STATUTORY INSTRUMENTS

1970 No. 123

ROAD TRAFFIC

The Drivers' Hours (Goods Vehicles) (Keeping of Records) Regulations 1970

Made - - -	*29th January* 1970
Laid before Parliament	*5th February* 1970
Coming into Operation	*1st March* 1970

The Minister of Transport, in exercise of his powers under section 98 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) (Keeping of Records) Regulations 1970.

Interpretation

2.—(1) In these Regulations, unless the context otherwise requires—

"the Act" means the Transport Act 1968 ;

"driver's record book" means a book which is required to be kept by a driver by these Regulations and which, subject to Regulation 9 of these Regulations, complies with Regulation 4 of these Regulations ;

"record sheet" means any such sheet as is required to be contained in a driver's record book by Regulation 4(2) of these Regulations, whether that sheet relates to one, or to more than one, working day of the driver to whom the book relates ;

and any expression which is also used in Part V or Part VI of the Act has the same meaning as in the said Part V or Part VI respectively.

(2) Any reference in these Regulations to any 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.

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

Record books for goods vehicle drivers

3.—(1) Subject to the following provisions of these Regulations—

(*a*) a driver of a goods vehicle shall enter, and the employer of an employee-driver of a goods vehicle shall cause any such driver of a goods vehicle to enter, in a driver's record book a current record which shall give in respect of each working day of that driver, the information prescribed in the sheets as set out in Schedule 1 to these Regulations as information which is required to be furnished by a driver, and

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

(*b*) any such employer as aforesaid shall make such entries in the said record book as are by those sheets required to be made therein by that employer.

(2) Subject as aforesaid, where an employee-driver is required by paragraph (1) of this Regulation to enter a current record in a driver's record book, his employer shall issue to him, and from time to time as may be necessary while that employee-driver remains in the employment of that employer keep him supplied with, a new driver's record book for use in accordance with these Regulations :

Provided that if on the date of the coming into operation of these Regulations or at any time thereafter an employee-driver has more than one employer in relation to whom he is an employee-driver of a goods vehicle, the employer who is to issue a new driver's record book to him shall be the employer for whom that employee-driver first acts in the course of his employment on or after the said date or time.

(3) Where during the currency of a driver's record book an employee-driver ceases to be employed by an employer who has issued that book to him he shall return that book, including all duplicate and unused record sheets, to that employer and, if he is at that time employed by some other person or persons in relation to whom he is an employee-driver of a goods vehicle, that other person, or if there is more than one such other person, that one of them for whom he first acts in the course of his employment after ceasing to be so employed as aforesaid, shall issue a new driver's record book to him for use in accordance with these Regulations.

(4) This Regulation applies to a driver who in any working week drives both goods and passenger vehicles as it applies to a driver who only drives a goods vehicle, and the information required to be furnished in the driver's record book by a driver of both goods and passenger vehicles shall be the required information in relation to his employments in connection with both goods and passenger vehicles, but if a driver of both goods and passenger vehicles has a different employer in relation to his employment in connection with goods vehicles from his employer in relation to his employment in connection with passenger vehicles, references in the foregoing paragraphs of this Regulation to his employer shall be construed as references to his employer in relation to his employment in connection with goods vehicles.

Form of drivers' record books

4. Subject to Regulation 9 of these Regulations, a driver's record book shall contain—

(1) a front sheet as set out in Part I of Schedule 1 to these Regulations, and

(2) record sheets as set out in Part II of the said Schedule 1, the number of sheets to be contained in the book being sufficient to provide entries relating to at least 14 working days, each sheet relating either to a single working day or to not more than 7 working days, and

(3) a duplicate of each of the record sheets which are contained therein, and

(4) one sheet of carbon paper or other means whereby an entry in a record sheet may be simultaneously reproduced on the duplicate of that sheet.

Manner of keeping drivers' record books

5. Subject to the following provisions of these Regulations, the following requirements shall be complied with as respects the making of entries in a driver's record book, the detachment and delivery of record sheets and the return of record books—

(1) an owner-driver or an employer of an employee-driver shall enter or secure that there is entered—

(*a*) on the front sheet before the book is used—

(i) the number of a current operator's licence held by the owner-driver or the employer of the employee-driver, and

(ii) a book serial number, which differs from the serial numbers on any other books used by the owner-driver or issued by the employer, and

(iii) the number of record sheets contained in the book, and

(*b*) on each record sheet before it is used, its number in the book, the book serial number and the number of a current operator's licence required to be entered on the front sheet of the book by paragraph (1)(*a*)(i) of this Regulation,

(2) an employee-driver shall enter all the information required by these Regulations to be entered in the record book except where it is indicated in the book that the information is to be entered by his employer,

(3) a driver shall when making any entry in a record sheet contained in the book and when signing ensure by the use of carbon paper or otherwise that the entry or signature is simultaneously reproduced on the duplicate of that sheet,

