STATUTORY RULES OF NORTHERN IRELAND

2007 No. 36

ROAD TRAFFIC

The Passenger and Goods Vehicles (Recording Equipment) (Tachograph Card) Regulations (Northern Ireland) 2007

Made - - - - 24th January 2007

Coming into operation- 8th March 2007

The Department of the Environment is designated(**1**) for the purpose of section 2(2) of the European Communities Act 1972(**2**) 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.

The Department of the Environment, in exercise of the powers conferred by section 2(2) of that Act, makes the following Regulations:

Citation and commencement

1. These Regulations may be cited as the Passenger and Goods Vehicles (Recording Equipment) (Tachograph Card) Regulations (Northern Ireland) 2007 and shall come into operation on 8th March 2007.

Interpretation

2.—(1) In these Regulations—

"Community Recording Equipment Regulation" means Council Regulation (EEC) No.3821/85(**3**) on recording equipment in road transport as it has effect in accordance with—

(a) Commission Regulation (EEC) No 3314/90(**4**);

(b) Commission Regulation (EEC) No 3688/92(**5**);

(c) Commission Regulation (EC) No 2479/95(**6**);

(d) Commission Regulation (EC) 1056/97(**7**);

(**1**) S.I.s 1972/1881 and 1975/1707.
(**2**) 1972 c.68.
(**3**) O.J. No.L370, 31.12.85, p.8.
(**4**) O.J. No.L318, 17.11.90, p.20.
(**5**) O.J. No.L374, 22.12.92, p.12.
(**6**) O.J. No.L256, 26.10.95, p.8.
(**7**) O.J. No.L154, 12.06.97, p.21.

(e) Article 1 of Council Regulation (EC) 2135/98(**8**);

(f) Commission Regulation (EC) 1360/2002(**9**);

(g) Regulation (EC) 1882/2003 of the European Parliament and the Council(**10**);

(h) Commission Regulation (EC) 432/2004(**11**); and

(i) Commission Regulation (EC) No 561/2006(**12**);

and as read with the Community Drivers' Hours and Recording Equipment (Exemptions and Supplementary Provisions) Regulations (Northern Ireland) 1987(**13**);

"company card", "control card", "driver card" and "workshop card" have the meanings given by Annex IB to the Community Recording Equipment Regulation;

"the Department" means the Department of the Environment;

"PIN" means personal identification number for use in connection with a workshop card;

"relevant vehicle" means a vehicle in which there is recording equipment

(i) which has been installed in accordance with the Community Recording Equipment Regulation; and

(ii) complies with Annexes IB and II to that Regulation;

"tachograph card" means a company card, control card, driver card or workshop card.

(2) The Interpretation Act (Northern Ireland) 1954(**14**) shall apply to these Regulations as it applies to an Act of the Northern Ireland Assembly.

Driver cards

3.—(1) A person commits an offence—

(a) if, subject to paragraph (3), he uses, attempts to use or is in possession of, more than one driver card on which he is identified as the holder;

(b) if he uses or attempts to use a driver card on which he is not identified as the holder;

(c) if, with intent to deceive, he makes a false statement, or forges or alters a document for the purpose of obtaining a driver card;

(d) if he uses, or is in possession of, a driver card issued in consequence of an application which included, with the intent to deceive, a false statement or forged or altered document; or

(e) if he uses, or is in possession of, a driver card which has been forged or altered.

(2) A person commits an offence if he causes or permits—

(a) any use or possession of a driver card, or

(b) the making of any false statement or forgery or alteration of a document,

as specified in paragraph (1).

(3) It shall not be an offence—

(a) to hold a card which will become time-expired within one month and the card which has been issued by the Department in renewal of the former card; or

(**8**) O.J. No.L274, 09.10.98, p.1.
(**9**) O.J. No.L207, 05.08.02, p.1.
(**10**) O.J. No.L284, 31.10.03, p.1.
(**11**) O.J. No.L071, 10.03.04, p.3.
(**12**) O.J. No.L102, 11.04.06, p.1.
(**13**) S.R. 1987/218, as amended by S.R. 1988/297, 1998/270 and 1999/295
(**14**) 1954 c. 33 (N.I.)

(b) to hold a card, which has become time-expired, in combination with another card.

(4) A person guilty of an offence under paragraph (1)(a) or (b) is liable on summary conviction to a fine not exceeding level 5 on the standard scale.

(5) A person guilty of an offence under paragraph (1)(c) is liable—

(a) on summary conviction, to imprisonment for a term not exceeding 3 months or to a fine not exceeding the statutory maximum, or to both; or

(b) on conviction on indictment, to imprisonment for a term not exceeding two years, or to a fine, or to both.

(6) A person guilty of an offence under paragraph (1)(d) or (e) or paragraph (2) is liable—

(a) on summary conviction, to a fine not exceeding the statutory maximum; or

(b) on conviction on indictment, to imprisonment for a term not exceeding two years or to a fine, or both.

Workshop cards

4.—(1) A person commits an offence—

(a) if, subject to paragraph (3) he uses, attempts to use or is in possession of more than one workshop card, on which he is identified as the holder, or more than one PIN, in respect of the same place of work;

(b) if he uses or attempts to use a workshop card, or PIN, of which he is not the identified holder;

(c) if he uses or attempts to use a workshop card, or PIN, in circumstances unconnected with the place of work for which that card, or PIN, was issued;

(d) if, with intent to deceive, he makes a false statement, or forges or alters a document, for the purpose of obtaining a workshop card or PIN;

(e) if he uses, or is in possession of, a workshop card, or PIN, issued in consequence of an application which included, with intent to deceive, a false statement or forged or altered document;

(f) if he uses, or is in possession of, a workshop card, which has been forged or altered; or

(g) if he divulges to another person, or permits another person to use, the PIN used in connection with a workshop card of which he is identified as the holder.

(2) A person commits an offence if he causes or permits—

(a) any use, alteration or possession of a workshop card or PIN, or

(b) the making of any false statement or forgery or alteration of a document,

as specified in paragraph (1).

(3) It shall not be an offence —

(a) to hold a workshop card which will become time-expired within one month and the workshop card which has been issued by the Department in renewal of the former workshop card; or

(b) to hold a workshop card, which has become time-expired, in combination with another workshop card.

(4) A person guilty of an offence under paragraph (1)(a), (b), (c) or (g) is liable on summary conviction to a fine not exceeding level 5 on the standard scale.

(5) A person guilty of an offence under paragraph (1)(d) is liable—