

2019 No. 12

ROAD TRAFFIC AND VEHICLES

**The Drivers' Hours and Tachographs (Amendment) Regulations
(Northern Ireland) 2019**

Made - - - - - *8th February 2019*

Coming into operation - *11th March 2019*

CONTENTS

PART 1

Introduction

1. Citation, commencement and interpretation

PART 2

Amendments of primary legislation

- 2.-4. Road Traffic (Northern Ireland) Order 1981

PART 3

Amendments of secondary legislation

- 5.-23. Passenger and Goods Vehicles (Recording Equipment) Regulations (Northern Ireland) 1996
24. Road Traffic (Fixed Penalty) (Offences) Order (Northern Ireland) 1997
25. Motor Vehicles (Construction and Use) Regulations (Northern Ireland) 1999
26. Road Transport (Working Time) Regulations (Northern Ireland) 2005
27. Road Traffic (Fixed Penalty) Order (Northern Ireland) 2007
28. Community Drivers' Hours and Recording Equipment (Exemptions and Supplementary Provisions) Regulations (Northern Ireland) 2009
29. Road Traffic (Financial Penalty Deposit) Order (Northern Ireland) 2012
30. Road Traffic (Financial Penalty Deposit) (Appropriate Amount) Order (Northern Ireland) 2012

The Department for Infrastructure makes the following Regulations in exercise of the powers conferred by section 2(2) of, and paragraph 1A of Schedule 2 to, the European Communities Act 1972(a).

The Department is designated(b) for the purposes of section 2(2) of the European Communities Act 1972 in relation to the regulation of the type, description, construction or equipment of vehicles, the regulation and supervision of working conditions of persons engaged in road transport and measures relating to the organisation of working time.

These Regulations make provision for a purpose mentioned in section 2(2) of the European Communities Act 1972 and it appears to the Department that it is expedient for the reference to Regulation (EU) No 165/2014 of the European Parliament and of the Council on tachographs in road transport(c) to be construed as a reference to that instrument as amended from time to time.

PART 1

Introduction

Citation, commencement and interpretation

1.—(1) These Regulations may be cited as the Drivers' Hours and Tachographs (Amendment) Regulations (Northern Ireland) 2019.

(2) These Regulations come into operation on 11th March 2019.

(3) The Interpretation Act (Northern Ireland) 1954(d) applies to these Regulations as it applies to an Act of the Assembly.

PART 2

Amendments of primary legislation

Road Traffic (Northern Ireland) Order 1981

2. The Road Traffic (Northern Ireland) Order 1981(e) is amended as follows.

3. In Article 2(2)(f) insert in the appropriate place in alphabetical order—

““AETR” means the European Agreement concerning the Work of Crews of Vehicles engaged in International Road Transport of 1st July 1970 (as applied by Article 2(3) of the Community Drivers' Hours Regulation);”

4.—(1) Article 81 is amended as follows.

(2) In paragraph (1A)(g) for the words from “he proves” to the end, substitute—

“the person proves—

(a) 1972 c.68 section 2(2) was amended by the Legislative and Regulatory Reform Act 2006 (c.51), section 27(1)(a), and the European Union (Amendment) Act 2008 (c.7), Schedule, Part 1. Paragraph 1A of Schedule 2 was inserted by the Legislative and Regulatory Reform Act 2006, section 28 and was amended by Part 1 of the Schedule to the European Union (Amendment) Act 2008 (c. 7) and S.I. 2007/1388.

(b) S.I. 1972/1811, S.I. 1975/1707 and S.I. 1997/1174.

(c) OJ No. L 60, 28.2.2014, p. 1.

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

(e) 1981 (NI 1).

(f) Amended by S.R. 2009/91

(g) Paragraph (1A) was inserted by S.R. 2009/91.

- (a) in respect of a contravention of a provision of the Community Drivers' Hours Regulation^(a)—
 - (i) that at the time of the contravention the person was complying with Article 10(1) (distance related payments etc.) and Article 10(2) (organisation of drivers' work etc.) of the Community Drivers' Hours Regulation; and
 - (ii) that the person took all reasonable steps to avoid the contravention; or
 - (b) in respect of a contravention of a provision of the AETR^(b)—
 - (i) that at the time of the contravention the person was complying with Article 11(1) to (3) of the AETR (organisation of drivers' work, distance-related payments etc); and
 - (ii) that the person took all reasonable precautions to avoid the contravention.”.
- (3) In paragraph (1B)(a)(c)—
- (a) after “Community Drivers' Hours Regulation” insert “or Article 11(5) of the AETR”;
 - (b) for “that Regulation” substitute “that provision”.

