
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 1

Amendments of primary legislation

Transport Act 1968

3.—(1) Section 96 is amended as follows.

(2) In subsection (11B)(1)—

(a) in paragraph (c), in the words before sub-paragraph (i), after “paragraph (b)” insert “in respect of a contravention of a provision of the Community Drivers’ Hours Regulation(2)”;

(b) in paragraph (c)(ii) for “contravention.” substitute “contravention; or”;

(c) after paragraph (c) (and the “or” inserted by paragraph (b) above) insert—

“(d) being charged as mentioned in paragraph (b) in respect of a contravention of a provision of the AETR(3), the person proves—

(i) that at the time of the contravention the person was complying with Article 11(1) to (3) of the AETR (organisation of drivers’ work, distance-related payments etc); and

(ii) that the person took all reasonable precautions to avoid the contravention.”.

(3) In subsection (11C)(4)—

(a) after “Community Drivers’ Hours Regulation” insert “or Article 11(5) of the AETR”;

(b) for “that Regulation” substitute “that provision”.

(1) Section 96(11B) was inserted by section 10 of the Transport Act 1978 (c. 55) and amended by S.I. 2007/1819.

(2) OJNo. L 102, 11.4.2006, p. 1; relevant amending instruments are OJ No. L 300, 14.11.2009, p. 88 and OJ No. L 60, 28.2.2014, p. 1. Defined in section 103(1) of the Transport Act 1968 (c. 73).

(3) The AETR is the European Agreement concerning the work of Crews of Vehicles engaged in International Road Transport of 1st July 1970 and is defined in section 103(1) of the Transport Act 1968 (c. 73). The AETR can be found in Cmnd 7401, Cmnd 8572, Cmnd 9037, Cm 1776, Cm 3042 and Cm 3135.

(4) Section 96(11C) was inserted by S.I. 2007/1819.