
STATUTORY INSTRUMENTS

1986 No. 1456

ROAD TRAFFIC

**The Community Drivers' Hours and Recording Equipment
(Exemptions and Supplementary Provisions) Regulations 1986**

Made - - - 22nd August 1986
Laid before Parliament 8th September 1986
Coming into Operation 29th September 1986

The Secretary of State for Transport, being a Minister designated(a) for the purpose of section 2(2) of the European Communities Act 1972(b) in relation to the regulation and supervision of the working conditions of persons engaged in road transport and the regulation of the type, description, construction or equipment of vehicles, in exercise of the powers conferred by that section, hereby makes the following Regulations:—

Citation, commencement, interpretation and revocation

1.— (1) These Regulations may be cited as the Community Drivers' Hours and Recording Equipment (Exemptions and Supplementary Provisions) Regulations 1986 and shall come into operation on 29th September 1986.

(2) In these Regulations—

“the Community Drivers' Hours Regulation” means Council Regulation (EEC) No. 3820/85 of 20th December 1985 on the harmonisation of certain social legislation relating to road transport(c);

“the Community Recording Equipment Regulation” means Council Regulation (EEC) No. 3821/85 of 20th December 1985 on recording equipment in road transport(d);

“permissible maximum weight” has the same meaning as in section 110 of the Road Traffic Act 1972(e).

(3) Subject to paragraph (2) above, any expression used in these Regulations which is used in the Community Drivers' Hours Regulation has the same meaning as in that Regulation.

(4) The following Regulations are hereby revoked, namely—

(a) S.I. 1975/1707 and 1972/1811.
(b) 1972 c. 68.
(c) OJ No L370/1 of 31.12.85.
(d) OJ No. L370/8 of 31.12.85.
(e) 1972 c. 20; section 110 was amended by the Road Traffic (Drivers' Ages and Hours of Work) Act 1976 (c. 3), Schedule 1, para. 5.

- (a) The Community Road Transport Rules (Exemptions) Regulations 1978(a).
- (b) the regulations made in 1980 on 28th February and 22nd December respectively and each citable as the Community Road Transport Rules (Exemptions) (Amendment) Regulations 1980(b),
- (c) The Community Road Transport Rules (Exemptions) (Amendment) Regulations 1981(c), and
- (d) the Community Road Transport Rules (Exemptions) (Amendment) Regulations 1985(d).

Exemption from the Community Drivers' Hours Regulation

2. Pursuant to Article 13(1) of the Community Drivers' Hours Regulation, exemption is granted from all the provisions of that Regulation, except Article 5 (minimum ages for drivers), in respect of any vehicle falling within a description specified in the Schedule to these Regulations.

Supplementary provisions relating to the Community Drivers' Hours Regulation

3.— (1) Pursuant to Article 6(1) of the Community Drivers' Hours Regulation, the application of the fourth sub-paragraph of that Article shall be extended to national passenger services other than regular passenger services.

(2) Pursuant to Article 7(3) of the Community Drivers' Hours Regulation, if—

- (a) the driver of a vehicle which is engaged in the national carriage of passengers on a regular service observes in a relevant area, immediately after any period of driving not exceeding four hours, a break of at least 30 minutes; and
- (b) it was not possible for him to observe, at any time during that period of driving, a break of at least 15 minutes,

that period of driving shall be disregarded for the purposes of Article 7(1) of that Regulation.

(3) In paragraph (2) above “relevant area”, in relation to the driver of a vehicle which is engaged in the national carriage of passengers on a regular service, means any of the following areas, namely—

- (a) The London Borough of Camden;
- (b) the Royal Borough of Kensington and Chelsea;
- (c) the London Borough of Islington; and
- (d) the City of Westminster,

in which passengers are taken up or set down in the course of the service.

(a) S.I. 1978/1158.
 (b) S.I. 1980/266 and 1980/2018.
 (c) S.I. 1981/1855.
 (d) S.I. 1985/615.

Exemption from the Community Recording Equipment Regulation

4. Pursuant to Article 3(2) of the Community Recording Equipment Regulation, exemption is granted from the provisions of that Regulation in respect of any vehicle falling within a description specified in the Schedule to these Regulations.

Application of the Community Recording Equipment Regulation

5.— (1) Pursuant to Article 3(4) of the Community Recording Equipment Regulation, that Regulation shall apply (notwithstanding the exception in Article 3(1)) to vehicles used for the carriage of postal articles on national transport operations except—

- (a) vehicles which have a permissible maximum weight which does not exceed 3.5 tonnes; and
- (b) vehicles which are being used by the Post Office in connection with the carriage of letters.

