STATUTORY INSTRUMENTS

1978 No. 1878

ROAD TRAFFIC

The Drivers' Hours (Keeping of Records) (Amendment) Regulations 1978

Made - - - -	18*th December* 1978
Laid before Parliament	4*th January* 1979
Coming into Operation	1*st February* 1979

The Secretary of State for Transport, in exercise of the powers conferred by sections 98 and 101(2) of the Transport Act 1968**(a)**, as amended by section 4(1) of, and paragraph 9(2)(*c*) of Schedule 4 to, the European Communities Act 1972**(b)** and by section 2(1) of the Road Traffic (Drivers' Ages and Hours of Work) Act 1976**(c)** and now vested in him**(d)**, 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:—

1. These Regulations may be cited as the Drivers' Hours (Keeping of Records) (Amendment) Regulations 1978 and shall come into operation on 1st February 1979.

2. The Drivers' Hours (Keeping of Records) Regulations 1976**(e)** (hereinafter referred to as "the 1976 Regulations") shall be amended in accordance with Regulations 3 to 7 below.

3. In Regulation 3(1) (Interpretation) of the 1976 Regulations for the definition of "the Community rules" the following shall be substituted—

" "the Community rules" means those provisions of Council Regulation (EEC) No. 543/69**(f)** of 25th March 1969 (as amended by Council Regulations (EEC) Nos. 514/72**(g)** and 515/72**(h)**, both of 28th February 1972, and by Council Regulations (EEC) Nos. 2827/77**(j)** and 2829/77**(k)**, both of 12th December 1977) which are directly applicable Community provisions relating to the driving of road vehicles;".

4. At the end of Regulation 13 of the 1976 Regulations (Application of Part III of those Regulations) there shall be inserted the words "with respect to the individual control books for drivers and crew members".

(a) 1968 c. 73.
(b) 1972 c. 68.
(c) 1976 c. 3.
(d) S.I. 1970/1681.
(e) S.I. 1976/1447.
(f) O.J. No. L77/49 of 29.3.69.
(g) O.J. No. L67/1 of 20.3.72.
(h) O.J No. L67/11 of 20.3.72.
(j) O.J. No. L334/1 of 24.12.77.
(k) O.J. No. L334/11 of 24.12.77.

5. In Regulation 16 of the 1976 Regulations (Application of certain additiona Regulations in Part II in relation to goods vehicles), for paragraph (*c*) there sha be substituted the following paragraph:—

"(*c*) in Regulation 9, for paragraph (4), of the following paragraph—

"(4) The information concerning an employee-driver which is to b supplied in accordance with the foregoing provisions of this Regulatio is the following information relating to the period of 14 days immed iately preceding the date on which the request for information is mad or, in a case where there has been a change of employment, the date o which that change occurred—

(*a*) any weekly rest period taken by him during that period,

(*b*) the number of hours of driving undertaken by him on eac day during that period, and

(*c*) the number of hours during which he has been on duty o each day during that period.".

6. After Part III of the 1976 Regulations there shall be inserted a new Part a follows:—

"PART IV—PROVISIONS APPLICABLE IN CASES WHERE THE COMMUNITY RULES WITH REGARD TO DRIVERS' HOURS APPLY BUT WHERE THE SPECIFIC REQUIREMENTS OF THOSE RULES AS TO RECORD BOOKS DO NOT APPLY

Application of Part IV

17. This Part of these Regulations applies to drivers, and to the employers of drivers, who—

(*a*) are drivers of British goods vehicles which are used for internal goods transport operations carried out within a radius of 50 kilometres from the place where the vehicle is based (including municipalities the centre of which is situated within that radius), and

(*b*) spend not more than 4 hours in driving in the course of any day,

in cases where the journeys which are made or the work which is done by such drivers are journeys or work to which the Community rules apply but where, by virtue of Regulation 2(*c*) of the Community Road Transport Rules (Exemptions) Regulations 1978**(a)**, the drivers are exempted from the requirements of those rules as respects individual control books, so as to impose in relation to those cases simplified requirements with respect to the keeping of records.

