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STATUTORY INSTRUMENTS

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**2007 No. 853**

**TRANSPORT**

**The Road Transport (Working Time)  
(Amendment) Regulations 2007**

<i>Made</i>	- - - -	<i>14th March 2007</i>
<i>Laid before Parliament</i>		<i>19th March 2007</i>
<i>Coming into force</i>	- -	<i>11th April 2007</i>

The Secretary of State for Transport makes the following Regulations in exercise of the powers conferred by section 2(2) of the European Communities Act 1972<sup>(1)</sup>;

He is a Minister designated<sup>(2)</sup> for the purposes of section 2(2) of the 1972 Act in relation to measures relating to the organisation of working time:

**Citation and commencement**

1. These Regulations may be cited as the Road Transport (Working Time) (Amendment) Regulations 2007 and come into force on 11th April 2007.

**Amendment of the principal Regulations**

2.—(1) The Road Transport (Working Time) Regulations 2005<sup>(3)</sup> are amended as provided in this regulation.

(2) In regulation 2, for the definition of “the Community Drivers’ Hours Regulation”, substitute—  
““the Community Drivers’ Hours Regulation” means Regulation (EC) No 561/2006 of the European Parliament and of the Council of 15 March 2006<sup>(4)</sup> on the harmonisation of certain social legislation relating to road transport (and amending and repealing certain Council Regulations)”;

(3) For regulation 3(2) substitute—

“(2) This paragraph applies to mobile workers who, in the course of that employment or work, drive or travel in or on vehicles—

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(1) 1972 c.68. Section 2(2) was amended by the Legislative and Regulatory Reform Act 2006, section 27(1).

(2) S.I. 1997/1174.

(3) S.I. 2005/639.

(4) OJ No L102, 11.4.2006, p.1.

- (a) which are vehicles within the meaning of Article 4(b) of the Community Drivers' Hours Regulation,
  - (b) which are not vehicles described in Article 3 of that Regulation, and
  - (c) which are not vehicles exempted from the provisions of that Regulation under regulation 2 of the Community Drivers' Hours and Recording Equipment (Exemptions and Supplementary Provisions) Regulations 1986<sup>(5)</sup>.”
- (4) For regulation 15 substitute—

**“Individual carrying on own trade or business**

- 15.**—(1) This regulation applies to an individual who—
- (a) for the purpose of a trade or business carried on by him, drives a vehicle described in paragraph (2) or (3) of regulation 3, and
  - (b) is neither—
    - (i) a self-employed driver, nor
    - (ii) an agency worker within the meaning of regulation 14.
- (2) Where this regulation applies, these Regulations shall have effect as if—
- (a) the individual were both a mobile worker and the employer of that mobile worker, and
  - (b) regulations 10, 11(a) and (e) and 12 were omitted.”

Signed by authority of the Secretary of State for Transport

14th March 2007

*S.J. Ladyman*  
Minister of State  
Department for Transport

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(5) S.I. 1986/1456; regulation 2 was substituted by S.I. 1987/805.

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## EXPLANATORY NOTE

*(This note is not part of the Regulations)*

Regulation (EC) No 561/2006 (OJ No L102, 11.4.2006, p.1; “the 2006 EC Regulation”), on the harmonisation of certain social legislation relating to road transport (in particular the rules on drivers’ hours), repeals and replaces Regulation (EEC) No 3280/85 (“the 1985 EEC Regulation”) on 11th April 2007.

The Road Transport (Working Time) Regulations 2005 (“the principal Regulations”) implemented Council Directive 2002/15/EC (OJ No. L80, 23.3.2002, p.35) concerning the organisation of the working time of persons performing mobile road transport activities. That Directive applies to, amongst others, persons participating in the activities covered by the 1985 EEC Regulation. These Regulations amend the principal Regulations by replacing references to the 1985 EEC Regulation with corresponding references to the 2006 EC Regulation. They also correct an error in regulation 15 of the principal Regulations.

No Regulatory Impact Assessment has been prepared for these Regulations as they have no impact on business or the voluntary or public sectors.