STATUTORY INSTRUMENTS

1970 No. 144

ROAD TRAFFIC

The Drivers' Hours (Goods Vehicles) (Exemptions) Regulations 1970

Made - - -	*2nd February* 1970
Laid before Parliament	*9th February* 1970
Coming into Operation	*1st March* 1970

The Minister of Transport, in exercise of his powers under section 96(10) of the Transport Act 1968(a) and of all other enabling powers, and after consultation with representative organisations in accordance with section 101(6) of the said Act of 1968, hereby makes the following Regulations :—

Commencement and citation

1. These Regulations shall come into operation on the 1st March 1970, and may be cited as the Drivers' Hours (Goods Vehicles) (Exemptions) Regulations 1970.

Interpretation

2.—(1) In these Regulations, unless the context otherwise requires, "the Act" means the Transport Act 1968 and any other expression which is also used in Part VI of the Act has the same meaning as in that Part of that Act.

(2) Any reference in the Schedule to these Regulations to a numbered section is a reference to the section bearing that number in the Act except where otherwise expressly provided.

(3) Any reference in an entry in column 1 of Parts I or II of the Schedule to these Regulations to an emergency or to a special need is a reference to such a case of emergency or to such a special need as is specified in column 2 in relation to that entry.

(4) Any reference in these Regulations to an enactment or instrument shall be construed, unless the context otherwise requires, as a reference to that enactment or instrument as amended by any subsequent enactment or instrument.

(5) The Interpretation Act 1889(b) shall apply for the interpretation of these Regulations as it applies for the interpretation of an Act of Parliament.

(a) 1968 c. 73. (b) 1889 c. 63.

Exemptions from requirements as to drivers' hours

3. For the purpose of enabling drivers of goods vehicles to deal with the cases of emergency and to meet the special needs specified in Parts I and II of the Schedule hereto such drivers are hereby exempted from the requirements of subsections (1) to (6) of section 96 to the extent specified in column 1 of the said Parts I and II in relation to them, subject, however, to the conditions therein specified or referred to in relation to them.

Given under the Official Seal of the Minister of Transport the 2nd February 1970.

(L.S.)

Fred Mulley,
Minister of Transport.

SCHEDULE
(See Regulation 3)

PART I
CASES OF EMERGENCY

Column 1 Drivers exempted, requirements exempted from and conditions of exemption	Column 2 Emergencies
1. A driver who spends time on duty to deal with an emergency— (1) is exempted from the requirements of section 96(1), (2) and (3) in respect of any working day during which he spends such time on duty, subject to the condition that after spending time on duty (whether to deal with an emergency or for other purposes) during a working day for a period of 11 hours, or for periods which in the aggregate amount to 11 hours, he does not during that day spend any further time on duty except to deal with an emergency: Provided that where a driver spends time on duty to deal with an emergency which interrupts what would otherwise have been an interval for rest between two successive working days, this condition shall not preclude him from subsequently spending not more than 11 hours on duty (of which not more than 10 hours shall be spent in driving vehicles to which Part VI of the Act applies) for other purposes, if he has had, since he was last on duty for such other purposes, two or more intervals for rest which amount in the aggregate to a period of not less than 11 hours; (2) is exempted from the requirement of section 96(5) in respect of any working week during which he spends such time on duty subject to the condition that after spending 60 hours on duty during that week (whether to deal with an emergency or for other purposes) he does not spend any further time on duty in that week except to deal with an emergency.	1. Events which— (*a*) cause or are likely to cause such— (i) danger to the life or health of one or more individuals or animals, or (ii) a serious interruption in the maintenance of public services for the supply of water, gas, electricity or drainage or of telecommunication or postal services, or (iii) a serious interruption in the use of roads or airports, or (*b*) are likely to cause such serious damage to property, as to necessitate the taking of immediate action to prevent the occurrence or continuance of such danger or interruption or the occurrence of such damage.

Column 1 Drivers exempted, requirements exempted from and conditions of exemption	Column 2 Emergencies
2. A driver who in the course of the last 24 hours forming part of a working week spends time on duty to deal with an emergency is exempted from the requirement of section 96(6) in relation to that week, subject to the condition that he does not, during that period of 24 hours, after spending time on duty to deal with an emergency spend time on duty for any other purpose.	2. As in entry 1 of this column.

PART II

CASES OF SPECIAL NEED

Column 1 Drivers exempted, requirements exempted from and conditions of exemption	Column 2 Special Needs
Post Office 1. A driver of a goods vehicle which is used for the purposes of the Post Office is exempted from the requirements of— (*a*) section 96(3) in respect of any working day falling wholly or partly in the month of December of any year during which he spends time on duty to meet a special need, subject to the condition that no such day shall exceed 14 hours, (*b*) subsections (5) and (6) of section 96 in respect of any working week falling wholly or partly in the month of December in any year, subject, in the case of the exemption from the requirements of— (i) section 96(5), to the condition that he is not on duty in any such working week for periods amounting in the aggregate to more than 66 hours, and (ii) section 96(6), to the conditions specified in Part III of this Schedule.	1. Work done solely in connection with the handling of the large volume of mail which arises in the Christmas and New Year season.
Carriage of fish or agricultural produce 2. A driver— (1) is exempted from the requirement of section 96(3) in relation to any working day during which the time spent by him on duty is spent only in meet-	2. Work done solely in connection with the removal direct to another place— (*a*) of fish from the place where it is landed, when such removal

