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STATUTORY INSTRUMENTS

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**2021 No. 135**

**EXITING THE EUROPEAN UNION  
ROAD TRAFFIC**

**The Drivers' Hours and Tachographs  
(Amendment) Regulations 2021**

*Sift requirements satisfied* 26th January 2021

*Made* - - - - 8th February 2021

*Laid before Parliament* 10th February 2021

*Coming into force in accordance with regulation 1*

The Secretary of State makes the following Regulations in exercise of the powers conferred by section 8(1) of, and paragraph 21 of Schedule 7 to, the European Union Withdrawal Act 2018(1).

The requirements of paragraph 3(2) of Schedule 7 to that Act (relating to the appropriate Parliamentary procedure for these Regulations) have been satisfied.

**Citation and commencement**

1. These Regulations may be cited as the Drivers' Hours and Tachographs (Amendment) Regulations 2021 and come into force on the twenty first day after the day on which they are laid.

**Amendment of Regulation (EC) No 561/2006 of the European Parliament and of the Council**

2.—(1) Regulation (EC) No 561/2006 of the European Parliament and of the Council on the harmonisation of certain social legislation relating to road transport(2) is amended as follows.

(2) In Article 2(1)—

(a) after point (a), insert “or”;

(b) omit point (aa).

(3) In Article 3, omit point (ha).

(4) In Article 8—

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(1) 2018 c.16. Section 8 of the European Union (Withdrawal) Act 2018 (“the 2018 Act”) was amended by section 27 of the European Union (Withdrawal Agreement) Act 2020 (c. 1) (“the 2020 Act”) and paragraph 21 of Schedule 7 to the 2018 Act was amended by paragraph 53 of Schedule 5 to the 2020 Act.

(2) Regulation (EC) No 561/2006 was amended by Regulation (EU) 2020/1054 (OJ L 249, 31.7.2020, p. 1) and S.I. 2019/453.

- (a) in paragraph 6, omit the third and fourth subparagraphs;
  - (b) in paragraph 6b, omit the second subparagraph;
  - (c) in paragraph 8a—
    - (i) in the first subparagraph, omit “in the Member State of the employer’s establishment,”,
    - (ii) omit the second and third subparagraphs;
  - (d) omit paragraph 10.
- (5) Omit Articles 8a and 9a.

### **Amendment of Regulation (EU) No 165/2014 of the European Parliament and of the Council**

**3.—(1)** Regulation (EU) No 165/2014 of the European Parliament and of the Council 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 of the Council on the harmonisation of certain social legislation relating to road transport **(3)** is amended as follows.

- (2) In Article 8(1)—
  - (a) in the first subparagraph, omit the second and third indents;
  - (b) omit the fourth subparagraph.
- (3) In Article 9—
  - (a) in paragraph 2, for “Three years after the entry into force of detailed provisions referred to in the second paragraph of Article 11” substitute “By 20th August 2024”;
  - (b) in paragraph 3, for “the Union legal acts referred to in Article 7(1)” substitute “Regulation [\(EC\) No 561/2006](#)”.
- (4) In Article 10, omit the second paragraph.
- (5) In Article 11—
  - (a) omit the second and third paragraphs;
  - (b) in the fifth paragraph, for “first, second and third paragraphs” substitute “first paragraph”.
- (6) In Article 22(5), in the third indent of the fourth subparagraph, omit “and Member State”.
- (7) In Article 26(7a), for “competent authority of the issuing Member State” substitute “Secretary of State”.
- (8) In Article 34—
  - (a) in paragraph 1, omit “or is necessary in order to enter the symbol of the country after having crossed a border”;
  - (b) in paragraph 6, omit point (f).

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**(3)** Regulation (EU) No 165/2014 was amended by Regulation (EU) 2020/1054 (OJ L 249, 31.7.2020 p. 1) and [S.I. 2019/453](#).

Signed by authority of the Secretary of State for Transport

8th February 2021

*Rachel Maclean*  
Parliamentary Under Secretary of State  
Department for Transport

*Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.*

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## EXPLANATORY NOTE

*(This note is not part of the Regulations)*

These Regulations are made in exercise of the powers in section 8(1) of, and paragraph 21 of Schedule 7 to, the European Union (Withdrawal) Act 2018 (c. 16) in order to address failures of retained EU law to operate effectively and other deficiencies (in particular under section 8(2)(a), (b) and (g) of that Act), arising from the withdrawal of the United Kingdom from the European Union.

Regulation 2 amends Regulation (EC) No 561/2006 of the European Parliament and of the Council on the harmonisation of certain social legislation relating to road transport (“the Drivers’ Hours Regulation”). Regulation 3 amends Regulation (EU) No 165/2014 of the European Parliament and of the Council on tachographs in road transport (“the Tachographs Regulation”). Both the Drivers’ Hours Regulation and the Tachographs Regulation were amended by Regulation (EU) 2020/1054 (the 2020 Regulation) and S.I. 2019/453. The 2020 Regulation came into force after S.I. 2019/453 was made, and these Regulations address the further deficiencies introduced by the 2020 Regulation.

Regulation 2 amends the Drivers’ Hours Regulation to remove references to international transport operations, which will be substantially redundant following the end of the implementation period. It also removes provisions conferring functions on the European Commission relating to making available information about safe and secure parking areas and evaluating the use of autonomous driving systems in the Member States. These amendments reflect the fact that it will no longer be appropriate to confer functions on the European Commission in relation to the United Kingdom following the end of the implementation period.

Regulation 3 amends the Tachographs Regulation to remove provisions relating to second generation smart tachographs. These provisions are contingent upon the adoption of implementing acts by the European Commission, which will take place after the end of the implementation period. These provisions therefore have no practical application to the United Kingdom. This regulation also removes redundant provisions relating to international transport operations and EU references which are no longer appropriate.

A full impact assessment has not been produced for this instrument as no, or no significant, impact on the private, public or voluntary sectors is foreseen. A copy of the Explanatory Memorandum is published alongside these Regulations at [www.legislation.gov.uk](http://www.legislation.gov.uk).