

2016 No. 343

EUROPEAN COMMUNITIES

ROAD TRAFFIC AND VEHICLES

**The Passenger and Goods Vehicles (Tachographs) (Amendment)
Regulations (Northern Ireland) 2016**

Made - - - - 20th September 2016

Coming into operation - 31st October 2016

The Department for Infrastructure^(a) makes the following Regulations in exercise of the powers conferred by section 2(2) of, and paragraph 1A of Schedule 2 to, the European Communities Act 1972^(b) and Article 83(1) of the Road Traffic (Northern Ireland) Order 1981^(c) and now vested in it^(d).

The Department for Infrastructure is designated^(e) for the purposes of section 2(2) of the European Communities Act 1972 in relation to the regulation of the type, description, construction or equipment of vehicles, the regulation and supervision of working conditions of persons engaged in road transport and measures relating to the organisation of working time.

It appears to the Department that it is expedient for the reference mentioned in regulation 5(2), to Regulation (EU) No. 165/2014 of the European Parliament and of the Council^(f), to be construed as a reference to that instrument as amended from time to time.

Citation, commencement and interpretation

1.—(1) These Regulations may be cited as the Passenger and Goods Vehicles (Tachographs) (Amendment) Regulations (Northern Ireland) 2016 and shall come into operation on 31st October 2016.

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- (a) Formerly the Department for Regional Development; *see* section 1(6) and (11) of, and Schedule 1 to, the Departments Act (Northern Ireland) 2016 (2016 c. 5 (N.I.)). Pursuant to section 1(9) of that Act, the Department of the Environment is dissolved
- (b) 1972 c. 68; section 2(2) is amended by section 27(1)(a) of the Legislative and Regulatory Reform Act 2006 (c.51) and by section 3(3) of, and Part 1 of the Schedule to, the European Union (Amendment) Act 2008 (c. 7); paragraph 1A of Schedule 2 was inserted by section 28 of the Legislative and Regulatory Reform Act 2006 and amended by section 3(3) of, and Part 1 of the Schedule to, the European Union (Amendment) Act 2008
- (c) S.I. 1981/154 (N.I. 1); to which there are amendments not relevant to these Regulations
- (d) *See* Article 8(1)(b) of, and Part 2 of Schedule 5 to, the Departments (Transfer of Functions) Order (Northern Ireland) 2016 (S.R. 2016 No. 76)
- (e) S.I. 1972/1811, S.I. 1975/1707 and S.I. 1997/1174
- (f) O.J. L 60, 28.2.2014, p. 1; Regulation (EU) No. 165/2014 repeals Council Regulation (EEC) No. 3821/85 on recording equipment in road transport and amends Regulation (EC) No. 561/2006 of the European Parliament and of the Council on the harmonisation of certain social legislation relating to road transport

(2) The Interpretation Act (Northern Ireland) 1954(a) shall apply to these Regulations as it applies to an Act of the Assembly.

Amendment of the Road Traffic (Northern Ireland) Order 1995

2.—(1) The Road Traffic (Northern Ireland) Order 1995(b) is amended in accordance with paragraphs (2) to (4).

(2) In Article 53 (interpretation of Part 3), for the definition of “the Community Recording Equipment Regulation”(c) substitute—

““the EU Tachographs Regulation” means Regulation (EU) No. 165/2014 of the European Parliament and of the Council of 4 February 2014 on tachographs in road transport, as read with the Community Drivers’ Hours and Recording Equipment (Exemptions and Supplementary Provisions) Regulations (Northern Ireland) 2009(d);”.

(3) In each of the provisions specified in paragraph (4), for “the Community Recording Equipment Regulation” substitute “the EU Tachographs Regulation”.

(4) The provisions referred to in paragraph (3) are—

- (a) Article 61(7) (tests of satisfactory conditions of vehicles);
- (b) Article 65(5) (tests of satisfactory conditions of goods vehicles and determination of plated weights, etc.); and
- (c) Article 75(12) (testing of condition of vehicles on roads)(e).

Amendment of the Passenger and Goods Vehicles (Recording Equipment) Regulations (Northern Ireland) 1996

3.—(1) The Passenger and Goods Vehicles (Recording Equipment) Regulations (Northern Ireland) 1996(f) are amended in accordance with paragraphs (2) to (17).

