STATUTORY INSTRUMENTS

1973 No. 380

ROAD TRAFFIC

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

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

The Secretary of State for the Environment, as the designated Minister under the European Communities (Designation) Order 1972**(a)**, in exercise of powers conferred by sections 98 and 101(2) of the Transport Act 1968**(b)** as amended by section 4(1) of, and paragraph 9(2)(*c*) of Schedule 4 to, the European Communities Act 1972**(c)** and now vested in him **(d)**, 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) (Keeping of Records) (International Rules) Regulations 1973.

(2) In these Regulations, unless the context otherwise requires—

(*a*) "the international rules" means those provisions of Council Regulation (EEC) No. 543/69**(e)** of 25th March 1969 (as amended by Council Regulations (EEC) Nos. 514/72**(f)** and 515/72**(g)**, both of 28th February 1972) which are directly applicable Community provisions relating to the driving of road vehicles on international journeys and which (as mentioned in Regulation 1(2)(*a*) of the Drivers' Hours (Passenger and Goods Vehicles) (International Rules) Regulations 1973**(h)**), apply in the United Kingdom otherwise than to national transport operations on and after 1st April 1973;

(*b*) "the 1970 Regulations" means the Drivers' Hours (Goods Vehicles) (Keeping of Records) Regulations 1970**(i)** as amended **(j)**;

(*c*) "the Act" means the Transport Act 1968;

(*d*) "British goods vehicle" means a goods vehicle which, if a motor vehicle, is registered in the United Kingdom or, if a trailer, is drawn by a motor vehicle which is so registered;

(*e*) "British passenger vehicle" means a passenger vehicle which is a public service vehicle registered in the United Kingdom;

(a) S.I. 1972/1811 (1972 III, p. 5216).
(b) 1968 c. 73.
(c) 1972 c. 68.
(d) S.I. 1970/1681 (1970 III, p. 5551).
(e) O.J. No. L77 of 29.3.69 (p. 49).
(f) O.J. No. L 67 of 20.3.72 (p. 1).
(g) O.J. No. L67 of 20.3.72 (p. 11).
(h) S.I. 1973/379 (1973 I, p. 1287).
(i) S.I. 1970/123 (1970 I, p. 547).
(j) The relevant amending instrument is S.I. 1971/847 (1971 II, p. 2454).

(*f*) "British record book" means a book which a driver of a goods vehicle in Great Britain is required by the 1970 Regulations to keep and which complies with the requirements of those Regulations;

(*g*) "international record book" means a book for recording matters relevant to the enforcement of the requirements of the international rules being a book which, in accordance with those rules **(a)**, comprises—

(i) a front cover,

(ii) instructions for the use of the book,

(iii) daily sheets,

(iv) an example of a completed daily sheet,

(v) weekly reports,

and conforms to the model as set out in Schedule 1 to these Regulations;

and any expression which is also used in Part VI of the Act has the same meaning as in that Part.

(3) The Interpretation Act 1889**(b)** shall apply for the interpretation of these Regulations as it applies for the interpretation of an Act of Parliament, and as if for the purposes of section 38 of that Act these Regulations were an Act of Parliament and the Regulations revoked by Regulation 2 below were an Act of Parliament thereby repealed.

Revocation

2. The Drivers' Hours (Foreign Goods Vehicles) (Keeping of Records) Regulations 1972**(c)** are hereby revoked.

Disapplication of the 1970 *Regulations in cases where the international rules apply*

3. The 1970 Regulations (which provide for the keeping of records by drivers of goods vehicles of their hours of duty, driving time and rest periods) shall not apply to the driver of a goods vehicle or to the employer of an employee-driver of a goods vehicle in relation to a journey made or to work done by that driver 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.

Provisions supplementary to the requirements of the international rules as to books and records

4. In relation to the driver of a vehicle which is a British passenger vehicle or a British goods vehicle, and to the employer of such a driver, the provisions set out in Schedule 2 to these Regulations shall, in addition to the requirements of the international rules with respect to the keeping of international record books by the drivers of vehicles in relation to journeys or work to which those rules apply, have effect in relation to such a record book kept by the driver of that vehicle.

