

2012 No. 1502

ROAD TRAFFIC

**The Community Drivers' Hours and Recording Equipment
Regulations 2012**

<i>Made</i> - - - -	<i>11th June 2012</i>
<i>Laid before Parliament</i>	<i>14th June 2012</i>
<i>Coming into force</i> - -	<i>16th July 2012</i>

The Secretary of State makes the following Regulations in exercise of the powers conferred by section 96(10) of the Transport Act 1968(a) and now vested in him(b) and section 2(2) of the European Communities Act 1972(c).

The Secretary of State is a Minister designated for the purposes of section 2(2) in relation to the regulation of the type, description, construction or equipment of vehicles(d), the regulation and supervision of working conditions of persons engaged in road transport(e) and measures relating to the organisation of working time(f).

The exercise of the powers conferred by section 2(2) in relation to Regulation (EC) No 561/2006 of the European Parliament and of the Council(g) has been authorised by the Commission of the European Communities in accordance with Article 14(1) of that Regulation.

In relation to the exercise of the powers conferred by section 96(10) of the Transport Act 1968 representative organisations have been consulted in accordance with section 101(6) of that Act.

Citation, commencement and extent

1.—(1) These Regulations may be cited as the Community Drivers' Hours and Recording Equipment Regulations 2012 and come into force on 16th July 2012.

(2) These Regulations extend to Great Britain.

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- (a) 1968 c.73.
(b) The power in section 96(10) of the Transport Act 1968, to which there are amendments not relevant to these Regulations, became vested in the Secretary of State by virtue of the Secretary of State for the Environment Order 1970 (S.I.1970/1681), article 2.
(c) 1972 c.68. Section 2(2) was amended by the Legislative and Regulatory Reform Act 2006 (c.51), section 27(1)(a) and the European Union (Amendment) Act 2008 (c.7), section 3(3), and the Schedule, Part 1.
(d) S.I. 1972/1811, to which there are amendments not relevant to these Regulations.
(e) S.I. 1975/1707.
(f) S.I. 1997/1174.
(g) O.J. No L102, 11.04.06. p.1; Regulation (EC) No 561/2006 of the European Parliament and of the Council was amended by Regulation (EC) No 1073/2009 of the European Parliament and of the Council (O.J. No L300, 14.11.09. p88).

Interpretation

2. In these Regulations—

“Cadet Corps” means any of the following forces of the Crown—

- (a) the Combined Cadet Force;
- (b) the Sea Cadet Corps;
- (c) the Army Cadet Force;
- (d) the Air Training Corps;

“the Community Drivers’ Hours Regulation” means Regulation (EC) No 561/2006 of the European Parliament and of the Council;

“a volunteer reserve force” has the same meaning as in section 374 of the Armed Forces Act 2006(a); and

“year” means the period of twelve months ending on 31st March.

Exception from the Community Drivers’ Hours Regulation

3.—(1) This regulation applies to a driver, to whom the Community Drivers’ Hours Regulation applies, who—

- (a) is a member of a volunteer reserve force or an instructor in the Cadet Corps; and
- (b) in that capacity is attending—
 - (i) annual camp training; or
 - (ii) a weekend training session, within the United Kingdom.

(2) Pursuant to Article 14(1) of the Community Drivers’ Hours Regulation, an exception is granted from Article 8(2) and Article 8(6) of that Regulation in respect of any driver to whom this regulation applies subject to the conditions set out in paragraph (3).

(3) The conditions are as follows—

- (a) the exception is limited to a maximum of—
 - (i) ten weekend training sessions; and
 - (ii) fifteen days’ annual camp training, in any year;
- (b) the driver must not attend weekend training sessions on any two consecutive weekends;
- (c) the driver must not attend any annual camp training that takes place over the weekend that immediately follows a weekend training session that the driver has attended;
- (d) the driver must not attend a weekend training session on the weekend that immediately follows any annual camp training that the driver has attended;
- (e) the driver must not attend any annual camp training that takes place over the weekend that immediately follows the end of an earlier period of annual camp training that the driver has attended;
- (f) a regular daily rest period of at least eleven hours must be taken immediately following the end of each weekend training session and at the end of each period of annual camp training;
- (g) a regular weekly rest period of at least forty-five hours must be taken no later than the end of the sixth day following the end of the day on which a weekend training session or, as the case may be, a period of annual camp training ends.

(a) 2006 c.52. In section 374, “a volunteer reserve force” means the Royal Naval Reserve, the Royal Marines Reserve, the Territorial Army or the Royal Auxiliary Air Force.

(4) In paragraph (3) the expressions “regular daily rest period” and “regular weekly rest period” are to be construed in accordance with Article 4 of the Community Drivers’ Hours Regulation.

Revocation of Regulations

4. The Drivers’ Hours (Goods Vehicles) (Milk Collection) (Temporary Exemption) Regulations 2007(a) are revoked.

Amendment of Regulations

5. In regulation 2 of the Passenger and Goods Vehicles (Recording Equipment) (Approval of Fitters and Workshops) (Fees) Regulations 1986(b), for the definition of “the Community Recording Equipment Regulation” in paragraph (2) substitute the following—

““the Community Recording Equipment Regulation” means Council Regulation (EEC) No. 3821/85 on recording equipment in road transport(c) as read with the Community Drivers’ Hours and Recording Equipment Regulations 2007(d)”.