PART 3

Amendments of secondary legislation

Passenger and Goods Vehicles (Recording Equipment) Regulations (Northern Ireland) 1996

5. The Passenger and Goods Vehicles (Recording Equipment) Regulations (Northern Ireland) 1996^(d) are amended as follows.

6.—(1) Regulation 2 is amended as follows.

(2) In paragraph (1)(e), insert in the appropriate place in alphabetical order—

““AETR” means the European Agreement concerning the Work of Crews of Vehicles engaged in International Road Transport of 1st July 1970^(f) (as applied by Article 2(3) of the Community Drivers' Hours Regulation);”

(3) In paragraph (1), insert in the appropriate place in alphabetical order—

““the relevant Appendices” to the Annex to the AETR—

(a) in the case of a vehicle put into service for the first time before 16th June 2010 means—

- (i) either Appendix 1 or Appendix 1B to that Annex; and
- (ii) Appendix 2 to that Annex; and

(b) in the case of a vehicle put into service for the first time on or after that date means—

- (i) Appendix 1B to that Annex; and
- (ii) Appendix 2 to that Annex.”

(4) In paragraph (1), insert in the appropriate place in alphabetical order—

““relevant provision” means—

(a) OJ No. L 102, 11.4.2006, p. 1; relevant amending instruments are OJ No. L 300, 14.11.2009, p. 88 and OJ No. L 60, 28.2.2014, p. 1.X.

(b) The AETR is the European Agreement concerning the work of Crews of Vehicles engaged in International Road Transport of 1st July 1970. The AETR can be found in Cmnd 7401, Cmnd 8572, Cmnd 9037, Cm 1776, Cm 3042 and Cm 3135.

(c) Paragraph (1B) was inserted S.R. 2009/91.

(d) S.R. 1996/145.

(e) Paragraph (1) was amended by S.R. 2016/243, S.R. 2006.274, S.R. 2010/23, S.R. 2005/441, S.R. 2005/325.

(f) Cmnd 7401, Cmnd 8572, Cmnd 9037, Cm 1776, Cm 3042 and Cm 3135.

- (a) in relation to a vehicle to which regulation 3 applies, Annex 1B to the EU Tachographs Regulation;
 - (b) in relation to a vehicle to which regulation 3A applies, Appendix 1B to the Annex to the AETR.”.
- (5) In paragraph (1), for the definition of “analogue recording equipment” substitute—
- ““analogue recording equipment” means—
- (a) in relation to a vehicle to which regulation 3 applies, recording equipment that complies with Annex I to the EU Tachographs Regulation;
 - (b) in relation to a vehicle to which regulation 3A applies, recording equipment that complies with Appendix 1 to Annex I to the AETR;”.
- (6) In paragraph (1), in the definition of ““company card”, “control card” and “driver card”” omit the reference to “driver card”.
- (7) In paragraph (1), insert in the appropriate place in alphabetical order—
- ““driver card” has the meaning given by the relevant provision;”
- (8) In paragraph (1), in the definition of “digital recording equipment”, for “Annex 1B to the EU Tachographs Regulation” substitute “the relevant provision”.
- (9) In paragraph (1), in the definition of “electronic copy”, for “that Annex” substitute “the relevant provision”.
- (10) In paragraph (1), in the definition of “EU Tachographs Regulation” after “transport” insert “, as amended from time to time”.

7.—(1) Regulation 3(a) is amended as follows.

- (2) In the heading, at the end insert “: EU requirements”.
- (3) For paragraph (1)(a)(ii) substitute—
 - “(ii) complies with that Regulation (including the relevant Annexes to it);”.
- (4) In paragraph (3) omit “the requirements of the relevant Annexes to”.
- (5) In paragraph (7), after “6E” insert “(so far as those regulations relate to the EU Tachographs Regulation)”.