(2) In regulation 2(1) (interpretation)—

(a) for the definition of “the Community Recording Equipment Regulation”(g) substitute—

““the EU Tachographs Regulation” means Regulation (EU) No. 165/2014 of the European Parliament and of the Council of 4 February 2014 on tachographs in road transport, as read with the Community Drivers’ Hours and Recording Equipment (Exemptions and Supplementary Provisions) Regulations (Northern Ireland) 2009;”;

(b) in the following definitions, for “Community Recording Equipment Regulation” substitute “EU Tachographs Regulation”—

- (i) “analogue recording equipment”(h);
- (ii) “competent authority”(i);
- (iii) “digital recording equipment”(j); and

(a) 1954 c. 33 (N.I.)

(b) S.I. 1995/2994 (N.I. 18); relevant amendments are S.R. 1998 No. 270, regulation 3(1) and S.I. 2007 No. 916 (N.I. 10), Article 43(4)

(c) The definition of “the Community Recording Equipment Regulation” was substituted by regulation 3(1) of S.R. 1998 No. 270

(d) S.R. 2009 No. 91

(e) Paragraph (12) was inserted by Article 43(4) of S.I. 2007 No. 916 (N.I. 10)

(f) S.R. 1996 No. 145; relevant amending Regulations are S.R. 1998 No. 270, regulation 3(1); S.R. 2002 No. 50, regulation 2; S.R. 2005 No. 325, regulations 3 and 4; S.R. 2005 No. 441, regulations 4, 5 and 6; S.R. 2006 No. 274, regulations 3, 4, 5, 6 and 7; S.R. 2010 No. 23, regulations 4 and 6; S.R. 2011 No. 235, regulation 2 and S.R. 2016 No. 2, regulation 2

(g) The definition of “the Community Recording Equipment Regulation” was amended by regulation 3(1) of S.R. 1998 No. 270, substituted by regulation 4(1)(b) of S.R. 2005 No. 441 and amended by regulation 3(3) of S.R. 2006 No. 274 and regulation 2(1) of S.R. 2011 No. 235

(h) The definition of “analogue recording equipment” was inserted by regulation 3(2) of S.R. 2006 No. 274

(i) The definition of “competent authority” was inserted by regulation 4(2) of S.R. 2005 No. 441

(j) The definition of “digital recording equipment” was inserted by regulation 3(2) of S.R. 2006 No. 274

- (iv) “the relevant Annexes(a)”;
 - (c) in the following definitions, for “Annex IB to the Community Recording Equipment Regulation” substitute “Article 2 of the EU Tachographs Regulation”—
 - (i) “company card”;
 - (ii) “control card”;
 - (iii) “driver card”(b); and
 - (iv) “workshop card”(c);
 - (d) after the definition of “electronic copy”(d) insert—
 - ““field test” has the meaning given in regulation 2A(1) of these Regulations;”;
 - (e) in the definition of “record sheet” for “Article 16(2) of the Community Recording Equipment Regulation” substitute “Article 37(2) of the EU Tachographs Regulation”.
- (3) After regulation 2(3)(e) insert—
- “(4) A reference in these Regulations to Annex IB to the EU Tachographs Regulation has effect, until the coming into force of that Annex, as a reference to Annex IB to Council Regulation (EEC) No. 3821/85 on recording equipment in road transport, as read with the Community Drivers’ Hours and Recording Equipment (Exemptions and Supplementary Provisions) Regulations (Northern Ireland) 2009.”.
- (4) After regulation 2 insert—

“Authorisation of field tests

- 2A.—**(1) The Department may authorise a person to carry out tests (“field tests”) of—
- (a) recording equipment that has not been type-approved under Article 13 of the EU Tachographs Regulation (granting of type approval); or
 - (b) modifications or additions to recording equipment that has been so approved.
- (2) An authorisation under paragraph (1) shall be in writing.
- (3) The Department may withdraw an authorisation under paragraph (1) by giving written notice to the authorised person.
- (4) An authorisation may contain conditions which may in particular relate to—
- (a) the places where and equipment by means of which a field test is, or is to be, carried out;
 - (b) the procedure to be adopted in carrying out a field test;
 - (c) the records to be kept and the evidence to be furnished of the carrying out of a field test;
 - (d) the training of persons for carrying out field tests;
 - (e) the inspection by or on behalf of the Department of places where and equipment by means of which field tests are, or are to be, carried out; and
 - (f) the display, at the places where field tests are carried out, of signs indicating that field tests are carried out there by persons authorised by the Department.
- (5) The Department shall from time to time publish lists of the persons currently authorised under this regulation.”.
- (5) In regulation 3 (installation and use of recording equipment)—

