1)—

- (a) omit the definition of “Community Recording Equipment Regulation”;
- (b) insert at the appropriate place—

““EU Tachographs Regulation” has the meaning given in section 85 of the Road Traffic Act 1988;”.

(3) In each of the following, for “Community Recording Equipment Regulation” substitute “EU Tachographs Regulation”—

- (a) regulation 13(1)(m);
- (b) regulation 20(7)(c)(xix);
- (c) paragraph 5(f) of Schedule 2;
- (d) paragraph 5A(c) of Schedule 2.

(5) OJ No. L 102, 11.4.2006, p.1.

(6) OJ No. L 60, 28.2.2014, p.1.

(7) S.I. 1981/1694, amended by S.I. 1991/1525, 1998/1672, 2003/1698. There are other amendments which are not relevant to these Regulations.

Fixed Penalty Order 2000

25.—(1) Schedule 2 to the Fixed Penalty Order 2000(8) is amended as follows.

(2) In paragraph 2, in table 2—

- (a) in column 1 of items 15 and 16, omit “the first sub-paragraph of”;
- (b) after item 16 insert—

“16A. Exceeding the weekly driving time of 56 hours, in contravention of Article 6.2 of the AETR	More than 56 hours but less than 58 hours driving	58 hours or more but less than 59 hours driving	59 hours or more driving”
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- (c) in column 1 of item 17, for the words from “total” to “Article 6.2” substitute “accumulated driving time in any two consecutive weeks, in contravention of Article 6.3”;
- (d) in column 1 of item 19—
 - (i) after “Insufficient” insert “regular”;
 - (ii) for “the first sub-paragraph of Article 8.1” substitute “Articles 8.1 and 8.2”;
- (e) in column 1 of item 20—
 - (i) omit “(where permitted)”;
 - (ii) for “the first sub-paragraph of Article 8.1” substitute “Articles 8.1 and 8.2”;
- (f) omit item 21;
- (g) for item 22 substitute—

“22. Failure to take first rest of at least 3 consecutive hours where daily rest period is split, as required by Article 1(o)(i) of the AETR and in contravention of Articles 8.1 and 8.2 of the AETR	Less than 3 hours but more than 2 hours rest	2 hours or less but more than 1 hours rest	1 hour or less rest
22A. Failure to take second rest of at least 9 consecutive hours where daily rest period is split, as required by Article 1(o)(i) of	Less than 9 hours but more than 8 hours rest	8 hours or less but more than 7 hours rest	7 hours or less rest”

(8) [S.I. 2000/2792](#); Schedule 2 was inserted by [S.I. 2009/488](#) and amended by [S.I. 2010/2720](#), [2013/1569](#), [2016/248](#). There are other amendments which are not relevant to these Regulations.

the AETR and in contravention of Articles 8.1 and 8.2 of the AETR			
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- (h) in column 1 of item 23—
- (i) for “12 hours in total, in accordance with Article 8.1 of the AETR,” substitute “at least 12 hours in total”;
 - (ii) at the end insert “, as required by Article 1(o)(i) of the AETR and in contravention of Articles 8.1 and 8.2 of the AETR”;
- (i) in item 24—
- (i) for the entry in column 1 substitute “24. Insufficient rest in 30 hour period by a driver engaged in multi-manning, in contravention of Articles 8.1 and 8.3 of the AETR”;
 - (ii) in column 2, for “8 hours” substitute “9 hours”;
 - (iii) for “7 hours”, in both places it occurs, substitute “8 hours”;
 - (iv) for “6 hours”, in both places it occurs, substitute “7 hours”;
- (j) in column 1 of item 25, for “Articles 6.1 and 8.3” substitute “Articles 8.1 and 8.6(a)”;
- (k) omit item 26;
- (l) in column 1 of item 27—
- (i) omit the words from “of 24 hours” to “driver is based”;
 - (ii) for “Articles 6.1 and 8.3” substitute “Articles 8.1 and 8.6(a)”;
- (m) in column 1 of item 28, for the words from “sufficient” to the end substitute “equivalent period of compensatory rest before the end of the third week where reduced weekly rest period has been taken, as required by Article 8.6(a)(ii) of the AETR”.
- (3) After paragraph 3 insert—
- “**3A.** Section 97ZA Transport Act 1968

Table 3A

<i>(1) Nature of contravention or failure constituting the offence</i>	<i>(2) Amount of penalty</i>
1. Failure to ensure recording equipment installed in accordance with section 97ZA(1) of the Transport Act 1968	£300
2. Failure to ensure the correct functioning of recording equipment or driver card, in accordance with Article 10 of the Annex to the AETR	£100
3. Failure to ensure the proper use of the recording equipment, in accordance with Article 10 of the Annex to the AETR	£200
4. Failure to ensure the proper use of the driver card, in accordance with Article 10 of the Annex to the AETR	£300
5. Failure to ensure that printing can be carried out correctly in the event of an inspection (other than a failure to provide sufficient printing material), in	£200

