



STATUTORY INSTRUMENTS.

S.I. No. 103 of 2010



EUROPEAN COMMUNITIES (COMMERCIAL VEHICLES ROADSIDE
CHECK FORMS) REGULATIONS 2010

(Prn. A10/0363)

EUROPEAN COMMUNITIES (COMMERCIAL VEHICLES ROADSIDE CHECK FORMS) REGULATIONS 2010

I, NOEL DEMPSEY, 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 purpose of giving effect to Directive No. 2000/30/EC of the European Parliament and of the Council of 6 June 2000¹, Council Regulation 3821/85/EEC of 20 December 1985² and Council Regulation 561/2006 of 15 March 2006³, hereby make the following regulations:

1. These Regulations may be cited as the European Communities (Commercial Vehicles Roadside Check Forms) Regulations 2010.

2. The form set out in the Schedule may be used by a member of the Garda Síochána in lieu of using both the form referred to in Regulation 9 of the European Communities (Random Roadside Vehicle Inspection) Regulations 2003 (S.I. No. 227 of 2003) and a roadside check form as set out in Schedule 1 to the European Communities (Road Transport) (Working Conditions and Road Safety) Regulations 2008 (S.I. No. 62 of 2008).

3. The form referred to in Regulation 2 shall be served, or caused to be served, personally or by post by a member of the Garda Síochána on the driver, owner or operator of the vehicle concerned.

¹ OJ No. L203, 10.08.2000, p. 1

² OJ No. L95, 08.04.1978, p. 1

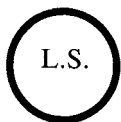
³ OJ No. L102, 11.04.2006, p.1

Notice of the making of this Statutory Instrument was published in "Iris Oifigiúil" of 16th March, 2010.