8. After regulation 3 insert—

“Installation and use of recording equipment: AETR requirements

3A.—(1) No person shall use, or cause or permit to be used, a vehicle to which this regulation applies—

- (a) unless there is in the vehicle recording equipment which—
 - (i) has been installed in accordance with the AETR;
 - (ii) complies with the AETR (including the relevant Appendices to the Annex to the AETR); and
 - (iii) is being used as provided by Articles 10 to 13 of the Annex to the AETR; or
 - (b) in which there is recording equipment which has been repaired (whether before or after installation) otherwise than in accordance with the AETR.
- (2) A person who contravenes paragraph (1) shall be liable on summary conviction to a fine not exceeding level 5 on the standard scale.
- (3) A person shall not be liable to be convicted for contravention of paragraph (1) if the person proves to the court that the person neither knew nor ought to have known that the

(a) Regulation 3 was amended by S.R. 2016/343, S.R. 2006/274, S.R. 2010/23.

recording equipment had not been installed or repaired, as the case may be, in accordance with the AETR.

(4) A person shall not be liable to be convicted for contravention of paragraph (1)(a) if the person proves to the court that the vehicle in question was proceeding to a place where recording equipment which would comply with the AETR was to be installed in the vehicle in accordance with the AETR.

(5) A person shall not be liable to be convicted for contravention of paragraph (1)(a) by reason of the recording equipment installed in the vehicle in question not being in working order if the person 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 13(2)(a) of the Annex to the AETR were being complied with.

(6) A person shall not be liable to be convicted for contravention of paragraph (1)(a) by reason of any seal on the recording equipment installed in the vehicle in question not being intact if the person 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 10 to 13 of the Annex to the AETR.

(7) A person shall not be liable to be convicted for contravention of paragraph (1)(a) by reason of the driver card not being used with the recording equipment installed in the vehicle in question if the person proves to the court that—

- (a) the driver card was damaged, malfunctioning, lost or stolen;
- (b) the requirements of Articles 12(1) and 13(2) and (3) of the Annex to the AETR were being complied with; and
- (c) in all other respects the recording equipment was being used as provided by Articles 10 to 13 of the Annex to the AETR.

(8) Where a person (“the driver”)—

- (a) in the course of the driver’s employment, uses a vehicle in contravention of paragraph (1), and
- (b) is liable to be convicted for the contravention of that paragraph in respect of that use,

the employer also commits an offence and shall be liable on summary conviction to a fine not exceeding level 5 on the standard scale.

(9) A person shall not be liable to be convicted under paragraph (8) in respect of the use of a vehicle if the requirements of Article 11(1) to (3) of the AETR and Article 11(1) of the Annex to the AETR were complied with in relation to that use.

(10) For the purposes of this regulation recording equipment is used as provided by Articles 10 to 13 of the Annex to the AETR if, and only if, the circumstances of its use are such that each requirement of those Articles is complied with.

(11) This regulation applies at any time to any vehicle to which Part V of the Order applies if, at that time, the AETR requires recording equipment to be installed and used in that vehicle; and in this regulation and regulations 6 to 6E (so far as those regulations relate to the AETR) any expression which is also used in the AETR has the same meaning as in the AETR.

Supply of recording equipment which is not type-approved

3B.—(1) A person commits an offence if the person supplies, as recording equipment which complies with the EU Tachographs Regulation or the AETR, recording equipment in respect of which no appropriate type-approval certificate is in force.

(2) It is a defence to show that—

- (a) the recording equipment was supplied for export from the United Kingdom,
- (b) the person had reasonable cause to believe that the recording equipment would not be installed in a vehicle used on a road in the United Kingdom or would not be so installed until an appropriate type-approval certificate was in force, or
- (c) the person had reasonable cause to believe that the recording equipment would only be installed in a vehicle which was not required under the relevant instrument to have recording equipment installed in it.

(3) A person who commits an offence under this regulation is liable on summary conviction to a fine not exceeding level 4 on the standard scale.

(4) Nothing in this regulation affects the validity of a contract or any rights arising under or in relation to a contract.

(5) In this regulation—

“appropriate type-approval certificate” means—

- (a) in relation to recording equipment supplied as complying with the EU Tachographs Regulation, a type-approval certificate—
 - (i) issued under the Motor Vehicles (Type Approval) Regulations 1980(a) and the EU Tachographs Regulation, or
 - (ii) issued in another member State under the EU Tachographs Regulation;
- (b) in relation to recording equipment supplied as complying with the AETR, a type approval certificate—
 - (i) issued under the Motor Vehicles (Type Approval) Regulations 1980 and the AETR, or
 - (ii) issued in a contracting third country under the AETR;

“relevant instrument”—

- (a) in relation to recording equipment supplied as complying with the EU Tachographs Regulation, means that Regulation;
- (b) in relation to recording equipment supplied as complying with the AETR, means the AETR;

“supplies” includes—

- (a) sells;
- (b) offers to sell or supply;
- (c) exposes for sale.

