

1970 No. 257

ROAD TRAFFIC
**The Drivers' Hours (Goods Vehicles) (Modifications)
Order 1970**
Laid before Parliament in draft

Made - - - - 19th February 1970
Coming into Operation 1st March 1970

The Minister of Transport, in exercise of his powers under section 96(12) of the Transport Act 1968(a) and of all other enabling powers, and after consultation with representative organisations in accordance with section 101(6) of the said Act, hereby makes the following Order:—

Commencement and citation

1. This Order shall come into operation on the 1st March 1970, and may be cited as the Drivers' Hours (Goods Vehicles) (Modifications) Order 1970.

Interpretation

2.—(1) In this Order, unless the context otherwise requires, "the Act" means the Transport Act 1968 and any other expression which is also used in Part VI of the Act has the same meaning as in that Part of the Act.

(2) Any reference in this Order to a numbered section is a reference to the section bearing that number in the Act except where otherwise expressly provided.

(3) Any reference in this Order to any enactment or instrument shall be construed, unless the context otherwise requires, as a reference to that enactment or instrument as amended by any subsequent enactment or instrument.

(4) The Interpretation Act 1889(b) shall apply for the interpretation of this Order as it applies for the interpretation of an Act of Parliament.

Exemptions for drivers of light goods vehicles

3.—(1) In this Article "light goods vehicle" means a vehicle to which Part VI of the Act applies and which either—

(a) is a goods vehicle which has a relevant plated weight not exceeding three and a half tons or (not having a plated weight) has an unladen weight not exceeding thirty hundredweight; or

(b) is a dual purpose vehicle as defined in Regulation 3(1) of the Motor Vehicles (Construction and Use) Regulations 1969(c).

For the purposes of sub-paragraph (a) of this paragraph the relevant plated weight of a vehicle is the gross weight not to be exceeded in Great Britain of the vehicle as shown on a Ministry plate as defined in Regulation 118 of the Motor Vehicles (Construction and Use) Regulations 1969, or, if no such

(a) 1968 c. 73. (b) 1889 c. 63. (c) S.I. 1969/321 (1969 I, p. 829).

plate has been issued in respect of that vehicle, the maximum gross weight of the vehicle as shown on a plate affixed to the vehicle by virtue of Regulation 30 of the said Regulations.

(2) Where during any working week a driver does not drive any vehicle to which Part VI of the Act applies except one or more light goods vehicles and in so far as he drives a light goods vehicle during that week otherwise than for social, domestic or pleasure purposes does so—

- (a) solely in connection with the carrying on by him or by his employer of the profession of medical practitioner, nurse, midwife, dentist or veterinary surgeon, or
- (b) wholly or mainly in connection with the carrying out of any service of inspection, cleaning, maintenance, repair, installation or fitting, or
- (c) solely while he is acting as a commercial traveller and is carrying in the vehicle (apart from the effects of any person carried in it) no goods other than goods carried for the purpose of soliciting orders, or
- (d) solely while acting in the course of his employment by the Automobile Association, the Royal Automobile Club or the Royal Scottish Automobile Club ;

then, as respects that driver and that working week or any working day falling wholly within that working week, as the case may be, section 96 shall have effect subject to the following modifications, exception and amendment, that is to say—

- (i) subsections (2), (4), (5) and (6) shall not apply,
- (ii) there shall be an additional exception to subsection (3)(a) in the case of any such working day of that driver, and
- (iii) in the application of subsection (1) the expression “working day” therein shall mean a period of 24 hours beginning at midnight.

Exemptions for drivers engaged on building, construction and civil engineering work

4. There shall be added to the exemption provided for by section 96(9) (which provides that for the purposes of subsections (1) and (7) of section 96 no account is to be taken of any time spent in driving a vehicle elsewhere than on a road if the vehicle is being so driven in the course of operations of agriculture or forestry) the following exemption, that is to say—

“For the purposes of subsections (1) and (7) of section 96 no account shall be taken of any time spent in driving a goods vehicle elsewhere than on a road if the vehicle is being so driven in the course of carrying out any work in the construction, reconstruction, alteration, extension or maintenance of, or of a part of, a building, or of any other fixed works of construction or civil engineering (including works for the construction, improvement or maintenance of a road) and, for the purposes of this exemption, where the vehicle is being driven on, or on a part of, a road in the course of carrying out any work for the improvement or maintenance of, or of that part of, that road, it shall be treated as if it were being driven elsewhere than on a road.”

Given under the Official Seal of the Minister of Transport the 19th February 1970.

(L.S.)

Fred Mulley,
Minister of Transport.

EXPLANATORY NOTE

(This Note is not part of the Order.)

This Order modifies in relation to certain drivers of goods vehicles the effect of section 96 of the Transport Act 1968, which relates to permitted driving times and periods of duty. Persons who drive small goods vehicles and dual purpose vehicles for certain purposes (not including the general carriage of goods) are exempted from the daily and weekly limits of duty and the requirements to have rest periods and the application of the limit on daily driving time in relation to such persons is modified (Article 3). The concession for agriculture and forestry in section 96(9) of the Act, under which the driving of a goods vehicle elsewhere than on a road in the course of those industries is not treated as driving, is extended to the building and construction industries (Article 4).

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