Provisions supplementary to the requirements of the 1970 *Regulations*

5.—(1) Subject to paragraph (2) below, a driver of a goods vehicle who, in respect of any period, is required by the 1970 Regulations to keep a British record book may, in lieu thereof, keep an international record book in respect of that period.

(a) *See* Article 14 of Council Regulation (EEC) No. 543/69 as amended by Article 6 of Council Regulation (EEC) No. 514/72.

(b) 1889 c. 63.

(c) S.I. 1972/1019 (1972 II, p. 3103).

(2) Where in pursuance of this Regulation the driver of a goods vehicle keeps an international record book, the following provisions shall have effect in relation to that driver and to that book, that is to say—

(*a*) the driver shall not, in respect of the same period, keep a British record book;

(*b*) the driver shall comply, and the employer of an employee-driver shall cause that driver to comply, with the instructions expressed to apply to crew members, and the employer of an employee-driver shall comply with the instructions expressed to apply to the undertaking, being the instructions to that effect which are contained in the model of the book as set out in Schedule 1 to these Regulations; and

(*c*) all the provisions of the 1970 Regulations shall apply in relation to the driver and to the book but subject to such modifications of those provisions as are set out in Schedule 3 to these Regulations.

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

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

(See Regulation 1(2)(*g*)) SCHEDULE 1

MODEL FOR INTERNATIONAL RECORD BOOK

(Note: The model set out below is that prescribed by Council Regulation (EEC) No. 543/69 of 25th March 1969 as amended by Council Regulation (EEC) No. 514/72 of 28th February 1972 and described by those Regulations as an "individual control book". The book must be of standard A6 format (105mm x 148mm) or a larger format).

MODEL INDIVIDUAL CONTROL BOOK

(*a*) FRONT SHEET

I INDIVIDUAL CONTROL BOOK
FOR CREW MEMBERS IN ROAD TRANSPORT

II Country .....

III Date book first used: .....19.....

IV Date book last used:.....19.....

V Surname, first name(s), date of birth and address of holder of book:

.....

.....

VI Name, address, telephone number and stamp (if any) of the undertaking:

.....

.....

.....

.....

.....

.....

VII Operator's Licence No. (goods vehicles only).

Book No.....
(to be stamped or perforated)

(b) INSTRUCTIONS

INSTRUCTIONS
FOR THE USE OF THE INDIVIDUAL CONTROL BOOK

1. This individual control book is issued in conformity with (specify relevant laws and regulations) .....

To the Undertaking

2. After completing items V, VI and VII on the front sheet, issue a book to each crew member employed by you, in conformity with the laws and regulations referred to in paragraph 1 above.

3. Keep a register showing the names of the persons to whom books have been issued, the serial number of each book issued, and the dates of issue. Require the holder to sign in the margin of the register.

4. Give the holder the necessary instructions for correct use of the book.

5. Examine the daily sheets and the weekly report every week or, if prevented from doing so, as soon thereafter as possible. Sign the weekly report.

6. Withdraw the used books, observing the time-limit specified in paragraph 9 below, and hold them at the disposal of the authorized inspecting officers for not less than one year. Enter the date of the last daily sheet in the register referred to in paragraph 3 above.

To Crew Members

7. This control book is personal. Carry it with you when on duty and produce it to any authorized inspecting officer on request. Hand it over to your employer when you leave the undertaking.

8. Produce this control book to your employer every week or, if prevented from doing so, as soon thereafter as possible, so that he can check your entries and sign the weekly report.

9. When the book is completed, keep it for two weeks so that you can produce it at any time to an authorized inspecting officer, and then hand it as soon as possible to your employer. Keep a copy of the weekly reports.