Recording equipment system elements: security vulnerabilities

3C.—(1) A person commits an offence if—

- (a) the person is a manufacturer of a vehicle unit, motion sensor or tachograph card for which a type-approval certificate has been issued under the Motor Vehicles (Type Approval) Regulations 1980 and the EU Tachographs Regulation,

(a) S.I. 1980/1182, amended by S.I. 1982/7, 1986/1501, 1988/1103, 2011/1043.

- (b) the person knows that security vulnerabilities have been detected for elements already on the market, as mentioned in Article 20(3) of the EU Tachographs Regulation, and
- (c) the person fails to inform the Department that the security vulnerabilities have been detected.

(2) A person who commits an offence under this regulation is liable on summary conviction to a fine not exceeding level 4 on the standard scale.”.

9. In regulation 5, after “3” insert “or 3A”.

10. In regulation 6, for paragraph (2) substitute—

“(2) Any entry made on a record sheet or printout by a driver for the purposes of—

- (a) Article 34(1), (3), (4) or (6) or 37(2) of the EU Tachographs Regulation, or
- (b) Article 12(1), (2) or (5) or 13(2)(a) of the Annex to the AETR,

shall, in any proceedings under Part V of the Order or these Regulations, be evidence of the matters appearing from that entry.”.

11. In regulation 6A(a)—

- (a) in paragraph (1)(b), at the end insert “or the AETR”;
- (b) in paragraph (2), after “3” insert “or 3A”.

12. In regulation 6B(b)—

- (a) in paragraph (1), after “Community Drivers’ Hours Regulation” insert “or Article 11(2)(b) of the Annex to the AETR”;
- (b) in paragraph (3), in column 2 of the table entry relating to case 1, in paragraph (b), after “Article 10” insert “of the Community Drivers’ Hours Regulation or Article 11(2)(b) of the Annex to the AETR”.

13. In regulation 6C(c)—

- (a) in paragraph (1), after “Community Drivers’ Hours Regulation” insert “or Article 11(2)(b) of the Annex to the AETR”;
- (b) in paragraph (3), in column 2 of the table entry relating to case 1, in paragraph (b), after “Article 10” insert “of the Community Drivers’ Hours Regulation or Article 11(2)(b) of the Annex to the AETR”.

14. In regulation 6D(1)(b)(d), after “Community Drivers’ Hours Regulation” insert “or Article 11(2)(b) of the Annex to the AETR”.

15. In regulation 6E(2)(e), after “Community Drivers’ Hours Regulation” insert “or Article 11(2)(b) of the Annex to the AETR”.

16. In regulation 6F(3)(f), after “Community Drivers’ Hours Regulation” insert “or Article 11(2)(b) of the Annex to the AETR”.

17. In regulation 7(8)(g), after “3” insert “or 3A”.

18.—(1) Regulation 7A(h) is amended as follows.

(2) In paragraph (1)—

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- (a) Regulation 6A was inserted by S.R. 2010/23 and amended by S.R. 2016/343
 - (b) Regulation 6B was inserted by S.R. 2010/23 and amended by S.R. 2016/2 and S.R. 2016/343.
 - (c) Regulation 6C was inserted by S.R. 2010/23.
 - (d) Regulation 6D was inserted by S.R. 2010/23 and amended by S.R. 2016/343.
 - (e) Regulation 6E was inserted by S.R. 2010/23.
 - (f) Regulation 6F was inserted by S.R. 2010/23.
 - (g) Regulation 7(8) was inserted by S.R.2006/274.
 - (h) Regulation 7A was inserted by S.R. 2006/274 and amended by S.R. 2016/343.

- (a) in subparagraph (a), after “3” insert “or 3A”;
 - (b) in subparagraph (b), after “Regulation” insert “or the AETR”.
- (3) In paragraph (2)(a), after “Regulation” insert “or Article 12(7)(a) or (b) of the Annex to the AETR”.

19.—(1) Regulation 7B(a) is amended as follows.

