1979 No. 443

EUROPEAN COMMUNITIES

ROAD TRAFFIC AND VEHICLES

Passenger and Goods Vehicles (Recording Equipment) Regulations (Northern Ireland) 1979

Made . . . . . *17th December* 1979

Coming into operation . . . *14th January* 1980

The Department of the Environment, being a Department designated(a) for the purpose of section 2(2) of the European Communities Act 1972(b) in relation to the regulation and supervision of working conditions of persons engaged in road transport and the regulation of the type, description, construction or equipment of vehicles, in exercise of the powers conferred by that section, and in exercise of the powers conferred by sections 49, 57, 74C and 189 of the Road Traffic Act (Northern Ireland) 1970(c) and now vested in it(d), and in exercise of the powers conferred on it by section 56(1), (2) and (5) of the Finance Act 1973(e), and of every other power enabling it in that behalf, and with the consent of the Department of Finance in respect of the fee hereby prescribed, hereby makes the following Regulations:

Citation and commencement

1. These Regulations may be cited as the Passenger and Goods Vehicles (Recording Equipment) Regulations (Northern Ireland) 1979 and shall come into operation on 14th January 1980.

Revocation

2. The Passenger and Goods Vehicles (Recording Equipment) Regulations (Northern Ireland) 1977(f) are hereby revoked.

Interpretation

3.—(1) In these Regulations—

"the Act" means the Road Traffic Act (Northern Ireland) 1970;

"the Community Recording Equipment Regulation" means Council Regulation (EEC) No. 1463/70 of 20th July 1970 on the introduction of recording equipment in road transport(g), as amended by Council Regulations (EEC) Nos. 1787/73(h) and 2828/77(i), and as read with the Community Road Transport Rules (Exemptions) Regulations (Northern Ireland) 1979(j);

(a) S.Is. 1975/1707 (1975 III, p. 5814) and 1972/1811 (1972 III, p. 5216).
(b) 1972 c. 68
(c) 1970 c. 2 (N.I.) as amended by S.R. & O. (N.I.) 1972 No. 359 (p. 1755), S.I. 1973/1229 (N.I. 17) Art. 5 and S.I. 1976/581 (N.I. 11) Art. 4
(d) S.R. & O. (N.I.) 1973 No. 504 Art. 5(*b*) (II, p. 2992)
(e) 1973 c. 51
(f) S.R. 1977 No. 310 (II, p. 1673)
(g) O.J. No. L164/1 of 27.7.70
(h) O.J. No. L181/1 of 4.7.73
(i) O.J. No. L334/5 of 24.12.77
(j) S.R. 1979 No. 121

"Department" means the Department of the Environment for Northern Ireland;

"recording equipment" means equipment for recording information as to the use of a vehicle;

"record sheet" includes a temporary sheet attached to a record sheet in accordance with Article 18(2) of the Community Recording Equipment Regulation.

(2) The Interpretation Act (Northern Ireland) 1954(k) shall apply to the interpretation of these Regulations as it applies to a Measure of the Northern Ireland Assembly.

Installation and use of recording equipment

4.—(1) If a person uses, or causes or permits to be used, a vehicle to which this regulation applies and—

(*a*) there is not in the vehicle recording equipment which has been installed in accordance with the Community Recording Equipment Regulation and which complies with the requirements of Annexes I and II to that Regulation; or

(*b*) recording equipment which has been installed in the vehicle in accordance with that Regulation and which complies with those requirements is not used as provided by Articles 15 to 17 of that Regulation,

he shall be guilty of an offence and shall be liable on summary conviction to a fine not exceeding £200.

(2) A person shall not be liable to be convicted under paragraph (1) if he proves to the court that the vehicle in question was proceeding to a place where recording equipment which would comply with the requirements of Annexes I and II to the Community Recording Equipment Regulation was to be installed in the vehicle in accordance with that Regulation.

(3) A person shall not be liable to be convicted under paragraph (1) by reason of the recording equipment installed in the vehicle in question not being in working order if he proves to the court that—

(*a*) it had not become reasonably practicable for the equipment to be repaired by an approved fitter or workshop; and

(*b*) the requirements of Article 18(2) of the Community Recording Equipment Regulation were being complied with.

(4) A person shall not be liable to be convicted under paragraph (1) by reason of any seal on the recording equipment installed in the vehicle in question not being intact if he proves to the court that—

(*a*) the breaking or removal of the seal could not have been avoided;

(*b*) it had not become reasonably practicable for the seal to be replaced by an approved fitter or workshop; and

(*c*) in all other respects the equipment was being used as provided by Articles 15 to 17 of the Community Recording Equipment Regulation.

(5) For the purposes of this regulation recording equipment is used as provided by Articles 15 to 17 of the Community Recording Equipment Regulation if, and only if, the circumstances of its use are such that each requirement of those Articles is complied with.

