STATUTORY INSTRUMENTS

2020 No. 1658

EXITING THE EUROPEAN UNION

ROAD TRAFFIC

The Drivers' Hours and Tachographs (Amendment) Regulations 2020

Approved by both Houses of Parliament

Made - - - - at 9.52 a.m. on 31st December 2020

Laid before Parliament at 2.00 p.m. on 31st December 2020

Coming into force in accordance with regulation 1

The Secretary of State makes these Regulations in exercise of the powers conferred by section 31 of the European Union (Future Relationship) Act 2020(**a**). The Secretary of State declares in accordance with paragraph 14(2) of Schedule 5 to that Act that by reason of urgency it is necessary to make these Regulations without a draft being laid and approved by both Houses of Parliament.

Citation and commencement

1.—(1) These Regulations may be cited as the Drivers' Hours and Tachographs (Amendment) Regulations 2020.

(2) This regulation and regulation 2 come into force immediately before IP completion day.

(3) The other provisions of these Regulations come into force on IP completion day immediately after the coming into force of Parts 3 and 4 of the Drivers' Hours and Tachographs (Amendment etc.) (EU Exit) Regulations 2019(**b**).

Amendment of the Drivers' Hours and Tachographs (Amendment etc) (EU Exit) Regulations 2019

2. Omit regulation 57 of the Drivers' Hours and Tachographs (Amendment etc) (EU Exit) Regulations 2019 (which amends paragraphs 2 and 3 of Article 2 of Regulation (EC) 561/2006(**c**)).

(**a**) 2020 c. 29.
(**b**) S.I. 2019/453.
(**c**) Regulation (EC) No 561/2006 was amended by Regulation (EU) 2020/1054 (OJ L 249, 31.7.2020, p. 1) and S.I. 2019/453.

Amendment of Regulation (EC) 561/2006

3.—(1) In Article 2 of Regulation (EC) 561/2006, for paragraphs 2 and 3, and the words after point (b) of paragraph 3, substitute—

"**2.** This Regulation shall apply, irrespective of the country of registration of the vehicle, to carriage by road undertaken in the United Kingdom where that carriage is undertaken exclusively within the United Kingdom or the area consisting of the United Kingdom and the European Union.

3. The AETR shall apply, irrespective of the country of registration of the vehicle, to carriage by road undertaken in the United Kingdom where that carriage is part of international road transport operations undertaken in part outside the area consisting of the United Kingdom and the European Union.".

Amendment of the Transport Act 1968

4.—(1) The Transport Act 1968(**a**) is amended as follows.

(2) In section 96 (permitted driving time and periods of duty)(**b**), in subsection (11A), after "whether occurring in the United Kingdom," insert "an EU member State".

(3) In section 98 (written records)(**c**) in subsection (4)(b), after "whether in the United Kingdom," insert "an EU member State".

(4) In section 103 (interpretation etc)(**d**), in subsection (1), in the definition of "the applicable community rules", at the end of paragraph (b) insert—

"and

(c) except in section 98(2), Regulation (EC) 561/2006 of the European Parliament and of the Council on the harmonisation of certain social legislation relating to road transport;".

Amendment of the Road Traffic Offenders Act 1988

5.—(1) The Road Traffic Offenders Act 1988(**e**) is amended as follows.

(2) In section 54(8A)(d)(**f**) after "Northern Ireland" add ", an EU member State".

(3) In section 75(3C)(d)(**g**) after "Northern Ireland" add ", an EU member State".

Signed by authority of the Secretary of State for Transport

Rachel Maclean
Parliamentary Under Secretary of State
Department for Transport

At 9.52 a.m. on 31st December 2020

(**a**) 1968 c. 73.
(**b**) Section 11A was inserted by the European Communities Act 1972, Section 4, Schedule 4, para 9(2)(a) and was 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 and 2019/453.
(**c**) Section 98(4) was inserted by the European Communities Act 1972, Section4, Schedule 4, para 9(2) and was amended by section 2(1) of the Road Traffic (Drivers' Ages and Hours of Work) Act 1976 (c.3), S.I. 2018/24 and 2019/453.
(**d**) The definition "the applicable Community rules" was substituted by the Road Traffic (Drivers' Ages and Hours of Work) Act 1976, s2(1)(a), and amended by S.I. 2007/1819, 2011/1043 and 2019/453.
(**e**) 1988 c. 53.
(**f**) Section 54(8A) was inserted by S.I. 2018/24 and amended by S.I. 2019/453.
(**g**) Section 75(3C) was inserted by S.I. 2018/24 and amended by S.I. 2019/453.

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations implement aspects of the Trade and Cooperation Agreement between the European Union and the United Kingdom relating to road freight and passenger transport.

Regulation 2 amends S.I. 2019/453 so that Article 2 of Regulation (EC) 561/2006 will apply to journeys between the UK and the EU as well as domestic journeys within the UK. Regulation 3 further amends Article 2 of Regulation (EC) 561/2006 to this effect and to clarify that the provisions of the European Agreement concerning the Work of Crews of Vehicles engaged in International Road Transport of 1 July 1970, as amended (known as AETR) apply to journeys between the UK and non EU member State countries.

Regulation 4 amends the Transport Act 1968 so as to allow enforcement of historic breaches of drivers' hours provisions by operators established or having operated in the EU. Regulation 4 also amends the definition of "applicable community rules" in section 103 of the Transport Act 1968 and extends the definition to reflect the requirements of retained Regulation (EC) 561/2006 in light of the Trade and Cooperation Agreement.

Regulation 5 amends the Road Traffic Offenders Act 1988 extending the prohibition of making of fixed penalty notices and conditional offers to cases where the relevant offence has already been dealt with in an EU member State.

A full impact assessment has not been produced for this instrument as no, or no significant, impact on the private, public or voluntary sectors is foreseen.

An Explanatory Memorandum for this instrument has been published alongside these Regulations at www.legislation.gov.uk.

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