Interpretation of Part IV

18.—(1) In this Part of these Regulations—

"day" means any period of 24 hours commencing at midnight;

"relevant day", in relation to a driver, means a day in the course of which he spends not more than 4 hours in driving for the purpose of the transport operations mentioned in Regulation 17(a) above;

(a) S.I. 1978/1158.

"simplified record book" means a book for recording matters relevant to the enforcement of the requirements of the Community rules, being a book which comprises—

(i) a front sheet,

(ii) instructions for the use of the book,

(iii) weekly record sheets divided up into boxes for entry of information relating to each day in the week,

and conforms to the model set out in Schedule 3 to these Regulations.

(2) In determining for the purpose of this Part of these Regulations whether or not a driver spends more than 4 hours in driving in the course of a day no account shall be taken of any time spent in driving a vehicle elsewhere than on a road.

Simplified record books

19.—(1) Subject to the provisions of Regulation 20 below, in a case where this Part of these Regulations applies—

(*a*) a driver shall keep, and the employer of a driver who is an employee-driver shall cause that driver to keep, a simplified record book, and

(*b*) in relation to each relevant day of such driver the driver shall enter, and, where he is an employee-driver, his employer shall cause him to enter, in his simplified record book, in the appropriate boxes on the record sheet for the week in which the day in question falls, in accordance with the instructions for use contained in the book, the information prescribed in the record book as information which is required to be furnished by a driver;

and, subject as aforesaid, the driver and any such employer as aforesaid shall in all respects in relation to a simplified record book comply, and the employer of any such employee-driver shall cause the driver to comply, with all the relevant instructions contained in the record book and relating to the issue, use, preservation and return of the record book.

(2) No entry shall be made on a weekly record sheet in a simplified record book except in relation to a relevant day of the driver to whom the book relates.

(3) A simplified record book shall contain a duplicate of each weekly record sheet together with one sheet of carbon paper or other means whereby an entry on a weekly record sheet may be simultaneously reproduced on the duplicate of that sheet.

(4) Regulations 6, 7(1) and (2), 8(1), (2)(*a*) and (*c*), (3), (4), (6)(*b*) and (7), 9(1), (2), (3), (4) (as amended by Regulation 16 of these Regulations), (5) and (6), 10(1), (2) and (3) and 11 of these Regulations shall apply in relation to simplified record books as they apply in relation to drivers' record books, and for the purpose of this application—

(*a*) the references in those Regulations to the daily sheets shall be construed as references to the weekly record sheets,

(*b*) the words "furnished with duplicates of the daily sheets" in Regulation 8(3) and the words "furnished with duplicates of the daily sheets therein" in Regulation 8(4) shall be omitted, and

(*c*) in Regulation 6 the reference to the date of the coming into operation of these Regulations shall be construed as a reference to the coming into operation of this Part of these Regulations.

Use of drivers' record books instead of simplified record books

20.—(1) If in a case where this Part of these Regulations applies the driver keeps a driver's record book, he shall not keep, nor shall his employer cause him to keep, a simplified record book, but he shall make, in relation to each relevant day of his, the appropriate entries on a daily sheet in his driver's record book.

(2) For the purpose of paragraph (1) above the appropriate entries on a daily sheet in a driver's record book in relation to a relevant day of a driver are—

(*a*) the entries required by the instructions in that book to be made in boxes 1, 2, 3, 8, 9 and 12 on the sheet,

(*b*) in box 13 on the sheet an estimate of his driving time, and

(*c*) in box 16 on the sheet, in addition to the signature, the time of coming on duty and the time of going off duty.

(3) Where in any week a driver keeps, in accordance with this Regulation, a driver's record book instead of a simplified record book and every day on which he drives during the course of that week is a relevant day, it shall not be necessary for him to complete the weekly report in the driver's record book in respect of that week."

7. After Schedule 2 to the 1976 Regulations there shall be inserted a new Schedule as follows:—

"SCHEDULE 3

MODEL FOR SIMPLIFIED

RECORD BOOK

(*a*) *Front Sheet*

SIMPLIFIED RECORD BOOK

FOR DRIVERS IN ROAD TRANSPORT

1. Date book first used.....
2. Date book last used.....
3. Surname, first name(s), date of birth and address of holder of book

   .....

   .....
4. Name, address, telephone number and stamp (if any) of undertaking

   .....

