

1986 No. 1459

ROAD TRAFFIC

The Drivers' Hours (Goods Vehicles) (Modifications) Order 1986*Laid before Parliament in draft**Made - - - - - 22nd August 1986**Coming into Operation 29th September 1986*

The Secretary of State for Transport, in exercise of the powers conferred by sections 96(12), 101(2) and 157 of the Transport Act 1968(a), and now vested in him(b), and of all other enabling powers, after consultation with representative organisations in accordance with the provisions of section 101(6) of that Act, hereby makes the following Order, a draft of which has been laid before and approved by a resolution of each House of Parliament pursuant to section 101(3) of that Act:—

Citation, commencement, interpretation and revocation

1.—(1) This Order may be cited as the Drivers' Hours (Goods Vehicles) (Modifications) Order 1986 and shall come into operation on 29th September 1986.

(2) In this Order "the 1968 Act" means the Transport Act 1968.

(3) Article 3 of the Drivers' Hours (Goods Vehicles) (Modifications) Order 1970(c) and article 5(a) of the Drivers' Hours (Passenger and Goods Vehicles) (Modifications) Order 1971(d) are hereby revoked.

Goods vehicles generally

2. Where during any working day a driver spends all or the greater part of the time when he is driving vehicles to which Part VI of the 1968 Act applies in driving goods vehicles, that Part of that Act shall have effect, as respects that driver and that working day, as if—

- (a) subsections (2), (3)(b), (4) to (6) and (8)(b) of section 96 were omitted;
- (b) for the words "subsections (1), (2) and (3)" in subsection (7) of that section there were substituted the words "subsections (1) and 3(a)";
- (c) for the words "subsections (2) and (3)" in subsection (8)(a) of that section there were substituted the words "subsection (3)(a)"; and

(a) 1968 c. 73; modifications relevant to this Order are made by S.I. 1970/257 and 1971/818.

(b) S.I. 1970/1681, 1979/571 and 1981/238.

(c) S.I. 1970/257.

(d) S.I. 1971/818.

(d) for the definition of “working day” in section 103(1) there were substituted the following definition—

“working day”, in relation to any driver, means—

(a) any working period (that is to say, any period during which he is on duty) which does not fall to be aggregated with the whole or part of any other such period or periods by virtue of paragraph (b) of this definition; and

(b) where a working period is followed by one or more other such periods beginning within the 24 hours next after the beginning of that working period, the aggregate of that working period and so much of the other such period or periods as fall within those 24 hours;”.

Light goods vehicles

3.—(1) Where during any working week a driver spends all of the time when he is driving vehicles to which Part VI of the 1968 Act applies in driving light goods vehicles and, in so far as he drives such a vehicle during that week otherwise than for social, domestic or pleasure purposes, he 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;
- (b) wholly or mainly in connection with the carrying out of any service of inspection, cleaning, maintenance, repair, installation or fitting;
- (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;
- (d) solely while he is acting in the course of his employment by the Automobile Association, the Royal Automobile Club or Royal Scottish Automobile Club; or
- (e) solely in connection with the carrying on by him or by his employer of the business of cinematography or of radio or television broadcasting,

that Part of that Act shall have effect, as respects that driver and any working day falling wholly within that working week, not only with the modifications made by article 2 above but also as if subsections (3)(a) and (8)(a) of section 96 were omitted.

(2) In this article “light goods vehicle” means a vehicle which—

- (a) is a goods vehicle which has a permissible maximum weight within the meaning of section 110 of the Road Traffic Act 1972(a) not exceeding 3.5 tonnes; or
- (b) is a dual purpose vehicle within the meaning of Regulation 3(1) of the Motor Vehicles (Construction and Use) Regulations 1978(b),

(a) 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.

(b) S.I. 1978/1017, to which there are amendments not relevant to this Order.

and (in either case) is a vehicle to which Part VI of the 1968 Act applies.

Signed by authority of
the Secretary of State.

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

22nd August 1986.

EXPLANATORY NOTE

(This Note is not part of the Order.)

This Order modifies, in relation to the drivers of goods vehicles, the provisions of section 96 of the Transport Act 1968 (which relates to permitted driving times and periods of duty).

Drivers who drive goods vehicles for all or the greater part of their time spent driving vehicles to which Part VI of the 1968 Act applies are exempt from all the provisions of section 96 except the daily driving limit in subsection (1) and the daily duty limit in subsection (3)(a) (article 2).

The provision in article 3 of the Drivers' Hours (Goods Vehicles) (Modifications) Order 1970 as amended by article 5(a) of the Drivers' Hours (Passenger and Goods Vehicles) (Modifications) Order 1971, is replaced by a provision which takes account of the provisions mentioned above (article 3).

SI 1986/1459
ISBN 0-11-067459-6



780110674599