
STATUTORY INSTRUMENTS

2019 No. 453

**The Drivers' Hours and Tachographs
(Amendment etc.) (EU Exit) Regulations 2019**

PART 3

Amendments pursuant to the European Union (Withdrawal) Act 2018

CHAPTER 1

Amendments of primary legislation

Transport Act 1968

31. The Transport Act 1968 is amended as follows.

Commencement Information

I1 Reg. 31 in force at 31.12.2020 on IP completion day (in accordance with 2020 c. 1, [Sch. 5 para. 1\(1\)](#)), see [reg. 1\(3\)](#)

32. In section 95—

- (a) in subsection (1) ^{M1} omit the words from “but the” to the end;
- (b) omit subsection (1A) ^{M2}.

Commencement Information

I2 Reg. 32 in force at 31.12.2020 on IP completion day (in accordance with 2020 c. 1, [Sch. 5 para. 1\(1\)](#)), see [reg. 1\(3\)](#)

Marginal Citations

- M1** Section 95(1) was amended by section 2(1)(d) of the [Road Traffic \(Drivers' Ages and Hours of Work\) Act 1976 \(c. 3\)](#) and by [S.I. 2011/1043](#).
- M2** Section 95(1A) was substituted by section 2(1)(d) of the [Road Traffic \(Drivers' Ages and Hours of Work\) Act 1976 \(c. 3\)](#) and amended by [S.I. 2011/1043](#).

33. In section 96 (as amended by regulation 3 of these Regulations)—

- (a) in subsection (11A) ^{M3}, for “, another member State, or a contracting third country” substitute “ or another contracting country ”;
- (b) in subsection (13) ^{M4} omit “section 95(1) of this Act or”.

Status: This version of this chapter contains provisions that are prospective.
Changes to legislation: There are currently no known outstanding effects for the The Drivers' Hours and Tachographs (Amendment etc.) (EU Exit) Regulations 2019, CHAPTER 1. (See end of Document for details)

Commencement Information

I3 Reg. 33 in force at 31.12.2020 on IP completion day (in accordance with 2020 c. 1, **Sch. 5 para. 1(1)**), see **reg. 1(3)**

Marginal Citations

M3 Section 96(11A) was inserted by paragraph 9(2)(a) of Schedule 4 to the **European Communities Act 1972 (c. 68)** and amended by section 2(1)(c) of the **Road Traffic (Drivers' Ages and Hours of Work) Act 1976 (c. 3)** and by **S.I. 1986/1457, 2007/1819, 2018/24**.

M4 Section 96(13) was inserted by section 2(1) of the **Road Traffic (Drivers' Ages and Hours of Work) Act 1976 (c. 3)**.

34. In section 96A(1)(a) ^{M5}, for “under Article 13” substitute “ as required by Article 11A ”.

Commencement Information

I4 Reg. 34 in force at 31.12.2020 on IP completion day (in accordance with 2020 c. 1, **Sch. 5 para. 1(1)**), see **reg. 1(3)**

Marginal Citations

M5 Section 96A was inserted by **S.I. 2016/248**.

35.—(1) Section 97 (as amended by regulation 4 of these Regulations) is amended as follows.

[^{F1}(2) In subsection (1)(a)(i), after “technical specifications)” insert “or the equivalent EU Regulation”.]

(3) In subsection (1)(b), at the end insert “ or the equivalent EU Regulation ”.

(4) In subsection (4B), for “a type-approval mark issued under Article 14 of the EU Tachographs Regulation” substitute “ the relevant UK type-approval mark or the relevant EU type-approval mark (see Article 11A of the EU Tachographs Regulation) ”.

(5) In subsection (7)—

(a) before the definition of “the EU Tachographs Regulation” insert—

““the equivalent EU Regulation” means Regulation (EU) No 165/2014 of the European Parliament and of the Council on tachographs in road transport ^{M6} as it has effect in EU law, as amended from time to time;”

(b) in the definition of “the EU Tachographs Regulation”, omit the words from “as read with” to the end;

(c) after the definition of “recording equipment” insert—

““the relevant EU type-approval mark”, in relation to recording equipment, means a type-approval mark issued by an EU member State in relation to that type of recording equipment under Article 14 of the equivalent EU Regulation;”;

^{F2}(d)

(e) at the end insert—

““the relevant UK type-approval mark”, in relation to recording equipment, means the mark which is “the relevant type-approval mark” in relation to the marking of that equipment, for the purposes of the Motor Vehicles (Type Approval) Regulations 1980.”.

