STATUTORY INSTRUMENTS

1973 No. 379

ROAD TRAFFIC

The Drivers' Hours (Passenger and Goods Vehicles) (International Rules) Regulations 1973

Made - - - -	*5th March* 1973
Laid before Parliament	*9th March* 1973
Coming into Operation	*1st April* 1973

Whereas the Secretary of State for the Environment is of the opinion that the provision made by these Regulations, being provision supplemental or incidental to, and by way of adaptation of Part VI (drivers' hours) of the Transport Act 1968(**a**), is called for to take account of the operation of certain directly applicable Community provisions (being rules which relate to the driving of road vehicles on international journeys and which are referred to in these Regulations as "the international rules" (**b**)) in relation to journeys and work to which those rules apply and to ensure compatibility of operation between section 96(1) to (9) of the said Act of 1968 as they apply to other journeys and work and the international rules;

Now, therefore, the Secretary of State, as the designated Minister under the European Communities (Designation) Order 1972(**c**), in exercise of powers conferred by section 95(1) of the said Act of 1968 as extended by section 4(1) of, and paragraph 9(3) of Schedule 4 to, the European Communities Act 1972(**d**) and now vested in him(**e**), 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 interpretation

1.—(1) These Regulations shall come into operation on 1st April 1973 and may be cited as the Drivers' Hours (Passenger and Goods Vehicles) (International Rules) Regulations 1973.

(2) In these Regulations—

(*a*) "the international 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) which are directly applicable Community provisions relating to the driving of road vehicles on international journeys and which, by virtue

(**a**) 1968 c. 73.
(**b**) *See* Regulation 1(2) below.
(**c**) S.I. 1972/1811 (1972 III, p. 5216).
(**d**) 1972 c. 68.
(**e**) S.I. 1970/1681 (1970 III, p. 5551).
(**f**) O.J. No. L77 of 29.3.69 (p. 49).
(**g**) O.J. No. L67 of 20.3.72 (p. 1).
(**h**) O.J. No. L67 of 20.3.72 (p. 11).

of Articles 133 and 150 of, and paragraph III.1 of Annex VII and paragraph I.5 of Annex X to, the Act annexed to the Treaty concerning the Accession, inter alia, of the United Kingdom to the European Economic Community signed at Brussels on 22nd January 1972**(a)**, apply in the United Kingdom otherwise than to national transport operations on and after 1st April 1973;

(*b*) "the Act" means the Transport Act 1968 and any expression used in these Regulations which is also used in Part VI of the Act has the same meaning as in that Part;

(*c*) "passenger vehicle" and "goods vehicle" mean, respectively, any passenger vehicle and any goods vehicle to which Part VI of the Act applies; and

(*d*) the references to section 96 of the Act, so far as relating to passenger vehicles, are references to that section as modified by Part II of the Drivers' Hours (Passenger and Goods Vehicles) (Modifications) Order 1971**(b)** and, so far as relating to goods vehicles, are references to that section as modified by the Drivers' Hours (Goods Vehicles) (Modifications) Order 1970**(c)** and Part III of the said Order of 1971.

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

Disapplication of section 96 *of the Act in cases where the international rules apply*

2. Subject to Regulations 3 and 4 below, the provisions of section 96 of the Act (permitted driving time and periods of duty of drivers of passenger and goods vehicles) shall not apply in relation to a journey made or to work done by the driver of a passenger vehicle or a goods vehicle in a case where the journey or, as the case may be, the work is a journey or work to which the international rules apply.

Adaptation of sections 96 *and 103 of the Act to take account of the operation of the international rules in relation to the driving of passenger or goods vehicles*

3.—(1) Where during any working day, or during any working day which falls wholly or partly within any working week, the driver of a passenger vehicle or a goods vehicle spends time in driving or on work partly on a journey or on work to which the international rules apply and partly on other journeys or work and, in respect of time so spent on other journeys or work, where the driver spends all or the greater part of that time in driving a passenger vehicle, then, as respects that driver and that working day or working week (as the case may be) the provisions of section 96 of the Act and of section 103 thereof (interpretation of Part VI of the Act) mentioned in paragraphs (2) and (3) below shall have effect so far as regards those other journeys and that other work subject to the adaptations respectively specified in those paragraphs.

(2) In the following provisions of section 96, that is to say—

subsection (1) (maximum permitted driving time),

subsection (2) (interval for rest between periods of duty),

subsection (3) (the working day of a driver), and

subsections (7) and (7B) (modified application of section 96(1), (2) and (3) in certain cases),

(a) Cmnd. 4862—Parts I and II.
(b) S.I. 1971/818 (1971 II, p. 2335).
(c) S.I. 1970/257 (1970 I, p. 993).
(d) 1889 c. 63.

any reference, in relation to a driver, to a period or periods of driving or to an aggregate of such periods, or to time spent in driving, shall include a reference to any time spent by the driver in driving on a journey to which the international rules apply; and for the purposes of the said subsection (2) any time spent by the driver in attendance at work to which the said rules apply shall not be treated as time during which there is such an interval for rest and refreshment as is required by that subsection.

(3) In section 103—

(*a*) each of the references in subsection (4) to driving a vehicle to which Part VI of the Act applies shall include a reference to driving on a journey to which the international rules apply; and

(*b*) in paragraph (*a*) of that subsection the reference to other purposes, and in paragraph (*b*) thereof the reference to work, shall include a reference to work to which the international rules apply.

