1991 No. 144

ROAD TRAFFIC AND VEHICLES

Vehicles (Drivers' Hours of Duty) Regulations (Northern Ireland) 1991

Made . . . . . *5th April 1991*

Coming into operation . . . *1st June 1991*

ARRANGEMENT OF REGULATIONS

Regulation

1 Citation and commencement
2 Interpretation
3 Exemptions
4 Continuous driving hours
5 Continuous driving in 24 hour period
6 Rest periods
7 Keeping and form of records
8 Manner of keeping records
9 Examination of records
10 Exemptions from requirement to keep records
11 Revocation

SCHEDULE *Page*

Driver's record book 5

The Department of the Environment, in exercise of the powers conferred on it by Articles 2(2)(**a**), 56(1) and (5), 58, 63 and 218(1) of the Road Traffic (Northern Ireland) Order 1981(**b**) and of all other powers enabling it in that behalf, makes the following Regulations:

Citation and commencement

1. These Regulations may be cited as the Vehicles (Drivers' Hours of Duty) Regulations (Northern Ireland) 1991 and shall come into operation on 1st June 1991.

(**a**) *See* the definition of "Department" and "prescribed"
(**b**) S.I. 1981/154 (N.I. 1)

Interpretation

2. In these Regulations—

"the Order" means the Road Traffic (Northern Ireland) Order 1981; and

"vehicle" means a goods vehicle or a public service vehicle.

Exemptions

3.—(1) The provisions of Article 56 of the Order shall not apply to the following vehicles—

(*a*) a vehicle not being used in the course of the driver's employment or for the purposes of a trade or business carried on by him;

(*b*) a vehicle not being driven on public roads;

(*c*) a vehicle which is being used—

(i) as a shop at a local market,

(ii) for door-to-door selling,

(iii) for mobile banking, exchange or savings transactions,

(iv) for worship,

(v) for the lending of books, records or cassettes, or

(vi) for cultural events or exhibitions;

and is specifically fitted for that use;

(*d*) a public service vehicle seating not more than 8 passengers in addition to the driver;

(*e*) a public service vehicle driven for not more than 4 hours a day in any period of 7 days;

(*f*) a public service vehicle driven for more than 4 hours for up to 2 days in any period of 7 days provided that on those 2 days—

(i) each period of driving shall fall wholly within the 24 hour period;

(ii) the driver has 10 consecutive hours of rest both immediately before his first duty and immediately after his last duty; and

(iii) the maximum daily driving limit, whether continuous or not, is not exceeded; and

(*g*) a goods vehicle which has a permissible maximum weight not exceeding 3.5 tonnes or which has an unladen weight not exceeding 1.525 tonnes.

(2) The provision contained in Article 56(1)(*b*) of the Order shall not apply to a goods vehicle used to deal with emergency events—

(*a*) which cause or are likely to cause such—

(i) danger to life or health of one or more individuals or animals;

(ii) a serious interruption in the maintenance of public services for the supply of water, gas, electricity or drainage or of telecommunication or postal services, or

(iii) a serious interruption in the use of roads, railways, ports or airports,

as to necessitate the taking of immediate action to prevent the occurrence or continuance of such danger or interruption; and

(*b*) which are likely to cause such serious damage to property as to necessitate the taking of immediate action to prevent the occurrence of such damage.

Continuous driving hours

4. For the purposes of Article 56(1)(*a*) of the Order, the number of hours for a continuous period of driving shall be—

(*a*) in the case of a goods vehicle, 5 hours;

(*b*) in the case of a public service vehicle, 5½ hours.

Continuous driving in 24 hour period

5. For the purposes of Article 56(1)(*b*) of the Order, the number of hours for continuous periods of driving in any period of 24 hours shall be, in the aggregate, 10 hours.

Rest periods

6.—(1) Subject to paragraph (2), for the purposes of Article 56(1)(*c*) of the Order, in any period of 24 hours the period for rest shall be 10 consecutive hours.

(2) In the case of a public service vehicle, the 10 consecutive hour period may be replaced by a period of 8½ consecutive hours not more than 3 times in any period of 7 days provided the driver has a period for rest of at least 10 consecutive hours on the day following any day on which he has not had 10 consecutive hours for rest.