Textual Amendments

- F1** Reg. 35(2) substituted (24.10.2019) by [The Passenger and Goods Vehicles \(Tachographs\) \(Amendment etc.\) Regulations 2019 \(S.I. 2019/1379\)](#), regs. 1, **8(a)**
- F2** Reg. 35(5)(d) omitted (24.10.2019) by virtue of [The Passenger and Goods Vehicles \(Tachographs\) \(Amendment etc.\) Regulations 2019 \(S.I. 2019/1379\)](#), regs. 1, **8(b)**

Commencement Information

- I5** Reg. 35 in force at 31.12.2020 on IP completion day (in accordance with [2020 c. 1, Sch. 5 para. 1\(1\)](#)), see [reg. 1\(3\)](#)

Marginal Citations

- M6** OJ No. L 60, 28.2.2014, p. 1.

- 36.** In section 97ZB(5) (as inserted by regulation 5 of these Regulations)—
- (a) in paragraph (a) of the definition of “appropriate type-approval certificate”, for sub-paragraph (ii) substitute—
 - “(ii) issued under the equivalent EU Regulation;”;
 - (b) in paragraph (b) of that definition, in sub-paragraph (ii), for “a contracting third country” substitute “another contracting country”;
 - (c) after that definition insert—
 - ““the equivalent EU Regulation” has the meaning given by section 97(7);”.

Commencement Information

- I6** Reg. 36 in force at 31.12.2020 on IP completion day (in accordance with [2020 c. 1, Sch. 5 para. 1\(1\)](#)), see [reg. 1\(3\)](#)

- 37.** In section 98 (as amended by regulation 14 of these Regulations)—
- ^{F3}(a)
 - (b) in subsection (4)(b) ^{M7}, for “, another member State or a contracting third country” substitute “or another contracting country”.

Textual Amendments

- F3** Reg. 37(a) omitted (24.10.2019) by virtue of [The Passenger and Goods Vehicles \(Tachographs\) \(Amendment etc.\) Regulations 2019 \(S.I. 2019/1379\)](#), regs. 1, **9**

Commencement Information

- I7** Reg. 37 in force at 31.12.2020 on IP completion day (in accordance with [2020 c. 1, Sch. 5 para. 1\(1\)](#)), see [reg. 1\(3\)](#)

Status: This version of this chapter contains provisions that are prospective.
Changes to legislation: There are currently no known outstanding effects for the The Drivers' Hours and Tachographs (Amendment etc.) (EU Exit) Regulations 2019, CHAPTER 1. (See end of Document for details)

Marginal Citations

M7 Section 98(4) was amended by section 4 of, and paragraph 9(2) of Schedule 4 to, the [European Communities Act 1972 \(c. 68\)](#), by section 2(1) of the [Road Traffic \(Drivers' Ages and Hours of Work\) Act 1976 \(c. 3\)](#) and by S.I. 2018/24.

PROSPECTIVE

F4 38.

Textual Amendments

F4 Reg. 38 omitted (24.10.2019) by virtue of [The Passenger and Goods Vehicles \(Tachographs\) \(Amendment etc.\) Regulations 2019 \(S.I. 2019/1379\)](#), regs. 1, **10(b)**

39. In section 101—

- (a) in subsection (3) ^{M8} omit “under section 95(1) or”;
- (b) omit subsection (3A) ^{M9}.

Commencement Information

I8 Reg. 39 in force at 31.12.2020 on IP completion day (in accordance with [2020 c. 1, Sch. 5 para. 1\(1\)](#)), see [reg. 1\(3\)](#)

Marginal Citations

M8 Section 101(3) was amended by section 2(1)(i) of the [Road Traffic \(Drivers' Ages and Hours of Work\) Act 1976 \(c. 3\)](#).
M9 Section 101(3A) was inserted by section 2(1)(i) of the [Road Traffic \(Drivers' Ages and Hours of Work\) Act 1976 \(c. 3\)](#).

40.—(1) Section 103(1) (as amended by regulation 19 of these Regulations) is amended as follows—

- (a) in the definition of “contracting third country”—
 - (i) omit “third”;
 - (ii) omit “other than a member State”;
 - (iii) omit paragraph (b) (and the “or” before it);
- (b) for the definition of “the applicable Community rules”, substitute—
 - ““the applicable Community rules” means—
 - (a) the Community Drivers' Hours Regulation, including the AETR; and
 - (b) the EU Tachographs Regulation;”;
- (c) omit the definition of “relevant EU provision”.

