1979 No. 121

ROAD TRAFFIC AND VEHICLES

The Community Road Transport Rules (Exemptions) Regulations (Northern Ireland) 1979

Made . . . . . 6*th April* 1979

Coming into operation . . . . 14*th May* 1979

The Department of the Environment, being a Department designated(a) for the purpose of section 2(2) of the European Communities Act 1972(b) in relation to the regulation and supervision of working conditions of persons engaged in road transport, in exercise of the powers conferred by that section, and of every other power enabling it in that behalf, hereby makes the following Regulations:

Citation and commencement

1. These Regulations may be cited as the Community Road Transport Rules (Exemptions) Regulations (Northern Ireland) 1979 and shall come into operation on 14th May 1979.

Interpretation

2.—(1) In these Regulations—

"the Community Drivers' Ages and Hours of Work Regulation" means Council Regulation (EEC) No. 543/69 on the harmonisation of certain social legislation relating to road transport(c), as amended by Council Regulations (EEC) Nos. 514/72(d), 515/72(e) and 2827/77(f);

"the Community Recording Equipment Regulation" means Council Regulation (EEC) No. 1463/70 on the introduction of recording equipment in road transport(g), as amended by Council Regulations (EEC) Nos. 1787/73(h) and 2828/77(i).

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

Limited exemptions for short distance freight transport operations

3. Pursuant to Article 14a(1) (power to grant exemption for short distance freight transport) of the Community Drivers' Ages and Hours of Work Regulation exemption is granted in the case of 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)—

(a) S.I. 1975/1707 (1975 III, p. 5814)
(b) 1972 c. 68
(c) O.J. No. L77/49 of 29.3.69
(d) O.J. No. L67/1 of 20.3.72
(e) O.J. No. L67/11 of 20.3.72
(f) O.J. No. L334/1 of 24.12.77
(g) O.J. No. L164/1 of 27.7.70
(h) O.J. No. L181/1 of 4.7.73
(i) O.J. No. L334/5 of 24.12.77
(j) 1954 c. 33 (N.I.)

(*a*) from Article 7(1) (continuous driving periods) and Article 8 (breaks in driving periods) of that Regulation, provided that the daily driving period includes sufficient breaks to ensure that the periods laid down in paragraphs (1) and (2) of the said Article 8 are observed and that, in each case, there is a break of at least 30 minutes or two breaks of not less than 15 minutes each;

(*b*) as regards the transport of harvest produce and in respect of not more than 30 days in any year, from Article 11(1) (daily rest period) of that Regulation, provided that a daily rest period of not less than 10 consecutive hours is observed and that the reduction in the daily rest period is made good by a corresponding additional rest period to be taken immediately before or after the weekly rest period; and

(*c*) until the compulsory installation of the recording equipment provided for in Article 1 of the Community Recording Equipment Regulation, from Article 14 (keeping of individual control books) of the Community Drivers' Ages and Hours of Work Regulation, provided that time spent in driving in the course of any day does not exceed 4 hours.

General exemptions for small passenger vehicles, for vehicles undergoing road tests and for vehicles used for transport of animals, animal carcases and waste unfit for human consumption

4.—(1) Pursuant to Article 14*a*(2)(*a*), (*b*) and (*c*) (power to grant exemptions for certain national transport operations) of the Community Drivers' Ages and Hours of Work Regulation exemption is granted from that Regulation for the national transport operations mentioned in paragraph (3).

(2) Pursuant to Article 3(2) (power to grant exemptions for certain vehicles) of the Community Recording Equipment Regulation exemption is granted from the application of that Regulation for vehicles when being used for the national transport operations mentioned in paragraph (3)(*a*) or (*b*).

(3) The national transport operations referred to in paragraph (1) are—

(*a*) operations involving the use of vehicles which are constructed and equipped to carry not more than 15 persons including the driver,

(*b*) operations involving the use of vehicles undergoing local road tests for purposes of repair or maintenance, and

(*c*) operations for the transport of live animals from farms to local markets or vice versa, or for the transport of animal carcases or waste not intended for human consumption,

and the national transport operations referred to in paragraph (2) are those mentioned in sub-paragraph (*a*) or (*b*).