- (2) In paragraph (1), after “3” insert “or 3A”.
- (3) In paragraph (4)(a), after “3” insert “or 3A”.
- (4) In paragraph (5)(a), after “3” insert “or 3A”.
- (5) In paragraph (7)(b), for “EU Tachographs Regulation” substitute “relevant instrument”.
- (6) After paragraph (8) insert—
 - “(9) In paragraph (7) “relevant instrument” means—
 - (a) in relation to a vehicle to which regulation 3 applies, the EU Tachographs Regulation;
 - (b) in relation to a vehicle to which regulation 3A applies, the AETR.”

20. In regulation 7E(2)(a)(b), for “or regulation 3” substitute “, the AETR or regulation 3 or 3A”.

21. In regulation 8(1)(b)(c), for “the nomination” substitute “the approval and nomination”.

22. In regulation 10, after “3” insert “or 3A”.

23. In regulation 10A(2)(a)(i)(d), for “Commission Regulation (EEC) No 3820/85” substitute “Regulation (EC) No 561/2006 of the European Parliament and of the Council(e)”.

Road Traffic (Fixed Penalty) (Offences) Order (Northern Ireland) 1997

24. In Schedule 1 to the Road Traffic (Fixed Penalty) (Offences) Order (Northern Ireland) 1997(f), after the entry relating to regulation 3 of the Passenger and Goods Vehicles (Recording Equipment) Regulations (Northern Ireland) 1996 insert—

“56A	Regulation 3A(1) and (2)	Using vehicle in contravention of requirements relating to installation, use or repair of recording equipment in accordance with the AETR.”
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Motor Vehicles (Construction and Use) Regulations (Northern Ireland) 1999

25. In regulation 40(2) of the Motor Vehicles Construction and Use) Regulations (Northern Ireland) 1999(g), in subparagraph (h)—

- (a) after “item 3” insert “or item 3A”;
- (b) after “EU Tachographs Regulation” insert “or Regulation (EC) No 561/2006 of the European Parliament and of the Council of 15th March 2006, so far it applies the

(a) Regulation 7B was inserted by S.R. 2006/274 and amended by S.R. 2016/343.
 (b) Regulation 7E was inserted by S.R. 2006/274 and amended by S.R. 2016/343.
 (c) Regulation 8(1)(b) was amended by S.R. 2005/325 and S.R. 2016/343.
 (d) Regulation 10A was inserted by S.R. 2005/441 and amended by S.R. 2016/343.
 (e) OJ No. L 102, 11.4.2006, p. 1; relevant amending instruments are OJ No. L 300, 14.11.2009, p. 88, OJ No. L 60, 28.2.2014, p. 1 and OJ No. L 195, 20.7.2016, p. 83.
 (f) S.R. 1997/369, as amended by S.R. 1999/354, S.R. 2007/318, S.R. 2011/287, S.R. 2011/379, S.R. 2013/5, S.R. 2013/196, S.R. 2014/231, S.R. 2015/349, and S.R. 2016/181.
 (g) S.R.1999/454; regulation 40(2) was amended by S.R. 2016/343.

European Agreement concerning the Work of Crews of Vehicles Engaged in International Road Transport (see Article 2(3) of that Regulation).”.

Road Transport (Working Time) Regulations (Northern Ireland) 2005

26. In regulation 3(3)(b) of the Road Transport (Working Time) Regulations (Northern Ireland) 2005(a), for “Article 2(2)(b)” substitute “Article 2(2)”.

Road Traffic (Fixed Penalty) Order (Northern Ireland) 2007

27.—(1) Schedule 2 to the Road Traffic (Fixed Penalty) Order (Northern Ireland) 2007(b) is amended as follows.

(2) In paragraph 2, in the table—

- (a) in column 1 of items 15 and 16, omit “the first sub-paragraph of”;
- (b) after item 16 insert—

“16A. Exceeding the weekly driving time of 56 hours, in contravention of Article 6.2 of the AETR	More than 56 hours but less than 58 hours driving	58 hours or more but less than 59 hours driving	59 hours or more driving”
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- (c) in column 1 of item 17, for the words from “total” to “Article 6.2” substitute “accumulated driving time in any two consecutive weeks, in contravention of Article 6.3”;
- (d) in column 1 of item 19—
 - (i) after “Insufficient” insert “regular”;
 - (ii) for “the first sub-paragraph of Article 8.1” substitute “Articles 8.1 and 8.2”;
- (e) in column 1 of item 20—
 - (i) omit “(where permitted)”;
 - (ii) for “the first sub-paragraph of Article 8.1” substitute “Articles 8.1 and 8.2”;
- (f) omit item 21;
- (g) for item 22 substitute—