(4) all times required to be entered in any record sheet shall be shown as times a.m. or p.m. unless they are entered in accordance with the 24-hour clock system,

(5) in making any entry in any record sheet which relates to driving periods at the wheel as required by column 4 of the form set out in Part II of Schedule 1 to these Regulations consecutive periods of driving during a working day which are interrupted by intervals not exceeding 15 minutes may be entered as if they were one driving period unless the result would be to enter a total driving time for that working day which would exceed the period for which the driver is permitted to drive on that day by or under the Act,

(6) in making an entry in any record sheet which relates to details of journeys as required by column 10 of the form set out in Part II of Schedule 1 to these Regulations a driver shall enter the place of departure and the place of arrival for each driving period entered in column 4 of the said form, but where a driver does not during a working day drive a goods or passenger vehicle outside a radius of 25 miles from the operating centre of the vehicle, the information to be entered in a record sheet relating to that day in the said column 10 may be limited to the area served by the journeys made by the driver during that day,

(7) when all the entries which are required to be made in any record sheet which is contained in a driver's record book have been made in respect of any working day the driver shall enter his signature in the place provided for that day and for that purpose,

(8) an employee-driver shall within 7 days of any record sheet being completed in his current driver's record book detach it from that book and forthwith deliver it to the employer who issued or should have issued that book to him, and that employer shall examine and sign such sheet within 7 days of receipt thereof, and an owner-driver shall within 7 days of such record sheet being completed detach such sheet and deliver it to the address required to be given on the front sheet of the book in Item I paragraph 4 :

Provided that a person shall not be guilty of an offence under this sub-paragraph if he shows that it was not reasonably practicable for such sheet to be so delivered or so examined and signed by the employer within the prescribed periods and that the sheet was so delivered, examined or signed as soon as reasonably practicable,

(9) when all the record sheets contained in a driver's record book issued to an employee-driver have been completed, that employee-driver shall return that book including all duplicate record sheets to the employer who issued it to him,

(10) no driver shall enter in any driver's record book any information which is required to be furnished by these Regulations if—

(*a*) in the case of an employee-driver, the book was not supplied to him by his employer, unless a driver's record book so supplied is not available to him, or

(*b*) he is in possession of another such book in which he has entered information which is required to be so furnished and which is not completed.

Supply of information and production of drivers' record books by employers and employee-drivers

6.—(1) Where an employee-driver has or has had during any period more than one employer in relation to whom he is an employee-driver—

(*a*) each employer, who is not an employer who is required by these Regulations to issue a driver's record book to that employee-driver, shall require that driver to produce his current driver's record book and shall enter in the front sheet contained therein the information he is required to enter therein by the form of that front sheet as set out in Part I of Schedule 1 to these Regulations, and

(*b*) each employer of that employee-driver shall, whenever he is requested to do so by any of the other employers of that employee-driver, supply to that other employer such information as is in his possession relating to the whole or any part of any working week of that driver as is specified in paragraph (4) of this Regulation.

(2) Where an employee-driver changes his employment the employer by whom the employee-driver has ceased to be so employed shall on being so requested by the employee-driver, or his new employer, supply the employee-driver or the new employer with such information as is in his possession relating to the whole or any part of a current working week of that employee-driver as is specified in paragraph (4) of this Regulation.

(3) Any information required to be supplied by the foregoing provisions of this Regulation shall, if so required by the person entitled to require it to be supplied, be supplied in writing.

(4) The information relating to the whole or any part of the current working week of an employee-driver which is to be supplied in accordance with the foregoing provisions of this Regulation is—

(*a*) any period during which that employee-driver has been off duty for a period of not less than 24 hours in respect of that week as required by section 96(6) of the Act or as so required by that provision as having effect in relation to that employee-driver by virtue of any exemption having effect under regulations made under section 96(10) of the Act, and

(*b*) the number of hours for the purpose of the weekly limit under section 96(5) of the Act for which that employee-driver has been on duty during that week.

(5) An employee-driver shall produce his current driver's record book for inspection by the employer who issued it to him, or by any other person in relation to whom he is at any time during the period of the currency of that book an employee-driver, whenever required to do so by that employer or that other person.

(6) An employee-driver shall return his current driver's record book to the employer who issued it to him at the end of any working week if required to do so by that employer.

Drivers' record books to be carried by drivers

7. A driver shall have his current driver's record book including all duplicate and unused record sheets in his possession at all times while he is driving a goods or passenger vehicle and he is on duty.

