



# Department for Transport

David Francis  
SMMT

Duncan Price  
Head of Road Freight Regulation  
Department for Transport  
3rd Floor, Great Minster House  
33 Horseferry Road  
London  
SW1P 4DR

Email: [freight@dft.gov.uk](mailto:freight@dft.gov.uk)

Website: [www.dft.gov.uk](http://www.dft.gov.uk)

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Dear David

## **The Drivers' Hours and Tachograph (Amendment) Regulations 2023 (S.I. 2023/739)**

I am writing to let you know that the above-mentioned statutory instrument ("SI") has been made to allow for the implementation of the 'transitional' smart tachograph 2, which will be required to be fitted into newly registered goods and passenger vehicles in-scope of the European Union ("EU")/United Kingdom ("UK") Trade and Cooperation Agreement (the "TCA") from 21 August 2023.

The SI was laid in Parliament on 6 July 2023 and will come into force on 21 August 2023. Below is a link to the SI on [legislation.gov.uk](http://legislation.gov.uk):

<https://www.legislation.gov.uk/ukxi/2023/739/made>

The SI has amended the relevant tachograph regulation (Regulation (EU) 165/2014 - as it has effect in the UK) to allow for a 'transitional' smart tachograph 2 to be installed into in-scope vehicles that will be used for journeys between the UK and EU from the implementation date of 21 August 2023, as required by the TCA. This transitional arrangement has been made because the 'full' smart tachograph 2 will not be available on this date.

Additionally, the SI has introduced a six-month delay to the implementation date for the smart tachograph 2 (including 'transitional' units) for newly registered vehicles that will be used exclusively in the UK. This is to alleviate UK industry concerns about the supply of the 'transitional' smart tachograph 2 to UK vehicle manufacturers, in order to meet the 21 August 2023 implementation date. This should also avoid the retrofitting cost of a 'full' smart tachograph 2 for part-built vehicles that have not been registered before 21 August 2023 (and would therefore have a smart tachograph 1 fitted).

Further, for newly registered vehicles used exclusively in the UK, a faulty smart tachograph 1 can be replaced with a smart tachograph 1 *or* a smart tachograph 2 (including 'transitional' units). However, for vehicles undertaking journeys in-scope of the TCA, any faulty smart tachograph 1 must be replaced with a smart tachograph 2 (including 'transitional' units) from 21 August 2023.

The phased implementation is intended to address UK industry concerns whilst ensuring that the UK satisfies its commitments under the TCA.

Detailed information about the SI, covering what it will do and why, is contained in the Explanatory Memorandum which was laid with the SI and is available from the link given above.

Do not hesitate to get in touch if there is anything you wish to discuss.

Yours sincerely,

A handwritten signature in grey ink, appearing to read 'Duncan Price', with a horizontal line underneath.

Duncan Price  
Deputy Director  
Road Freight Regulation