Front sheet

10. Make sure that your surname, first name(s), date of birth and address are filled in correctly (item V).

11. Enter the date on which you first use the book (item III).

12. After use, enter the date when you last used the book (item IV).

Daily sheet

13. Fill in a daily sheet for every day on which you have been employed as a crew member.

14. Enter in box 2 the registration number of any vehicle used during the day.

15. The symbols used have the following meaning:

 total period of uninterrupted rest before going on duty

 daily rest period

 breaks

 driving periods

 periods of attendance at work

16. Enter your period of daily rest (symbol ), breaks (symbol ) and the time during which you were engaged in activities represented by symbols 6  and 7 , by drawing a horizontal line across the hours concerned opposite the appropriate symbol, and connect the horizontal lines by vertical lines. There will thus be a continuous line over the full length of each strip (see example in the book).

17. Entries must be made at the beginning and end of each period to which they relate.

18. In box 16 ("Remarks") enter the name of the second driver, if any. This box may also be used to explain any breach of the requirements or to correct particulars given elsewhere (see paragraph 24). The employer or an inspecting officer may also insert his remarks in this box.

19. Opposite box 12,  enter the number of hours of uninterrupted rest (daily rest) taken immediately before coming on duty. If this period begins in one day and ends in the following day the figure will be the total achieved by adding together the rest period taken at the end of the previous day and the rest period taken at the beginning of the day to which the sheet relates.

20. Before departure, enter opposite "Beginning of duty" in box 11 the number of kilometres/miles shown on the recorder; at the end of duty, enter opposite "End of duty" in box 11 the new number of kilometres/miles shown on the recorder and note the total distance covered.

21. Sign the daily sheet.

Weekly report

22. This report should be made out at the end of every period of one week in which one or more daily sheets have been made out. For days on which you were on duty without being a crew member, ie for which there was no need to make out a daily sheet, enter the figure "0" opposite box G and the duration of duty periods opposite box H; if you did not engage in a particular activity, enter the figure "0" opposite boxes G and H and add an explanation, such as "on leave", "day off".

23. Enter opposite boxes F and G the figures shown opposite boxes 12 and 13 of the relevant daily sheets.

General note

24. No erasures, corrections or additions may be made in the book. Any mistakes, even of form only, must be corrected under "Remarks" (box 16).

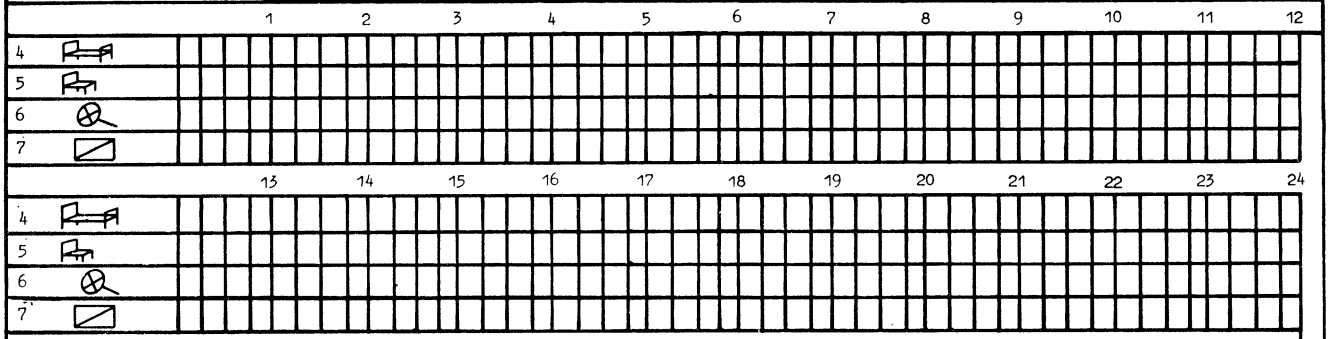
25. No sheets may be destroyed.

