STATUTORY INSTRUMENTS

1972 No. 574

ROAD TRAFFIC

The Drivers' Hours (Goods Vehicles) (Exemptions) Regulations 1972

Made - - -	*6th April* 1972
Laid before Parliament	*19th April* 1972
Coming into Operation	*10th May* 1972

The Secretary of State for the Environment, 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, citation and revocation

1.—(1) These Regulations shall come into operation on 10th May 1972, and may be cited as the Drivers' Hours (Goods Vehicles) (Exemptions) Regulations 1972.

(2) The Drivers' Hours (Goods Vehicles) (Exemptions) Regulations 1970(**b**) and the Drivers' Hours (Goods Vehicles) (Exemptions) (Amendment) (No. 3) Regulations 1970(**c**) are hereby revoked.

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(**d**) shall apply for the interpretation of these Regulations as it applies for the interpretation of an Act of Parliament and as if for the purposes of section 38 of that Act these Regulations were an Act of Parliament and the Regulations revoked by Regulation 1 above were Acts of Parliament thereby repealed.

(**a**) 1968 c. 73.
(**b**) S.I. 1970/144 (1970 I, p. 627).
(**c**) S.I. 1970/2014 (1970 III, p. 6538).
(**d**) 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.

Signed by authority of the Secretary of State.

6th April 1972.

John Peyton,
Minister for Transport Industries,
Department of the Environment.

SCHEDULE

(See Regulation 3)

PART I

CASES OF EMERGENCY

Column 1 Drivers exempted, requirements exempted from and conditions of exemption	Column 2 Emergencies
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 time on such duty, subject to the condition that he does not during that day spend time on duty (otherwise than for dealing with an emergency) for a period of, or periods amounting in the aggregate to, more than 11 hours: 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 10 hours; (2) is exempted from the requirement of section 96(4) in respect of the interval for rest between any working day during which he spends time on such duty and any succeeding working day, subject to the condition that he has between those days an interval for rest of not less than 10 hours, and in such a case subsections (1) to (3) and (8) of section 96 and sub-paragraph (1) above shall, in respect of each of the said working days mentioned above, apply in relation to the driver as if, for the purposes of the expression "working day" in each of those subsections, and in that sub-paragraph, he had had an interval for rest between the said days of not less than 11 hours;	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
(3) is exempted from the requirement of section 96(5) in respect of any working week during which he spends time such duty subject to the condition that he does not during that week spend time on duty (otherwise than for dealing with an emergency) for periods amounting in the aggregate to more than 66 hours;	
(4) is exempted from the requirement of section 96(6) in respect of any working week during which he spends time on such duty— (*a*) subject to the conditions specified in Part III of this Schedule, and (*b*) in a case where he spends time on such duty during the last 24 hours of that working week, subject also to the condition that he does not during that period of 24 hours after spending time on duty for dealing with an emergency, spend time on duty for any other purpose.	

PART II

Cases of Special Need

Column 1 Drivers exempted, requirements exempted from and conditions of exemption	Column 2 Special Needs
Post Office 1.—(1) A driver of a goods vehicle which is used for the purposes of the Post Office is exempted from the requirements of— (*a*) section93(3) in respect of any working day to which this paragraph applies during which the time spent by him on duty is spent wholly or mainly in meeting a special need, subject to the condition that that working day does not exceed 14 hours; and (*b*) section 96(5) and (6) in respect of any working week to which this paragraph applies during which the time spent by him on duty is spent wholly or mainly in meeting such a need, 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 that 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. (2) The working weeks to which this paragraph applies are any which fall wholly or partly in the month of December in any year, and the working days to which this paragraph applies are any which fall wholly or partly within any such working week.	1. Work done wholly or mainly in connection with the handling of mail.
Carriage of food and drink 2.—(1) A driver is exempted from the requirements of— (*a*) section 96(3) in respect of any working day to which this paragraph applies during which the time spent by him on duty is spent wholly or mainly in meeting a special need, subject to the condition that that working day does not exceed 14 hours; and	2. Work done wholly or mainly in connection with the carriage of food or drink other than— (*a*) bread; (*b*) milk; (*c*) fodder or feeding stuffs for animals; or (*d*) articles or substances used only as drugs.