“22. Failure to take first rest of at least 3 consecutive hours where daily rest period is split, as required by Article 1(o)(i) of the AETR and in contravention of Articles 8.1 and 8.2 of the	Less than 3 hours but more than 2 hours rest	2 hours or less but more than 1 hours rest	1 hour or less rest
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(a) S.R. 2005/241, amended by S.R. 2012/169.
 (b) S.R. 2007/319, Schedule 2 was inserted by S.R. 2011/288

AETR			
22A. Failure to take second rest of at least 9 consecutive hours where daily rest period is split, as required by Article 1(o)(i) of the AETR and in contravention of Articles 8.1 and 8.2 of the AETR	Less than 9 hours but more than 8 hours rest	8 hours or less but more than 7 hours rest	7 hours or less rest"

- (h) in column 1 of item 23—
- (i) for “12 hours in total, in accordance with Article 8.1 of the AETR,” substitute “at least 12 hours in total”;
 - (ii) at the end insert “, as required by Article 1(o)(i) of the AETR and in contravention of Articles 8.1 and 8.2 of the AETR”;
- (i) in item 24—
- (i) for the entry in column 1 substitute “24. Insufficient rest in 30 hour period by a driver engaged in multi-manning, in contravention of Articles 8.1 and 8.3 of the AETR”;
 - (ii) in column 2, for “8 hours” substitute “9 hours”;
 - (iii) for “7 hours”, in both places it occurs, substitute “8 hours”;
 - (iv) for “6 hours”, in both places it occurs, substitute “7 hours”;
- (j) in column 1 of item 25, for “Articles 6.1 and 8.3” substitute “Articles 8.1 and 8.6(a)”;
- (k) omit item 26;
- (l) in column 1 of item 27—
- (i) omit the words from “of 24 hours” to “vehicle is normally based”;
 - (ii) for “Articles 6.1 and 8.3” substitute “Articles 8.1 and 8.6(a)”;
- (m) in column 1 of item 28, for the words from “sufficient” to the end substitute “equivalent period of compensatory rest before the end of the third week where reduced weekly rest period has been taken, as required by Article 8.6(a)(ii) of the AETR”.

(3) After paragraph 6 insert—

“7. Regulation 3A of the Passenger and Goods Vehicles (Recording Equipment) Regulations (Northern Ireland) 1996

<i>(1) Nature of contravention or failure constituting the offence</i>	<i>(2) Amount of penalty</i>
1. Failure to ensure recording equipment installed in accordance with regulation 3A(1) of the Passenger and Goods Vehicles (Recording Equipment) Regulations (Northern Ireland) 1996	£200
2. Failure to ensure the correct functioning of recording equipment or driver card, in accordance with Article 10 of the Annex to the AETR	£60

3. Failure to ensure the proper use of the recording equipment, in accordance with Article 10 of the Annex to the AETR	£120
4. Failure to ensure the proper use of the driver card, in accordance with Article 10 of the Annex to the AETR	£200
5. Failure to ensure that printing can be carried out correctly in the event of an inspection (other than a failure to provide sufficient printing material), in accordance with the second sub-paragraph of Article 11.1 of the Annex to the AETR	£120
6. Failure to ensure that printing can be carried out correctly in the event of an inspection by a failure to provide sufficient printing material, in accordance with the first sub-paragraph of Article 11.1 of the Annex to the AETR	£60
7. Using driver card of which the driver is not the holder, contrary to the third sub-paragraph of Article 11.4(a) of the Annex to the AETR	£200
8. Using a defective driver card, contrary to the third sub-paragraph of Article 11.4(a) of the Annex to the AETR	£60
9. Failure to use record sheets or driver card, in accordance with the first sub-paragraph of Article 12.2(a) of the Annex to the AETR	£200
10. Unauthorised withdrawal of record sheet or driver card, contrary to the first sub-paragraph of Article 12.2(a) of the Annex to the AETR	£120
11. Failure to enter legibly on the record sheet, when away from the vehicle, periods of time, in accordance with Article 12.2(b) of the Annex to the AETR	£120
12. Failure to amend record sheet or driver card as necessary when more than one driver on board the vehicle, in accordance with paragraph (2)(c) or the second sub-paragraph of paragraph (2)(a) of Article 12 of the Annex to the AETR	£120
13. Failure at the start of the journey, to print out information required, etc, in accordance with Article 13.2(b)(i) of the Annex to the AETR	£120
14. Failure, at the end of the journey, to print out information required, etc, in accordance with Article 13.2(b)(ii) of the Annex to the AETR	£120"

