1972. No. 359 **[C]**

EUROPEAN COMMUNITIES

Road Traffic and Transport

ORDER, DATED 19TH DECEMBER 1972, MADE BY THE SECRETARY OF STATE UNDER SECTION 4(3)(*a*) OF THE EUROPEAN COMMUNITIES ACT 1972.

In exercise of the powers conferred on me by section 4(3)(*a*) of the European Communities Acts 1972(**a**) and by section 1(1) of the Northern Ireland (Temporary Provisions) Act 1972(**b**) and of all other powers enabling me in that behalf I hereby order as follows:—

Citation and commencement

1. This Order may be cited as the European Communities (Road Traffic and Transport) Order (Northern Ireland) 1972 and shall come into operation on the date on which the United Kingdom becomes a member of the European Communities.

Interpretation.

2.—(1) In this Order "the Act of 1970" means the Road Traffic Act (Northern Ireland) 1970(**c**).

(2) The Interpretation Act (Northern Ireland) 1954(**d**) shall apply to the interpretation of this Order as it applies to the interpretation of an Act of the Parliament of Northern Ireland.

Driving under age

3. At the end of section 2(8) of the Act of 1970 (offence of driving below the permitted age) there shall be added the words "and this subsection shall apply to a contravention in Northern Ireland of any directly applicable Community provision relating to the driving of road vehicles on international journeys, being a provision as to the minimum age for driving a vehicle of any description as it applies to a contravention of this section."

Drivers' hours

4.—(1) In section 190 of the Act of 1970 after the definition of "inspector of vehicles" there shall be inserted the words—

> " 'the international rules' means any directly applicable Community provision relating to the driving of road vehicles on international journeys;".

(2) In the Act of 1970 after section 74 there shall be inserted the following sections:—

(**a**) 1972. c. 68.
(**b**) 1972. c. 22.
(**c**) 1970. c. 2 (N.I.).
(**d**) 1954. c. 33.

Offences against international rules.

"**74A.**—(1) Where, in the case of a driver or member of the crew of a motor vehicle, there is in Northern Ireland a contravention of any requirement of the international rules as to periods of driving, or distance driven, or periods on or off duty, then the offender and any other person (being the offender's employer or a person to whose orders the offender was subject) who caused or permitted the contravention shall be guilty of an offence under this Act.

(2) Any person who contravenes any requirement as to books or records of the international rules shall be guilty of an offence under this Act.

(3) Any person who makes or causes to be made any entry in a book or register kept for the purposes of the international rules which he knows to be false or, with intent to deceive, alters or causes to be altered any such entry shall be guilty of an offence under this Act.

Powers of inspection.

74B.—(1) An inspector of vehicles or a constable may, on production if so required of his authority, require any person to produce, and permit him to inspect and copy any book, register or document—

(*a*) which that person is required by the international rules to carry or have in his possession for the purpose of making in it any entry required by those rules or which is required under those rules to be carried on any vehicle of which that person is the driver;

(*b*) which that person is required by the international rules to preserve;

(*c*) which the inspector of vehicles or the constable, as the case may be, may reasonably require to inspect for the purpose of ascertaining whether the requirements of the international rules have been complied with.

(2) For the purpose of exercising his powers under subsection (1) in respect of a document carried on, or by the driver of, a vehicle an inspector of vehicles or a constable, as the case may be, may detain the vehicle during such time as is required for the exercise of that power.

Regulations for purposes of the international rules.

74C. The Ministry may, by regulations—

(*a*) make provision supplementary and incidental to the requirements of the international rules as to books and records; and

(*b*) make such provision supplemental or incidental to, or by way of adaptation of, sections 49, 57, 74A, 74B and 74C and regulations made thereunder as is in its opinion called for to take account in relation to journeys and work to which the international rules apply, of the operation of those rules and to ensure compatibility of operation between sections 49 and 57 as they apply to other journeys and work and the international rules."

(3) In Schedule 3 to the Act of 1970 (table of offences, mode of prosecution and punishments) after the entry relating to section 70 there shall be inserted the following entries:—

Section of Act	General Nature of Offence	Mode of Prosecution	Punishment
74A(1)	Driving, or causing or permitting the driving of, motor vehicle in contravention of international rules as to periods of driving etc.	Summary	£50
74A(2)	Contravention of requirement of international rules as to books or records.	Summary	£50
74A(3)	Making, or causing to be made, false entry in book or register kept for purposes of international rules.	Summary	£50

International passenger services

5.—(1) In section 61(1) of the Act of 1970 (regulations with respect to licensing of public service vehicles) after paragraph (*o*) there shall be added the following paragraphs:—

"(*p*) requiring documents of any prescribed description relevant to the administration or enforcement of any directly applicable Community provision regulating the provision of international passenger-carrying road transport services to be kept and produced on demand for the inspection of a prescribed person;

(*q*) prescribing persons to act as authorised inspection officers for the purposes of any such Community provision.".

(2) In section 61(2) of the Act of 1970 (exemption from licensing requirements) after the words "or description thereof" there shall be inserted the words "registered elsewhere than in Northern Ireland or".

(3) After section 61 of the Act of 1970 there shall be inserted the following section:—

"Community documents.

61A. Where any such directly applicable community provision as is referred to in section 61(1)(*p*) requires the keeping or production of any document, any person who contravenes that requirement shall be guilty of an offence under this Act."

and in Schedule 3 to that Act (Table of Offences, with Mode of Prosecution and Punishments) after the entry relating to section 58 there shall be inserted the following entry:—

Section of Act	General Nature of Offence	Mode of Prosecution	Punishment
61A	Contravention of Community provision as to keeping or production of documents.	Summary	£20

(4) In section 45 of the Transport Act (Northern Ireland) 1967(e) after paragraph (*i*) there shall be added the following paragraphs:—

"(*j*) the exemption of vehicles from the requirement of a road service licence when used under an authorisation granted in pursuance of any directly applicable Community provision regulating the provision of international passenger-carrying road transport services;

(*k*) requiring documents of any prescribed description relevant to the administration or enforcement of any such Community provision to be kept and produced on demand for the inspection of a prescribed person;

(*l*) prescribing persons to act as authorised inspection officers for the purposes of any such Community provision.";

and in section 4(4) of that Act (using motor vehicle without road service licence) after the words "subsection (2)" there shall be inserted the words "or who contravenes a requirement of any such directly applicable Community provision as is referred to in section 45(*j*) as to the keeping or production of any document".

Dated 19th day of December 1972.

(L.S.) *W. S. I. Whitelaw,*
One of Her Majesty's Principal Secretaries of State.

EXPLANATORY NOTE

(This note is not part of the Order, but is intended to indicate its general purport.)

This Order makes provision in Northern Ireland relating to driving under age, drivers' hours and international passenger services for the purpose of supplementing E.E.C. Regulations on these matters.

(e) 1967. c. 37 (N.I.).