Column 1 Drivers exempted, requirements exempted from and conditions of exemption	Column 2 Special Needs
(*b*) section 96(5) and (6) in respect of any working week to which this paragraph applies during which the time spent by him on duty is spent wholly or mainly in meeting such a need, 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 that 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. (2) The working weeks to which this paragraph applies are— (*a*) the working week in which Good Friday falls; (*b*) the working week which immediately precedes that in which the spring bank holiday Monday falls; (*c*) the six working weeks which immediately precede the working week in which the summer bank holiday Monday falls; and (*d*) the working week in which 1st January falls and the two immediately preceding working weeks; and the working days to which this paragraph applies are any which fall wholly or partly within any such working week. In this paragraph the expression "bank holiday" means a holiday which is, or is to be 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 bread **3.**—(1) A driver is exempted from the requirements of— (*a*) section 96(3) in rexpect of any working day to which this sub-paragraph applies during which the time spent by him on duty is spent wholly or mainly in meeting a special need, subject to the condition that that working day does not exceed 14 hours;	3. Work done wholly or mainly in connection with the carriage of bread.

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

Column 1 Drivers exempted, requirements exempted from and conditions of exemption	Column 2 Special Needs
(*b*) section 96(5) in respect of any working week such as is mentioned in paragraph 2(2) above during which the time spent by him on duty is spent wholly or mainly in meeting such a need, subject to the condition that he is not on duty in that week for periods amounting in the aggregate to more than 66 hours; and (*c*) section 96(6) in respect of any working week during which the time spent by him on duty is spent wholly or mainly in meeting such a need, subject to the conditions specified in Part III of this Schedule. (2) The working days to which sub-paragraph (1)(*a*) above applies are— (*a*) subject to sub-paragraph (3) below, any which fall wholly or partly on a Friday or on a Saturday; or (*b*) any which fall wholly or partly within any working week such as is mentioned in paragraph 2(2) above; or (*c*) without prejudice to sub-paragraph (*b*) above, any two each of which falls wholly or partly within a period of 7 days immediately preceding a bank holiday. In this sub-paragraph the expression "bank holiday" has the same meaning as in paragraph 2 above. (3) In a case where, by virtue of sub-paragraphs (1) and (2)(*a*) above, a driver is exempted from the requirements mentioned in the said sub-paragraph (1) in respect of a working day which falls wholly or partly on a Friday, the said sub-paragraph (2)(*a*) shall apply in his case as if the reference to a Saturday were omitted.	
Carriage of milk and liquid egg 4.—(1) A driver is exempted from the requirements of— (*a*) section 96(3) in respect of any working day to which this sub-paragraph applies during which the time spent by him on duty is spent wholly or mainly in meeting a special need, subject to the condition that that working day does not exceed 14 hours; and	4. Work done wholly or mainly in connection with the carriage of milk or of liquid egg in bulk.

Column 1 Drivers exempted, requirements exempted from and conditions of exemption	Column 2 Special Needs
(*b*) section 96(5) and (6) in respect of any working week during which the time spent by him on duty is spent wholly or mainly in meeting such a need, subject, in the case of the ex-exemption from the requirements of— (i) 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 (ii) section 96(6), to the conditions specified in Part III of this Schedule. (2) The working days to which sub-paragraph (1)(*a*) above applies are any which fall wholly or partly within any working week such as is mentioned in paragraph 2(2) above.	
Carriage of animals 5.—(1) A driver is exempted from the requirements of— (*a*) section 96(3) in respect of any working day during which the time spent by him on duty is spent wholly or mainly in meeting a special need, subject to the condition that that working day does not exceed 14 hours; (*b*) section 96(4) in respect of the interval for rest between that day and any succeeding working day, subject to the condition that he has between those days an interval for rest of not less than 10 hours; and (*c*) section 96(5) and (6) in respect of any working week during which the time spent by him on duty is spent wholly or mainly in meeting such a need, 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 that 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.	5. Work done wholly or mainly in connection with the carriage of of animals.

