

2001 No. 3508

ROAD TRAFFIC

**The Community Drivers' Hours (Foot-and-Mouth
Disease) (Temporary Exception) (No. 2)
(Amendment No. 6) Regulations 2001**

<i>Made</i> - - - - -	<i>29th October 2001</i>
<i>Laid before Parliament</i>	<i>30th October 2001</i>
<i>Coming into force</i> - -	<i>31st October 2001</i>

The Secretary of State for Transport, Local Government and the Regions, being a Minister 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 all other powers enabling him 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) (Amendment No. 6) Regulations 2001 and shall come into force on 31st October 2001.

Amendment of the Community Drivers' Hours (Foot-and-Mouth Disease) (Temporary Exception) (No. 2) Regulations 2001

2.—(1) The Community Drivers' Hours (Foot-and-Mouth Disease) (Temporary Exception) (No. 2) Regulations 2001(c) shall be amended as follows.

(2) In regulation 3(1), for the words "until 31st October 2001" there shall be substituted the words "until 30th December 2001".

(3) For regulation 3(2) there shall be substituted the following:

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

(3) In relation to the driving of a vehicle in the exceptional circumstances mentioned in paragraph (1) above and for the purpose only of the movement of livestock, the said Council Regulation shall have effect as if in Article 8, for paragraph 3 there were substituted the following:

(a) S.I. 1975/1707.

(b) 1972 c. 68.

(c) S.I. 2001/1293 amended by S.I. 2001/1822, S.I. 2001/2358, S.I. 2001/2741, S.I. 2001/2959 and S.I. 2001/3260.

“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.””.

Signed by authority of the Secretary of State
for Transport, Local Government and the Regions

David Jamieson
Parliamentary Under-Secretary of State

29th October 2001

Department for Transport, Local Government and the Regions

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.

These Regulations further amend the Community Drivers’ Hours (Foot-and-Mouth Disease) (Temporary Exception) (No. 2) Regulations 2001 (as amended by S.I. 2001/1822, S.I. 2001/2358, S.I. 2001/2741, S.I. 2001/2959 and S.I. 2001/3260) (“the principal Regulations”). The principal Regulations provided that until 31st October 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 Great Britain, 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.

The principal Regulations also provided 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.

The present Regulations provide for a further temporary exception of 60 days until 30th December 2001 but the reduced weekly rest period of 24 consecutive hours (extended to 45 consecutive hours every third week) is confined to the driving of a vehicle for the purpose of the movement of livestock. This is a limitation on the modifications of the Council Regulation previously made and has the effect of gradually reinstating the full provisions of the Council Regulation.

By letter of 26th September 2001 the Commission authorised the continuation of the temporary exception provided for by these Regulations.

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