<i>(1) Nature of contravention or failure constituting the offence</i>	<i>(2) Amount of penalty</i>
accordance with the second sub-paragraph of Article 11.1 of the Annex to the AETR	
6. Failure to ensure that printing can be carried out correctly in the event of an inspection by a failure to provide sufficient printing material, in accordance with the first sub-paragraph of Article 11.1 of the Annex to the AETR	£100
7. Using driver card of which the driver is not the holder, contrary to the third sub-paragraph of Article 11.4(a) of the Annex to the AETR	£300
8. Using a defective driver card, contrary to the third sub-paragraph of Article 11.4(a) of the Annex to the AETR	£100
9. Failure to use record sheets or driver card, in accordance with the first sub-paragraph of Article 12.2(a) of the Annex to the AETR	£300
10. Unauthorised withdrawal of record sheet or driver card, contrary to the first sub-paragraph of Article 12.2(a) of the Annex to the AETR	£200
11. Failure to enter legibly on the record sheet, when away from the vehicle, periods of time, in accordance with Article 12.2(b) of the Annex to the AETR	£200
12. Failure to amend record sheet or driver card as necessary when more than one driver on board the vehicle, in accordance with paragraph (2)(c) or the second sub-paragraph of paragraph (2)(a) of Article 12 of the Annex to the AETR	£200
13. Failure at the start of the journey, to print out information required, etc, in accordance with Article 13.2(b)(i) of the Annex to the AETR	£200
14. Failure, at the end of the journey, to print out information required, etc, in accordance with Article 13.2(b)(ii) of the Annex to the AETR	£200”

Road Transport (Working Time) Regulations 2005

26. In regulation 3(3)(b) of the Road Transport (Working Time) Regulations 2005(9), for “Article 2(2)(b)” substitute “Article 2(2)”.

(9) S.I. 2005/639, amended by S.I. 2007/853, 2012/991.

Passenger and Goods Vehicles (Recording Equipment) (Tachograph Card Fees) Regulations 2005

27. In regulation 3(2)(a)(i) of the Passenger and Goods Vehicles (Recording Equipment) (Tachograph Card Fees) Regulations 2005(10), for “Commission Regulation (EEC) No 3820/85” substitute “Regulation (EC) No 561/2006 of the European Parliament and of the Council(11)”.

Community Drivers’ Hours and Recording Equipment Regulations 2007

28. In regulation 3 of the Community Drivers’ Hours and Recording Equipment Regulations 2007(12), after “Regulation” insert “and Article 2.2(k) of the European Agreement concerning the Work of Crews of Vehicles Engaged in International Road Transport (as applied by Article 2(3) of that Regulation)”.

Road Safety (Financial Penalty Deposit) Order 2009

29. In Part 1 of the Schedule to the Road Safety (Financial Penalty Deposit) Order 2009(13), in Table 1—

- (a) in the entry relating to section 97(1) of the Transport Act 1968, in the second column, for the words from “any” to the end substitute, “requirements relating to installation, use or repair of recording equipment in accordance with the EU Tachographs Regulation”;
- (b) after that entry insert—

“Section 97ZA(1) and (2)	Using vehicle in contravention of requirements relating to installation, use or repair of recording equipment in accordance with the AETR.”.
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Road Safety (Financial Penalty Deposit) (Appropriate Amount) Order 2009

30.—(1) Schedule 2 to the Road Safety (Financial Penalty Deposit) (Appropriate Amount) Order 2009(14) is amended as follows.

(2) In Table 2—

- (a) in column 1 of items 15 and 16, omit “the first sub-paragraph of”;
- (b) after item 16 insert—

“16A. Exceeding the weekly driving time of 56 hours, in contravention of Article 6.2 of the AETR	More than 56 hours but less than 58 hours driving	58 hours or more but less than 59 hours driving	59 hours or more driving”
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- (c) in column 1 of item 17, for the words from “total” to “Article 6.2” substitute “accumulated driving time in any two consecutive weeks, in contravention of Article 6.3”;
- (d) in column 1 of item 19—

(10) S.I. 2005/1140, amended by S.I. 2014/2557, 2016/248.

(11) OJ No. L 102, 11.4.2006, p. 1; relevant amending instruments are OJ No. L 300, 14.11.2009, p. 88, OJ No. L 60, 28.2.2014, p. 1 and OJ No. L 195, 20.7.2016, p. 83.

(12) S.I. 2007/1819, amended by S.I. 2016/248. There are other amendments which are not relevant to these Regulations.

(13) S.I. 2009/491, amended by S.I. 2018/24.

(14) S.I. 2009/492, amended by S.I. 2013/2025, 2016/248. There are other amendments which are not relevant to these Regulations.

