STATUTORY RULES OF NORTHERN IRELAND

2019 No. 194

EUROPEAN COMMUNITIES
ROAD TRAFFIC AND VEHICLES

The Passenger and Goods Vehicles (Tachographs) (Amendment) Regulations (Northern Ireland) 2019

Made - - - -	*2nd October 2019*
Coming into operation	*30th October 2019*

The Department for Infrastructure(**1**) makes the following Regulations in exercise of the powers conferred by section 2(2) of, and paragraph 1A of Schedule 2 to, the European Communities Act 1972(**2**) and Article 83(1) of the Road Traffic (Northern Ireland) Order 1981(**3**) and now vested in it(**4**).

The Department for Infrastructure is designated(**5**) for the purposes of section 2(2) of the European Communities Act 1972 in relation to the regulation of the type, description, construction or equipment of vehicles and the regulation and supervision of working conditions of persons engaged in road transport.

It appears to the Department that it is expedient for the reference to Commission Implementing Regulation (EU) 2016/799(**6**), implementing Regulation (EU) No 165/2014 of the European Parliament and of the Council laying down the requirements for the construction, testing, installation, operation and repair of tachographs and their components(**7**), in the Passenger and Goods Vehicles (Recording Equipment) Regulations (Northern Ireland) 1996, to be construed as a reference to that instrument as amended from time to time.

(**1**) Formerly the Department for Regional Development; *see* section 1(6) and (11) of, and Schedule 1 to, the Departments Act (Northern Ireland) 2016 (2016 c. 5 (N.I.)). Pursuant to section 1(9) of that Act, the Department of the Environment is dissolved

(**2**) 1972 c. 68; section 2(2) is amended by section 27(1)(a) of the Legislative and Regulatory Reform Act 2006 (c.51) and by section 3(3) of, and Part 1 of the Schedule to, the European Union (Amendment) Act 2008 (c. 7); paragraph 1A of Schedule 2 was inserted by section 28 of the Legislative and Regulatory Reform Act 2006 and amended by section 3(3) of, and Part 1 of the Schedule to, the European Union (Amendment) Act 2008 and S.I. 2007/1388

(**3**) S.I. 1981/154 (N.I. 1); to which there are amendments not relevant to these Regulations

(**4**) *See* Article 8(1)(b) of, and Part 2 of Schedule 5 to, the Departments (Transfer of Functions) Order (Northern Ireland) 2016 (S.R. 2016 No. 76)

(**5**) S.I. 1972/1811 and S.I. 1975/1707

(**6**) O.J. No. L 139, 26.5.2016, p. 1

(**7**) O.J. No. L 60, 28.2.2014, p. 1; Regulation (EU) No. 165/2014 repeals Council Regulation (EEC) No. 3821/85 on recording equipment in road transport and amends Regulation (EC) No. 651/2006 of the European Parliament and of the Council on the harmonisation of certain social legislation relating to road transport

Citation, commencement and interpretation

1.—(1) These Regulations may be cited as the Passenger and Goods Vehicles (Tachographs) (Amendment) Regulations (Northern Ireland) 2019 and shall come into operation on 30th October 2019.

(2) The Interpretation Act (Northern Ireland) 1954(**8**) shall apply to these Regulations as it applies to an Act of the Assembly.

Amendment of the Passenger and Goods Vehicles (Recording Equipment) Regulations (Northern Ireland) 1996

2.—(1) The Passenger and Goods Vehicles (Recording Equipment) Regulations (Northern Ireland) 1996(**9**) are amended in accordance with paragraphs (2) and (3).

(2) In regulation 2(1) (interpretation)(**10**)—

(a) before the definition of "the EU Tachographs Regulation" insert—

> ""Commission Implementing Regulation (EU) 2016/799" means Commission Implementing Regulation (EU) 2016/799 of 18 March 2016 implementing Regulation (EU) No 165/2014 of the European Parliament and of the Council laying down the requirements for the construction, testing, installation, operation and repair of tachographs and their components, as amended from time to time;
>
> "Council Regulation (EEC) No 3821/85" means Council Regulation (EEC) No 3821/85 of 20 December 1985 on recording equipment in road transport(**11**);";

(b) for the definition of "the relevant Annexes" substitute—

> ""the relevant technical specifications" means Annex II to Commission Implementing Regulation (EU) 2016/799, and—
>
> (a) in the case of a vehicle put into service for the first time before 1st May 2006—
>
> (i) Annex I to the EU Tachographs Regulation;
>
> (ii) Annex IB to Council Regulation (EEC) No 3821/85 for as long as preserved and applied by Article 46 of the EU Tachographs Regulation; or
>
> (iii) Annex IC to Commission Implementing Regulation (EU) 2016/799;
>
> (b) in the case of a vehicle put into service for the first time on or after 1st May 2006 but before 30th October 2019—
>
> (i) Annex IB to Council Regulation (EEC) No 3821/85 for as long as preserved and applied by Article 46 of the EU Tachographs Regulation; or
>
> (ii) Annex IC to Commission Implementing Regulation (EU) 2016/799; and
>
> (c) in the case of a vehicle put into service for the first time on or after 30th October 2019, Annex IC to Commission Implementing Regulation (EU) 2016/799;" and

(**8**) 1954 c. 33 (N.I.)
(**9**) S.R. 1996 No. 145
(**10**) Regulation 2(1) was amended by S.R. 1998 No. 270, S.R. 2005 No. 325, S.R. 2005 No. 441, S.R. 2006 No. 274, S.R. 2010 No. 23, S.R. 2011 No. 235, S.R. 2016 No. 343 and S.R. 2019 No. 12
(**11**) O.J. No. L 370, 31.12.1985, p. 8