(a) The definition of “the relevant Annexes” was inserted by regulation 3(2) of S.R. 2006 No. 274
 (b) The definitions of “company card”, “control card” and “driving card” were inserted by regulation 4(2) of S.R. 2005 no. 441
 (c) The definition of “workshop card” was inserted by regulation 3 of S.R. 2005 No. 325
 (d) The definition of “electronic copy” was inserted by regulation 3(2) of S.R. 2006 No. 274
 (e) Paragraph (3) was inserted by regulation 4(3) of S.R. 2005 No. 441

- (a) in paragraph (1)(a)—
 - (i) in sub-paragraphs (a)(i) and (b) for “the Community Recording Equipment Regulation” substitute “the EU Tachographs Regulation”; and
 - (ii) in sub-paragraph (a)(iii) for “Articles 13 to 15” substitute “Articles 27 to 29 and 32 to 37”;
 - (b) in paragraphs (2) and (3) for “Community Recording Equipment Regulation” substitute “EU Tachographs Regulation”;
 - (c) in paragraph 4(b) for “Article 16(2) of the Community Recording Equipment Regulation” substitute “Article 37(2) of the EU Tachographs Regulation”;
 - (d) in paragraph (4A)(b)—
 - (i) in sub-paragraph (b) for “Article 16(2) and, apart from the last paragraph thereof, Article 16(3) of the Community Recording Equipment Regulation” substitute “Articles 29(2) to (5), 35 and 37(2) of the EU Tachographs Regulation”; and
 - (ii) in sub-paragraph (c) for “Articles 13 to 15” substitute “Articles 27 to 29 and 32 to 37”;
 - (e) after paragraph (4A) insert—

“(4B) A person shall not be liable to be convicted under paragraph (1) by reason of using recording equipment which does not bear a type-approval mark issued under Article 14 of the EU Tachographs Regulation if he proves to the court that the use of the recording equipment was in the course of a field test authorised under regulation 2A.

(4C) Where a person (“the driver”)—

 - (a) in the course of the driver’s employment, uses a vehicle in contravention of paragraph (1); and
 - (b) is liable to be convicted under that paragraph in respect of that use,

the employer also commits an offence and shall be liable on summary conviction to a fine not exceeding level 5 on the standard scale.

(4D) A person shall not be liable to be convicted under paragraph (4C) in respect of the use of a vehicle if the requirements of Article 10(1) and (2) of the Community Drivers’ Hours Regulation (liability of transport undertakings) and Article 33(1) of the EU Tachographs Regulation (responsibility of transport undertakings) were complied with in relation to that use.”;
 - (f) in paragraphs (5)(c) and (6) for “Articles 13 to 15 of the Community Recording Equipment Regulation” substitute “Articles 27 to 29 and 32 to 37 of the EU Tachographs Regulation”; and
 - (g) in paragraph (7)(c) for “the Community Recording Equipment Regulation” substitute “the EU Tachographs Regulation”.
- (6) In regulation 6(2) (records, etc. produced by equipment may be used in evidence)(d) for “Article 15(2) or (5) or 16(2) of the Community Recording Equipment Regulation” substitute “Article 34(1), (3), (4) or (6) or 37(2) of the EU Tachographs Regulation”.
- (7) In regulation 6A(1)(b) (delivery of record sheets and other documents)(e) for “Community Recording Equipment Regulation” substitute “EU Tachographs Regulation”.
- (8) In regulation 6B(8) (vehicle units: downloading data)(f) for “Annex 1B to the Community Recording Equipment Regulation” substitute “Article 2(2)(n) of the EU Tachographs Regulation”.