Keeping and form of records

7.—(1) Subject to paragraph (2), a driver of a goods vehicle shall keep, and the employer of a driver of a goods vehicle shall cause to be kept, a record book in a form as set out in the Schedule and shall enter therein the particulars required in respect of the matters specified in the form.

(2) Paragraph (1) shall not apply to a driver who drives for 4 hours or less on any day and who keeps within a 50 kilometre radius of the place where the vehicle is normally based.

Manner of keeping records

8.—(1) A driver of a goods vehicle shall—

(*a*) make each entry in the record book as soon as the particular to be recorded is ascertained;

(*b*) keep the record book in his possession until he completes his work for the period to which the record relates;

(*c*) sign the record book in the space provided; and

(*d*) deliver the record book to his employer or his employer's authorised representative within 7 days of the expiration of the period to which the record relates.

(2) A driver shall not be regarded as contravening the requirement in paragraph (1)(*d*) where he can show that it was not reasonably practicable to comply with that requirement.

Examination of records

9. A driver, or the employer of a driver, of a goods vehicle shall at all times afford to an inspector of vehicles or a constable full facilities for examining the records.

Exemptions from requirement to keep records

10.—(1) Regulation 7 shall not apply to the driver or the employer of a driver of—

(*a*) a vehicle, constructed solely for the carriage of not more than 7 passengers exclusive of the driver and their effects, drawing a trailer for any purpose other than the carriage of goods for hire or reward;

(*b*) a vehicle used for the purpose of funerals;

(*c*) a vehicle used by a district council for the purpose of road cleansing, road watering or the collection or disposal of refuse, night-soil or the contents of cesspools;

(*d*) an agricultural tractor (with or without a trailer); or

(*e*) a vehicle in which recording equipment is installed and used in accordance with the Passenger and Goods Vehicles (Recording Equipment) Regulations (Northern Ireland) 1979(**a**).

(2) In paragraph (1)(*d*) "agricultural tractor" means a tractor used primarily for work on land in connection with agriculture.

Revocation

11. The Vehicles (Drivers' Hours of Duty) Regulations (Northern Ireland) 1985(**b**) and the Vehicles (Drivers' Hours of Duty) (Amendment) Regulations (Northern Ireland) 1986(**c**) are revoked.

Sealed with the Official Seal of the Department of the Environment on 5th April 1991.

(L.S.) *Trevor Pearson*
Assistant Secretary

(**a**) S.R. 1979 No. 443; relevant amending Regulations are S.R. 1984 No. 199, S.R. 1987 No. 217 and S.R. 1990 No. 98
(**b**) S.R. 1985 No. 293
(**c**) S.R. 1986 No. 162

SCHEDULE (See regulation 7)

DRIVER'S RECORD BOOK

(*a*) *Front sheet*

RECORD BOOK FOR DRIVERS IN ROAD TRANSPORT

1. Date book first used .....
2. Date book last used .....
3. Surname, first name(s) and address of holder of book .....

   .....

   .....
4. Name, address, telephone number and stamp (if any) of employer/undertaking

   .....

   .....
5. Name, address, telephone number and stamp (if any) of any other employer(s)

   .....

   .....

(*b*) *Instructions to drivers for completion of sheets*

INSTRUCTIONS TO DRIVERS FOR COMPLETION OF SHEETS

Front sheet

1. Enter your surname, first name(s) and address (item 3). Owner-drivers need not make any entry in item 3 unless their personal address is different from the address of their place of business.
2. Enter the date on which you first use the book (item 1).
3. Immediately after you have completed all the weekly sheets in the record book enter in item 2 the date on which you last made an entry in a weekly sheet. If you cease to be employed by the employer who issued you with a record book enter the last date on which you were employed in item 2.

Weekly Record Sheet

4. Use a new sheet each week. A week runs from midnight on Sunday/Monday to midnight the next Sunday/Monday.
5. Complete boxes 1 and 2 at the beginning of each week in which you work as a driver.
6. Each day on which you do work as a driver complete boxes 3-10 in accordance with the instructions below.