



STATUTORY INSTRUMENTS.

**S.I. No. 567 of 2023**

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EUROPEAN UNION (ROAD TRANSPORT) (WORKING CONDITIONS  
AND ROAD SAFETY) (AMENDMENT) REGULATIONS 2023

EUROPEAN UNION (ROAD TRANSPORT) (WORKING CONDITIONS AND ROAD SAFETY) (AMENDMENT) REGULATIONS 2023

I, EAMON RYAN, Minister for Transport, in exercise of the powers conferred on me by section 3 of the European Communities Act 1972 (No. 27 of 1972), and for the purposes of giving further effect to Regulation (EC) No 561/2006 of the European Parliament and of the Council of 15 March 2006<sup>1</sup> (as amended by Regulation (EU) 2020/1054 of the European Parliament and of the Council of 15 July 2020<sup>2</sup>) and Regulation (EU) No 165 of 2014 of the European Parliament and of the Council of 4 February 2014<sup>3</sup> (as amended by Regulation (EU) 2020/1054 of the European Parliament and of the Council of 15 July 2020<sup>2</sup>), and giving full effect to Article 465 (1)(b) and (2) and Article 466(2) of the Trade and Cooperation Agreement between the European Union and the European Atomic Energy Community, of the one part, and the United Kingdom of Great Britain and Northern Ireland, of the other part, done at Brussels and London on 30 December 2020<sup>4</sup>, hereby make the following regulations:

1. These Regulations may be cited as the European Union (Road Transport) (Working Conditions and Road Safety) (Amendment) Regulations 2023.
  2. In these Regulations “Principal Regulations” means the European Union (Road Transport) (Working Conditions and Road Safety) Regulations 2017 (S.I. No. 229 of 2017).
  3. Regulation 2 of the Principal Regulations is amended –
    - (a) in paragraph (1) –
      - (i) by substituting for the definitions of “control officer”, “First Council Regulation”, “Implementing Regulations” and “Second Council Regulation” the following:

“ ‘control officer’ means—
        - (a) a transport officer,
        - (b) an officer of the Revenue Commissioners, or
        - (c) a member of the Garda Síochána;
- ‘First Council Regulation’ means Council Regulation No 561/2006 of the European Parliament and of the Council of 15 March 2006<sup>1</sup>, as amended by Regulation (EC) No 1073/2009 of

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<sup>1</sup> OJ No. L 102, 11.4.2006, p. 1

<sup>2</sup> OJ No. L 249, 31.7.2020, p. 1

<sup>3</sup> OJ No. L 60, 28.2.2014, p. 1

<sup>4</sup> OJ No. L 444, 31.12.2020, p. 14

the European Parliament and of the Council of 21 October 2009<sup>5</sup>, the Second Council Regulation and Regulation (EU) 2020/1054 of the European Parliament and of the Council of 15 July 2020<sup>2</sup>;

‘Implementing Regulation’ means Commission Implementing Regulation (EU) 2016/799 of 18 March 2016<sup>6</sup> as amended by Commission Implementing Regulation (EU) 2018/502 of the 28 February 2018<sup>7</sup>, Commission Implementing Regulation (EU) 2020/158 of 5 February 2020<sup>8</sup>, Commission Implementing Regulation (EU) 2021/1228 of 16 July 2021<sup>9</sup> and Commission Implementing Regulation (EU) 2023/980 of 16 May 2023<sup>10</sup>;

‘Second Council Regulation’ means Regulation (EU) No 165/2014 of the European Parliament and of the Council of 4 February 2014<sup>3</sup> as amended by Regulation (EU) 2020/1054 of the European Parliament and of the Council of 15 July 2020<sup>2</sup>;” and

(ii) by inserting the following definitions:

“ ‘Annex’ means Annex 31 Transport of Goods By Road of the Trade and Cooperation Agreement;

‘Trade and Cooperation Agreement’ means the Trade and Cooperation Agreement between the European Union and the European Atomic Energy Community, of the one part, and the United Kingdom of Great Britain and Northern Ireland, of the other part, done at Brussels and London on 30 December 2020<sup>4</sup>;

‘United Kingdom’ means the United Kingdom of Great Britain and Northern Ireland;”, and

(b) by inserting after paragraph (2) the following:

“(3) A word or expression which is used in these Regulations and is also used in the Trade and Cooperation Agreement and Section 2 to 4 of Part B and Section 2 of Part C of the Annex has, unless the contrary intention appears, the same meaning in these Regulations as it has in that Agreement and that part of the Annex.”.