26. All entries must be made in ink or with a ball-point pen.

(c) DAILY SHEET

Book No

2. Registration No. of vehicle(s) Operators Licence Nos	1. DAILY SHEET No	3. Day of week and date



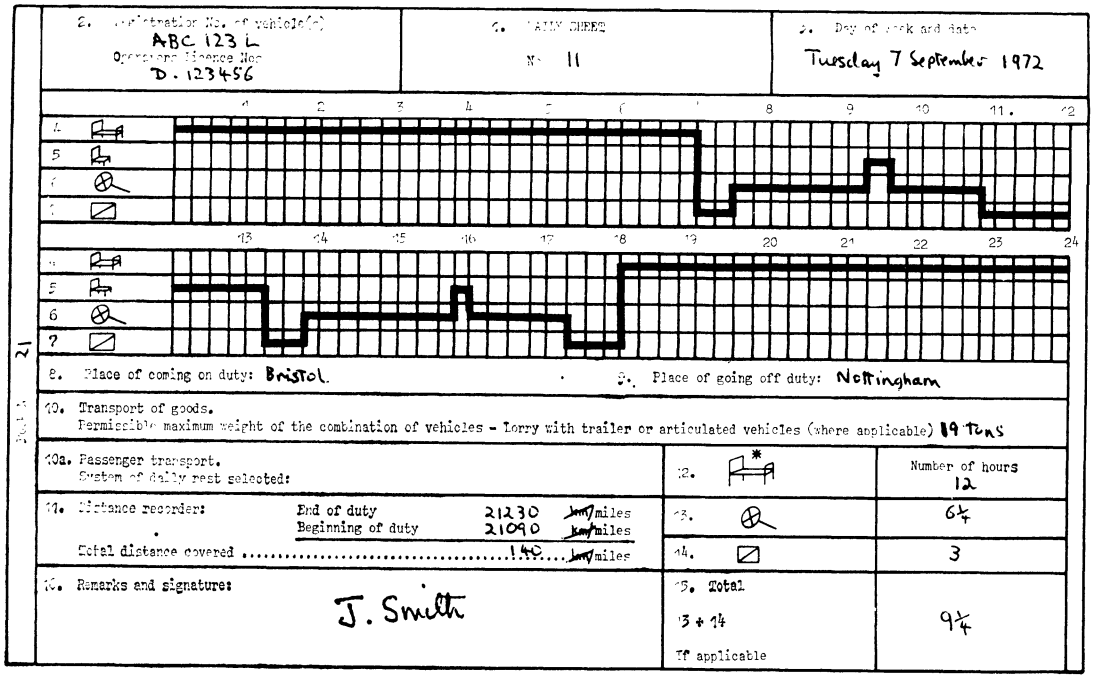
8. Place of coming on duty:

9. Place of going off duty:

10. Transport of goods.
Permissible maximum weight of the combination of vehicles - Lorry with trailer or articulated vehicles (where applicable) :

10a. Passenger transport. System of daily rest selected:	12.	Number of hours
11. Distance recorder: End of duty km/miles Beginning of duty: km/miles Total distance covered ..... km/miles	13.	
	14.	
16. Remarks and signature:	15. Total 13 + 14 If applicable.	

EXAMPLE OF COMPLETED DAILY CHART



Note 1. In practice, boxes 10 and 10a will both be completed on the same daily sheet only where a crew member has carried out a passenger transport operation and a goods transport operation on the same day. In box 10a (completed only by crew members of passenger vehicles) the entry should be either "10 h" or "11 h", according to the system of daily rest periods applying to the crew member.

Note 2. Opposite box 12, if 12 hours is entered as the total period of uninterrupted rest taken prior to going on duty, this means that the driver went off duty at 7 pm on the previous day, because adding the 5 hours from 7 pm to midnight on the previous day to the 7 hours entered in box 4 gives a total of 12 hours.

(c) WEEKLY REPORT

A. Surname and first name(s) of crew member

.....

B. WEEKLY REPORT

C. From ..... to ..... 19 ..... inclusive

D.	Days of the weekly period								J. Weekly total:
E.	Daily sheet no								
F.									
Hours of occupational activities	G. 								
	H. 								
	I G+H								

K. Remarks: .....

.....

.....

L. Date of preceding weekly rest period: ....

M. Signature of crew member: .....

N. Signature of employer: .....

Book No .....

(*See* Regulation 4)

SCHEDULE 2

PART I

Supplementary provisions with respect to international record books required to be kept by drivers of British passenger and goods vehicles in relation to journeys or work to which the international rules apply.

