

2007 No. 323

TRANSPORT

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

Made - - - - - *4th July 2007*

Coming into operation - - - - - *31st July 2007*

The Department of the Environment being a Department designated(a) for the purpose, makes the following Regulations in exercise of the powers conferred by section 2(2) of the European Communities Act 1972(b):

Citation and Commencement

1. These Regulations may be cited as the Road Transport (Working Time) (Amendment) Regulations (Northern Ireland) 2007 and shall come into operation on 31st July 2007.

Amendment of the Road Transport (Working Time) Regulations (Northern Ireland) 2005(c)

2.—(1) In regulation 2, for the definition “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(d) on the harmonisation of certain social legislation relating to road transport (and amending and repealing certain Council Regulations);”

(2) 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—

- (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 (Northern Ireland) 1987(e).”

(3) For regulation 15 substitute—

“15.—(1) This regulation applies to an individual who—

(a) S.I. 1997/1174

(b) 1972 c.68

(c) S.R. 2005 No. 241

(d) O.J. No. L102, 11.4.2006, p.1.

(e) S.R. 1987 No. 218; regulation 4 was substituted by S.R. 1988 No. 297, regulation 2(1)

- (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.”
- (4) In Schedule 2 paragraph 6 in sub-paragraphs (2) and (4) for the word “employment” substitute “industrial”.
- (5) In Schedule 2 paragraph 6 after sub-paragraph (3) insert—
 - “(3A) In relation to relevant industrial tribunal proceedings, any reference to a provision of Article 26 of the Health and Safety at Work (Northern Ireland) Order 1978(a) in the rules of procedure governing industrial tribunals shall be construed as a reference to a provision of this paragraph.”.

Sealed with the Official Seal of the Department of the Environment on 4th July 2007.



Stanley Duncan
A senior officer of the
Department of the Environment

(a) S.I. 1978/1039 (N.I. 9) Article 26 was amended by S.I. 1984/1159 (N.I. 9) Schedule 4; other relevant modifications to the Order were made by S.R. 2000 No. 87 regulation 2 and S.R. 2000 No. 120 regulation 19

EXPLANATORY NOTE

(This note is not part of the Regulations)

Regulation (EC) No. 561/2006 O.J. 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), repealed and replaced 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 (O.J. 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 a previous omission in relation to regulation 15 of the principal Regulations to enable that regulation to apply to a vehicle described in regulation 3(3) of the principal Regulations.

These Regulations also amend Schedule 2 to the principal Regulations so as to authorise industrial tribunals to hear appeals against improvement notices as though they were appeals under Article 26 of the Health and Safety at Work (Northern Ireland) Order 1978.

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