Draft Regulations laid before Parliament under section 101(3A) of the Transport Act 1968 and paragraph 2(2) and 2A of Schedule 2 to the European Communities Act 1972 for approval by resolution of each House of Parliament.

DRAFT STATUTORY INSTRUMENTS

2019 No. 0000

ROAD TRAFFIC

The Passenger and Goods Vehicles (Tachographs) (Amendment etc.) Regulations 2019

Made - - - - 2019

Coming into force in accordance with regulation 1

The Secretary of State makes the following Regulations in exercise of the powers conferred by sections 95(1) and 101(2) of the Transport Act 1968(**a**) and section 2(2) of, as read with paragraph 1A of Schedule 2 to, the European Communities Act 1972(**b**).

The Secretary of State is a Minister designated for the purposes of section 2(2) of the European Communities Act 1972 in relation to the regulation of the type, description, construction or equipment of vehicles(**c**) and the regulation and supervision of working conditions of persons engaged in road transport(**d**).

These Regulations make provision for a purpose mentioned in section 2(2) of the European Communities Act 1972 and it appears to the Secretary of State that it is expedient for the reference to Commission Implementing Regulation (EU) 2016/799 implementing Regulation (EU) No 165/2014 of the European Parliament and of the Council laying down the requirements for the construction, testing, installation, operation and repair of tachographs and their components, to be construed as a reference to that instrument as amended from time to time.

The Secretary of State has consulted with such representative organisations as he thought fit in accordance with section 101(6) of the Transport Act 1968.

In accordance with section 101(3A) of the Transport Act 1968(**e**) and paragraph 2(2) and 2A of Schedule 2 to the European Communities Act 1972 a draft of these Regulations has been laid before and approved by a resolution of each House of Parliament.

(**a**) 1968 c. 73. Section 95(1) was amended by the Road Traffic (Drivers' Ages and Hours of Work) Act 1976 (c. 3), section 2(1)(d)(5), and by S.I. 2011/1043, article 6(2)(c).
(**b**) 1972 c. 68. Section 2(2) was amended by the Legislative and Regulatory Reform Act 2006 (c. 51), section 27(1)(a), and the European Union (Amendment) Act 2008 (c. 7), section 3(3), Schedule, Part 1. Paragraph 1A of Schedule 2 was inserted by section 28 of the Legislative and Regulatory Reform Act 2006 (c. 51).
(**c**) S.I. 1972/1811.
(**d**) S.I. 1975/1707.
(**e**) Subsection (3A) was inserted by the Road Traffic (Drivers' Ages and Hours of Work) Act 1976 (c. 3), section 2(1)(i).

PART 1

Introduction

Citation, commencement and extent

1. These Regulations may be cited as the Passenger and Goods Vehicles (Tachographs) (Amendment etc.) Regulations 2019 and come into force on the day after the day on which they are made.

2. These Regulations extend to England and Wales and Scotland.

PART 2

Amendment of primary legislation

Transport Act 1968

3. The Transport Act 1968 (as amended by regulations 4, 14 and 16 of the Drivers' Hours and Tachographs (Amendment etc.) (EU Exit) Regulations 2019(**a**)) is amended as follows.

4.—(1) Section 97(**b**) is amended as follows.

(2) In subsection (1)(a)—

(a) in sub-paragraph (i), after "Regulation" insert "(including the relevant technical specifications)";

(b) in sub-paragraph (ii), for "that Regulation (including the relevant Annexes to it)" substitute "the EU Tachographs Regulation (including the relevant technical specifications)";

(c) in sub-paragraph (iii), for "that Regulation" substitute "the EU Tachographs Regulation".

(3) In subsection (7)—

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

""Commission Implementing Regulation (EU) 2016/799" means Commission Implementing Regulation (EU) 2016/799 of 18 March 2016 implementing Regulation (EU) No 165/2014 of the European Parliament and of the Council laying down the requirements for the construction, testing, installation, operation and repair of tachographs and their components(**c**), as amended from time to time;

"Council Regulation (EEC) No 3821/85" means Council Regulation (EEC) No 3821/85 of 20 December 1985 on recording equipment in road transport(**d**);";

(b) for the definition of "the relevant Annexes" substitute—

""the relevant technical specifications" means Annex II of Commission Implementing Regulation (EU) 2016/799, and—