Preservation of drivers' record books

8.—(1) An owner-driver shall preserve his driver's record book intact when it has been completed or he has ceased to use it, and the employer of an employee-driver to whom any driver's record book relating to that employee-driver has been returned shall preserve that book intact, for the period specified in the next following paragraph, and any owner-driver who has detached record sheets from his driver's record book as required by Regulation 5(8) of these Regulations and any employer of an employee-driver to whom any record sheets have been delivered by his employee-driver as required by that provision shall also preserve those sheets for the same period.

(2) The period for which drivers' record books and record sheets must be preserved as required by this Regulation shall be six months reckoned in the case of an owner-driver from the day on which that book was completed or ceased to be used by him, or in the case of an employee-driver from the day on which that book was returned to his employer:

Provided that if so required by a licensing authority or a chief officer of police in any particular case, any such book or sheet as aforesaid as may be specified by any particular or general description shall be preserved for such further period or periods, not exceeding in the aggregate six months, as may be specified in any such requirement.

Authorised departures from form of drivers' record books

9. Notwithstanding anything in the foregoing provisions of these Regulations, drivers' record books may be issued containing sheets which differ from the sheets set out in Part I or II of Schedule 1 to these Regulations (whether in size, layout, sequence, numbering, content or otherwise) so long as any

sheet contained in any such book contains the same wording as in the corresponding sheet in the said Part I or II and is so framed as to ensure that all the information required by such corresponding sheet is required to be entered in the sheet actually contained in the book and in such a manner as to be readily identifiable by any person entitled under any enactment or under these Regulations to inspect any such book.

Registers of drivers' record books

10.—(1) Subject to the following provisions of these Regulations every owner-driver of a goods vehicle shall maintain a register in the form specified in Schedule 2 to these Regulations of all drivers' record books used by him and every employer of an employee-driver of a goods vehicle shall maintain such a register or more than one such register as provided for by paragraph (2) of this Regulation of all drivers' record books known by him to have been issued to or to be used by any of his employee-drivers and every such owner-driver and employer as aforesaid shall make in that register or registers all such entries relating to the information to be recorded therein as is required by the form set out in the said Schedule 2 to be entered in that register or registers:

Provided that where a record book is not returned there shall be entered in the register, instead of the date of the return of the record book, the reason why the record book was not returned and the date when such entry was made.

(2) Where for the purpose of any trade, business or other activity carried on by him an employer of employee-drivers operates from more than one place goods vehicles which are driven by his employee-drivers, that employer may maintain for each such place a separate register of drivers' record books, each such register being a register complying with the requirements of paragraph (1) of this Regulation (subject to paragraph (4) of this Regulation) but relating only to the drivers' record books known by him to have been issued to or to be used by any of his employee-drivers in relation to the driving of vehicles operated from that place.

(3) An owner-driver and the employer of any employee-driver by whom any such register as aforesaid is required to be maintained shall preserve that register for a period of 12 months from whichever is the last to occur of the following dates, that is to say—

(*a*) the date on which he ceased to use a book or on which there was returned to him the last of the books issued by him to any employee-driver, the use or issue of which is recorded in that register, or

(*b*) if any book the issue of which by him is recorded in that register has not been returned to him as required by these Regulations the date when the reason why the record book was not returned was entered in that register.

(4) Notwithstanding anything in the foregoing provisions of these Regulations, registers may be maintained in a form which differs from that specified in Schedule 2 to these Regulations (whether in size, layout, sequence, numbering, content or otherwise) so long as the register contains the same wording as in the form in the said Schedule and such register is so framed as to ensure that all the information required by the form in the said Schedule is required to be entered in the actual register and in such manner as to be readily identifiable by any person entitled under any enactment to inspect any such register.

Miscellaneous provisions relating to drivers' record books and registers of such books

11.—(1) Subject to Regulations 5(1) and 12 of these Regulations each item of information which is required by these Regulations to be entered in a driver's record book or a register of drivers' record books shall be entered therein as soon as the required information is available.

(2) No person shall erase or obliterate any entry once made in a driver's record book or a register of such books, and if a correction is required it shall be made by striking the original entry through in such a way that it may still be read and by writing in the appropriate correction near to the entry so struck through, and any person making such a correction shall initial it.

(3) Any person making an entry in a driver's record book or in a register of such books shall make it in ink, indelible pencil or with a ball point pen.

Exemptions

12.—(1) Where a driver does not during any period of twenty-four hours commencing at midnight drive any goods vehicle other than a vehicle the use of which is exempted from any requirement to have an operator's licence or, in the case of a vehicle in the public service of the Crown, would be so exempted by virtue of section 60(2) of the Act, were it not such a vehicle, that driver and if he is an employee-driver, his employer, shall be exempted for that period from the specified requirements.

(2) Where in any period of 24 hours beginning at midnight a driver does not drive a vehicle to which these Regulations apply for more than four hours and does not drive any such vehicle outside a radius of twenty-five miles from the operating centre of the vehicle then he and, if he is an employee-driver, his employer shall be exempted for that period (hereinafter referred to as "the exempted period") from the specified requirements:

Provided that where the exempted period is followed by a period of twenty-four hours in respect of any part of which a driver is not exempted from all the specified requirements the driver shall be required to enter in his driver's record book the date and time when his last working day ended if such day ended during the exempted period.

