1973. No. 80 **[C]**

EUROPEAN COMMUNITIES

Road Traffic: Drivers' Hours of Duty

REGULATIONS, DATED 26TH MARCH 1973, MADE BY THE MINISTRY OF HOME AFFAIRS UNDER SECTION 52 OF THE ROAD TRAFFIC ACT (NORTHERN IRELAND) 1970 AND SECTION 74C OF THE ACT OF 1970 AS INSERTED BY ARTICLE 4 OF THE EUROPEAN COMMUNITIES (ROAD TRAFFIC AND TRANSPORT) ORDER (NORTHERN IRELAND) 1972.

The Ministry of Home Affairs, on behalf of the Secretary of State, in exercise of the powers vested in it by section 52 of the Road Traffic Act (Northern Ireland) 1970(a) and section 74C of the Act of 1970 as inserted by Article 4 of the European Communities (Road Traffic and Transport) Order (Northern Ireland) 1972(b) and of all other powers enabling it in that behalf hereby makes the following Regulations:—

Citation and commencement

1. These Regulations may be cited as the European Communities Drivers' Hours (International Rules) Regulations (Northern Ireland) 1973 and shall come into operation on 1st April 1973.

Interpretation

2. In these Regulations:—

"the international rules" means those provisions of Council Regulation (EEC) No. 543/69(c) of 25th March 1969 (as amended by Council Regulations (EEC) Nos. 514/72(d) and 515/72(e), both of 28th February 1972) which are directly applicable Community provisions relating to the driving of road vehicles on international journeys and which, by virtue of Articles 133 and 150 of, and paragraph III.1 of Annex VII and paragraph I.5 of Annex X to the Act annexed to the Treaty concerning the Accession, inter alia, of the United Kingdom to the European Economic Community signed at Brussels on 22nd January 1972(f) apply in the United Kingdom otherwise than to national transport operations on and after 1st April 1973;

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

"goods vehicle" means a motor vehicle constructed or adapted for use for the carriage of goods or a trailer so constructed or adapted;

"public service vehicle" means a mechanically propelled vehicle used in standing or plying for hire or used to carry passengers for hire but does not include a vehicle seating not more than eight persons in addition to the driver.

(a) 1970. c. 2 (N.I.).
(b) S.R. & O. (N.I.) 1972, No. 359.
(c) O.J. No. L77 of 29.3.69 (p. 49).
(d) O.J. No. L67 of 20.3.72 (p. 1).
(e) O.J. No. L67 of 20.3.72 (p. 11).
(f) Cmnd. 4862. Parts I and II.

Disapplication of domestic drivers' hours of duty provisions

3. Subject to Regulation 4 below, the provisions of section 49 of the Act and the Public Service Vehicles and Goods Vehicles (Drivers' Hours of Duty) Regulations 1935(**g**) shall not apply in relation to a journey made or to work done by the driver of a public service vehicle or a goods vehicle in a case where the journey or, as the case may be, the work is a journey or work to which the international rules apply.

Mixed international and domestic journeys

4. Where the driver of a vehicle spends time partly in driving on a journey to which the international rules apply and partly on other domestic journeys, then the time spent by the driver on an international journey shall be taken into account in calculating any period of driving or period of rest prescribed for the purposes of section 49 of the Act.

Keeping of records

5.—(1) Any driver of a public service vehicle or goods vehicle engaged on a journey to which the international rules apply shall keep records complying with the requirements of the international rules and conforming to the model set out in Schedule 1 to these Regulations.

(2) The model record book set out in Schedule 1 for use in connection with international journeys may also be used for purely domestic journeys in lieu of the form of record set out in the Schedule to the Public Service Vehicles and Goods Vehicles (Drivers' Hours of Duty) Regulations 1935.

(3) Record sheets kept by the driver of a goods vehicle registered in the United Kingdom shall be completed in duplicate and contain one sheet of carbon paper or other means whereby entries may be simultaneously reproduced, but this paragraph shall not require the driver of a public service vehicle to keep a duplicate of his record sheet.

(4) A driver shall, when making any entry in a record sheet and when signing it, ensure subject to paragraph (3) that both the entry and the signature are simultaneously reproduced on the duplicate of that sheet, and such entries shall be made in ink as soon as the required information is available.

Issue and return of record books

6.—(1) The employer of a driver of a public service vehicle or goods vehicle engaged on a journey to which the international rules apply shall cause the driver to enter in a record book a current record which shall give the information required by the international rules as information which is required to be furnished by that driver, and otherwise to comply with all the requirements of those rules with respect to the keeping of record books and matters related thereto.

(2) If at any time on or after 1st April 1973 an employee-driver has more than one employer, the employer responsible for issuing him with a new record book for the purposes of the international rules shall be his first employer.