(2) In paragraph (1) above “letter” has the same meaning as in the Post Office Inland Post Scheme 1979.

(3) This Regulation shall not have effect—

- (a) before 1st April 1988 in relation to vehicles which have a permissible maximum weight of 7.5 tonnes or more; or
- (b) before 1st January 1990 in relation to vehicles which have a permissible maximum weight which exceeds 3.5 tonnes but which is less than 7.5 tonnes.

Signed by authority of
the Secretary of State
22nd August 1986.

Peter Bottomley,
Parliamentary Under Secretary
of State,
Department of Transport.

SCHEDULE

EXEMPTED VEHICLES

VEHICLES EXEMPTED BY REGULATIONS 2 AND 4

1. Any vehicle used for the carriage of passengers which is by virtue of its construction and equipment suitable for carrying not more than 17 persons including the driver and is intended for that purpose.

2.— (1) Any vehicle which, on or after 1st January 1990, is being used by a public authority to provide public services otherwise than in competition with professional road hauliers.

(2) A vehicle does not fall within the description specified in this paragraph unless the vehicle—

(a) is being used by a health authority in England and Wales or a Health Board in Scotland or the Common Services Agency for the Scottish Health Service—

(i) to provide ambulance services in pursuance of its duty under the National Health Service Act 1977(a) of the National Health Service (Scotland) Act 1978(b); or

(ii) to carry staff, patients, medical supplies or equipment in pursuance of its general duties under that Act;

(b) is being used by a local authority for the purposes of the Local Authority Social Services Act 1970(c) or the Social Work (Scotland) Act 1968(d) to provide, in the exercise of social services functions—

(i) services for old persons; or

(ii) services for persons to whom section 29 of the National Assistance Act 1948(e) (welfare arrangements for physically and mentally handicapped persons) applies;

(c) is being used by Her Majesty's Coastguard, a general lighthouse authority or a local lighthouse authority;

(d) is being used by a harbour authority within the limits of a harbour for the improvement, maintenance or management of which the authority is responsible;

(e) is being used for an airports authority within the perimeter of an airport owned or managed by the authority;

(f) is being used by the British Railways Board, London Regional Transport, any wholly owned subsidiary of London Regional Transport, a Passenger Transport Executive or a local authority for the purpose of maintaining railways; or

(a) 1977 c. 49.

(b) 1978 c. 29.

(c) 1970. c. 42; section 3 was amended by the Local Government, Planning and Land Act 1980 (c. 65), section 183(1).

(d) 1968 c. 49.

(e) 1948 c. 29.

(g) is being used by the British Waterways Board for the purpose of maintaining navigable waterways.

(3) In this paragraph—

“airport” means an aerodrome within the meaning given by section 105(1) of the Civil Aviation Act 1982(a);

“airports authority” means the British Airports Authority or a local authority which owns or manages an airport;

“general lighthouse authority” and “local lighthouse authority” have the meanings given by section 634 of the Merchant Shipping Act 1894(b);

“harbour” and “harbour authority” have the meanings given by section 57(1) of the Harbours Act 1964(c);

“local authority”, unless the contrary intention appears, means—

(a) in relation to England and Wales, a county or district council, a London borough council or the Common Council of the City of London; and

(b) in relation to Scotland, a regional, islands or district council;

“social services functions”—

(a) in relation to England and Wales, has the meaning given by section 3(1) of the Local Authority Social Services Act 1970; and

(b) in relation to Scotland, means functions under the enactments referred to in section 2(2) of the Social Work (Scotland) Act 1968;

“wholly owned subsidiary”, in relation to London Regional Transport, has the meaning given by section 68 of the London Regional Transport Act 1984(d).

3.— (1) Any vehicle which is being used by an agricultural, horticultural, forestry or fishery undertaking to carry goods within a 50 kilometre radius of the place where the vehicle is normally based, including local administrative areas the centres of which are situated within that radius.

(2) A vehicle which is being used by a fishery undertaking does not fall within the description specified in this paragraph unless the vehicle is being used—

(a) to carry live fish; or

(b) to carry a catch of fish from the place of landing to a place where it is to be processed.

4. Any vehicle which is being used to carry animal waste or carcases which are not intended for human consumption.

5. Any vehicle which is being used to carry live animals between a farm and a local market or from a market to a local slaughterhouse.

(a) 1982 c. 16.