(a) Paragraph (1) was amended by regulation 4(2) of S.R. 2006 No. 274
 (b) Paragraph (4A) was inserted by regulation 4(4) of S.R. 2006 No. 274
 (c) Paragraph (7) was amended by regulation 4 of S.R. 2010 No. 23
 (d) Paragraph (2) was amended by regulation 5 of S.R. 2006 No. 274
 (e) Regulation 6A was inserted by regulation 6 of S.R. 2010 No. 23
 (f) Regulation 6B was inserted by regulation 6 of S.R. 2010 No. 23 and amended by regulation 2(2) of S.R. 2016 No. 2

(9) In regulation 6D(3)(a) (downloading data: requirement imposed by a vehicle examiner)(a) for “Annex 1B to the Community Recording Equipment Regulation” substitute “Article 2(2)(n) of the EU Tachographs Regulation”.

(10) In regulation 7(4) (inspection of recording equipment and record sheets)(b) for “Community Recording Equipment Regulation” substitute “EU Tachographs Regulation”.

(11) In regulation 7A (inspection of records and other documents and data relating to recording equipment)(c)—

(a) in paragraph (1)(b) for “Community Recording Equipment Regulation” substitute “EU Tachographs Regulation”; and

(b) in paragraph (2)(a) for “Article 15(7) of the Community Recording Equipment Regulation” substitute “Article 36 of the EU Tachographs Regulation”.

(12) In regulation 7B(7)(b) (power of entry)(d) for “Community Recording Equipment Regulation” substitute “EU Tachographs Regulation”.

(13) In regulation 7E (offences: false records and data etc.)(e)—

(a) in paragraph (2)(a) for “Community Recording Equipment Regulation” substitute “EU Tachographs Regulation”;

(b) in paragraph (6) for “produces, supplies or installs” substitute “produces, distributes, installs, advertises or sells”; and

(c) in paragraph (8) for “produced, supplied or installed” substitute “produced, distributed, installed, advertised or sold”.

(14) In regulation 8 (installation and repair of recording equipment, checks and inspections)—

(a) in paragraph (1)(a) for “Article 12 of the Community Recording Equipment Regulation” substitute “Article 22 of the EU Tachographs Regulation”; and

(b) in paragraph (1)(b)(f) for “Chapter VII of Annex IB” substitute “Chapter VI of Annex IB”.

(15) In regulation 9(1)(a) (fee for approval or renewal of approval of fitters and workshops and for tachograph cards)(g) for “Article 12 of the Community Recording Equipment Regulation” substitute “Article 22 of the EU Tachographs Regulation”.

(16) In regulation 10A(2)(a)(ii) (driver card requirements)(h) for “Community Recording Equipment Regulation” substitute “EU Tachographs Regulation”.

(17) In regulation 10C(2)(a)(i) (company cards)(i) for “Community Recording Equipment Regulation” substitute “EU Tachographs Regulation”.

Amendment of the Passenger and Goods Vehicles (Recording Equipment) (Tachograph Card) Regulations (Northern Ireland) 2007

4.—(1) The Passenger and Goods Vehicles (Recording Equipment) (Tachograph Card) Regulations (Northern Ireland) 2007(j) are amended in accordance with paragraphs (2) and (3).

(2) In regulation 2(1) (interpretation)—

(a) for the definition of “Community Recording Equipment Regulation”(k) substitute—

(a) Regulation 6D was inserted by regulation 6 of S.R. 2010 No. 23

(b) Regulation 7 was substituted by regulation 6 of S.R. 2006 No. 274

(c) Regulation 7A was inserted by regulation 7 of S.R. 2006 No. 274

(d) Regulation 7B was inserted by regulation 7 of S.R. 2006 No. 274

(e) Regulation 7E was inserted by regulation 7 of S.R. 2006 No. 274

(f) Sub-paragraph (b) was amended by regulation 4 of S.R. 2005 No. 325

(g) Regulation 9 was amended by regulation 2 of S.R. 2002 No. 50 and substituted by regulation 5 of S.R. 2005 No. 441

(h) Regulation 10A was inserted by regulation 6 of S.R. 2005 No. 441

(i) Regulation 10C was inserted by regulation 6 of S.R. 2005 No. 441

(j) S.R. 2007 No. 36; relevant amending Regulations are S.R. 2011 No. 235, regulation 2

(k) The definition of “Community Recording Equipment Regulation” was substituted by regulation 2 of S.R. 2011 No. 235

“the EU Tachographs Regulation” means Regulation (EU) No. 165/2014 of the European Parliament and of the Council of 4 February 2014 on tachographs in road transport, as read with the Community Drivers’ Hours and Recording Equipment (Exemptions and Supplementary Provisions) Regulations (Northern Ireland) 2009;”;

- (b) in the definition of “company card”, “control card”, “driver card” and “workshop card” for “Annex IB to the Community Recording Equipment Regulation” substitute “Article 2 of the EU Tachographs Regulation”; and
- (c) in the definition of “relevant vehicle” for “Community Recording Equipment Regulation” substitute “EU Tachographs Regulation”.