4.—(1) Where during any working day, or during any working day which falls wholly or partly within any working week, the driver of a passenger vehicle or a goods vehicle spends time in driving or on work partly on a journey or on work to which the international rules apply and partly on other journeys or work and, in respect of time so spent on other journeys or work, where the driver spends all or the greater part of that time in driving a goods vehicle, then, as respects that driver and that working day or working week (as the case may be) the provisions of section 96 of the Act and of section 103 thereof mentioned in paragraphs (2) to (11) below shall have effect so far as regards those other journeys and that other work subject to the adaptations respectively specified in those paragraphs.

(2) Section 96(1) (maximum permitted driving time) shall have effect as if after the word "periods" there were inserted the words "(which periods shall include any time spent by him on that day in driving on a journey to which the international rules apply)".

(3) Section 96(2) (interval for rest between periods of duty) shall have effect as if—

(*a*) for the words "on duty" there were substituted the word "driving"; and

(*b*) after the words "five and a half hours" there were inserted the words "(which period or aggregate of periods shall include any time spent by him in driving on a journey to which the international rules apply)".

(4) Section 96(3) (the working day of a driver) shall not apply.

(5) For section 96(4) (interval for rest between working days) there shall be substituted the following subsection:—

"(4) Subject to the provisions of this section, there shall be, during the period of twenty-four hours which immediately precedes any time falling within the working day of a driver, an interval for rest which shall be of not less than eleven hours:

Provided that on not more than two occasions in any working week—

(*a*) in a case where, in relation to a vehicle driven by that driver on that working day, the said interval is taken at the base or centre from which the vehicle is normally used, it may be of not less than nine hours; and

(*b*) in a case where, in relation to that vehicle, the said interval is taken

elsewhere than at the said base or centre, it may be of not less than eight hours.".

(6) Section 96(5) (maximum duty periods in a working week) shall not apply.

(7) Section 96(6) (off-duty periods in a working week) shall have effect as if for the words "for which he is off duty" onwards there were substituted the words "of rest, being a period which is either immediately preceded or followed by such an interval for rest as is mentioned in subsection (4) above.".

(8) Section 96(7) and (8) (modified application of section 96(1), (2) and (3) in certain cases) shall have effect as if each of the references to a driver's not driving a vehicle to which Part VI of the Act applies included a reference to his not spending any time in driving on a journey to which the international rules apply.

(9) Section 96(9) (account not to be taken of driving in certain cases for the purposes of section 96(1) and (7)) shall have effect as if the reference to any time spent driving a vehicle included a reference to any time spent in driving on a journey to which the international rules apply.

(10) In section 103(1)—

(*a*) for the definition of "working day" there shall, for the purposes of subsections (1), (2), (4), (7) and (8) of section 96, be substituted the following definition:—

"'working day', in relation to any driver, means—

(*a*) any period during which he is driving a vehicle to which this Part of this Act applies, being a period which does not fall to be aggregated with any other such period by virtue of paragraph (*b*) of this definition; and

(*b*) where a period during which he is driving such a vehicle as aforesaid is not followed by an interval for rest of not less than eleven hours or (where permitted by virtue of section 96(4) of this Act) of not less than nine hours or, as the case may be, of not less than eight hours, the aggregate of that period and each successive such period until there is such an interval as aforesaid, together with any interval or intervals between periods so aggregated,

and for the purposes of this definition the reference therein to periods of driving, in relation to a driver, shall include references to periods during which he is attending at work;";

(*b*) for the definition of "working week" there shall, for the purposes of subsections (4), (6) and (7) of section 96, be substituted the following definition:—

"'working week' means any period of seven consecutive days;"; and

(*c*) the definition of "the international rules" (as inserted by paragraph 9(2) of Schedule 4 to the European Communities Act 1972) shall apply in relation to such of those rules as are defined by Regulation 1(2) of these Regulations.

(11) Section 103(4) shall not apply.

Signed by authority of the Secretary of State.
5th March 1973.

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

EXPLANATORY NOTE

(This Note is not part of the Regulations.)

These Regulations make provision supplemental to section 96 of the Transport Act 1968 (which, as modified by the Drivers' Hours (Passenger and Goods Vehicles) (Modifications) Order 1971, relates to permitted driving times and periods of duty of drivers of passenger and goods vehicles), and provision adapting that section, to take account of the operation of the rules of the European Economic Community ("the international rules"—see Regulation 1(2)(*a*)) with respect to such driving times and duty in relation to journeys and work to which those rules apply.

Regulation 2 disapplies section 96 in relation to journeys and work to which the said rules apply.

Regulations 3 and 4 adapt section 96 (as so modified) in the case where, during any working day, or during any working day which falls within a working week, a driver spends time partly in driving on a journey or on work to which the said rules apply and partly on other journeys and work. As respects time spent on such other journeys and work.

(a) in the case where a driver spends all or most of that time in driving a passenger vehicle, Regulation 3 provides for the adaptation of certain provisions of section 96, of which the principal are subsection (1) (maximum permitted driving time), subsection (2) (interval for rest between periods of duty) and subsection (3) (the working day of a driver).

(b) in the case where, as respects such other journeys and work, a driver spends all or most of that time in driving a goods vehicle, Regulation 4 provides for the adaptation of certain provisions of section 96 of which the principal are subsections (1) and (2), subsection (4) (interval for rest between working days) and subsection (6) (off-duty periods in a working week) and, in particular, that subsection (3) (the working day of a driver) and subsection (5) (maximum duty periods in a working week) shall not apply.

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