For the purposes of computing the said four hours no account shall be taken of any time spent in driving a vehicle elsewhere than on a road if the vehicle is being so driven in the course of operations of agriculture or forestry or in the course of carrying out work in the construction, reconstruction, alteration or extension or maintenance of, or of a part of, a building, or of any other fixed works of construction or civil engineering (including works for the construction, improvement or maintenance of a road) and, for the purposes of this paragraph, where the vehicle is being driven on, or on a part of, a road in the course of the carrying out of any work for the improvement or maintenance of, or of that part of, that road, it shall be treated as being driven elsewhere than on a road.

(3) In this Regulation the expression "the specified requirements" means all the requirements of these Regulations as respects the entering of a current record in a driver's record book and, in the case of drivers, the having possession of such a book in accordance with Regulation 7 of these Regulations.

Given under the Official Seal of the Minister of Transport the 29th January 1970.

Fred Mulley,
Minister of Transport.

Front Sheet—Schedule 1 Part I

DRIVER'S RECORD BOOK
Transport Act 1968 Section 98

1. Operator's licence no.

2. Book serial no.

3. Number of sheets
.....with duplicates

I. TO BE COMPLETED BY THE EMPLOYER OR OWNER DRIVER

4. Record book issued by (name address and signature on behalf of employer or owner driver)

5. Date of issue

6. Place of issue

II. TO BE COMPLETED BY ANY OTHER EMPLOYERS OF DRIVER DURING THE CURRENCY OF THIS BOOK

The person named below is also employed as a driver by (name, address and signature on behalf of employer)

III. TO BE COMPLETED BY THE DRIVER

Driver's full name and address

TRANSPORT ACT 1968 SECTION 98

RECORD OF HOURS OF DUTY, DRIVING AND REST

Operator's licence no.	Book serial no.	Sheet no.

(1) FULL NAME OF DRIVER

(2) LAST WORKING DAY ENDED: DATE TIME

(3) START OF WORKING DAY		(4) DRIVING PERIODS (AT THE WHEEL)				(5) STATUTORY BREAKS—ON DUTY		(6) STATUTORY OR OTHER BREAKS —OFF DUTY		(7) END OF WORKING DAY		(8) TOTAL DUTY DURING WORKING DAY		(9) VEHICLES DRIVEN	(10) DETAILS OF JOURNEYS (OR AREA SERVED)		(11) DRIVER'S SIGNATURE
		FROM	TO	TOTALS		FROM	TO	FROM	TO						FROM	TO	
Date	Time	Time	Time	Hrs.	Mins.	Time	Time	Time	Time	Date	Time	Hrs.	Mins.	Regn. marks	Place name	Place name	

(12) EMPLOYER'S CERTIFICATION

I have examined the entries in this sheet

Signature Date Position held (e.g. Transport Manager)

Schedule 2

Register No. Page No.

Section 98 Transport Act 1968

Register of Drivers' Record Books

Name of employer or owner-driver

Operator's licence number

Place at which books issued

Driver's record book serial no.	Issued to (Driver's full name and address)	Date of issue and signature* of employer or owner-driver	Name and address of any other known employer of driver	Date of return of record book*

*Only to be entered by the employer if he issued the driver's record book.

EXPLANATORY NOTE

(This Note is not part of the Regulations.)

These Regulations relate to the keeping of records by drivers of goods vehicles of their hours of duty, driving time and rest periods. Drivers of goods vehicles are required to keep a current record of the prescribed information in their drivers' record books and the employers of such drivers are required to cause them to keep such a record (Regulation 3(1) and Schedule 1). Employers are required to keep drivers supplied with drivers' record books (Regulation 3(2)) and a record of books issued must be kept in a register in the prescribed form (Regulation 10 and Schedule 2). The Regulations prescribe the form of driver's record books (Regulations 4 and 9) and the manner of keeping them and require a completed driver's record book to be returned to the driver's employer (Regulations 5 and 11). Employers are required to enter certain information in record books (Regulations 3(1)(*b*), 5(1) and 6(1)) and to supply certain information on request to other employers of a driver (Regulations 5(1) and 6). Drivers are required to produce their drivers' record books for inspection or to return them when required to do so by their employers (Regulation 6(5) and (6)). Drivers who are driving and on duty must have their drivers' record books with them (Regulation 7). Completed drivers' record books and registers must be preserved for the prescribed periods (Regulations 8 and 10(3)). Drivers of certain vehicles are exempted from the requirements of the Regulations as to the keeping of a current record and having with them a driver's record book (Regulation 12).

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