(3) After regulation 2(2) add—

“(3) A reference in this regulation to Annex IB to the EU Tachographs Regulation has effect, until the coming into force of that Annex, as a reference to Annex IB to Council Regulation (EEC) No. 3821/85 on recording equipment in road transport, as read with the Community Drivers’ Hours and Recording Equipment (Exemptions and Supplementary Provisions) Regulations (Northern Ireland) 2009.”.

Amendment of the Community Drivers’ Hours and Recording Equipment (Exemptions and Supplementary Provisions) Regulations (Northern Ireland) 2009

5.—(1) The Community Drivers’ Hours and Recording Equipment (Exemptions and Supplementary Provisions) Regulations (Northern Ireland) 2009(a) are amended in accordance with paragraphs (2) to (6).

(2) In regulation 2(1) (interpretation) for “the Community Recording Equipment Regulation” means Council Regulation (EEC) No 3821/85” substitute “the EU Tachographs Regulation” means Regulation (EU) No. 165/2014 of the European Parliament and of the Council on tachographs in road transport, as read with these Regulations and”.

(3) In regulation 3(1)(b)(iii) (exemption from the Community Drivers’ Hours Regulation) for “50” substitute “100”.

(4) In the heading to regulation 5 (exemption from the Community Recording Equipment Regulation) for “Community Recording Equipment Regulation” substitute “EU Tachographs Regulation”.

(5) In regulation 5(1) and (2) for “the Community Recording Equipment Regulation” substitute “the EU Tachographs Regulation”.

(6) In the Schedule (exempted vehicles)—

- (a) omit paragraph (4); and
- (b) in paragraphs (6) and (15) for “50” substitute “100”.

Amendment of the Road Traffic (Fixed Penalty) Order (Northern Ireland) 2007

6.—(1) The Road Traffic (Fixed Penalty) Order (Northern Ireland) 2007(b) is amended in accordance with paragraphs (2) and (3).

(2) In Article 1A (interpretation)(c), omit the definition of “the Community Recording Equipment Regulation” and after the definition of “the EC Regulation” add—

“the EU Tachographs Regulation” means Regulation (EU) No. 165/2014 of the European Parliament and of the Council of 4 February 2014 on tachographs in road transport, as read with the Community Drivers’ Hours and Recording Equipment (Exemptions and Supplementary Provisions) Regulations (Northern Ireland) 2009.”.

(a) S.R. 2009 No. 91

(b) S.R. 2007 No. 319; relevant amending Order is S.R. 2011 No. 288, Article 2

(c) Article 1A was inserted by Article 2(2) of S.R. 2011 No. 288

- (3) In Table 6 of Schedule 2 (graduated fixed penalties)(a)—
- (a) in item 1 for “the Community Recording Equipment Regulation” substitute “the EU Tachographs Regulation”;
 - (b) in items 2, 3 and 4 for “Article 13 of the Community Recording Equipment Regulation” substitute “Article 32(1) of the EU Tachographs Regulation”;
 - (c) in items 5 and 6 for “Article 14(1) of the Community Recording Equipment Regulation” substitute “Article 33(1) of the EU Tachographs Regulation”;
 - (d) in items 7 and 8 for “Article 14(4)(a) of the Community Recording Equipment Regulation” substitute “Article 27(2) of the EU Tachographs Regulation”;
 - (e) in item 9 for “Article 15(1)(a) of the Community Recording Equipment Regulation” substitute “Article 35(2)(a) of the EU Tachographs Regulation”;
 - (f) in item 10 for “Article 15(1)(b) of the Community Recording Equipment Regulation” substitute “Article 35(2)(b) of the EU Tachographs Regulation”;
 - (g) in items 11 and 12 for “Article 15(2) of the Community Recording Equipment Regulation” substitute “Article 34(1) of the EU Tachographs Regulation”;
 - (h) in item 13 for “Article 15(2) of the Community Recording Equipment Regulation” substitute “Article 34(3) of the EU Tachographs Regulation”; and
 - (i) in item 14 for “Article 15(2) of the Community Recording Equipment Regulation” substitute “Article 34(4) of the EU Tachographs Regulation”.

