
STATUTORY INSTRUMENTS

2008 No. 1660

**The Cross-border Railway Services
(Working Time) Regulations 2008**

Interpretation

2. In these Regulations—

“collective agreement” means a collective agreement within the meaning of section 178 of the Trade Union and Labour Relations (Consolidation) Act 1992⁽¹⁾, the trade union parties to which are independent trade unions within the meaning of section 5 of that Act;

“cross-border worker” means any worker who is a member of a train crew and who is assigned to interoperable cross-border services for more than one hour on a daily shift basis;

“driver” means a cross-border worker in charge of operating a traction unit;

“employer”, in relation to a cross-border worker, means the person by whom the worker is (or where the employment has ceased, was) employed;

“employment”, in relation to a cross-border worker, means employment under the worker’s contract, and “employed” is to be construed accordingly;

“inspector” means a person appointed under paragraph 1 of Schedule 2;

“interoperable cross-border services” are services through the tunnel system, as defined by section 1(7) of the Channel Tunnel Act 1987⁽²⁾, in respect of which at least two network safety requirement certifications are required, as stipulated by Article 10(2)(b) and (4) of Directive 2004/49/EC of the European Parliament and the Council of 29th April 2004⁽³⁾;

“leave year” for a cross-border worker is the year beginning on—

- (a) such date as is provided for in a relevant agreement, or
- (b) if there are no provisions of a relevant agreement which apply, on 1 January;

“relevant agreement”, in relation to a cross-border worker, means—

- (a) a workforce agreement which applies to the worker,
- (b) any provision of a collective agreement which forms part of a contract between the worker and the worker’s employer, or
- (c) any other agreement in writing which is legally enforceable as between the worker and the employer;

“relevant training” means work experience provided pursuant to a training course or programme, training for employment, or both, other than work experience or training—

- (a) the immediate provider of which is an educational institution or a person whose main business is the provision of training, and
- (b) which is provided on a course run by that institution or person;

(1) 1992 c.52.

(2) 1987 c.53.

(3) OJNo. L164, 30.4.04, p.44.

“rest period” means any period which is not working time;

“week” means a period of seven days which starts at such time as is determined for the purposes of these Regulations by a relevant agreement, or in default of such a determination at midnight at the beginning of Monday;

“workforce agreement” means an agreement between an employer and workers employed by the employer or their representatives in respect of which the conditions set out in Schedule 1 to these Regulations are satisfied; and

“working time”, in relation to a cross-border worker, means—

- (a) any period during which the worker is working, at the employer’s disposal and carrying out the worker’s activities or duties,
- (b) any period during which the worker is receiving relevant training, and
- (c) any additional period which is to be treated as working time for the purpose of these Regulations under a relevant agreement.