(a) in the case of a vehicle put into service for the first time before 1st May 2006—

(i) Annex I of the EU Tachograph Regulation,

(ii) Annex IB of Council Regulation (EEC) No 3821/85 for as long as preserved and applied by Article 46 of the EU Tachographs Regulation, or

(ii) Annex 1C to Commission Implementing Regulation (EU) 2016/799;

(**a**) S.I. 2019/453.
(**b**) Section 97 was amended by S.I. 1979/1746, 1984/144, 1986/1457, 1989/2121, 2005/1904, 2006/1117, 2008/198, 2016/248, 2019/453.
(**c**) OJ No. L 139, 26.5.2016, p. 1.
(**d**) OJ L 370, 31.12.1985, p. 8.

(b) in the case of a vehicle put into service for the first time on or after 1st May 2006 but before the date on which the Passenger and Goods Vehicles (Tachographs) (Amendment etc.) Regulations 2019(**a**) come into force—

(i) Annex IB of Council Regulation (EEC) No 3821/85 for as long as preserved and applied by Article 46 of the EU Tachographs Regulation; or

(ii) Annex IC to Commission Implementing Regulation (EU) 2016/799; and

(c) in the case of a vehicle put into service for the first time on or after the date on which the Passenger and Goods Vehicles (Tachographs) (Amendment etc.) Regulations 2019 come into force, Annex 1C to Commission Implementing Regulation (EU) 2016/799."

5. In section 98(2A)(**b**), in paragraph (a), for "Annexes" substitute "technical specifications".

6. For section 99ZA(7)(a)(**c**), substitute—

"(a) in relation to a vehicle to which section 97 applies—

(i) where the vehicle was put into service for the first time before the date on which the Passenger and Goods Vehicles (Tachographs) (Amendment etc.) Regulations 2019 come into force—

(aa) Annex IB of Council Regulation (EEC) No 3821/85 for as long as preserved and applied by Article 46 of the EU Tachographs Regulation, or

(bb) Annex 1C to Commission Implementing Regulation (EU) 2016/799; and

(ii) where the vehicle was put into service for the first time on or after the date on which the Passenger and Goods Vehicles (Tachographs) (Amendment etc.) Regulations 2019 come into force, Annex 1C to Commission Implementing Regulation (EU) 2016/799;".

PART 3

Amendment of secondary legislation

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

7. The Drivers' Hours and Tachographs (Amendment etc.) (EU Exit) Regulations 2019(**d**) are amended as follows.

8. In regulation 35—

(a) for paragraph (2) substitute—

"(2) In subsection (1)(a)(i), after "technical specifications)" insert "or the equivalent EU Regulation".";

(b) omit paragraph (5)(d).

9. In regulation 37, omit sub-paragraph (a).

10. Omit regulation 38.

(**a**) S.I. 2019/XXXX.
(**b**) Section 98(2A) was amended by S.I. 2019/453.
(**c**) Section 99ZA was amended by S.I. 2019/453.
(**d**) S.I. 2019/453.

Signed by authority of the Secretary of State for Transport

Name
Minister of State
Date Department for Transport

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend the Transport Act 1968 and the Drivers' Hours and Tachographs (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/453).

Commission Implementing Regulation (EU) No. 2016/799 of 18 March 2016 implementing Regulation (EU) No 165/2014 of the European Parliament and of the Council laying down the requirements for the construction, testing, installation, operation and repair of tachographs and their components gives effect to new requirements in relation to the construction, testing, installation, operation and repair of smart tachographs. The amendments in these Regulations are necessary to ensure that effective enforcement action may be taken if the requirements in relation to smart tachographs are breached.

Part 1 of the Regulations contains an introductory provision. Part 2 contains the amendments to the Transport Act 1968 that will enable the new provisions in relation to smart tachographs to be effectively enforced. Part 3 removes overlapping amendments to the Transport Act 1968 made by the Drivers' Hours and Tachographs (Amendment etc.) (EU Exit) Regulations 2019 that are not yet in force and will no longer be needed from Exit day as a consequence.

An impact assessment has not been produced for this instrument as no, or no significant, impact on the private and voluntary sector is foreseen. An Explanatory Memorandum is published alongside this instrument on www.legislaton.gov.uk.

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