Amendment of the Road Traffic (Financial Penalty Deposit) (Appropriate Amount) Order (Northern Ireland) 2012

7.—(1) The Road Traffic (Financial Penalty Deposit) (Appropriate Amount) Order (Northern Ireland) 2012(b) is amended in accordance with paragraphs (2) and (3).

(2) In regulation 1(2) (citation, commencement and interpretation) omit the definition of “the Community Recording Equipment Regulation” and after the definition of “the EC Regulation” insert—

“the EU Tachographs Regulation” means Regulation (EU) No. 165/2014 of the European Parliament and of the Council of 4 February 2014 on tachographs in road transport, as read with the Community Drivers’ Hours and Recording Equipment (Exemptions and Supplementary Provisions) Regulations (Northern Ireland) 2009;”.

- (3) In Table 6 of Schedule 2 (deposits for graduated fixed penalty offences)—
- (a) in item 1 for “the Community Recording Equipment Regulation” substitute “the EU Tachographs Regulation”;
 - (b) in items 2, 3 and 4 for “Article 13 of the Community Recording Equipment Regulation” substitute “Article 32(1) of the EU Tachographs Regulation”;
 - (c) in items 5 and 6 for “Article 14(1) of the Community Recording Equipment Regulation” substitute “Article 33(1) of the EU Tachographs Regulation”;
 - (d) in items 7 and 8 for “Article 14(4)(a) of the Community Recording Equipment Regulation” substitute “Article 27(2) of the EU Tachographs Regulation”;
 - (e) in item 9 for “Article 15(1)(a) of the Community Recording Equipment Regulation” substitute “Article 35(2)(a) of the EU Tachographs Regulation”;
 - (f) in item 10 for “Article 15(1)(b) of the Community Recording Equipment Regulation” substitute “Article 35(2)(b) of the EU Tachographs Regulation”;
 - (g) in items 11 and 12 for “Article 15(2) of the Community Recording Equipment Regulation” substitute “Article 34(1) of the EU Tachographs Regulation”;

(a) Schedule 2 was substituted by Article 2(5) of S.R. 2011 No. 288

(b) S.R. 2012 No. 18; to which there are amendments not relevant to these Regulations

- (h) in item 13 for “Article 15(2) of the Community Recording Equipment Regulation” substitute “Article 34(3) of the EU Tachographs Regulation”; and
- (i) in item 14 for “Article 15(2) of the Community Recording Equipment Regulation” substitute “Article 34(4) of the EU Tachographs Regulation”.

Amendment of the Road Traffic (Fixed Penalty) (Offences) Order (Northern Ireland) 1997

8.—(1) The Road Traffic (Fixed Penalty) (Offences) Order (Northern Ireland) 1997(a) is amended in accordance with paragraph (2).

(2) In item 56(b) of Schedule 1 (fixed penalty offences) for “Community Recording Equipment Regulation” substitute “Regulation (EU) No. 165/2014 of the European Parliament and of the Council of 4 February 2014 on tachographs in road transport(c), as read with the Community Drivers’ Hours and Recording Equipment (Exemptions and Supplementary Provisions) Regulations (Northern Ireland) 2009(d)”.

Amendment of the Motor Vehicles (Construction and Use) Regulations (Northern Ireland) 1999

9.—(1) The Motor Vehicles (Construction and Use) Regulations (Northern Ireland) 1999(e) are amended in accordance with paragraphs (2) to (4).

(2) In regulation 2(1) (interpretation)—

- (a) omit the definition of “the Community Recording Equipment Regulation”; and
- (b) after the definition of “engineering plant” insert—

““the EU Tachographs Regulation” means Regulation (EU) No. 165/2014 of the European Parliament and of the Council of 4 February 2014 on tachographs in road transport, as read with the Community Drivers’ Hours and Recording Equipment (Exemptions and Supplementary Provisions) Regulations (Northern Ireland) 2009;”.