1. In this Part of this Schedule (unless the context otherwise requires) the references to a vehicle are references to a passenger vehicle or a goods vehicle.

2. The employer of an employee-driver of a vehicle shall cause the driver of a vehicle who is employed by him—

(*a*) to enter in a record book a current record which shall give the information required by the international rules as information which is required to be furnished by that driver, and otherwise to comply with all the requirements of those rules with respect to the keeping of record books and matters related thereto; and

(*b*) to comply with such of the additional requirements contained in the following provisions of this Part of this Schedule as apply in relation to any such driver.

3. If at any time on or after 1st April 1973 an employee-driver has more than one employer in relation to whom he is an employee-driver of a vehicle, the employer who, in pursuance of the international rules, is to issue a new record book to him shall be the employer for whom that employee-driver first acts in the course of his employment after that time.

4. Where during the currency of a record book an employee-driver ceases to be employed by an employer who has issued that book to him he shall return that book, including all duplicate and unused daily sheets and weekly reports, to that employer and, if he is at that time employed by some other person or persons in relation to whom he is an employee-driver of a vehicle, that other person, or if there is more than one such other person, that one of them for whom the employee-driver first acts in the course of his employment after ceasing to be so employed as aforesaid, shall issue a new record book to him for use in accordance with the requirements of the international rules.

5.—(1) This paragraph applies only in relation to a record book kept by the driver of a goods vehicle.

(2) The said record book shall contain—

(*a*) a duplicate of each of the daily sheets which are contained therein; and

(*b*) one sheet of carbon paper or other means whereby an entry in a daily sheet may be simultaneously reproduced on the duplicate of that sheet.

6.—(1) This paragraph applies only in relation to a record book kept by the driver of a goods vehicle.

(2) There shall be entered on the front cover of the said record book and in the daily sheets which are comprised in the book (in addition to such other entries as are required by the international rules to be entered on the said cover and in the said sheets) the serial number of the operator's licence granted under Part V of the Act by virtue of which the vehicle in question is an authorised vehicle for the purposes of the said Part V.

7.—(1) This paragraph applies only in relation to a record book kept by the driver of a goods vehicle.

(2) A driver shall, when making any entry in a daily sheet contained in the said record book and when signing it, ensure by the use of carbon paper or otherwise that both the entry and the signature are simultaneously reproduced on the duplicate of that sheet.

8.—(1) This paragraph applies only in relation to a record book kept by the driver of a goods vehicle.

(2) Where a daily sheet contained in a record book has been completed as required by the international rules, the duplicate of that sheet shall be detached from the book and—

(*a*) in a case where the daily sheet was completed by an employee-driver, he shall, within a period of 7 days from the date of its being completed, deliver the duplicate sheet to the employer who issued or should have issued the book to him and that employer shall, within a period of seven days from the date on which he receives the duplicate sheet, examine and sign it and shall preserve it until the book from which it was detached is returned to him as required by the international rules; and

(*b*) in a case where the daily sheet was completed by an owner-driver, he shall, within a period of seven days from the date of its being completed, deliver the duplicate sheet to the address which is required to be entered on the front cover of the record book and shall preserve it until the book from which it was detached is delivered to that address as required by the international rules:

Provided that a person shall not be treated as having failed to comply with any of the requirements of this paragraph with respect to the period within which a duplicate sheet shall be delivered or, as the case may be, examined or signed in any case where he can show that it was not reasonably practicable to comply with that requirement and that the requirement was otherwise complied with as soon as it was reasonably practicable to do so.

9.—(1) This paragraph applies only in relation to the employer of a driver of a goods vehicle.

(2) Where an employee-driver has or has had during any period more than one employer in relation to whom he is an employee-driver—

(*a*) each employer, not being an employer who, by virtue of paragraph 4 above, is required to issue a record book to that employee-driver, shall require that driver to produce his current record book and shall enter on the front cover of the book the information required to be so entered in accordance with the international rules; and

(*b*) each employer of that employee-driver shall, whenever he is requested to do so by any of the other employers of that employee-driver, supply to that other employer such information as is in his possession concerning that driver as is specified in sub-paragraph (5) below.