- (i) after “Insufficient” insert “regular”;
- (ii) for “the first sub-paragraph of Article 8.1” substitute “Articles 8.1 and 8.2”;
- (e) in column 1 of item 20—
 - (i) omit “(where permitted)”;
 - (ii) for “the first sub-paragraph of Article 8.1” substitute “Articles 8.1 and 8.2”;
- (f) omit item 21;
- (g) for item 22 substitute—

“22. Failure to take first rest of at least 3 consecutive hours where daily rest period is split, as required by Article 1(o)(i) of the AETR and in contravention of Articles 8.1 and 8.2 of the AETR	Less than 3 hours but more than 2 hours rest	2 hours or less but more than 1 hours rest	1 hour or less rest
22A. Failure to take second rest of at least 9 consecutive hours where daily rest period is split, as required by Article 1(o)(i) of the AETR and in contravention of Articles 8.1 and 8.2 of the AETR	Less than 9 hours but more than 8 hours rest	8 hours or less but more than 7 hours rest	7 hours or less rest”

- (h) in column 1 of item 23—
 - (i) for “12 hours in total, in accordance with Article 8.1 of the AETR,” substitute “at least 12 hours in total”;
 - (ii) at the end insert “, as required by Article 1(o)(i) of the AETR and in contravention of Articles 8.1 and 8.2 of the AETR”;
- (i) in item 24—
 - (i) for the entry in column 1 substitute “24. Insufficient rest in 30 hour period by a driver engaged in multi-manning, in contravention of Articles 8.1 and 8.3 of the AETR”;
 - (ii) in column 2, for “8 hours” substitute “9 hours”;
 - (iii) for “7 hours”, in both places it occurs, substitute “8 hours”;
 - (iv) for “6 hours”, in both places it occurs, substitute “7 hours”;
- (j) in column 1 of item 25, for “Articles 6.1 and 8.3” substitute “Articles 8.1 and 8.6(a)”;
- (k) omit item 26;
- (l) in column 1 of item 27—

- (i) omit the words from “of 24 hours” to “driver is based”;
 - (ii) for “Articles 6.1 and 8.3” substitute “Articles 8.1 and 8.6(a)”;
 - (m) in column 1 of item 28, for the words from “sufficient” to the end substitute “equivalent period of compensatory rest before the end of the third week where reduced weekly rest period has been taken, as required by Article 8.6(a)(ii) of the AETR”.
- (3) After Table 3 insert—

“Table 3A**Section 97ZA Transport Act 1968**

<i>(1) Nature of contravention or failure constituting the offence</i>	<i>(2)Applicable level of deposit</i>
1. Failure to ensure recording equipment installed in accordance with section 97ZA(1) of the Transport Act 1968	£300
2. Failure to ensure the correct functioning of recording equipment or driver card, in accordance with Article 10 of the Annex to the AETR	£100
3. Failure to ensure the proper use of the recording equipment, in accordance with Article 10 of the Annex to the AETR	£200
4. Failure to ensure the proper use of the driver card, in accordance with Article 10 of the Annex to the AETR	£300
5. Failure to ensure that printing can be carried out correctly in the event of an inspection (other than a failure to provide sufficient printing material), in accordance with the second sub-paragraph of Article 11.1 of the Annex to the AETR	£200
6. Failure to ensure that printing can be carried out correctly in the event of an inspection by a failure to provide sufficient printing material, in accordance with the first sub-paragraph of Article 11.1 of the Annex to the AETR	£100
7. Using driver card of which the driver is not the holder, contrary to the third sub-paragraph of Article 11.4(a) of the Annex to the AETR	£300
8. Using a defective driver card, contrary to the third sub-paragraph of Article 11.4(a) of the Annex to the AETR	£100
9. Failure to use record sheets or driver card, in accordance with the first sub-paragraph of Article 12.2(a) of the Annex to the AETR	£300
10. Unauthorised withdrawal of record sheet or driver card, contrary to the first sub-paragraph of Article 12.2(a) of the Annex to the AETR	£200

<i>(1) Nature of contravention or failure constituting the offence</i>	<i>(2)Applicable level of deposit</i>
11. Failure to enter legibly on the record sheet, when away from the vehicle, periods of time, in accordance with Article 12.2(b) of the Annex to the AETR	£200
12. Failure to amend record sheet or driver card as necessary when more than one driver on board the vehicle, in accordance with paragraph (2)(c) or the second sub-paragraph of paragraph (2)(a) of Article 12 of the Annex to the AETR	£200
13. Failure, at the start of the journey, to print out information required, etc, in accordance with Article 13.2(b)(i) of the annex to the AETR	£200
14. Failure, at the end of the journey, to print out information required, etc, in accordance with Article 13.2(b)(ii) of the Annex to the AETR	£200
15. In all other cases	£50”