4. The following Regulations are substituted for Regulations 3 and 4 of the Principal Regulations:

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<sup>5</sup> OJ No. L 300, 14.11.2009, p. 88

<sup>6</sup> OJ No. L 139, 26.5.2016, p. 1

<sup>7</sup> OJ No. L 85, 28.3.2018, p. 1

<sup>8</sup> OJ No. L 34, 6.2.2020, p. 20

<sup>9</sup> OJ No. L 273, 30.7.2021, p. 1

<sup>10</sup> OJ No. L 134, 22.5.2023, p. 28

*“Application*

3. (1) Subject to Regulation 4, these Regulations apply, as appropriate, to carriage by road in relation to the matters set out in –

- (a) Article 2 of the First Council Regulation, and
- (b) Article 1(2) and (3) of Section 2 of Part B of the Annex.

(2) The European Agreement applies –

- (a) instead of the First Council Regulation to international road transport operations undertaken partly outside the areas mentioned in Article 2(2) of that Regulation—
  - (i) if the vehicle concerned is one that is registered in a Member State or in a country that is a contracting party to the European Agreement; for the whole of the journey concerned, or
  - (ii) if the vehicle concerned is registered in a third country which is not a contracting party to the European Agreement; for the part of the journey on the territory of a Member State or of a country that is a contracting party to the European Agreement,

and

- (b) instead of subparagraph (b) of Article 465(1) of the Trade and Cooperation Agreement, to international road transport operations undertaken partly outside the territories mentioned in that subparagraph; for the whole journey.”.

(3) Notwithstanding paragraph (2)(b), Article 465(1)(b) and Article 466(2) of the Trade and Cooperation Agreement apply to road transport operations referred to in Article 462 of the Trade and Cooperation Agreement which take place –

- (a) on the territory of the State undertaken by a road haulage operator of the United Kingdom, and
- (b) on the territory of the United Kingdom undertaken by a road haulage operator established in the State.”.

*Exemption of certain categories of vehicles*

4. (1) Carriage by the vehicles mentioned in—

- (a) subparagraphs (a) to (g), (i) to (l) and (n) to (r) of Article 13(1) of the First Council Regulation,
- (b) subparagraph (h) of Article 13(1) of the First Council Regulation, except vehicles used in connection with road maintenance services at a distance of 100km or greater from the base of the undertaking,

(c) subparagraph (m) of Article 13(1) of the First Council Regulation, transporting money for the purposes of mobile banking services, currency exchange or savings transactions,

are, whilst operating in the State, excepted from the application of:

- (i) Articles 5 to 9 of that Regulation,
- (ii) the Second Council Regulation,
- (iii) the Implementing Regulation, and
- (iv) the Regulation of 2010.

(2) Carriage by vehicles, registered in the United Kingdom,

mentioned in —

(a) subparagraphs (a) to (f), (h) to (j) and (l) to (p) of Article 8(3) of Section 2 of Part B of the Annex,

(b) subparagraph (g) of Article 8(3) of Section 2 of Part B of the Annex, except vehicles used in connection with road maintenance services at a distance of 100km or greater from the base of the transport undertaking, and

(c) subparagraph (k) transporting money for the purposes of mobile banking services, currency exchange or savings transactions,

are, whilst operating in the State, excepted from the application of —

- (i) Articles 3 to 6 of Section 2 of Part B of the Annex, and
- (ii) Section 2 of Part C of the Annex.”.

5. Regulation 6 of the Principal Regulations is amended –

(a) in paragraph (1) –

(i) by inserting “and” after “driver cards,” in subparagraph (b),

(ii) by substituting subparagraph (c) for the following:

“(c) the purpose of the exchanging of information with Member States in accordance with Article 22 of the First Council Regulation and Article 40 of the Second Council Regulation.”, and

(iii) by deleting subparagraph (d),

(b) in paragraph (4), by inserting “and Article 6(3) and (4) of Section 2 of Part C of the Annex” after “Regulation”, and

(c) by inserting after paragraph (4) the following:

“(5) (a) NSAI is designated as the competent authority in the State for the purposes of Article 24(5) of the Second Council Regulation.