Column 1 Drivers exempted, requirements exempted from and conditions of exemption	Column 2 Special Needs
ing a special need, subject to the condition that that working day does not exceed 14 hours, (2) is exempted from the requirements of section 96(5) and section 96(6) in respect of any working week during which he spends such time on duty, subject in the case of the exemption from the requirement of— (*a*) section 96(5), to the condition that he is not on duty in that week for periods amounting in the aggregate to more than 66 hours, and (*b*) section 96(6), to the conditions specified in Part III of this Schedule.	is effected immediately after it is landed, or (*b*) from agricultural premises of anything produced at those premises in the course of agriculture, when such removal is effected immediately after the harvesting of that produce. In this paragraph "agriculture" has the same meaning as in Part VI of the Act, except that it does not include dairy farming or live-stock breeding and keeping, and "agricultural" shall be construed accordingly.
Carriage of animals 3. A driver who spends time on duty to meet a special need during a working day is exempted from the requirement of section 96(3) in relation to that working day, subject to the conditions that— (1) during that day he is off duty for a period which is, or for periods which taken together are, not less than the time by which that working day exceeds 10 hours, and (2) that working day does not exceed 14 hours.	3. Work done solely in connection with the carriage of animals.
Carriage of bread 4. A driver who spends time on duty to meet a special need— (1) during a working day falling wholly or partly on a Friday or during any two working days each of which falls wholly or partly within a period of 7 days immediately preceding a bank holiday is exempted from the requirement of section 96(3) in relation to such a working day or days, subject to the condition that no such day shall exceed 14 hours, (2) during each working day forming part of a working week is exempted from the requirement of section 96(6) in relation to that working week, subject to the conditions specified in Part III of this Schedule. In this paragraph the expression "bank holiday" means a holiday which is, or is to be	4. Work done wholly or mainly in connection with the carriage of bread.

Column 1 Drivers exempted, requirements exempted from and conditions of exemption	Column 2 Special Needs
observed as, a bank holiday, or a holiday, under the Bank Holidays Act 1871(a) or the Holidays Extension Act 1875(b), either generally or in the particular locality where the journey or part of the journey takes place.	
Carriage of milk 5. A driver who, during each working day forming part of a working week, spends time on duty to meet a special need is exempted from the requirement of section 96(6) in relation to that working week, subject to the conditions specified in Part III of this Schedule.	5. Work done wholly or mainly in connection with the carriage of milk.
Blood transfusion service 6. A driver who, during a working day, spends time on duty to meet a special need is exempted from the requirement of section 96(3) in relation to that day, subject to the conditions that— (*a*) he is able to obtain rest and refreshment during that day for a period which is, or for periods which taken together are, not less than the time by which the working day exceeds 10 hours, (*b*) that day does not exceed 14 hours, and (*c*) he has not taken advantage of this exemption from the requirement of section 96(3) on more than one previous working day which forms part of the working week of which that day forms part.	6. Work done solely in connection with the collection and delivery of blood for the purposes of transfusion.
Distribution of newspapers, magazines and periodicals 7. A driver who, during any working day, spends time firstly between 3 a.m. and 7 a.m. and then between 2 p.m. and 6 p.m. on duty to meet a special need is exempted from the requirements of— (1) section 96(3) in relation to that working day, subject to the conditions that— (*a*) the working day does not exceed 14 hours, and (*b*) he is off duty during the working day for a period which is, or periods which in the aggregate are, not less than 4 hours,	7. Work done solely in connection with the distribution of newspapers, magazines or periodicals to wholesalers or to persons or premises for the purposes of their sale by retail by those persons or at those premises.

(a) 1871 c. 17. (b) 1875 c. 13.

Column 1 Drivers exempted, requirements exempted from and conditions of exemption	Column 2 Special Needs
(2) section 96(4) in respect of the interval for rest between that and any succeeding working day, subject to the condition that he has between those two successive working days an interval for rest which is not less than 10 hours. In any case where a driver is exempt by virtue of this paragraph from the requirement of section 96(4), he shall be exempted from the requirements of subsections (1) to (3) of section 96 in respect of the second of the two succeeding days mentioned in sub-paragraph (2) of this paragraph to the following extent, that is to say for the purposes of the expression "working day" in those subsections he shall be deemed to have had an interval for rest between the said successive working days of not less then eleven hours.	

PART III

Conditions applicable to exemptions from section 96(6)

Where any entry in column 1 in Part II of this Schedule provides for an exemption from the requirement of section 96(6) in relation to any such working week of a driver as is mentioned in that entry to enable that driver to spend time on duty to meet a special need subject to the conditions specified in this Part of this Schedule, the conditions so referred to are the following—

(i) that the driver has, in respect of each working week in the course of which he has not had such a period off duty as is required by section 96(6), a period of not less than 24 hours for which he is off duty,

(ii) that any such period is taken within a period of 28 days starting from the beginning of the working week in respect of which he is required to have that period and is taken by him in addition to any other period for which the driver is required by these conditions or by section 96(6) to be off duty in the case of any other working week.

EXPLANATORY NOTE

(This Note is not part of the Regulations.)

These Regulations provide exemptions subject to conditions from the requirements of section 96(1) to (6) of the Transport Act 1968 (which relates to permitted driving times and periods of duty) to enable drivers of goods vehicles to deal with certain cases of emergency and to meet certain special needs (Regulation 3 and the Schedule).