
STATUTORY INSTRUMENTS

2007 No. 2904

ROAD TRAFFIC

The Community Drivers' Hours and Working Time (Foot-and-Mouth Disease) (Temporary Exception) Regulations 2007

<i>Made</i>	- - - -	<i>4th October 2007</i>
<i>Laid before Parliament</i>		<i>5th October 2007</i>
<i>Coming into force</i>	- -	<i>6th October 2007</i>

The Secretary of State makes the following Regulations in exercise of the powers conferred by section 2(2) of the European Communities Act 1972 ^{M1}.

She has been designated ^{M2} for the purposes of section 2(2) in relation to the regulation and supervision of working conditions of persons engaged in road transport and to measures relating to the organisation of working time.

Marginal Citations

M1 1972 c. 68.

M2 S.I.1975/1707 and 1997/1174.

Citation, commencement, cessation and extent

1.—(1) These Regulations may be cited as the Community Drivers' Hours and Working Time (Foot-and-Mouth Disease) (Temporary Exception) Regulations 2007, shall come into force on 6th October 2007 and shall cease to have effect on [^{F1}19th November 2007.]

(2) These Regulations extend to Great Britain only.

Textual Amendments

F1 Words in reg. 1(1) substituted (5.11.2007) by The Community Drivers Hours and Working Time (Foot-and-Mouth Disease) (Temporary Exception) (Amendment) Regulations 2007 (S.I. 2007/3143), regs. 1, 2(2)

Interpretation

2.—(1) In these Regulations—

Status: Point in time view as at 05/11/2007.

Changes to legislation: There are currently no known outstanding effects for the The Community Drivers' Hours and Working Time (Foot-and-Mouth Disease) (Temporary Exception) Regulations 2007. (See end of Document for details)

“the circumstances” means the exceptional circumstances [^{F2}in Scotland] arising as a consequence of restrictions on movements of pigs, cattle and sheep imposed as a result of the outbreaks of foot-and-mouth disease in Great Britain;

“the Community Drivers' Hours Regulation” means Regulation (EC) No 561/2006 of 15th March 2006 of the European Parliament and of the Council ^{M3};

“driver” and “driving time” have the same meaning as in the Community Drivers' Hours Regulation;

“goods vehicle” and “mobile worker” have the same meaning as in the Road Transport (Working Time) Regulations 2005 ^{M4};

“the specified purpose” means the purpose of moving pigs, cattle and sheep [^{F3}from any place in Scotland] in connection with meeting the circumstances or alleviating their effects; and

“week” has the same meaning as in the Community Drivers' Hours Regulation.

(2) For the purposes of these Regulations, a driver will be taken to be engaged in driving or travelling in a goods vehicle mainly for the specified purpose if more than half his combined driving and travelling time is so spent during—

- (a) the period beginning on the date these Regulations come into force and ending on 8th October, or
- (b) any week thereafter.

Textual Amendments

- F2** Words in reg. 2(1) added (5.11.2007) by The Community Drivers Hours and Working Time (Foot-and-Mouth Disease) (Temporary Exception) (Amendment) Regulations 2007 (S.I. 2007/3143), regs. 1, **2(3)(a)**
- F3** Words in reg. 2(1) added (5.11.2007) by The Community Drivers Hours and Working Time (Foot-and-Mouth Disease) (Temporary Exception) (Amendment) Regulations 2007 (S.I. 2007/3143), regs. 1, **2(3)(b)**

Marginal Citations

- M3** O.J. No.L102, 11.04.06, p1.
- M4** S.I. 2005/639 to which there are amendments not relevant to these Regulations.

Temporary exception

3. Pursuant to Article 14(2) of the Community Drivers' Hours Regulation, where a driver is engaged in driving a goods vehicle wholly or mainly for the specified purpose, the Community Drivers' Hours Regulation shall have effect as if—

- (a) in Article 6(1), for “nine hours” there were substituted “ ten hours ” and the second sentence of that paragraph were deleted;
- (b) Article 6(2) and (3) did not apply;
- (c) in Article 8(6), first indent, for “two regular weekly rest periods” there were substituted “ two weekly rest periods each of at least 24 consecutive hours ” and the second indent were deleted; and
- (d) in Article 8(8) the word “reduced” were deleted.

4. In relation to a mobile worker who is a driver engaged in driving or travelling in goods vehicles wholly or mainly for the specified purpose—
- (a) the Road Transport (Working Time) Regulations 2005 shall have effect as if in regulation 4(1), “ 66 hours ” were substituted for “60 hours”; and
 - (b) in calculating average working time for the purposes of regulation 4(2) of those Regulations, the first six hours spent driving a goods vehicle for the specified purpose during any week or part of a week shall be disregarded.

Signed by authority of the Secretary of State for Transport

Department for Transport

Jim Fitzpatrick
Parliamentary Under-Secretary of State

Status: Point in time view as at 05/11/2007.

Changes to legislation: There are currently no known outstanding effects for the The Community Drivers' Hours and Working Time (Foot-and-Mouth Disease) (Temporary Exception) Regulations 2007. (See end of Document for details)

EXPLANATORY NOTE

(This note is not part of the Regulations)

Article 14(2) of Regulation (EC) No. 561/2006 of the European Parliament and Council (“the Community Drivers' Hours Regulation”) provides that Member States may in urgent cases grant temporary exception, for a period not exceeding 30 days, from the application of the provisions of that Regulation to transport operations carried out in exceptional circumstances.

These Regulations provide for the driving of goods vehicles to move pigs, cattle and sheep in connection with meeting or alleviating the effects of the exceptional circumstances arising in consequence of restrictions on the movement of those animals imposed as a result of the outbreaks of foot-and-mouth disease in Great Britain.

Until midnight between 4th and 5th November 2007, where a driver is engaged wholly or mainly in driving goods vehicles to move such animals to meet those exceptional circumstances, Articles 6(2) and (3) of the Community Drivers' Hours Regulation, which limit the maximum periods of driving in a week and a fortnight, will not apply. In addition, Article 6(1) of that Regulation is modified to increase the daily driving period to 10 hours and Article 8(6) is modified to reduce the minimum weekly rest requirement to 24 consecutive hours.

The Road Transport (Working Time) Regulations 2005 are also modified for drivers of vehicles wholly or mainly engaged in moving pigs, cattle or sheep in connection with meeting the circumstances referred to. The effect of the modifications is to increase the maximum working time in a week, prescribed by regulation 4(1), to 66 hours and to allow up to 6 extra hours to be worked without affecting the average weekly working time.

A full regulatory impact assessment has not been produced for this instrument as no significant impact on the costs of the private or voluntary sectors is foreseen.

A copy of the Community Drivers' Hours Regulation can be obtained from the Office of Public Sector Information.

Status:

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Changes to legislation:

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