General exemptions for certain specialised vehicles

5.—(1) Pursuant to Article 14*a*(3)(*a*) (power to grant exemptions in certain specialised cases) of the Community Drivers' Ages and Hours of Work Regulation exemption is granted from that Regulation for the national transport operations mentioned in paragraph (3).

(2) Pursuant to Article 3(3) (power to grant exemptions for certain vehicles) of the Community Recording Equipment Regulation exemption is granted from the application of that Regulation for vehicles when being used for the national transport operations mentioned in paragraph (3).

(3) The national transport operations referred to in paragraphs (1) and (2) are operations involving the use of specialised vehicles—

(*a*) at local markets,

(*b*) for door-to-door selling,

(*c*) for mobile banking, exchange or savings transactions,

(*d*) for purposes of worship,

(*e*) for the lending of books, records or cassettes, or

(*f*) for cultural events or mobile exhibitions.

Conditional exemption for certain operations for the transport of milk

6.—(1) Pursuant to Article 14*a*(3)(*b*) (power to grant exemptions in relation to the transport of milk) of the Community Drivers' Ages and Hours of Work Regulation exemption is granted, subject to paragraph (2), from that Regulation for national transport operations for the transport of milk from the farm to the dairy or vice versa,

(2) The exemption granted by paragraph (1) is granted subject to the following conditions:—

(*a*) no period of continuous driving by a person engaged in the operations mentioned in paragraph (1) shall exceed 5 hours,

(*b*) the total driving period for such a person in any two consecutive weeks shall not exceed 108 hours,

(*c*) such a person shall have—

(i) in any week a continuous rest period of at least 24 hours, or

(ii) in any period of two consecutive weeks a continuous rest period of at least 48 hours, and

(*d*) the exemption shall terminate on 31st December 1980.

Consultation with or authorisation by the Commission

7.—(1) The exemptions granted by regulations 3 and 4 are granted after consultation with the Commission of the European Communities as required by the provisions of the Community Regulations respectively mentioned in regulations 3 and 4.

(2) The exemptions granted by regulations 5 and 6 are granted after the authorisation of the Commission given in their decision(**k**) which has been taken under the relevant provisions of the Community Regulations mentioned above on 30th June 1978 on an application by the United Kingdom Government.

Sealed with the Official Seal of the Department of the Environment for Northern Ireland on 6th April 1979.

(L.S.) *E. A. Simpson*
Assistant Secretary

(k) O.J. No. L203/39 of 27.7.78

EXPLANATORY NOTE

(This note is not part of the Regulations but is intended to indicate their general purport.)

These Regulations give effect to exemptions, in respect of certain national transport operations, from provisions of Council Regulation (EEC) No. 543/69 (which relates to the ages, and the hours and conditions of work, of drivers in the road transport industry) and of Council Regulation (EEC) No. 1463/70 (which relates to the introduction of recording equipment in road transport). The exemptions are provided for in or under those Community Regulations.

The exemptions are as follows:—

(A) *From the Ages and Hours of Work Regulation*—

(1) for short distance (within 50 kilometres of base) freight transport operations (see regulation 3)—

(*a*) from Article 7(1) (driving periods) and Article 8 (breaks),

(*b*) from Article 11(1) (daily rest period) on not more than 30 days in any year for the transport of harvest produce, and

(*c*) from Article 14 (keeping of individual control books), but only where driving does not exceed 4 hours in any one day;

(2) for vehicles constructed and equipped to carry not more than 15 persons (including the driver), and for vehicles undergoing road tests or when used for the transport of live animals, animal carcases or waste unfit for human consumption (see regulation 4);

(3) for specialised freight vehicles in certain cases (see regulation 5); and

(4) for vehicles used for the transport of milk (the exemption here is subject to conditions) (see regulation 6);

(B) *From the Recording Equipment Regulation*—

(1) for vehicles constructed and equipped to carry not more than 15 persons (including the driver) and for vehicles undergoing road tests (see regulation 4), and

(2) for specialised freight vehicles in certain cases (see regulation 5).

The exemptions in regulations 3 and 4 have been granted after consultation with the Commission of the European Communities (Commission Opinions 78/620/EEC of 28th June 1978 and 78/637/EEC of 30th June 1978) and the exemptions in regulations 5 and 6 after authorisation by the Commission (Commission Decision 78/638/EEC of 30th June 1978).