(b) 1894 c. 60.

(c) 1964 c. 40.

(d) 1984 c. 32.

6. Any vehicle which is being used—
- (a) as a shop at a local market;
 - (b) for door-to-door selling;
 - (c) for mobile banking, exchange or saving transactions;
 - (d) for worship;
 - (e) for the lending of books, records of cassettes; or
 - (f) for cultural events or exhibitions,
- and is specially fitted for that use.

7.— (1) Any vehicle used for the carriage of goods which has a permissible maximum weight not exceeding 7.5 tonnes and is carrying material or equipment for the driver's use in the course of his work within a 50 kilometre radius of the place where the vehicle is normally based.

(2) A vehicle does not fall within the description specified in this paragraph if driving the vehicle constitutes the driver's main activity.

8. Any vehicle which operates exclusively on an island which does not exceed 2300 square kilometres in area and is not linked to the rest of Great Britain by a bridge, ford or tunnel open for use by motor vehicles.

9. Any vehicle used for the carriage of goods which has a permissible maximum weight not exceeding 7.5 tonnes and is propelled by means of gas produced on the vehicle or by means of electricity.

10.— (1) Any vehicle which is being used for driving instruction with a view to obtaining a driving licence.

(2) A vehicle does not fall within the description specified in this paragraph if the vehicle or any trailer or semi-trailer drawn by it is being used for the carriage of goods—

- (a) for hire or reward; or
- (b) for or in connection with any trade or business.

11. Any tractor which, on or after 1st January 1990, is used exclusively for agricultural and forestry work.

EXPLANATORY NOTE

(This Note is not part of the Regulations.)

These Regulations modify the application of Council Regulations (EEC) No. 3820/85 of 20th December 1985 on the harmonisation of certain social legislation relating to road transport (“the Community Drivers’ Hours Regulation”) and Council Regulation (EEC) No. 3821/85 of 20th December 1985 on recording equipment in road transport (“the Community Recording Equipment Regulation”) in respect of certain transport operations in accordance with the provisions of those Community Regulations which repeal and replace with modifications respectively Council Regulation (EEC) No. 543/69 of the 25th March 1969 on harmonisation of certain social legislation relating to road transport (OJ No. L77/49 of 29.3.69) and Council Regulation (EEC) No. 1463/70 of the 20th July 1970 on the introduction of recording equipment in road transport (OJ No. L164/1 of 27.7.70). These Regulations accordingly revoke the Community Road Transport Rules (Exemptions) Regulations 1978 and the Regulations which amend them (regulation 1(4)).

The modifications made by these Regulations are as follows—

(1) Exemption from the provisions (except Article 5) of the Community Drivers’ Hours Regulation and the provisions of the Community Recording Equipment Regulation is granted in respect of the use of certain descriptions of vehicles (regulations 2 and 4).

(2) The application of the fourth sub-paragraph of Article 6(1) of the Community Drivers’ Hours Regulation (which allows drivers of vehicles being used for the international carriage of passengers, other than on regular services, to postpone their weekly rest periods until the end of the twelfth day of duty if their total driving time over the twelve days does not exceed the maximum corresponding to twelve daily driving periods) is extended to national passenger services other than regular services (regulation 3(1)).

(3) As an exception from Article 7(1) of the Community Drivers’ Hours Regulation (which requires a break of 45 minutes after 4½ hours driving) in the case of vehicles engaged in the national carriage of passengers on certain services in the London area the drivers of these vehicles may in certain circumstances instead take a break of 30 minutes after 4 hours driving (regulation 3(2) and (3)).

(4) Notwithstanding the exception from the requirement to install and use recording equipment in Article 3(1) of the Community Recording Equipment Regulation, for the carriage of postal articles, such equipment is required to be installed and used in vehicles used for the carriage of postal articles on national transport operations except where the vehicles have a permissible maximum weight not exceeding 3.5 tonnes or are being used by the Post Office for the carriage of letters (regulation 5).

The Post Office Inland Post Scheme 1979 (Post Office Scheme P1/1979) referred to in regulation 5(2) is published as a supplement to the London Gazette of Thursday 31st May 1979.

These regulations embody the provisions, subject to two omissions, of a draft of Regulations bearing the same title as these Regulations which was laid before Parliament on 11th June 1986 and approved by both Houses of Parliament but not made. The provisions of the draft Regulations which have been omitted concern further exemptions intended to have been granted following authorisation from the Commission of the European Communities, but for which such authorisation was not given by the Commission in time for the making of these Regulations.

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