(b) RSA shall, for the purposes of compliance with Article 24(5) of the Second Council Regulation,

send to NSAI information on all workshop cards issued, withdrawn or suspended in accordance with these Regulations.”.

6. Regulation 7 of the Principal Regulations is amended –

- (a) in paragraph (1), by inserting “and Article 7(1) of Section 2 of Part C of the Annex” after “Regulation”,
- (b) in paragraph (2), by inserting “and Article 7(2) of Section 2 of Part C of the Annex” after “Regulation”, and
- (c) in paragraph (3), by inserting “and Article 7(3) of Section 2 of Part C of the Annex” after Regulation.

7. Regulation 9(1)(a) of the Principal Regulations is amended by substituting “, digital tachographs or smart tachographs” for “or digital tachographs or both”.

8. Regulation 11(2) of the Principal Regulations is amended, in subparagraph (d) by substituting “, digital tachographs or smart tachographs” for “or digital tachographs, or both”.

9. Regulation 12 of the Principal Regulations is amended by substituting “, the Implementing Regulation or Section 2 of Part C to the Annex” for “or the Implementing Regulation” in each place it occurs.

10. Regulation 13(1) of the Principal Regulation is amended –

- (a) in subparagraph (a), by deleting “and”,
- (b) in subparagraph (b), by substituting “vehicle, and” for “vehicle.”, and
- (c) by inserting after subparagraph (b) the following:
  - “(c) ensure that printouts can be made from the vehicle unit and driver card.”.

11. The following Regulations are inserted after Regulation 14 of the Principal Regulations:

*“Retention of certificate of data un-downloadability”*

14A. (1) An approved workshop shall issue a certificate of data un-downloadability to a transport undertaking only where the malfunction of the recording equipment prevents previously recorded data from being downloaded, including after a repair of the recording equipment has been carried out by the workshop.

(2) An approved workshop shall keep a copy of the certificate of data un-downloadability issued to a transport undertaking in accordance with paragraph (1) for a period of 2 years from the date of its issue and shall make it available for inspection at the request of a control officer or an authorised officer at any time during that period.

(3) A person that is issued a certificate of un-downloadability in accordance with paragraph (1) shall keep the certificate for a period of 2 years from the date of its issue and shall make it available for inspection at the request of a control officer or an authorised officer at any time during that period.

(4) An approved workshop who fails to comply with paragraph (1) or (2) or a person who fails to comply with paragraph (3) commits an offence and is liable on summary conviction to a class A fine.

*Falsification of certificate*

14B. (1) A person who—

- (a) issues, replaces or permits the issue of—
  - (i) a duplicate calibration certificate,
  - (ii) a fraudulent calibration certificate, or
  - (iii) a certificate of data un-downloadability in contravention of Regulation 14A(1), in circumstances where the data stored in the recording equipment is capable of being downloaded,

contrary to the Second Council Regulation, or

- (b) places a date or permits the placing of a date on a certificate referred to in subparagraph (a) which is earlier than the date of the calibration or issuance of the certificate,

commits an offence.

(2) A person who contravenes paragraph (1) is liable—

- (a) on summary conviction, to a class A fine or to imprisonment for a term not exceeding 3 months or both, or
- (b) on conviction on indictment, to a fine not exceeding €100,000 or to imprisonment for a term not exceeding 12 months or both.”.