(3) Where during the currency of a record book a driver ceases to be employed by an employer who has issued that book to him, he shall return that book including all duplicate and unused record sheets to that employer; and if he is at that time employed by some other person then his new employer shall be responsible for issuing him with a new record book for use in accordance with the international rules.

(**g**) S.R. & O. (N.I.) 1935, No. 22.

Return and custody of completed record sheets and books

7.—(1) Where a record sheet contained in a record book has been completed as required by the international rules, the duplicate of that sheet shall be detached from the book and—

(*a*) in a case where the record sheet was completed by an employee-driver, he shall forthwith deliver the duplicate sheet to the employer responsible for its issue and the employer shall within seven days of its receipt examine and sign the record sheet and keep it until the book from which it was detached is returned to him as required by the international rules; and

(*b*) in a case where the record sheet was completed by an owner-driver, he shall within a period of seven days from the date of its being completed deliver the duplicate sheet to the address which is required to be entered on the front cover of the record book and shall keep it until the book from which it was detached is delivered to that address as required by the international rules.

(2) A person shall not be treated as having failed to comply with any of the requirements of this Regulation with respect to the period within which a duplicate sheet shall be delivered or, as the case may be, examined or signed in any case where he can show that it was not reasonably practicable to comply with that requirement and that the requirement was otherwise complied with as soon as it was reasonably practicable to do so.

(3) Where a driver has more than one employer, each employer shall, on request, supply to the driver's other employers such information as is in his possession about the hours worked by such a driver.

(4) An employee-driver shall produce his current record book for inspection by the employer who issued it or by any other employer during the currency of that book whenever required to do so.

Employers' registers

8.—(1) Employers shall keep registers of record books issued to or used by any drivers employed by them and shall record therein the information in the form set out in Schedule 2.

(2) Registers shall be maintained for a period of twelve months.

Sealed with the Official Seal of the Ministry of Home Affairs for Northern Ireland this 26th day of March 1973.

(L.S.)

W. A. Willis,
Assistant Secretary.

SCHEDULE 1 (Regulation 5(1))

Model for international record book

(NOTE: *the model set out below is that prescribed by Council Regulation (EEC) No. 543/69 of 25th March 1969 as amended by Council Regulation (EEC) No. 514/72 of 28th February 1972 and described by those Regulations as an "individual control book".*)

MODEL INDIVIDUAL CONTROL BOOK

(a) FRONT SHEET

I INDIVIDUAL CONTROL BOOK

FOR CREW MEMBERS IN ROAD TRANSPORT

II Country .....

III Date book first used: ..... 19 .....

IV Date book last used: ..... 19 .....

V Surname, first name(s), date of birth and address of holder of book:

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VI Name, address, telephone number and stamp (if any) of the undertaking:

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VII Operator's Licence No. (goods vehicles only).

Book No. .....

(*to be stamped or perforated*)

(b) INSTRUCTIONS

INSTRUCTIONS
FOR THE USE OF THE INDIVIDUAL CONTROL BOOK

1. This individual control book is issued in conformity with International Regulations.

TO THE UNDERTAKING

2. After completing items V, VI and VII on the front sheet, issue a book to each crew member employed by you, in conformity with the laws and regulations referred to in paragraph 1 above.

3. Keep a register showing the names of the persons to whom books have been issued, the serial number of each book issued, and the dates of issue. Require the holder to sign in the margin of the register.

4. Give the holder the necessary instructions for correct use of the book.

5. Examine the daily sheets and the weekly report every week or, if prevented from doing so, as soon thereafter as possible. Sign the weekly report.

6. Withdraw the used books, observing the time-limit specified in paragraph 9 below, and hold them at the disposal of the authorised inspecting officers for not less than one year. Enter the date of the last daily sheet in the register referred to in paragraph 3 above.

TO CREW MEMBERS

7. This control book is personal. Carry it with you when on duty and produce it to any authorised inspecting officer on request. Hand it over to your employer when you leave the undertaking.

8. Produce this control book to your employer every week or, if prevented from doing so, as soon thereafter as possible, so that he can check your entries and sign the weekly report.

9. When the book is completed, keep it for two weeks so that you can produce it at any time to an authorised inspecting officer, and then hand it as soon as possible to your employer. Keep a copy of the weekly reports.

FRONT SHEET

10. Make sure that your surname, first name(s), date of birth and address are filled in correctly (item V).

11. Enter the date on which you first use the book (item III).

12. After use, enter the date when you last used the book (item IV).

DAILY SHEET

13. Fill in a daily sheet for every day on which you have been employed as a crew member.

14. Enter in box 2 the registration number of any vehicle used during the day.