(3) In regulation 40(2)(h) (speedometers)(f) for “Community Recording Equipment Regulation” substitute “EU Tachographs Regulation”.

(4) In regulation 41(1)(b) (maintenance of speedometers) for “Community Recording Equipment Regulation” substitute “EU Tachographs Regulation”.

Amendment of the Motor Vehicles (Driving Licences) Regulations (Northern Ireland) 1996

10.—(1) The Motor Vehicles (Driving Licences) Regulations (Northern Ireland) 1996(g) are amended in accordance with paragraphs (2) and (3).

(2) In regulation 26(4) (vehicles suitable for test), in Table 1(h) for “Council Regulation (EEC) No. 3821/85”, in each place that it appears, substitute “Regulation (EU) No. 165/2014 of the European Parliament and of the Council of 4 February 2014 on tachographs in road transport, as read with the Community Drivers’ Hours and Recording Equipment (Exemptions and Supplementary Provisions) Regulations (Northern Ireland) 2009”.

(3) In Schedule 6 (specified matters for theory test), in paragraphs E.7.(i) of Parts 3 and 4(j) for “Council Regulation (EEC No. 3821/85)” substitute “Regulation (EU) No. 165/2014 of the

(a) S.R. 1997 No 369; relevant amending Order is S.R. 2011 No. 287, Article 2

(b) Item 56 was inserted by Article 2 of S.R. 2011 No. 287

(c) O.J. L 60, 28.2.2014, p 1

(d) S.R. 2009 No. 91

(e) S.R. 1999 No. 454; relevant amending Regulations are S.R. 2016 No. 160, regulation 2

(f) Paragraph (2) was amended by regulation 2(13) of S.R. 2016 No. 160

(g) S.R. 1996 No 542; relevant amending Regulations are S.R. 2003 No. 183, regulation 2 and Part 2 of the Schedule, S.R. 2012 No. 170, regulation 3 and Schedule 1 and S.R. 2013 No. 298, regulation 2

(h) Table 1 was substituted by regulation 3(11)(i) of, and Schedule 1 to, S.R. 2012 No. 170 and amended by regulation 2(6) of S.R. 2013 No. 298

(i) Paragraphs E.7. of Parts 3 and 4 were amended by regulation 2(9) of S.R. 2013 No. 298

(j) Parts 3 and 4 were substituted by regulation 2(3) of and Part 2 of the Schedule to S.R. 2003 No. 183

European Parliament and of the Council of 4 February 2014 on tachographs in road transport, as read with the Community Drivers' Hours and Recording Equipment (Exemptions and Supplementary Provisions) Regulations (Northern Ireland) 2009".

Amendment of the Public Service Vehicles Regulations (Northern Ireland) 1985

11.—(1) The Public Service Vehicles Regulations (Northern Ireland) 1985(a) are amended in accordance with paragraphs (2) and (3).

(2) In regulation 3(1) (interpretation) omit the definition of “the Community Recording Equipment Regulation”.

(3) In regulation 6(3)(b) (inspection of vehicle and grant of licence)(b) for “the Community Recording Equipment Regulation” substitute “Regulation (EU) No. 165/2014 of the European Parliament and of the Council of 4 February 2014 on tachographs in road transport, as read with the Community Drivers' Hours and Recording Equipment (Exemptions and Supplementary Provisions) Regulations (Northern Ireland) 2009”.

Amendment of the Motor Vehicle Testing Regulations (Northern Ireland) 2003

12.—(1) The Motor Vehicle Testing Regulations (Northern Ireland) 2003(c) are amended in accordance with paragraphs (2) and (3).

(2) In regulation 2(1) (interpretation) omit the definition of “Community Recording Equipment Regulation” and after the definition of “electronic communication”(d) insert—

“the EU Tachographs Regulation” means Regulation (EU) No. 165/2014 of the European Parliament and of the Council of 4 February 2014 on tachographs in road transport, as read with the Community Drivers' Hours and Recording Equipment (Exemptions and Supplementary Provisions) Regulations (Northern Ireland) 2009;”.

(3) In Schedule 2(e)—

(a) in paragraph 3(c) (the prescribed statutory requirements for vehicles in Class IV) for “the Community Recording Equipment Regulations insofar as they relate” substitute “the EU Tachographs Regulation insofar as it relates”; and

(b) in paragraph 6(c) (the prescribed statutory requirements for vehicles in Class VI) for “the Community Recording Equipment Regulations insofar as they relate” substitute “the EU Tachographs Regulation insofar as it relates”.