Community Drivers’ Hours and Recording Equipment (Exemptions and Supplementary Provisions) Regulations (Northern Ireland) 2009

28. In regulation 4 of the Community Drivers’ Hours and Recording Equipment (Exemptions and Supplementary Provisions) Regulations (Northern Ireland) 2009(a), after “Regulation” insert “and Article 2.2(k) of the European Agreement concerning the Work of Crews of Vehicles Engaged in International Road Transport (as applied by Article 2(3) of that Regulation)”.

Road Traffic (Financial Penalty Deposit) Order (Northern Ireland) 2012

29. In the Schedule to the Road Traffic (Financial Penalty Deposit) Order (Northern Ireland) 2012(b), in Table 10—

- (a) in the entry relating to regulation 3(1) in the second column, for the words from “any” to the end substitute, “requirements relating to installation, use or repair of recording equipment in accordance with the EU Tachographs Regulation”;
- (b) after that entry insert—

“Regulation 3A(1) and (2)	Using vehicle in contravention of requirements relating to installation, use or repair of recording equipment in accordance with the AETR.”.
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Road Traffic (Financial Penalty Deposit) (Appropriate Amount) Order (Northern Ireland) 2012

30.—(1) Schedule 2 to the Road Traffic (Financial Penalty Deposit) (Appropriate Amount) Order (Northern Ireland) 2012(c) is amended as follows.

(2) In Table 2—

- (a) in column 1 of items 15 and 16, omit “the first sub-paragraph of”;
- (b) after item 16 insert—

“16A. Exceeding the weekly driving time of 56 hours, in contravention of Article 6.2 of the AETR	More than 56 hours but less than 58 hours driving	58 hours or more but less than 59 hours driving	59 hours or more driving”
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- (c) in column 1 of item 17, for the words from “total” to “Article 6.2” substitute “accumulated driving time in any two consecutive weeks, in contravention of Article 6.3”;
- (d) in column 1 of item 19—
 - (i) after “Insufficient” insert “regular”;
 - (ii) for “the first sub-paragraph of Article 8.1” substitute “Articles 8.1 and 8.2”;
- (e) in column 1 of item 20—
 - (i) omit “(where permitted)”;
 - (ii) for “the first sub-paragraph of Article 8.1” substitute “Articles 8.1 and 8.2”;
- (f) omit item 21;

(a) S.R. 2009/91
 (b) S.R. 2012/17
 (c) S.R. 2012/18.

(g) for item 22 substitute—

<p>“22. Failure to take first rest of at least 3 consecutive hours where daily rest period is split, as required by Article 1(o)(i) of the AETR and in contravention of Articles 8.1 and 8.2 of the AETR</p>	<p>Less than 3 hours but more than 2 hours rest</p>	<p>2 hours or less but more than 1 hours rest</p>	<p>1 hour or less rest</p>
<p>22A. Failure to take second rest of at least 9 consecutive hours where daily rest period is split, as required by Article 1(o)(i) of the AETR and in contravention of Articles 8.1 and 8.2 of the AETR</p>	<p>Less than 9 hours but more than 8 hours rest</p>	<p>8 hours or less but more than 7 hours rest</p>	<p>7 hours or less rest”</p>

(h) in column 1 of item 23—

- (i) for “12 hours in total, in accordance with Article 8.1 of the AETR,” substitute “at least 12 hours in total”;
- (ii) at the end insert “, as required by Article 1(o)(i) of the AETR and in contravention of Articles 8.1 and 8.2 of the AETR”;

(i) in item 24—

- (i) for the entry in column 1 substitute “24. Insufficient rest in 30 hour period by a driver engaged in multi-manning, in contravention of Articles 8.1 and 8.3 of the AETR”;
- (ii) in column 2, for “8 hours” substitute “9 hours”;
- (iii) for “7 hours”, in both places it occurs, substitute “8 hours”;
- (iv) for “6 hours”, in both places it occurs, substitute “7 hours”;

(j) in column 1 of item 25, for “Articles 6.1 and 8.3” substitute “Articles 8.1 and 8.6(a)”;

(k) omit item 26;

(l) in column 1 of item 27—

- (i) omit the words from “of 24 hours” to “driver is based”;
- (ii) for “Articles 6.1 and 8.3” substitute “Articles 8.1 and 8.6(a)”;

(m) in column 1 of item 28, for the words from “sufficient” to the end substitute “equivalent period of compensatory rest before the end of the third week where reduced weekly rest period has been taken, as required by Article 8.6(a)(ii) of the AETR”.

