1972. No. 359 **[C]**

EUROPEAN COMMUNITIES

Road Traffic and Transport

ORDER, DATED 19TH DECEMBER 1972, MADE BY THE SECRETARY OF STATE UNDER SECTION 4(3)(*a*) OF THE EUROPEAN COMMUNITIES ACT 1972.

In exercise of the powers conferred on me by section 4(3)(*a*) of the European Communities Acts 1972(**a**) and by section 1(1) of the Northern Ireland (Temporary Provisions) Act 1972(**b**) and of all other powers enabling me in that behalf I hereby order as follows:—

Citation and commencement

1. This Order may be cited as the European Communities (Road Traffic and Transport) Order (Northern Ireland) 1972 and shall come into operation on the date on which the United Kingdom becomes a member of the European Communities.

Interpretation.

2.—(1) In this Order "the Act of 1970" means the Road Traffic Act (Northern Ireland) 1970(**c**).

(2) The Interpretation Act (Northern Ireland) 1954(**d**) shall apply to the interpretation of this Order as it applies to the interpretation of an Act of the Parliament of Northern Ireland.

Driving under age

3. At the end of section 2(8) of the Act of 1970 (offence of driving below the permitted age) there shall be added the words "and this subsection shall apply to a contravention in Northern Ireland of any directly applicable Community provision relating to the driving of road vehicles on international journeys, being a provision as to the minimum age for driving a vehicle of any description as it applies to a contravention of this section."

Drivers' hours

4.—(1) In section 190 of the Act of 1970 after the definition of "inspector of vehicles" there shall be inserted the words—

> " 'the international rules' means any directly applicable Community provision relating to the driving of road vehicles on international journeys;".

(2) In the Act of 1970 after section 74 there shall be inserted the following sections:—

(**a**) 1972. c. 68.
(**b**) 1972. c. 22.
(**c**) 1970. c. 2 (N.I.).
(**d**) 1954. c. 33.

Offences against international rules.

"**74A.**—(1) Where, in the case of a driver or member of the crew of a motor vehicle, there is in Northern Ireland a contravention of any requirement of the international rules as to periods of driving, or distance driven, or periods on or off duty, then the offender and any other person (being the offender's employer or a person to whose orders the offender was subject) who caused or permitted the contravention shall be guilty of an offence under this Act.

(2) Any person who contravenes any requirement as to books or records of the international rules shall be guilty of an offence under this Act.

(3) Any person who makes or causes to be made any entry in a book or register kept for the purposes of the international rules which he knows to be false or, with intent to deceive, alters or causes to be altered any such entry shall be guilty of an offence under this Act.

Powers of inspection.

74B.—(1) An inspector of vehicles or a constable may, on production if so required of his authority, require any person to produce, and permit him to inspect and copy any book, register or document—

(*a*) which that person is required by the international rules to carry or have in his possession for the purpose of making in it any entry required by those rules or which is required under those rules to be carried on any vehicle of which that person is the driver;

(*b*) which that person is required by the international rules to preserve;

(*c*) which the inspector of vehicles or the constable, as the case may be, may reasonably require to inspect for the purpose of ascertaining whether the requirements of the international rules have been complied with.

(2) For the purpose of exercising his powers under subsection (1) in respect of a document carried on, or by the driver of, a vehicle an inspector of vehicles or a constable, as the case may be, may detain the vehicle during such time as is required for the exercise of that power.

Regulations for purposes of the international rules.

74C. The Ministry may, by regulations—

(*a*) make provision supplementary and incidental to the requirements of the international rules as to books and records; and

(*b*) make such provision supplemental or incidental to, or by way of adaptation of, sections 49, 57, 74A, 74B and 74C and regulations made thereunder as is in its opinion called for to take account in relation to journeys and work to which the international rules apply, of the operation of those rules and to ensure compatibility of operation between sections 49 and 57 as they apply to other journeys and work and the international rules."