

TACHOGRAPH OFFENCES

Passenger & Goods Vehicles (Recording Equipment) Regulations (NI) 1996

Reg. 3. - (1) A person shall not use, or cause or permit to be used, a vehicle to which this regulation applies—
 (a) unless there is in the vehicle recording equipment which—
 (i) has been installed in accordance with the Community Recording Equipment Regulation,
 (ii) complies with the relevant Annexes to that Regulation, and
 (iii) is being used as provided by Articles 13 to 15 of that Regulation; or
 (b) if there is in the vehicle recording equipment which has been repaired (whether before or after installation) otherwise than in accordance with the Community Recording Equipment Regulation,
 and any person who contravenes this provision shall be guilty of an offence ...

Reg.5 - (1) A person who, with intent to deceive, forges, alters or uses any seal on recording equipment installed in, or designed for installation in, a vehicle to which regulation 3 applies, shall be guilty of an offence.

Reg. 6A - (1) This regulation applies to the following documents—
 (a) record sheets;
 (b) manual records and printouts made in accordance with the Community Recording Equipment Regulation.
 (2) If such a document relates to a person in his capacity as the driver of a vehicle to which regulation 3 applies, he must before the end of the delivery period deliver the document to the transport undertaking to whose orders he was subject in driving the vehicle.
 ...
 (4) A person who without reasonable excuse fails to comply with paragraph (2) is liable on summary conviction ...
 (5) If a transport undertaking fails without reasonable excuse to secure that each driver subject to its orders complies with paragraph (2), in respect of documents relating to him in his capacity as such a driver, it is liable on summary conviction

Maximum Sentence:

(i) Using/Permitting to Use Vehicle Without Tachograph

Passenger & Goods Vehicles (Recording Equipment) Regulations (NI) 1996, Reg.3(1)

Summary Only: Level 5 fine (£5,000)

(ii) Forging/Altering Tachograph

Passenger & Goods Vehicles (Recording Equipment) Regulations (NI) 1996, Reg.5(2)

Indictment: 2 years imprisonment or an unlimited fine or both

Summary: Statutory maximum fine (£5,000)

(iii) Using/Permitting to Use Vehicle Without Tachograph

Passenger & Goods Vehicles (Recording Equipment) Regulations (NI) 1996, Reg.6A(4)&(5)

Summary Only: Level 4 fine (£2,500)

Assessment of Offence

(Starting points and ranges based on 1st time offender convicted following contest)

<u>Nature of Offence</u>		<u>Starting Point</u>	<u>Sentencing Range</u>
Offence under Regulation 3 or 6A	Committed by driver	£500	£250 - £1,000
	Committed by owner company	£1,000	£500 - £2,500
Offence under Regulation 5	Committed by driver	£750	£500 - £2,500
	Committed by owner company	£2,000	£1,000 - £5,000

<u>Examples of Possible Aggravating Factors of Offence</u>	<u>Examples of Possible Mitigating Factor of Offence</u>
N/A	N/A

Relevant Cases:

NI Cases:

1. R v Dewart [2015] NICA 35

English Cases:

N/A

Notes:

1. General power to disqualify from holding a driving licence under Article 91 of the Criminal Justice (NI) Order 2008.