Review

6.—(1) The Secretary of State must from time to time—

- (a) carry out a review of regulation 3,
- (b) set out the conclusions of the review in a report, and
- (c) publish the report.

(2) In carrying out the review the Secretary of State must, so far as is reasonable, have regard to how exceptions from the Community Drivers’ Hours Regulation (which is implemented by means of the Community Drivers’ Hours and Recording Equipment Regulations 2007) are implemented in other Member States.

(3) The report must in particular—

- (a) set out the objectives intended to be achieved by the regulatory system established by regulation 3,
- (b) assess the extent to which those objectives are achieved, and
- (c) assess whether those objectives remain appropriate and, if so, the extent to which they could be achieved with a system that imposes less regulation.

(4) The first report under this regulation must be published before the end of the period of five years beginning with the day on which regulation 3 comes into force.

(5) Reports under this regulation are afterwards to be published at intervals not exceeding five years.

(a) S.I. 2007/2370.

(b) S.I. 1986/2128 to which amendments have been made, which are not relevant to these regulations.

(c) OJ No L370, 31.12.85, p8; Council Regulation (EEC) No 3821/85 was amended by Commission Regulation (EEC) No 3314/90 (OJ No L318, 17.11.90, p20), Council Regulation (EEC) No 3572/90 (OJ No L353, 17.12.90, p12), Commission Regulation (EEC) No 3688/92 (OJ No L374, 22.12.92, p12), Commission Regulation (EC) No 2479/95 (OJ No L256, 26.10.95, p8), Commission Regulation (EC) No 1056/97 (OJ No L154, 12.06.97, p21), Council Regulation (EC) No 2135/98 (OJ No L274, 09.10.98, p1), Commission Regulation (EC) No 1360/2002 (OJ No L207, 05.08.02, p1), Regulation (EC) No 1882/2003 of the European Parliament and of the Council (OJ No L284, 31.10.03, p1), Commission Regulation (EC) No 432/2004 (OJ No L71, 10.03.04, p3), Regulation (EC) No 561/2006 of the European Parliament and of the Council (OJ No L102, 11.04.06, p1), Council Regulation (EC) No 1791/2006 (OJ No L363, 20.12.06, p1), Commission Regulation (EC) No 68/2009 (OJ No L21, 24.01.09, p3), Regulation (EC) No 219/2009 of the European Parliament and of the Council (OJ No L87, 31.03.09, p109) and Commission Regulation (EU) No 1266/2009 (OJ No L 339, 22.12.09, p3); and extended by the Act concerning the conditions of accession of the Republic of Austria, the Republic of Finland and the Kingdom of Sweden and the adjustments to the Treaties on which the European Union is founded (OJ No C241, 29.08.94, p21) adapted by Council Decision 95/1/EC (OJ No L1, 01.01.95, p1), and by the Act concerning the conditions of accession of the Czech Republic, the Republic of Estonia, the Republic of Cyprus, the Republic of Latvia, the Republic of Lithuania, the Republic of Hungary, the Republic of Malta, the Republic of Poland, the Republic of Slovenia and the Slovak Republic and the adjustments to the Treaties on which the European Union is founded (OJ No L236, 23.09.03, p33).

(d) S.I. 2007/1819.

Signed by authority of the Secretary of State for Transport

11th June 2012

Mike Penning
Parliamentary Under Secretary of State
Department for Transport

EXPLANATORY NOTE

(This note is not part of the Regulations)

This instrument gives effect to a Commission Decision, updates a definition in an existing set of regulations and revokes a set of redundant regulations.

Regulation 3 of these regulations gives effect to European Commission Decision 2008/7472 of 22nd December 2008 authorising the United Kingdom to grant exceptions, subject to certain conditions, from the application of Article 8(2) and Article 8(6) of Regulation (EC) No 561/2006 of the European Parliament and of the Council on the harmonisation of certain social legislation relating to road transport. It grants a limited exception from the daily and weekly rest requirements in Article 8(2) and Article 8(6) of that Regulation for drivers who are members of a volunteer reserve force or instructors in the Cadet Corps attending annual camp training or a weekend training session in the United Kingdom.

Regulation 4 revokes the Drivers' Hours (Goods Vehicles) (Milk Collection) (Temporary Exemption) Regulations 2007 (S.I. 2007/2370).

Regulation 5 amends the definition of "the Community Recording Equipment Regulation" in the Passenger and Goods Vehicles (Recording Equipment) (Approval of Fitters and Workshops) (Fees) Regulations 1986 (S.I. 1986/2128). The amendment substitutes a new definition relating to Council Regulation (EEC) No 3821/85 to take account of amendments made to that EEC Regulation as at the date of making these regulations.

Regulation 6 requires the Secretary of State to review and publish a report on the operation and effect of regulation 3 within five years after it comes into force and within every five years after that. Following a review it will fall to the Secretary of State to consider whether the regulations should remain as they are, or be revoked or be amended. A further instrument would be needed to revoke regulation 3 or to amend it. No review is required for regulations 4 or 5 as they concern a revocation and the amendment of a definition respectively. An impact assessment of the effect that this instrument will have on the costs of business and the voluntary sector is available from the Operator Licensing and Roadworthiness Division, Department for Transport, Great Minster House, 33 Horseferry Road, London SW1P 4DR and is annexed to the Explanatory Memorandum which is available alongside the instrument on the legislation.gov.uk website at www.legislation.gov.uk.

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STATUTORY INSTRUMENTS

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