(3) Where an employee-driver changes his employment the employer by whom the employee-driver has ceased to be so employed shall, on being so requested by the employee-driver, or by his new employer, supply the employee-driver or, as the case may be, the new employer with such information as is in his possession concerning the driver as is specified in sub-paragraph (5) below.

(4) Any information required to be supplied by the foregoing provisions of this paragraph shall, if so required by the person entitled to require it to be supplied, be supplied in writing.

(5) The information concerning an employee-driver which is to be supplied in accordance with the foregoing provisions of this paragraph relates to—

(*a*) any period of not less than twenty-four hours of rest of that driver, being a period which, in respect of any period of seven consecutive days, that driver

is required to have by virtue of section 96(6) of the Act as adapted by Regulation 4 of the Drivers' Hours (Passenger and Goods Vehicles) (International Rules) Regulations 1973(a), and

(*b*) any interval for rest of that driver such as is mentioned in section 96(4) of the Act (as so adapted), being an interval which, by virtue of the said section 96(6), is immediately to precede or to follow the said period of twenty-four hours.

10. An employee-driver shall produce his current record book for inspection by the employer who issued it to him, or by any other person in relation to whom he is at any time during the period of the currency of that book an employee-driver, whenever required to do so by that employer or that other person.

11.—(1) Subject to the following provisions of this paragraph, every owner-driver of a vehicle shall maintain a register in the form set out in Part II of this Schedule of all record books used by him and every employer of an employee-driver of a vehicle shall maintain such a register or more than one such register as provided for by sub-paragraph (2) below of all record books known by him to have been issued to or to be used by any of his employee-drivers and every such owner-driver and employer as aforesaid shall make in that register or registers all such entries relating to the information to be recorded therein as is required by the said form to be entered in that register or registers:

Provided that where a record book is not returned there shall be entered in the register, instead of the date of the return of the record book, the reason why the record book was not returned and the date when such entry was made.

(2) Where for the purpose of any trade, business or other activity carried on by him an employer of employee-drivers operates from more than one place vehicles which are driven by his employee-drivers, that employer may maintain for each such place a separate register of record books, each such register being a register complying with the requirements of sub-paragraph (1) above (subject to sub-paragraph (4) below) but relating only to the record books known by him to have been issued to or to be used by any of his employee-drivers in relation to the driving of vehicles operated from that place.

(3) An owner-driver and the employer of an employee-driver by whom any such register as aforesaid is required to be maintained shall preserve that register for a period of twelve months from whichever is the last to occur of the following dates, that is to say—

(*a*) the date on which he ceased to use a record book or on which there was returned to him the last of the record books issued by him to any employee-driver, the use or issue of which is recorded in that register; or

(*b*) if any record book the issue of which by him is recorded in that register has not been returned to him as required by this paragraph the date on which the reason for the record book not having been returned was entered in that register.

(4) Notwithstanding anything in the foregoing provisions of this paragraph, registers may be maintained in a form which differs from that set out in Part II of this Schedule (whether in size, layout, sequence, numbering, content or otherwise) so long as the register contains the same wording as in the said form and such register is so framed as to ensure that all the information required by the said form is required to be entered in the actual register and in such manner as to be readily identifiable by any person entitled under any enactment to inspect any such register.

(a) S.I. 1973/379 (1973 I, p. 1287).

PART II

Form of register of record books

Register No. Page No.

Transport Act 1968
Council Regulation (EEC) No. 543/69
Register of Record Books

Name of employer or owner-driver

Operator's licence number (goods vehicles only)

Place at which books issued

Record book serial no.	Issued to (Driver's full name and address)	Driver's signature	Date of issue and signature* of employer or owner-driver	Name and address of any other known employer of driver	Date of return of record book*

* Only to be entered by the employer if he issued the driver's record book.

(*See* Regulation 5) SCHEDULE 3

Modifications of the 1970 Regulations in their application to the keeping of international record books in lieu of British record books.

