

Limitations on periods of continuous driving.

**114.**—(1) Each of the following periods or series of periods of driving shall be an excessive period for the purposes of this section:

- (a) any continuous period of driving exceeding five and one-half hours;
- (b) any series of continuous periods of driving amounting in the aggregate to more than eleven hours in any period of twenty-four hours beginning two hours after midnight;
- (c) any period or series of periods of driving so arranged that the driver has not at least ten consecutive hours for rest in every period of twenty-four hours beginning at the commencement of any period of driving.

(2) For the purposes of subsection (1) of this section—

- (a) Where a driver has at least nine consecutive hours for rest in a period of twenty-four hours beginning at the commencement of a period of driving, the period of at least nine consecutive hours shall be reckoned as a period of ten consecutive hours if the driver has at least twelve consecutive hours for rest in the twenty-four hours next after the expiration of the above-mentioned period of twenty-four hours;
- (b) any two consecutive periods of driving shall be regarded as one continuous period unless they are separated by an interval of not less than half-an-hour during which the driver can obtain rest and refreshment;
- (c) any time spent by the driver of a vehicle at work (other than driving) in relation to the vehicle or the load carried thereon, including in the case of a public service vehicle any time spent in any capacity (other than as driver or as a passenger) on the vehicle while on a journey, shall be reckoned as time spent in driving;
- (d) in the case of a vehicle which is being used for or in the course of any operation of agriculture or forestry, time spent driving or working on or in connection with the vehicle while it is not on a public road shall not be reckoned as time spent in driving.

(3) A person shall not drive, or cause or permit any person employed by him or subject to his orders to drive, for an excessive period a mechanically propelled vehicle which either is a large public service vehicle or is intended or adapted solely for the drawing of another vehicle or is fitted with a body intended or adapted solely for the carriage of goods or two or more such vehicles successively.

(4) (a) The Minister for Industry and Commerce may make regulations for enabling this section to have effect.

(b) Regulations under this subsection may, in particular and without prejudice to the generality of the foregoing paragraph, make provision in relation to all or any of the following matters:

- (i) the keeping of records in respect of persons engaged in driving vehicles to which this section applies;
- (ii) the form of the records;
- (iii) the persons by whom the records are to be kept;
- (iv) the production of the records to members of the Garda Síochána and specified officers of the Minister for Industry and Commerce;
- (v) the exhibition of specified notices in vehicles in relation to which this section applies.

F326[(vi) the exclusion from the regulations of specified classes of vehicles.]

(5) Where a person contravenes subsection (3) of this section or a regulation under subsection (4) of this section which is stated to be a penal regulation, he shall be guilty of an offence.

(6) Where a person is charged with an offence under this section consisting of driving, or causing or permitting driving, for an excessive period, it shall be a good defence to the charge for him to show that the act alleged to constitute the offence was due to delay in the completion of a journey and that the delay was unavoidable and was caused by circumstances which he could not reasonably have foreseen.

(7) (a) The Minister for Industry and Commerce may by regulations vary or suspend in any manner any excessive period.

(b) Regulations under this subsection shall not be made save—

(i) where the Minister for Industry and Commerce is satisfied that bodies representative of the employers and employees concerned are in favour of the change to be effected by the regulations, and

(ii) after consultation by that Minister with the Minister.

(c) Different regulations may be made under this subsection—

(i) in respect of different classes of vehicles,

(ii) for different circumstances.

F327[(8) This section does not apply to or in respect of

(a) vehicles owned by the State and used for military or police purposes, or

(b) persons in the public service of the State driving vehicles so owned and used,  
or

(c) carriage by road to which Council Regulation (EC) 561/2006 applies.]

#### Annotations

##### Amendments:

**F326** Inserted (1.09.1968) by *Road Traffic Act 1968* (25/1968), s. 6 and sch., S.I. No. 169 of 1968.

**F327** Substituted (12.03.2008) by *European Communities (Road Transport) (Working Conditions and Road Safety) Regulations 2008* (S.I. No. 62 of 2008), reg. 60(1), commenced as per reg. 1(2).