12. The following Regulation is substituted for Regulation 22 of the Principal Regulations:

*“Checks and inspections*

22. (1) The owner of vehicle, or, where the vehicle is operated by a person other than the owner, the user of the vehicle, shall—

- (a) ensure that the inspections specified in, as the case may be—

- (i) Part VI of Annex I to the Second Council Regulation,
- (ii) Part VI of Annex 1B to the Regulation of 1985, or
- (iii) Part 6 of Annex IC to the Commission Implementing Regulation,

are carried out in respect of the recording equipment installed in that vehicle,

- (b) not use a vehicle where the calibration certificate in respect of the recording equipment installed in that vehicle has expired,
- (c) not use a vehicle where it has been fitted with tyres of a bigger size following the most recent calibration of the recording equipment installed in that vehicle, without first ensuring a new calibration of the recording equipment for that vehicle has been carried out by an approved workshop, and
- (d) not use a vehicle that has not been calibrated since the date of the new registration of the vehicle after its import into the State.

(2) A person who fails to comply with paragraph (1) commits an offence and is liable on summary conviction to a class A fine.

(3) In this Regulation, ‘vehicle’ means a vehicle to which the EU Regulations, the European Agreement, Article 465(1)(b) and 466(2) of the Trade and Cooperation Agreement and these Regulations apply.”.

13. Regulation 25 of the Principal Regulations is amended –

- (a) in paragraph (3), by inserting “, Article 26 of the Second Council Regulation and Article 9 of Section 2 of Part C of the Annex,” for “and Article 26 of the Second Council Regulation,”, and
- (b) by inserting after paragraph (3) the following:
  - “(4) RSA may, where it considers it necessary for the purposes of compliance with the technical specifications referred to in Article 26(7a) of the Second Council Regulation, require a driver to make an application for the replacement of a driver card under paragraph (1) and to pay the appropriate fee as prescribed under paragraph (2).”.

14. Regulation 26 of the Principal Regulations is amended–

- (a) in paragraph (1)—
  - (i) by substituting for subparagraph (a) the following:
    - “(a) falsifies or uses a falsified card,”,
  - (ii) in subparagraph (c), by deleting “or”,
  - (iii) by inserting after subparagraph (c) the following:
    - “(ca) uses more than one driver card, or”, and

- (b) in paragraph (2), by substituting “seize, detain, suspend or withdraw” for “seize and detain”.
15. (1) Regulation 30 of the Principal Regulations is amended in paragraph (1) -
- (a) by substituting “EU Regulations, the European Agreement, Article 465(1)(b) and Article 466(2) of the Trade and Cooperation Agreement and these Regulations” for –
    - (i) “EU Regulations and these Regulations”, and
    - (ii) “Regulations and the EU Regulations”,
 in each place they occur,
  - (b) by substituting for subparagraph (d) the following:
 

“(d) inspect any documents, records, devices, equipment, certificates of un-downloadability, driver cards, workshop cards and company cards and download and make print outs from any vehicle units, driver cards, workshop cards and company cards located at the place or in the vehicle”,
  - (c) by substituting for subparagraph (g) the following:
 

“(g) require any person at the place to produce to the control officer such documents, records, devices, equipment, certificates of un-downloadability, driver cards, workshop cards and company cards that are in that person’s possession or procurement, or under that person’s control, as the control officer may reasonably require for the purposes of his or her functions under EU Regulations, the European Agreement, Article 465(1)(b) and Article 466(2) of the Trade and Cooperation Agreement and these Regulations.”,
  - (d) in subparagraph (i), by substituting “the Second Council Regulation, the Implementing Regulation, the European Agreement, Article 466(2) of the Trade and Cooperation Agreement and these Regulations,” for “these Regulations, the Second Council Regulation and the Implementing Regulation.”, and
  - (e) by inserting after subparagraph (i) the following:
    - “(j) remove or break a tachograph seal for the purposes of his or her functions under the EU Regulations, the European Agreement, Article 465(1)(b) and Article 466(2) of the Trade and Cooperation Agreement and these Regulations,
    - (k) replace a tachograph seal removed or broken under subparagraph (j),
    - (l) remove a vehicle or arrange for a vehicle to be moved to a workshop or other location for the purpose of a further inspection to be carried out or for storage pending

inspection for compliance with the EU Regulations, the European Agreement, Article 465(1)(b) and Article 466(2) of the Trade and Cooperation Agreement and these Regulations,

- (m) require an owner or operator of a vehicle to move it or arrange for it to be moved to a workshop at an address specified by the control officer for the purposes of subparagraph (l), and
- (n) conduct such tests as are reasonably necessary to verify the correct operation of recording equipment installed on a vehicle, including any recording equipment that may have been replaced on that vehicle.”.