SCHEDULE

| | |
|--|---|
| Serial Number 0000000001A | |
| Roadside Check Form | |
| Driving and Resting Time EU Regulations 561/2006 -3821/85 | Result of Check |
| Technical Roadside Inspection EU Directive 2000/30/EC | <input type="checkbox"/> Warning <input type="checkbox"/> Further Enquires <input type="checkbox"/> Impounded <input type="checkbox"/> Report/Fine <input type="checkbox"/> No Infringement |
| Place of Control | |
| Enforcement Officer | Location & Road Number |
| | Date |
| | Time |
| Road Type | <input type="checkbox"/> Motorway <input type="checkbox"/> National (trunk) road <input type="checkbox"/> Other road type |
| Vehicle | Registration / VN Number VIN No. CRW Yes <input type="checkbox"/> No <input type="checkbox"/> Expiry Date |
| Nationality | <input type="checkbox"/> Goods Vehicle (3.5-12t) <input type="checkbox"/> Goods Vehicle (over 12t) <input type="checkbox"/> Drawbar trailer <input type="checkbox"/> Semi trailer <input type="checkbox"/> Road Train <input type="checkbox"/> Articulated Vehicle <input type="checkbox"/> Bus/Coach <input type="checkbox"/> Minibus (>10 seats) |
| Visual Inspection | YES <input type="checkbox"/> NO <input type="checkbox"/> Tacho Calibration Date |
| Trailer | Registration / VN Number Trailer Type CRW Yes <input type="checkbox"/> No <input type="checkbox"/> Expiry Date |
| Owner: Name & Address | |
| Nationality | |
| Operator | Name Licence No./Community Auth Expiry Date |
| Address | |
| | Phone No. Nationality |
| Driver | Name |
| Address | |
| | Date of Birth Nationality |
| Driver Card Number | Driver Phone No. |
| Transport Type | Out of Scope <input type="checkbox"/> |
| <input type="checkbox"/> Digital Tachograph <input type="checkbox"/> Carriage of Goods <input type="checkbox"/> Hire & Reward <input type="checkbox"/> National Carriage <input type="checkbox"/> Analogue Tachograph <input type="checkbox"/> Carriage of Passengers <input type="checkbox"/> Own Operator <input type="checkbox"/> International Carriage | <input type="checkbox"/> EU Journey <input type="checkbox"/> AETR <input type="checkbox"/> National / Other |
| Period for which data have been analysed | |
| Date from | Time |
| / / | : |
| Date to | Time |
| / / | : |
| Number of Days Checked | Odometer Reading |
| Offences: Tachographs & Drivers Hours Only | |
| EU Code | Time & Dates |
| | |
| | |
| | |
| | |
| | |
| Vehicle | Checked Not Checked Failed |
| D01 Absence or incorrect operation of speed limiter | <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> |
| D02 Manipulation of Speed Limiter | <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> |
| D03 Absence of peridic Technical Inspection | <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> |
| D04 Overload | <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> |
| D05 Tyres | <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> |
| D05.1 Wheel & Wheel Nuts | <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> |
| D07 Braking System & Components | <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> |
| D07.1 ABS / EBS | <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> |
| D08 Exhaust System | <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> |
| D09 Smoke Opacity (diesel) | <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> |
| D10 Gaseous Emissions | <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> |
| D12 Steering Linkages | <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> |
| D13 Lamps, Lighting & signalling devices | <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> |
| D13.1 Markings | <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> |
| D14 Suspension (visible defects) | <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> |
| D15 Chassis (visible defects) | <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> |
| D16 Tachograph (installation) | <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> |
| D18 Evidence of fuel and / or oil spillage | <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> |
| D19 Other (please specify) | <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> |
| Trailer | Checked Not Checked Failed |
| D03 Absence of peridic Technical Inspection | <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> |
| D04 Overload | <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> |
| D05 Tyres | <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> |
| D05.1 Wheel & Wheel Nuts | <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> |
| D07 Braking System & Components | <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> |
| D12 Steering Linkages | <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> |
| D13 Lamps, Lighting & signalling devices | <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> |
| D13.1 Markings | <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> |
| D14 Suspension (visible defects) | <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> |
| D15 Chassis (visible defects) | <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> |
| D18 Evidence of fuel and / or oil spillage | <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> |
| D19 Other (please specify) | <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> |
| Comments | |
| Data downloaded or charts taken form driver and / or vehicle | |
| Printout | <input type="checkbox"/> Tachograph Charts <input type="checkbox"/> Digital Data (Vehicle Unit) <input type="checkbox"/> Digital Data (Driver Card) <input type="checkbox"/> Other (specify) <input type="checkbox"/> |
| Enforcement Officers Signature | Drivers Signature |
| | Date |
| Station | Garda Reg No |
| Page 1 Driver | Page 2 - Prosecution file |
| Page 3 Administration | Areas shaded in green are obligatory fields |

