
STATUTORY INSTRUMENTS

2005 No. 639

The Road Transport (Working Time) Regulations 2005

Working time

4.—(1) Subject to paragraph (2) below, the working time, including overtime, of a mobile worker shall not exceed 60 hours in a week.

(2) In any reference period which is applicable to his case, a mobile worker's working time shall not exceed an average of 48 hours for each week.

(3) The reference periods which apply in the case of a mobile worker shall be—

(a) where a collective agreement or a workforce agreement provides for the application of this regulation in relation to successive periods of 17 weeks, each such period,

(b) in a case where—

(i) there is no such provision, and

(ii) the employer gives written notice to the mobile worker in writing that he intends to apply this subparagraph,

any period of 17 weeks in the course of the worker's employment, or

(c) in any other case, the period ending at midnight between Sunday 31st July 2005 and Monday 1st August 2005 and thereafter, in each year, the successive periods beginning at midnight at the beginning of the Monday which falls on, or is the first Monday after, a date in column 1 below and ending at midnight at the beginning of the Monday which falls on, or is the first Monday after, the date on the same line in column 2 below.

Column 1 (beginning)	Column 2 (end)
1st December	1st April
1st April	1st August
1st August	1st December

(4) The reference period may be extended in relation to particular mobile workers or groups of mobile workers for objective or technical reasons or reasons concerning the organisation of work, by a collective agreement or a workforce agreement, by the substitution for 17 weeks of a period not exceeding 26 weeks in the application of paragraphs (2) and (3)(a) above.

(5) A mobile worker's average weekly working time during a reference period shall be determined according to the formula—

$$(A+B) \div C$$

where—

A is the aggregate number of hours comprised in the mobile worker's working time during the course of the reference period;

B is the number of excluded hours during the reference period; and

C is the number of weeks in the reference period.

- (6) In paragraph (5), “excluded hours” means hours comprised in—
- (a) any period of annual leave taken by the mobile worker in exercise of entitlement under regulation 13 of the Working Time Regulations 1998⁽¹⁾;
 - (b) any period of sick leave taken by the mobile worker;
 - (c) any period of maternity, paternity, adoption or parental leave taken by the mobile worker;
- (7) For the purposes of paragraph (5), the number of hours in a whole day shall be eight and the number of hours in a whole week shall be forty-eight.
- (8) An employer shall take all reasonable steps, in keeping with the need to protect the health and safety of the mobile worker, to ensure that the limits specified above are complied with in the case of each mobile worker employed by him.

⁽¹⁾ [S.I.1998](#); the relevant amending instrument is [S.I.2001/3256](#).