
EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations implement the provisions of Council Directive [2005/47/EC](#) (OJNo. L195, 27.7.05, p. 15) of 18th July 2005 on the Agreement between the Community of European Railways (CER) and the European Transport Workers' Federation (ETF) on certain aspects of the working conditions of mobile workers engaged in interoperable cross-border services in the railway sector.

The Regulations apply to workers whose daily shift includes more than one hour on train services going to the Republic of Ireland that require at least two safety certificates. These workers are referred to as cross-border workers in the Regulations.

Regulations 3 to 7 give cross-border workers entitlements to rests and breaks from work.

Regulation 8 obliges the employer to take reasonable steps to ensure the requirements relating to driving time set out in that regulation are complied with.

Regulation 9 requires the employer to keep records and provide copies of the records.

Regulation 10 to 16 and Schedule 2 contain provisions in relation to enforcement. An employer's obligations under regulations 8 and 9 are enforceable by the Health and Safety Executive for Northern Ireland and an employer's failure to comply with an obligation under either regulation is an offence.

Regulation 17 makes provision in respect of complaints to an industrial tribunal.

Regulation 18 prevents contracting out of the provisions of the Regulations, subject to exceptions set out in regulation 18.

Regulation 19 and Schedule 3 amend the Working Time Regulations (Northern Ireland) 1998 ([S.R. 1998/386](#), as subsequently amended, including by [S.R. 2003/330](#), which is relevant to these Regulations). The Working Time Regulations (Northern Ireland) 1998 implement Directive [2003/88/EC](#) (O.J. No. L299, 18.11.03, p. 9) of the European Parliament and of the Council of 4th November 2003 concerning certain aspects of the organisation of working time. Article 14 of that Directive provides that where other Community instruments contain more specific requirements relating to the organisation of working time for certain occupations or occupational activities the Directive does not apply. Council Directive [2005/47/EC](#) contains more specific requirements than some of the requirements of Directive [2003/88/EC](#). Consistent with Article 14 of Directive [2003/88/EC](#), regulation 19 and paragraph 4 of Schedule 3 amend the Working Time Regulations (Northern Ireland) 1998 so that the provisions on compensatory rest do not apply to cross-border workers.

Regulation 19 and Schedule 3 also amend the Industrial Tribunals (Northern Ireland) Order 1996, the Employment Rights (Northern Ireland) Order 1996 and the Employment (Northern Ireland) Order 2002 so that provisions of those Orders that refer to the Working Time Regulations (Northern Ireland) 1998 also refer to these Regulations.

Changes to legislation:

There are currently no known outstanding effects for the The Cross-border Railway Services (Working Time) Regulations (Northern Ireland) 2008.