(k) 1954 c. 33 (N.I.)

(6) This regulation applies at any time to any vehicle to which Part IV of the Act applies if, at that time, Article 3 of the Community Recording Equipment Regulation requires recording equipment to be installed and used in that vehicle; and in this regulation and regulations 5 and 7 any expression which is also used in that Regulation has the same meaning as in that Regulation.

Provisions supplementary to regulation 4

5.—(1) If an employed crew member of a vehicle to which regulation 4 applies fails—

(*a*) without reasonable excuse to return any record sheet which relates to him to his employer within twenty-one days of completing it; or

(*b*) where he has two or more employers by whom he is employed as a crew member of such a vehicle, to notify each of them of the name and address of the other or others of them,

he shall be guilty of an offence and shall be liable on summary conviction to a fine not exceeding £200.

(2) If the employer of crew members of a vehicle to which regulation 4 applies fails without reasonable excuse to secure that they comply with paragraph (1)(*a*), he shall be guilty of an offence and shall be liable on summary conviction to a fine not exceeding £200.

(3) Where a crew member of a vehicle to which regulation 4 applies has two or more employers by whom he is employed as a crew member of such a vehicle, paragraph (1)(*a*) and paragraph (2) shall apply as if any reference to his employer, or any reference which is to be construed as such a reference, were a reference to such of those employers as was the first to employ him in that capacity.

Period of retention of records by crew members

6.—(1) The period for which Article 17 of the Community Recording Equipment Regulation requires the crew members of a vehicle registered in Northern Ireland to be able to produce record sheets relating to national transport operations shall be two days.

(2) In this Regulation "registered" means registered under section 19 of the Vehicles (Excise) Act (Northern Ireland) 1972(**l**), or the corresponding provision of any earlier enactment.

Records, etc., produced by equipment may be used in evidence

7.—(1) Where recording equipment is installed in a vehicle to which Part IV of the Act applies, any record produced by means of the equipment shall, in any proceedings under Part IV of the Act or these Regulations, be evidence of the matters appearing from the record.

(2) Any entry made on a record sheet by a crew member for the purposes of Article 17(2) or (3) or 18(2) of the Community Recording Equipment Regulation shall, in any proceedings under Part IV of the Act or these Regulations, be evidence of the matters appearing from that entry.

Coming into force of regulations 4 *and* 5

8.—(1) Regulation 4(1)(*a*) shall come into force—

(*a*) in relation to vehicles which are being used on international journeys other than to the Republic of Ireland, on 14th January 1980;

(**l**) 1972 c. 10 (N.I.)

(*b*) in relation to vehicles which are not being so used but which fall within one of the classes specified in the first column of the following Table, on the date specified in relation to vehicles of that class in the second column of that Table; and

(*c*) in relation to vehicles which do not fall within either sub-paragraph (*a*) or (*b*), on 1st April 1980.

TABLE

Class of vehicles	*Date*
Vehicles first registered on or after 1st August 1979 but before 1st December 1979	1st June 1980
Vehicles first registered on or after 1st August 1978 but before 1st August 1979	1st October 1980
Vehicles first registered on or after 1st August 1977 but before 1st August 1978	1st January 1981
Vehicles first registered on or after 1st August 1976 but before 1st August 1977	1st March 1981
Vehicles first registered on or after 1st August 1975 but before 1st August 1976	1st May 1981
Vehicles first registered on or after 1st August 1973 but before 1st August 1975	1st August 1981
Vehicles first registered before 1st August 1973	31st December 1981

In this Table "registered" means registered under

(*a*) section 19 of the Vehicles (Excise) Act (Northern Ireland) 1972 or section 19 of the Vehicles (Excise) Act 1971(**m**), or the corresponding provision of any earlier enactment; or

(*b*) the corresponding legislation of any member State other than the United Kingdom.

(2) Regulations 4(1)(*b*) and 5 shall come into force—

(*a*) in relation to vehicles which are being used on international journeys other than to the Republic of Ireland, on 14th January 1980;

(*b*) in relation to vehicles which are being used on international journeys to the Republic of Ireland and—

(i) which fall within one of the classes specified in the first column of the Table in paragraph (1), on the date specified in relation to vehicles of that class in the second column of that Table, or

(ii) which do not fall within one of the classes specified in the first column of the Table in paragraph (1), on 1st April 1980; and

(*c*) in relation to vehicles which do not fall within either sub-paragraph (*a*) or (*b*), on 31st December 1981.

Inspection of recording equipment and record sheets

9.—(1) In relation to any vehicle to which regulation 4 applies an inspector of vehicles may, on production if so required of his authority—

(**m**) 1971 c. 10