   .....

   .....
5. Operator's Licence No.....
6. Book No. .....
7. Number of weekly record sheets in book.....

(*b*) *Instructions*

INSTRUCTIONS FOR THE USE OF THE SIMPLIFIED RECORD BOOK

To the Undertaking

1. After completing items 4, 5, 6 and 7 on the front sheet, and consecutively numbering each weekly record sheet at box 1, issue a simplified record book to those drivers employed by you to whom Part IV of The Drivers' Hours (Keeping of Records) Regulations 1976 (S.I. 1976 No. 1447) applies (Note: Part IV was added by The Drivers' Hours (Keeping of Records) (Amendment) Regulations 1978 (S.I. 1978 No. 1878)). The simplified record book is NOT to be issued in any other circumstances. Nor is it to be issued to, or retained by, a driver who uses the full EEC type drivers' record book (because he chooses to do so or because he does other driving which requires him to do so).

2. Keep a register showing the names of the persons to whom books have been issued, the serial number of each book issued, and the dates of issue. Require the holder to sign in the margin of the register.

3. Give the holder the necessary instructions for correct use of the book.

4. Examine and sign each weekly record sheet at the end of the week to which it relates or, if prevented from doing so, as soon thereafter as possible.

5. Withdraw the used books, observing the time-limit specified in paragraph 8 below, and hold them at the disposal of the authorised inspecting officers for not less than one year. Enter the period covered by the last weekly record sheet in the register referred to in paragraph 2 above.

To Drivers

6. This record book is personal. Carry it with you when on duty and produce it to any authorised inspecting officer on request. Hand it over to your employer when you leave the undertaking.

7. Produce this record book to your employer at the end of every week or, if prevented from doing so, as soon thereafter as possible, so that he can check and countersign your entries.

8. When the book is completed, keep it for two weeks so that you can produce it at any time to an authorised inspecting officer, and then hand it as soon as possible to your employer.

Front Sheet

9. Make sure that your surname, first name(s), date of birth, and address are filled in correctly (item 3).

10. Enter the date on which you first use the book (item 1).

11. After use, enter the date when you last used the book (item 2).

Weekly Record Sheet

12. Enter details of work carried out on every day on which you do work as a driver.

13. Enter in box 4, for the day in question, the registration number of any vehicle used during that day.

14. Complete box 2 at the beginning of each week in which you do work as a driver.

15. Complete boxes 3, 5 and 6, for the day in question, at the beginning of each day on which you do work as a driver.

16. Complete boxes 7, 8 and 9 at the end of the day's work.

General

17. No sheets may be destroyed or mutilated.

18. All entries must be made in ink or with a ball-point pen.

(*c*) *Weekly Record Sheet for Local Goods Transport Operations*

1. Weekly Sheet No.			2. Period covered by Sheet Week Commencing (Date)..... To Week Ending (Date).....			
Day 3.	Registration No. of Vehicle(s) 4.	Place where Vehicle(s) Based 5.	Time of Going on Duty 6.	Time of Going Off Duty 7.	Estimated Time spent Driving 8.	Signature of Driver 9.

BOOK NO.

10. Certification by employer.

(Where applicable)

I have examined the entries in this sheet.

Signature .....Date.....

Position held ....."

18th December 1978.

William Rodgers,
Secretary of State for Transport

EXPLANATORY NOTE

(*This Note is not part of the Regulations.*)

These Regulations amend the Drivers' Hours (Keeping of Records) Regulations 1976 (S.I. No. 1447).

The main amendments (Regulations 6 and 7) comprise the addition of a new Part and a new Schedule to the 1976 Regulations so as to provide for a simplified form of drivers' record book to be used by short distance freight drivers (i.e. those operating within a 50 kilometres radius of the vehicle's base, including municipalities the centre of which is within that radius) who do not spend more than 4 hours in driving in the course of a working day. A consequential amendment (Regulation 4) is made to Regulation 13 of the 1976 Regulations.

An amendment (Regulation 5) is made to Regulation 16 of the 1976 Regulations to clarify the position consequent on the application of the Community rules to national transport operations, and the definition of the Community rules in Regulation 3 is updated (Regulation 3).

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