##### Modifications (not altering text):

**C83** Functions transferred and references to “Department of Communications” and “Minister for Communications” construed (31.03.1987) by *Communications (Transfer of Departmental Administration and Ministerial Functions) (No. 2) Order 1987* (S.I. No. 92 of 1987), arts. 3, 4 and sch. part V, subject to transitional provisions in arts. 5-9. Note: name of Department of and Minister for Tourism and Transport altered to Tourism, Transport and Communications (7.02.1991) by *Tourism and Transport (Alteration of Name of Department and Title of Minister) Order 1991* (S.I. No. 25 of 1991); to Transport, Energy and Communications (22.01.1993) by *Tourism, Transport and Communications (Alteration of Name of Department and Title of Minister) Order 1993* (S.I. No. 17 of 1993); to Public Enterprise (12.07.1997) by *Transport, Energy and Communications (Alteration of Name of Department and Title of Minister) Order 1997* (S.I. No. 299 of 1997); to Transport (19.06.2002) by *Public Enterprise (Alteration of Name of Department and Title of Minister) Order 2002* (S.I. No. 305 of 2002); and to Transport, Tourism and Sport (2.04.2011) by *Transport (Alteration of Name of Department and Title of Minister) Order 2011* (S.I. No. 141 of 2011).

3. (1) The administration and business in connection with the exercise, performance or execution of any functions transferred by Article 4 of this Order are hereby transferred to the Department of Tourism and Transport.

(2) References to the Department of Communications contained in any Act or instrument made thereunder and relating to any administration and business transferred by paragraph (1) of this Article shall, on and after the commencement of this Order, be construed as references to the Department of Tourism and Transport.

4. (1) The functions vested in the Minister for Communications—

...

(c) by or under any of the statutes mentioned in the third column of Part V of the Schedule to this Order at any reference number of any statute mentioned in the second column of that Part of that Schedule at that reference number

are hereby transferred to the Minister for Tourism and Transport.

(2) References to the Minister for Communications contained in any Act or instrument made thereunder and relating to any functions transferred by this Article shall, on and after the commencement of this Order, be construed as references to the Minister for Tourism and Transport.

#### SCHEDULE

##### PART V

Statutes, certain functions under which are transferred from the Minister for Communications to the Minister to Tourism and Transport:

Ref no.	Statute	Provisions of the Statutes mentioned in the second column functions under which are transferred to the Minister for Tourism and Transport
(1)	(2)	(3)
...	...	...
6.	Road Traffic Act 1961	Sections 114(4) and 114(7).
...	...	...

#### Editorial Notes:

- E1329** Previous affecting provision: application of section restricted (20.02.2006) by *European Communities (Road Transport) Regulations 2006* (S.I. No. 88 of 2006), reg. 17; revoked (12.11.2008) by *European Communities (Road Transport) (Working Conditions and Road Safety) Regulations 2008* (S.I. No. 62 of 2008), reg. 58(a).
- E1330** Previous affecting provision: application of section restricted (4.12.1986) by *European Communities (Road Transport) Regulations 1986* (S.I. No. 392 of 1986), reg. 13; revoked (20.02.2006) by *European Communities (Road Transport) Regulations 2006* (S.I. No. 88 of 2006), reg. 18.
- E1331** Previous affecting provision: functions under subss. (4) and (7) transferred to Minister for Transport (1.01.1982) by *Road Transport Regulations (Transfer of Departmental Administration and Ministerial Functions) Order 1981* (S.I. No. 417 of 1981); superseded as per C-note above.
- E1332** Previous affecting provision: application of section restricted (26.01.1979) by *European Communities (Road Transport) Regulations 1979* (S.I. No. 16 of 1979), reg. 10; revoked as per E-note above (reg. 17).
- E1333** Previous affecting provision: functions under subss. (4) and (7) transferred to Minister for Labour (13.07.1966) by *Labour (Transfer of Departmental Administration and Ministerial Functions) Order 1966* (S.I. No. 164 of 1966), commenced by S.I. No. 162 of 1966 in accordance with art. 1(2); superseded as per E-note above.