Column 1 Drivers exempted, requirements exempted from and conditions of exemption	Column 2 Special Needs
(2) In any case where a driver is exempted by virtue of paragraph (1)(*b*) above from the requirement of section 96(4), subsections (1) to (3) and (8) of section 96 and the said sub-paragraph (1)(*b*) shall, in respect of each of the said working days mentioned in the said paragraph (1)(*b*), apply in relation to him as if, for the purposes of the expressions "working day" in each of those subsections, and in that sub-paragraph, he had had an interval for rest between the said days of not less than 11 hours.	
Carriage of fish and agricultural produce of things used for the repair or replacement of agricultural machinery, of certain materials used in agriculture and of felled trees. 6. A driver is exempted from the requirements of— (*a*) section 96(3) in respect of any working day during which the time spent by him on duty is spent wholly or mainly in meeting a special need, subject to the condition that that working day does not exceed 14 hours; and (*b*) section 96(5) and (6) in respect of any working week during which the time spent by him on duty is spent wholly or mainly in meeting such a need, subject, in the case if the exemption from the requirements of— (i) 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 (ii) section 96(6), to the conditions specified in Part III of this Schedule.	6. Work done wholly or mainly in connection with— (*a*) the carriage of fish from the place where it has been landed direct to another place, where the carriage takes place immediately after the fish has been landed; or (*b*) the carriage of anything produced in the course of agriculture from the place where it is produced (being a place at which the business of agriculure is carried on) direct to another place, where the journey on which the produce is carried commenced during the harvest period for that produce. For the purposes of this paragraph a journey shall not be treated otherwise than as direct by reason only of any temporary interruption made for the purpose of transferring the produce from one means of transport to another; or (*c*) the carriage of anything used for or in connection with the repair or replacement of agricultural machinery (including fuel and lubricants for such machinery) at a time when it is being used in connection with the harvesting of such produce as aforesaid; or (*d*) the carriage of agricultural lime, seed or fertilizers, or of fodder or feeding stuffs for animals; or

Column 1 Drivers exempted, requirements exempted from and conditions of exemption	Column 2 Special Needs
	(*e*) the carriage of trees from any place where they have recently been felled. In this paragraph "agriculture" has the same meaning as in Part VI of the Act, except that it does not include dairy farming or livestock breeding and keeping, and "agricultural" shall be construed accordingly.
Blood transfusion service 7. A driver is exempted from the requirement of section 96(3) in respect of any working day during which the time spent by him on duty is spent wholly or mainly in meeting a special need, subject to the conditions that— (*a*) that working day does not exceed 14 hours; (*b*) he is able to obtain rest and refreshment during that day for a period which is, or for periods which in the aggregate are, not less than the time by which the working day exceeds 10 hours; and (*c*) he has not taken advantage of the exemption conferred by this paragraph on more than one previous working day which forms part of the working week of which that day forms part.	7. Work done wholly or mainly in connection with the collection and delivery of blood for the purposes of transfusion.
Distribution of newspapers, magazines and periodicals 8.—(1) A driver is exempted from the requirements of— (*a*) section 96(3) in respect of any working day during which the time spent by him on duty is spent wholly or mainly in meeting a special need, subject to the condition that that working day does not exceed 14 hours; and (*b*) section 96(4) in respect of the interval for rest between that day and any succeeding working day, subject to the condition that he has between those days an interval for rest of not less than 10 hours.	8. Work done wholly or mainly 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.