1. In Regulation 2 (interpretation)—

(*a*) at the end of the definition of "driver's record book" there shall be added the words "or is an international record book";

(*b*) after that definition there shall be inserted the following definitions—

" 'international record book' has the same meaning as in the Drivers' Hours (Passenger and Goods Vehicles) (Keeping of Records) (International Rules) Regulations 1973;

'the international rules' means those provisions of Article 14 of Council Regulation (EEC) No. 543/69 of 25th March 1969 as amended by Article 6 of Council Regulation (EEC) No. 514/72 of 28th February 1972 which are directly applicable Community provisions relating to the driving of road vehicles on international journeys;"; and

(*c*) in the definition of "record sheet", after the words "of these Regulations" there shall be inserted the words "or in an international record book by the international rules".

2. In Regulation 3 (record books for goods vehicle drivers), in paragraph (1)(*a*) after the words "Schedule 1 to these Regulations" there shall be inserted the words "or which is required in relation to an international record book".

3. Paragraphs (1) and (2) of Regulation 4 (form of drivers' record book) shall not apply.

4. Paragraphs (2), (4), (5), (6) and (7) of Regulation 5 (manner of keeping drivers' record books) shall not apply.

5. For paragraph (8) of Regulation 5 there shall be substituted the following paragraph:—

"(8) Where a record sheet contained in an international record book has been completed, the driver shall detach, and the employer of an employee-driver shall cause the driver to detach, the duplicate of that sheet from the book and—

(*a*) in a case where the record sheet was completed by an employee-driver, he shall, within a period of seven days from the date of its being completed, deliver the duplicate sheet to the employer who issued or should have issued the book to him, and that employer shall cause the driver so to deliver the duplicate sheet, and, within a period of seven days from the date on which the employer receives the duplicate sheet, he shall examine and sign it and shall preserve it until the book from which it was detached is returned to him as required by the international rules;

(*b*) in a case where the record sheet was completed by an owner-driver, he shall, within a period of seven days from the date of its being completed, deliver the duplicate sheet to the address which is required to be entered on the front cover of the record book and shall preserve it until the book from which it was detached is delivered to that address as required by the international rules:

Provided that a person shall not be treated as having failed to comply with any of the requirements of this paragraph with respect to the period within which a duplicate sheet shall be delivered or, as the case may be, examined or signed in any case where he can show that it was not reasonably practicable to comply with that requirement and that the requirement was otherwise complied with as soon as it was reasonably practicable to do so.".

6. In paragraph (9) of Regulation 5, for the word "duplicate" there shall be substituted the word "original".

7. In Regulation 6 (supply of information and production of drivers' record books by employers and employee-drivers), at the end of paragraph (1)(*a*) there shall be added the words "or which is required in relation to an international record book by the international rules".

8. Regulations 8(2) (preservation of drivers' record books), 9 (authorised departures from form of drivers' record books) and 11 (miscellaneous provisions relating to drivers' record books and registers of such books) shall not apply.

EXPLANATORY NOTE

(*This Note is not part of the Regulations.*)

These Regulations make provision supplementary to the requirements of the rules of the European Economic Community ("the international rules"—see Regulation 1(2)(*a*)) as to the books and records required to be kept by the drivers of passenger vehicles and goods vehicles in relation to journeys and work to which those rules apply. In that connection, Regulation 3 disapplies the Drivers' Hours (Goods Vehicles) (Keeping of Records) Regulations 1970 in relation to such journeys and work. Regulation 4 provides, in relation to the drivers of British passenger and goods vehicles and to their employers, for the requirements which are to apply as being supplementary to the requirements of the said rules with respect to the keeping of such books and records in relation to journeys and work to which those rules apply. The Regulations also provide that the driver of a goods vehicle who is required by the said Regulations of 1970 to keep a record book under those Regulations may, in lieu thereof, keep a record book of the kind required to be kept by the international rules, and for the requirements applicable where such a book is so kept (Regulation 5).

SI 1973/380
ISBN 0-11-030380-6