(2) Regulation 30 of the Principal Regulations is amended by inserting after paragraph (5) the following:

“(6) When exercising the power specified in subparagraphs (l) and (m) of paragraph (1), the vehicle owner or operator shall bear any costs associated with the movement, and where applicable the storage, of the vehicle pending inspection.”.

16. Regulation 31(2) is amended by substituting “the EU Regulations, the European Agreement, Article 465(1)(b) and Article 466(2) of the Trade and Cooperation Agreement and these Regulations” for “these Regulations or the EU Regulations”.

17. Regulation 32 of the Principal Regulations is amended-

(a) by substituting the following for paragraph (1):

“(1) A control officer who is a member of the Garda Síochána or an officer of the Revenue Commissioners may direct a driver of a moving vehicle, to which he or she reasonably believes the EU Regulations, the European Agreement, Article 465(1)(b) and Article 466(2) of the Trade and Cooperation Agreement and these Regulations apply, to stop the vehicle for the purposes of a roadside check, including an inspection and search of the vehicle, to be carried out by the control officer or another control officer, either alone or in conjunction with any other inspection, which may lawfully be carried out on such occasion and in such circumstances.”,

(b) in paragraph (2) –

(i) by substituting “the EU Regulations, the European Agreement, Article 465(1)(b) and Article 466(2) of the Trade and Cooperation Agreement and these Regulations” for “these Regulations and the EU Regulations” in each place it occurs,

- (ii) in subparagraph (b), by deleting “or”,
- (iii) in subparagraph (c), by substituting “,” for “.”, and
- (iv) by inserting after subparagraph (c) the following:
  - “(d) remove a vehicle or arrange for a vehicle to be moved to a workshop or other location for the purpose of a further inspection to be carried out or for storage pending inspection for compliance with the EU Regulations, the European Agreement, Article 465(1)(b) and Article 466(2) of the Trade and Cooperation Agreement and these Regulations,
  - (e) use remote early detection equipment for the purpose of targeted roadside checks of vehicles with a potentially manipulated or misused tachograph,
  - (f) check that a tachograph functions correctly, including that it properly records and stores data, its calibration parameters are correct, and detect whether a manipulation device or software are present in a vehicle for purposes of the manipulation of the tachograph,
  - (g) remove or break a tachograph seal for the purposes of his or her functions under the EU Regulations, the European Agreement, Article 465(1)(b) and Article 466(2) of the Trade and Cooperation Agreement and these Regulations, and
  - (h) replace a tachograph seal removed or broken under subparagraph (g).”,
- (c) in paragraph (3), by substituting “the EU Regulations, the European Agreement, Article 465(1)(b) and Article 466(2) of the Trade and Cooperation Agreement and these Regulations” for “these Regulations and the EU Regulations” in each place it occurs,”,
- (d) in paragraph (4)–
  - (i) by inserting “holding a driver card obtained by means of a fraudulent statement or” after “suspects that the person is”, and
  - (ii) by inserting “or using software” after “device”, and
- (e) by inserting after paragraph (8) the following:
  - “(9) When exercising a power specified in paragraph (2) or paragraph (3)(f), the vehicle owner or operator shall bear any costs associated with the movement, and where applicable the storage, of the vehicle pending inspection.”.

18. Regulation 33(2) of the Principal Regulations is amended –

- (a) in subparagraph (a), by inserting “or Article 16(1) or (2) of Section 2 of Part C of the Annex” after “Regulation”, and
- (b) in subparagraph (b), by inserting “or Section 2 to 4 of Part B or Section 2 of Part C of the Annex” after “Regulation”.

19. Regulation 34(1) of the Principal Regulations is amended by substituting—

- (a) “32” for “33”, and
- (b) “the EU Regulations, the European Agreement, Article 465(1)(b) and Article 466(2) of the Trade and Cooperation Agreement or these Regulations” for “these Regulations or the EU Regulations”.

