

2001 No. 154

EUROPEAN COMMUNITIES

ROAD TRAFFIC AND VEHICLES

**The Community Drivers' Hours (Foot-and-Mouth Disease)
(Temporary Exception) (No. 2) Regulations
(Northern Ireland) 2001**

Made *5th April 2001*

Coming into operation *9th April 2001*

The Department of the Environment, being a Department designated^(a) for the purposes of section 2(2) of the European Communities Act 1972^(b) in relation to the regulation and supervision of working conditions of persons engaged in road transport, in exercise of the powers conferred by that section and of every other power enabling it in that behalf, hereby makes the following Regulations:

Citation and commencement

1. These Regulations may be cited as the Community Drivers' Hours (Foot-and-Mouth Disease) (Temporary Exception) (No. 2) Regulations (Northern Ireland) 2001 and shall come into operation on 9th April 2001.

Interpretation

2.—(1) In these Regulations—

“agricultural product” means products of—

- (a) the soil;
- (b) dairy farming;
- (c) the breeding and keeping of livestock; and
- (d) poultry farming,

and products of first-stage processing directly relating to such products;

“agricultural purpose” includes horticulture, fruit growing, seed growing, dairy farming and livestock breeding and keeping, the use of land as grazing land and meadow land, and the use of land for woodlands where that use is ancillary to the farming of land for other agricultural purposes;

(a) S.I. 1975/1707
(b) 1972 c. 68

“the Council Regulation” means Council Regulation (EEC) No. 3820/85 of 20th December 1985 on the harmonisation of certain social legislation relating to road transport^(a);

“farm” means land which is occupied for agricultural purposes, including any dwelling-house or other building occupied by the same person for the purpose of farming the land;

“feeding stuff” means—

(a) a product of vegetable or animal origin in its natural state (whether fresh or preserved);

(b) a product derived from the industrial processing of such a product; or

(c) an organic or inorganic substance, used singly or in a mixture (and whether or not containing additives),

for oral feeding to animals which, or kinds of which, are in particular kept for the production of food, skins or fur or for the purpose of their use in the farming of land;

“fertiliser” means a fertiliser used for the cultivation of crops or plants of any description, including trees;

“fuel” includes any substance used as a source of heat or power;

“grain” includes wheat, maize, oats, rye, barley, rice, pulses, seeds and processed forms thereof;

“livestock” includes cattle, horses, asses, mules, hinnies, sheep, pigs, goats, poultry, deer and, while in captivity, pheasants, partridges and grouse;

“machinery” includes—

(i) digging machines;

(ii) mobile cranes;

(iii) generators and compressors;

(iv) construction equipment, including wheel loaders, bulldozers, crawler tractors, crawler loaders, truck-type loaders, off-highway trucks and hydraulic excavators;

(v) agricultural equipment;

(vi) self-propelled agricultural vehicles including tractors; and

(vii) fork-lift trucks.

“vehicle”, whether laden or not, has the same meaning as “vehicles” in the Council Regulation.

(2) The Interpretation Act (Northern Ireland) 1954^(b) shall apply to these Regulations as it applies to an Act of the Northern Ireland Assembly.

(a) O.J. No. L370, 31.12.85, p. 1

(b) 1954 c. 33 (N.I.)

Temporary exceptions

3.—(1) Pursuant to Article 13(2) of the Council Regulation until 7th June 2001, and in order to meet the exceptional circumstances occasioned by the outbreak of foot-and-mouth disease in Northern Ireland, or the effects or consequences of such exceptional circumstances, any time spent driving a vehicle for the purpose of—

- (a) the collection or delivery to or from a farm of agricultural products, machinery, fertiliser, fuel, disinfectants, herbicides and pesticides; or
- (b) the movement of livestock; or
- (c) the transport of feeding stuff and grain,

shall not be taken into account for the purposes of Article 6(2) of that Regulation.

(2) In relation to the driving of a vehicle in the exceptional circumstances and for the purposes mentioned in paragraph (1), the Council Regulation shall have effect as if—

- (a) in Article 6, paragraph 1 first sentence, for the reference to “nine hours” there were substituted “ten hours” and the second sentence of that paragraph were deleted; and
- (b) in Article 8, for paragraph 3 there were substituted the following—

“3. In the course of each week, one of the rest periods referred to in paragraphs 1 and 2 shall be extended, by way of weekly rest, to a total of 24 consecutive hours. Every third week this rest period shall be extended to a total of 45 consecutive hours.”.

Sealed with the Official Seal of the Department of the Environment on 5th April 2001.

(L.S.)

Sam Foster
Minister of the Environment

EXPLANATORY NOTE

(This note is not part of the Regulations.)

Article 13(2) of Council Regulation (EEC) No. 3820/85 of 20th December 1985 on harmonisation of certain social legislation relating to road transport (“the Council Regulation”) provides that member States may, after authorisation by the Commission, grant exceptions from the application of the provisions of that Regulation to transport operations carried out in exceptional circumstances. The Commission has authorised the temporary exception provided for by these Regulations.

The Community Drivers’ Hours (Foot-and-Mouth Disease) (Temporary Exception) Regulations (Northern Ireland) 2001 (S.R. 2001 No.103) applied a temporary exception for 30 days from 10th March to 8th April 2001. The present Regulations provide for a further temporary exception of 60 days and include the following changes—

- the movement of machinery is added to regulation 3(1)(a); and
- the reduced weekly rest of 24 consecutive hours is extended to 45 consecutive hours every third week (regulation 3(2)(b)).

These Regulations provide that until 7th June 2001, any time spent driving vehicles for the purposes specified in regulation 3(1) to meet the exceptional circumstances occasioned by the outbreak of foot-and-mouth disease in Northern Ireland, or the effects or consequences of such exceptional circumstances, shall not be taken into account for the purposes of the application of Article 6(2) of the Council Regulation.

These Regulations also provide that in relation to the driving of such vehicles in the exceptional circumstances mentioned above, Articles 6(1) and 8(3) of the Council Regulation shall have effect subject to certain modifications.