| Offence Codes | | | | Page 2 |
|--|---|----------------|---|--------|
| EU Code | Council Regulation 561/06 Drivers' Hours | EU Code | Council Regulation 3821/85 561/06 Records | |
| 561-5 | Ages of Driver & Crew | 3821-15-2 | Tachograph chart not used | |
| 561-6-1 | Daily driving Time - 9 hours | 3821-14-2 | Failure to preserve sheets/ printouts in good order | |
| 561-6-1 | Daily Driving Time - 10 hours | 561-16-3 | Failure to produce roster extract and timetable | |
| 561-6-2 | Excess driving in 1 week - 56 hours | 3821-15-7 | Failure to produce tachograph sheets or printouts | |
| 561-6-3 | Excess driving in 2 weeks - 90 hours | 3821-15-2 | Tachograph sheet used longer than 24 hours | |
| 561-7 | Breaks | 3821-15-1 | Used, dirty or damaged sheets | |
| 561-8-2 | Daily rest period - Single crewed | 3821-15-2 | Unauthorised withdrawal of card/sheet | |
| 561-8-5 | Daily rest period - Multi-manning | 561-6-5 | Incorrect manual entries on sheet of digital record | |
| 561-8-6 | Weekly rest period | 561-12 | Incorrect manual entries - printout (Emergency) | |
| | Other - Specify | 3821-15-5 | Incorrect centre field entries on sheet | |
| | | 561-20 | Fail to produce infringement notice | |
| | | 3821-15-3 | Fail to correctly operate mode switch | |
| | | 3821-15-6 | Destroys or suppresses stored or recorded data | |
| | | 3821-16-2 | Fail to make and sign required printouts | |
| | | | Others - specify | |
| EU Code | AETR - International Carriage outside EEC | EU Code | Council Regulation 3821/85 561/06 Driver Cards | |
| AETR-5 | Ages of Driver | 3821-15-2 | Driving without correctly inserting driver card | |
| AETR-6-1 | Excess daily driving period | 3821-15-2 | Second driver - Fail to correctly insert driver card | |
| AETR-6-2 | Excess driving on 2 weeks | 3821-13 | Driver fail to ensure correct functioning and use | |
| AETR-7 | Insufficient break after 4.5 hours driving | 3821-15-5a | No country symbols where work starts or ends | |
| AETR-8-1 | Insufficient daily rest period | 3821-15-1 | Used, dirty or damaged card | |
| AETR-8-3 | Insufficient Weekly rest period | 3821-14-4a | Driver holding more than one driver card | |
| AETR-10-1 | Tachograph not type approved | 3821-14-4b | Use card for which driver is not authorised | |
| | Appendix 2 - Drivers record book | 3821-14-4c | Used defective or expired card | |
| | | 3821-15-7 | Fail to produce driver card | |
| AETR-12-1 | Record book not used when appropriate | 3821-15-1 | Fail to apply for replacement card within 7 days | |
| AETR-12-7 | Insufficient records | 3821-16-3 | Fail to report loss or theft of driver card | |
| | | 3821-16-3 | Fail to return damaged/malfunctioning card | |
| | | | Others - specify | |
| EU Code | Council Regulation 3821/85 Analogue Tachograph | EU Code | Council Regulation 3821/85 Digital Tachograph | |
| 3821-3-a | EU-approved tachograph not installed | 3821-3-d | EU-approved tachograph not installed/activated | |
| 3821-3-a | Tachograph not in use | 3821-3-d | Tachograph incorrectly calibrated | |
| 3821-12-4 | Missing installation plaque | 3821-12-4 | Missing installation plaque | |
| 3821-12-a | Missing seals | 3821-3-d | Missing seals | |
| 3821-3-a-a | Tachography incorrectly calibrated | 3821-3-d | 2 yearly check not carried out | |
| 3821-3-a-b | 2 yearly check not carried out | 3821-12-1 | Annex 1b Tachograph incorrectly repaired | |
| 3821-3-a-c | Incorrect installation | 3821-14-1 | Printing cannot be carried out on request | |
| 3821-3-a-d | Annex 1 Tachograph incorrectly repaired | 3821-16-1 | Tachograph defective for longer than permitted | |
| 3821-15-3 | Incorrect time set into tachograph | 3821-15-8 | Unauthorised wire/switch present on vehicle | |
| 3821-15-2 | Incompatible tachograph chart used | | Others - specify | |
| 3821-15-8 | Unauthorised wire/switch present on vehicle | | | |
| | Others - specify | | | |
| <p>IMPORTANT EXPLANATORY NOTE TO DRIVER</p> <p>This form has been provided to you in accordance with Article 20(1) of EU regulation 561/06 It will assist you in any future enforcement check in which you may be involved. Article 20(2) of EU regulation 561/06 requires you to produce this form to an enforcement officer, upon demand</p> | | | | |



GIVEN under my Official Seal,
10 March 2010.

NOEL DEMPSEY,
Minister for Transport.

EXPLANATORY NOTE

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

These Regulations specify a road side check form that may be used for the purposes of checks of commercial vehicles undertaken under the European Communities (Random Roadside Vehicle Inspection) Regulations 2003 (S.I. No. 227 of 2003) and the European Communities (Road Transport) (Working Conditions and Road Safety) Regulations 2008 (S.I. No. 62 of 2008).

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ARNA FHOILSIÚ AG OIFIG AN tSOLÁTHAIR
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