
STATUTORY INSTRUMENTS

1979 No. 1746

The Passenger and Goods Vehicles (Recording Equipment) Regulations 1979

Installation and use of recording equipment

2.—(1) For section 97 of the Act of 1968 (installation and use of recording equipment) there shall be substituted the following sections—

“Installation and use of recording equipment

97.—(1) If a person uses, or causes or permits to be used, a vehicle to which this section 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 liable on summary conviction to a fine not exceeding £200.

(2) A person shall not be liable to be convicted under subsection (1) of this section 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 of 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 subsection (1) of this section 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 subsection (1) of this section 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 section 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.

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(6) This section applies at any time to any vehicle to which this Part of this 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 section and sections 97A and 97B of this Act any expression which is also used in that Regulation has the same meaning as in that Regulation.

(7) In this Part of this Act—

“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, as amended by Council Regulations (EEC) Nos. 1787/73 and 2828/77, and as read with the Community Road Transport Rules (Exemptions) Regulations 1978;

“recording equipment” means equipment for recording information as to the use of a vehicle.

Provisions supplementary to section 97

97A.—(1) If an employed crew member of a vehicle to which section 97 of this Act 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 liable on summary conviction to a fine not exceeding £200.

(2) If the employer of crew members of a vehicle to which section 97 of this Act applies fails without reasonable excuse to secure that they comply with subsection (1)(a) of this section, he shall be liable on summary conviction to a fine not exceeding £200.

(3) Where a crew member of a vehicle to which section 97 of this Act applies has two or more employers by whom he is employed as a crew member of such a vehicle, subsection (1)(a) and subsection (2) of this section 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.

Records etc. produced by equipment may be used in evidence

97B.—(1) Where recording equipment is installed in a vehicle to which this Part of this Act applies, any record produced by means of the equipment shall, in any proceedings under this Part of this Act, be evidence, and in Scotland sufficient 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 this Part of this Act, be evidence, and in Scotland sufficient evidence, of the matters appearing from that entry.”.

(2) Subsection (1)(a) of section 97 of the Act of 1968 (as substituted by paragraph (1) above) shall come into force—

- (a) in relation to vehicles which are being used on international journeys, on 14th January 1980;
- (b) in relation to vehicles which do not fall within sub-paragraph (a) above but whose operating centre is on a U.K. island other than the Isle of Wight, on 31st December 1981;
- (c) in relation to vehicles which do not fall within either of the preceding sub-paragraphs 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

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- (d) in relation to vehicles which do not fall within any of the preceding sub-paragraphs, 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 Vehicle (Excise) Act 1971 or section 19 of the Vehicles (Excise) Act (Northern Ireland) 1972, or the corresponding provision of any earlier enactment; or
 - (b) the corresponding legislation of any member State other than the United Kingdom.
- (3) Subsection (1)(b) of the said section 97 and section 97A of the Act of 1968 (as substituted by paragraph (1) above) shall come into force—
- (a) in relation to vehicles which are being used on international journeys, on 14th January 1980; and
 - (b) in relation to vehicles which are not being so used, on 31st December 1981.
- (4) In this Regulation—
- “operating centre”, in relation to a vehicle, means the base or centre at which the vehicle is normally kept;
- “road” means a road within the meaning of the Road Traffic Act 1972 which is suitable for the passage of vehicles to which the said section 97 applies;
- “U.K. island” means any part of the United Kingdom which does not form part of, and is not connected by a road to, the mainland of Great Britain or Northern Ireland.

Commencement Information

II Reg. 2 in force at 14.1.1980, see [reg. 1\(1\)](#)

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Changes and effects yet to be applied to :

- reg. 2(1) words inserted by [S.I. 1984/144 reg. 2\(2\)](#)
- reg. 2(1) words substituted by [S.I. 1984/144 reg. 2\(1\)](#)
- reg. 2(2)-(4) revoked by [S.I. 1984/144 reg. 2\(3\)](#)

Changes and effects yet to be applied to the whole Instrument associated Parts and Chapters:

- Blanket amendment words substituted by [S.I. 2011/1043 art. 3-68-10](#)

Whole provisions yet to be inserted into this Instrument (including any effects on those provisions):

- reg. 4(1)(a) words substituted by [S.I. 1986/1457 reg. 3\(4\)](#)
- reg. 4(1)(a) words substituted by [S.I. 2016/248 reg. 14\(3\)\(a\)](#)
- reg. 4(1)(a) words substituted by [S.I. 2019/453 reg. 48\(2\)\(b\)](#)
- reg. 4(1)(b) words inserted by [S.I. 2016/248 reg. 14\(3\)\(b\)](#)
- reg. 4(1)(b) words inserted by [S.I. 2019/453 reg. 22](#)
- reg. 4(1)(b) words substituted by [S.I. 2019/453 reg. 48\(2\)\(c\)](#)
- reg. 4(6) inserted by [S.I. 2016/248 reg. 14\(3\)\(c\)](#)