20. Regulation 35 of the Principal Regulations is amended –

- (a) in paragraph (1), by substituting–
  - (i) “the EU Regulations, the European Agreement, Article 465(1)(b) and Article 466(2) of the Trade and Cooperation Agreement or these Regulations” for “these Regulations and the EU Regulations”, and
  - (ii) by substituting “records, printouts, record sheets, data downloads, driver cards, workshop cards, company cards, equipment, device or information” for “records, equipment or information”, and
- (b) in paragraph (2), by substituting “records, printouts, record sheets, data downloads, driver cards, workshop cards, company cards, equipment, device or information” for “records, equipment, device or information”.

21. Regulation 36 of the Principal Regulations is amended in paragraph (1)(b), by inserting “or smart” after “digital”.

22. Regulation 37 of the Principal Regulations is amended–

- (a) in paragraph (1), by substituting “the EU Regulations, the European Agreement, Article 465(1)(b) and Article 466(2) of the Trade and Cooperation Agreement and these Regulations” for “the EU Regulations and these Regulations” in each place it occurs, and
- (b) in subparagraph (d) and (e) of paragraph (3), by inserting “, the European Agreement or Section 2 of Part B to the Annex, as the case may be” after “First Council Regulation” in each place it occurs.

23. The following Part is inserted after Regulation 38:

**“PART 8A**

**OBLIGATIONS FOR DOWNLOADING AND RETAINING VEHICLE  
UNITS AND DRIVERS CARDS**

*Obligation to download vehicle unit and driver card*

38A. (1) A transport undertaking that uses a vehicle fitted with recording equipment complying with either, Annex 1B to the Regulation of 1985 or Annex 1C to the Implementing Regulation shall download the relevant data from –

- (a) the vehicle unit at least once every 90 days, and
  - (b) subject to Regulation 38C, the driver card at least once every 28 days.
- (2) A transport undertaking that ceases to use a vehicle to which paragraph (1) applies shall download the data from the vehicle unit for the 90 days immediately preceding the last recorded activity by the vehicle unit.
- (3) A transport undertaking shall ensure that all data downloaded in accordance with paragraphs (1) and (2) are kept for 12 months from the date of download and, should a control officer request it during that period, such data are accessible, either directly or remotely, from the premises of the undertaking.
- (4) A person who contravenes paragraph (1), (2) or (3) commits an offence and is liable on summary conviction to a class A fine.

*Obligation to retain replacement vehicle unit*

38B (1) Where a vehicle unit has been replaced by an approved workshop at the request of a transport undertaking, that workshop shall download data from the replaced vehicle unit for the 12 month period immediately prior to its replacement and provide that data and the vehicle unit to the transport undertaking.

(2) The transport undertaking shall keep the replaced vehicle unit and the data referred to in paragraph (1) for 12 months from the date of replacement of the vehicle unit and shall ensure that, should a control officer request it during that period, such data are accessible, either directly or remotely, from the premises of the undertaking.

(3) A person who contravenes paragraph (1) or (2) commits an offence and is liable on summary conviction to a class A fine.

*Obligation for driver cards*

38C (1) A transport undertaking shall download a driver card –

- (a) where a driver is employed by that undertaking for the first time; prior to assigning the driver any driving duties to which these Regulations apply, and
  - (b) where a driver ceases employment with the undertaking; immediately after the last recorded driving activity of that driver.
- (2) The transport undertaking shall keep the data referred to in paragraph (1) for 12 months from the date of download and shall ensure that, should a control officer request it during that period, such data are accessible, either directly or remotely, from the premises of the undertaking.
- (3) A person who contravenes paragraph (1) or (2) commits an offence and is liable on summary conviction to a class A fine.”.

24. Regulation 41(1) of the Principal Regulations is amended—

- (a) in subparagraph (a), by inserting “, 16(2) or (3)” after “12”, and
- (b) in subparagraph (b), by substituting “3(1), (4) or (4a),” for “3(1) or (4),”.

25. The following Regulation is inserted after Regulation 42 of the Principal Regulations:

*“Offence – creating false records*

42A. (1) A person commits an offence if the person –

- (a) makes or causes to be made, a record, or an entry in a record, that is required to be kept for the EU Regulations, the European Agreement, Article 465(1)(b) and Article 466(2) of the Trade and Cooperation Agreement or these Regulations, knowing or believing that record or entry to be false or misleading, or
- (b) with intent to deceive, alters or causes to be altered any such record or entry.”.