Commencement Information

I9 Reg. 40 in force at 31.12.2020 on IP completion day (in accordance with [2020 c. 1, Sch. 5 para. 1\(1\)](#)), see [reg. 1\(3\)](#)

Road Traffic Offenders Act 1988

41. The Road Traffic Offenders Act 1988 ^{M10} is amended as follows.

Commencement Information

I10 Reg. 41 in force at 31.12.2020 on IP completion day (in accordance with [2020 c. 1, Sch. 5 para. 1\(1\)](#)), see [reg. 1\(3\)](#)

Marginal Citations

M10 1988 c. 53.

42. In section 54(8A)(d) ^{M11}, for “another member State or a contracting third country” substitute “or in another contracting country”.

Commencement Information

I11 Reg. 42 in force at 31.12.2020 on IP completion day (in accordance with [2020 c. 1, Sch. 5 para. 1\(1\)](#)), see [reg. 1\(3\)](#)

Marginal Citations

M11 Section 54(8A) was inserted by [S.I. 2018/24](#).

43. In section 75(3C)(d) ^{M12}, for “another member State or a contracting third country” substitute “or in another contracting country”.

Commencement Information

I12 Reg. 43 in force at 31.12.2020 on IP completion day (in accordance with [2020 c. 1, Sch. 5 para. 1\(1\)](#)), see [reg. 1\(3\)](#)

Marginal Citations

M12 Section 75 was substituted by section 34 of the [Road Traffic Act 1991 \(c. 40\)](#). Section 75(3C) was inserted by [S.I. 2018/24](#).

44.—(1) Section 89 is amended as follows.

(2) In subsection (1)—

- (a)** in the definition of “the applicable Community rules”^{M13}, for the words from “means” to the end substitute “has the meaning given by section 103(1) of the Transport Act 1968”;
- (b)** in the definition of “contracting third country”^{M14}—

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Changes to legislation: There are currently no known outstanding effects for the The Drivers' Hours and Tachographs (Amendment etc.) (EU Exit) Regulations 2019, CHAPTER 1. (See end of Document for details)

- (i) omit “third”;
- (ii) omit “other than a member State”;
- (iii) omit paragraph (b) (and the “or” before it).

Commencement Information

I13 Reg. 44 in force at 31.12.2020 on IP completion day (in accordance with 2020 c. 1, [Sch. 5 para. 1\(1\)](#)), see [reg. 1\(3\)](#)

Marginal Citations

M13 Definition inserted by [S.I. 2018/24](#).
M14 Definition inserted by [S.I. 2018/24](#).

45. In section 90A(6)(c) ^{M15}, for “, another member State or a contracting third country” substitute “ or in another contracting country ”.

Commencement Information

I14 Reg. 45 in force at 31.12.2020 on IP completion day (in accordance with 2020 c. 1, [Sch. 5 para. 1\(1\)](#)), see [reg. 1\(3\)](#)

Marginal Citations

M15 Section 90A was inserted by section 11(1) of the [Road Safety Act 2006 \(c. 49\)](#) and amended by [S.I. 2018/24](#).

46. In section 90F ^{M16}, in the definition of “contracting third country” omit “third”.

Commencement Information

I15 Reg. 46 in force at 31.12.2020 on IP completion day (in accordance with 2020 c. 1, [Sch. 5 para. 1\(1\)](#)), see [reg. 1\(3\)](#)

Marginal Citations

M16 Section 90F was inserted by section 11(1) of the [Road Safety Act 2006 \(c. 49\)](#) and amended by [S.I. 2018/24](#).

Road Traffic (Foreign Vehicles) Act 1972

47. In section 1(1)(a) of the Road Traffic (Foreign Vehicles) Act 1972 ^{M17}, for “an EU instrument” substitute “ a provision of retained direct EU legislation ”.

Commencement Information

I16 Reg. 47 in force at 31.12.2020 on IP completion day (in accordance with 2020 c. 1, [Sch. 5 para. 1\(1\)](#)), see [reg. 1\(3\)](#)

Status: *This version of this chapter contains provisions that are prospective.*

Changes to legislation: *There are currently no known outstanding effects for the The Drivers' Hours and Tachographs (Amendment etc.) (EU Exit) Regulations 2019, CHAPTER 1. (See end of Document for details)*

Marginal Citations

M17 1972 c. 27. Section 1(1)(a) was amended by section 10(4) of the [Transport Act 1982 \(c. 49\)](#) and by S.I. [1984/748](#), [1999/1322](#), [2011/1043](#).

Status:

This version of this chapter contains provisions that are prospective.

Changes to legislation:

There are currently no known outstanding effects for the The Drivers' Hours and Tachographs (Amendment etc.) (EU Exit) Regulations 2019, CHAPTER 1.