Amendment of the Goods Vehicles (Testing) Regulations (Northern Ireland) 2003

13.—(1) The Goods Vehicles (Testing) Regulations (Northern Ireland) 2003(f) are amended in accordance with paragraph (2).

(2) In Schedule 3 (the prescribed construction and use requirements)—

(a) for paragraph 4 of Part 1 substitute—

“4. The requirements, in so far as they relate to—

(a) the installation of tachographs in Article 3 of; and

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- (a) S.R. 1985 No. 123; relevant amending Regulations are S.R. 2000 No. 149, regulation 4; S.R. 2000 No. 328, regulation 2; S.R. 2001 No. 366, regulation 3; S.R. 2003 No. 40, regulation 40; S.R. 2003 No. 449, regulation 2; S.R. 2004 No. 413, regulation 3; S.R. 2006 No. 247, regulation 2 and S.R. 2011 No. 301, regulations 2 and 3
- (b) Regulation 6 was substituted by regulation 4 of S.R. 2000 No. 149 and amended by regulation 2 of S.R. 2000 No. 328, regulation 3 of S.R. 2001 No. 366, regulation 2 of S.R. 2003 No. 40, regulation 2 of S.R. 2003 No. 449, regulation 3 of S.R. 2004 No. 413, regulation 2 of S.R. 2006 No. 247 and regulation 3 of 2011 No. 301
- (c) S.R. 2003 No. 303; relevant amending Regulations are S.R. 2012 No. 148, regulation 2
- (d) The definition of “electronic communication” was inserted by regulation 2 of S.R. 2011 No. 18
- (e) Schedule 2 was amended by regulation 2 of S.R. 2012 No. 148
- (f) S.R. 2003 No. 304; relevant amending Regulations are S.R. 2012 No. 149, regulation 2

- (b) the seals to be affixed to such tachographs in Article 22 of, and paragraph 4 (sealing) of Section V (installation of recording equipment) of Annex I (requirements for construction, testing, installation and inspection for analogue tachographs) to,

the EU Tachographs Regulation (as defined in Article 53 of the 1995 Order).”; and

- (b) for paragraph 5(d) of Part 2(a) substitute—

“(d) The requirements, in so far as they relate to—

- (i) the installation of tachographs in Article 3 of; and
- (ii) the seals to be affixed to such tachographs in Article 22 of, and paragraph 4 (sealing) of Section V (installation of recording equipment) of Annex I (requirements for construction, testing, installation and inspection for analogue tachographs) to,

the EU Tachographs Regulation (as defined in Article 53 of the 1995 Order).”.

Sealed with the Official Seal of the Department for Infrastructure on 20th September 2016



Elizabeth Loughran
A senior officer of the
Department for Infrastructure

(a) Sub-paragraph (d) was inserted by regulation 2(3) of S.R. 2012 No. 149

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations facilitate the implementation of Regulation (EU) No. 165/2014 of the European Parliament and of the Council of 4 February 2014 on tachographs in road transport, repealing Council Regulation (EEC) No. 3281/85 on recording equipment in road transport and amending Regulation (EC) No. 561/2006 of the European Parliament and of the Council on the harmonisation of certain social legislation relating to road transport.

Regulation (EU) No. 165/2014 (“the EU Regulation”) (OJ L 60, 28.2.2014, p1) sets out obligations in relation to construction, installation, use, testing and control of tachographs used in road transport, reflecting the fact that tachographs now use global positioning system technology. It also sets out the conditions and requirements under which the information and data, other than personal data, recorded, processed or stored by tachographs may be used.

Northern Ireland’s domestic legislation is updated by these Regulations to ensure it makes appropriate provision for the enforcement of the EU Regulation which is directly applicable in Member States.

An Explanatory Memorandum, Regulatory Impact Assessment and Transposition Note have been produced and are available from Road Safety and Vehicle Regulation Division, Department for Infrastructure, Clarence Court, 10-18 Adelaide Street, Town Parks, Belfast BT2 8GB or online alongside this Statutory Rule at <http://www.legislation.gov.uk/nisr>

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