(2) A person who contravenes paragraph (1) is liable on summary conviction to a class A fine or to imprisonment for a term not exceeding 6 months, or both.”.

26. The following Regulation is inserted after Regulation 43 of the Principal Regulations:

*“Offences – Trade and Cooperation Agreement*

43A (1) A person who contravenes –

- (a) Article 3, 4, 5, 6, 7 or 8(1) or (2) of Section 2 of Part B of the Annex,

- (b) Article 3(2), 5, 6, 7(1), 8(2), (3), (4) or (5), 9, 10 (1) or (2) or 11 of Section 4 of Part B of the Annex, or
  - (c) Article 3(1), (5), (6) or (7), 14(1) or (2), 15(1) or (2), or 16(1) or (2) of Section 2 of Part C of the Annex,
- commits an offence.

(2) A person who commits an offence under paragraph (1) is liable on summary conviction to a class A fine or to imprisonment for a term not exceeding 6 months, or both.”.

27. Regulation 44 of the Principal Regulations is amended in paragraph (1), by inserting after subparagraph (b) the following:

- “(ba) Article 3, 4, 5, 6 or 8(1) or (2) of Section 2 of Part B of the Annex,
- (bb) Article 3(2), 5, 6, 7(1), 8(2), (3), (4) or (5), 9, 10 (1) or (2) or 11 of Section 4 of Part B of the Annex,
- (bc) Article 3(1), (5), (6) or (7), 14(1) or (2), 15(1) or (2), or 16(1) or (2) of Section 2 of Part C of the Annex,”.

28. Regulation 46 of the Principal Regulations is amended by inserting “or Section 2 of Part B to the Annex” after “First Council Regulation” in each place where it occurs.

29. Regulation 47 of the Principal Regulations is amended —

- (a) in paragraph (1), by deleting “or the EU Regulations”, and
- (b) in paragraph (3), by substituting “, the Implementing Regulation or Section 4 of Part B to the Annex and Section 2 of Part C to the Annex” for “or the Implementing Regulation”.

30. Regulation 48 of the Principal Regulations is amended —
- (a) in paragraph (1), by inserting “or a member of the Garda Síochána” after “NSAI”, and
  - (b) in paragraph (2), by substituting “NSAI, RSA or a member of the Garda Síochána.” for “NSAI or RSA.”,
  - (c) by substituting for paragraph (3) the following:
    - “(3) An offence under Regulation 12(6), 14A(1), (2) or (3), 14B(1), 18, 20(1) or (2), 21(1) or (2), 22(2), 24(3), 26(1) or (3), 29(4), 30(2) or (3), 32(5), (6) or (8), 33(5), 35(4), 36(3), 37(5), 38A(1), (2) or (3), 38B(1) or (2), 38C(1) or (2), 41, 42A, 43, 43A or 44 may be prosecuted summarily by RSA or a member of the Garda Síochána.”, and
  - (d) in paragraph (4), by inserting “or a member of the Garda Síochána” after “RSA”.



GIVEN under my Official Seal,  
22 November, 2023.

EAMON RYAN,  
Minister for Transport.

## EXPLANATORY NOTE

*(This note is not part of the Instrument and does not purport to be a legal interpretation.)*

These Regulations give full effect to Regulation (EU) 2020/1054 of 15 July 2020 amending Regulation (EC) No 561/2006 as regards minimum requirements on maximum daily and weekly driving times, minimum breaks and daily and weekly rest periods and Regulation (EU) No 165/2014 as regards positioning by means of tachographs.

In addition, these Regulations give full effect to Article 465(1)(b) and Article 466(2) of the EU-UK Trade and Cooperation Agreement, and the corresponding parts of the technical Annex 31, which set out detailed rules on driving time, rest periods, breaks, use of tachographs and the installation, testing, and control of tachographs for commercial transport vehicles coming within scope of Heading Three, Title I of the Agreement.

These Regulations also contains updated enforcement powers and offence provisions to assist against circumvention of the rules on the use of tachographs.

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