Column 1 Drivers exempted, requirements exempted from and conditions of exemption	Column 2 Special Needs
(2) In any case where a driver is exempted by virtue of sub-paragraph (1)(*b*) above from the requirement of section 96(4), subsections (1) to (3) and (8) of section 96 and the said sub-paragraph (1)(*b*), shall, in respect of each of the said working days mentioned in the said paragraph (1)(*b*), apply in relation to him as if, for the purposes of the expression "working day" in each of those subsections. and in that sub-paragraph, he had had an interval for rest between the said days of not less than 11 hours.	—
Carriage of materials used in building or civil engineering work 9. A driver is exempted from the requirements of— (*a*) section 96(3) in respect of any working day during which the time spent by him on duty is spent wholly or mainly in meeting a special need, subject to the condition that that working day does not exceed 14 hours; and (*b*) section 96(5) and (6) in respect of any working week during which the time spent by him on duty is spent wholly or mainly in meeting such a need, 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 that 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.	9. Work done wholly or mainly in connection with the carriage of materials or components used in building or civil engineering work to or from sites where such work is being prepared or carried out.
Furniture removal and carriage of shopfittings 10. A driver is exempted from the requirement of section 96(3) in respect of any working day during which the time spent by him on duty is spent wholly or mainly in meeting a special need, subject to the condition that that working day does not exceed 14 hours.	10. Work done wholly or mainly in connection with furniture removal (that is to say, the carriage of household furniture and effects from one private residence to another or to or from a place where such furniture and effects are to be or have been put in store) or with the carriage of shopfittings to or from shops.

Column 1 Drivers exempted, requirements exempted from and conditions of exemption	Column 2 Special Needs
Carriage of explosives, radioactive substances and ships' stores 11. A driver is exempted from the requirement of section 96(3) in respect of any working day during which the time spent by him on duty is spent wholly or mainly in meeting a special need, subject to the condition that that working day does not exceed 14 hours.	11. Work done wholly or mainly in connection with— (*a*) the carriage of explosives (within the meaning of the Explosives Act 1875**(a)**); or (*b*) the carriage of radioactive substances (within the meaning of the Radioactive Substances Act 1948**(b)**); or (*c*) the delivery of stores to ships
Carriage of exceptional loads when accompanied by the police 12. A driver is exempted from the requirements of— (*a*) section 96(3) in respect of any working day during which the time spent by him on duty is spent wholly or mainly in meeting a special need, subject to the conditions that— (i) that working day does not exceed 14 hours, and (ii) he is off duty during that day for a period which is, or for periods which in the aggregate are, not less than the time by which that working day exceeds 11 hours; and (*b*) section 96(5) and (6) in respect of any working week during which the time spent by him on duty is spent wholly or mainly in meeting such a need, 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 that 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.	12. Work done wholly or mainly in connection with the carriage of a load where, owing to its dimensions or weight, the vehicle by which it is carried is accompanied for the whole or the greater part of its journey by one or more motor vehicles each driven by a constable in uniform.

(a) 1875 c. 17.

(b) 1948 c. 37.

Column 1 Drivers exempted, requirements exempted from and conditions of exemption	Column 2 Special Needs
Carriage of goods by sea ferry 13. A driver is exempted from the requirement of section 96(3) in respect of any working day during which the time spent by him on duty duty is spent wholly or mainly in meeting a special need, subject to the conditions that— (*a*) that working day does not exceed 14 hours; and (*b*) he is off duty during that day for a period which is, or for periods which in the aggregate are, not less than the time by which that working day exceeds 11 hours.	13. Work done wholly or mainly in connection with the carriage of goods where the journey on which they are carried— (*a*) involves their being ferried across the sea from one place within Great Britain to another such place, without being removed from the vehicle in which they are carried, and (*b*) is one during the whole of which the vehicle is driven or accompanied by the same driver.

PART III

Conditions applicable to exemptions from section 96(6)

Where any entry in column 1 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 an emergency or 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, which re-enact with amendments the Regulations specified in Regulation 1(2), 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). The principal amendments provide—

(1) for the maximum periods of duty in respect of a working day and a working week, and for the minimum interval for rest between working days, in cases where a driver is exempted from the said requirements for dealing with an emergency (Part 1 of the Schedule); and

(2) for new exemptions in the cases where work is done in connection with the special needs specified in paragraph 9 of Part II of the Schedule (carriage of materials used in building or civil engineering work), paragraph 11 of that Part (carriage of explosives, radioactive substances, and ships' stores) and paragraph 13 thereof (carriage of goods by sea ferry).

SI 1972/574
ISBN 0-11-020574-X