(3) After Table 6 insert—

“Table 7

Regulation 3A of the Passenger and Goods Vehicles (Recording Equipment) Regulations (Northern Ireland) 1996

<i>(1) Nature of contravention or failure constituting the offence</i>	<i>(2)Applicable level of deposit</i>
1. Failure to ensure recording equipment installed in accordance with regulation 3A(1)	£200
2. Failure to ensure the correct functioning of recording equipment or driver card, in accordance with Article 10 of the Annex to the AETR	£60
3. Failure to ensure the proper use of the recording equipment, in accordance with Article 10 of the Annex to the AETR	£120
4. Failure to ensure the proper use of the driver card, in accordance with Article 10 of the Annex to the AETR	£200
5. Failure to ensure that printing can be carried out correctly in the event of an inspection (other than a failure to provide sufficient printing material), in accordance with the second sub-paragraph of Article 11.1 of the Annex to the AETR	£120
6. Failure to ensure that printing can be carried out correctly in the event of an inspection by a failure to provide sufficient printing material, in accordance with the first sub-paragraph of Article 11.1 of the Annex to the AETR	£60
7. Using driver card of which the driver is not the holder, contrary to the third sub-paragraph of Article 11.4(a) of the Annex to the AETR	£200
8. Using a defective driver card, contrary to the third sub-paragraph of Article 11.4(a) of the Annex to the AETR	£60
9. Failure to use record sheets or driver card, in accordance with the first sub-paragraph of Article 12.2(a) of the Annex to the AETR	£200
10. Unauthorised withdrawal of record sheet or driver card, contrary to the first sub-paragraph of Article 12.2(a) of the Annex to the AETR	£120
11. Failure to enter legibly on the record sheet, when away from the vehicle, periods of time, in accordance with Article 12.2(b) of the Annex to the AETR	£120
12. Failure to amend record sheet or driver card as necessary when more than one driver on board the vehicle, in accordance with paragraph (2)(c) or the second sub-paragraph of paragraph (2)(a) of Article 12	£120

of the Annex to the AETR	
13. Failure, at the start of the journey, to print out information required, etc, in accordance with Article 13.2(b)(i) of the Annex to the AETR	£120
14. Failure, at the end of the journey, to print out information required, etc, in accordance with Article 13.2(b)(ii) of the Annex to the AETR	£120
15. In all other cases	£30''

Sealed with the Official Seal of the Department for Infrastructure on 8th February 2019



Elizabeth Loughran
A senior officer of the
Department for Infrastructure

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations make provision under section 2(2) of the European Communities Act 1972 to fully implement the EU Drivers' Hours Regulation (Regulation (EC) No 561/2006) and the EU Tachographs Regulation (Regulation (EU) No 165/2014).

Article 2(3) of the EU Drivers' Hours Regulation applies the European Agreement concerning the Work of Crews of Vehicles engaged in International Road Transport of 1st July 1970 (known as the "AETR") in EU member states, requiring the implementing of the AETR in these states. The Regulations include provision implementing the AETR.

Part 1 of the Regulations contains introductory provisions. Part 2 contains amendments to Article 81 of the Road Traffic (Northern Ireland) Order 1981. Article 81 provides for offences against applicable Community rules in relation to periods of driving, distance driven, or periods of off duty. The amendments ensure that contravention of AETR rules also constitutes an offence.

Part 3 of the Regulations contains amendments to secondary legislation. These amend and update existing statutory provision to ensure full implementation of EU obligations, including application of AETR rules.

In particular, the amendments implement penalties relating to testing requirements for security vulnerabilities, and penalties relating to the prohibition of the supply of recording equipment without a type approval certificate. They also provide for offences and penalties for failure to comply with AETR requirements - in particular, failure to properly install and use recording equipment; supplying recording equipment without a valid type approval certificate; and failing to notify authorities of security vulnerabilities.

An impact assessment has not been produced for this instrument as no significant impact on the private or voluntary sector is foreseen.

An Explanatory Memorandum is published alongside this instrument on www.legislation.gov.uk.

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