

STATUTORY INSTRUMENTS

**2005 No. 639**

**The Road Transport (Working Time) Regulations 2005**

**Application**

3.—(1) These Regulations apply to mobile workers who are employed by, or who do work for, undertakings established in [<sup>F1</sup>the United Kingdom], and to whom paragraph (2) or paragraph (3) applies.

[<sup>F2</sup>(1A) These Regulations also apply to self-employed drivers who are established in, or who do work for undertakings established in, [<sup>F3</sup>the United Kingdom], and to whom paragraph (2) or paragraph (3) applies.]

[<sup>F4</sup>(2) This paragraph applies to mobile workers [<sup>F5</sup>or self-employed drivers] who, in the course of [<sup>F6</sup>their employment or working activities], 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
- [<sup>F7</sup>(c) which are not vehicles exempted from the provisions of that Regulation under regulation 2 of the Community Drivers' Hours and Recording Equipment Regulations 2007].]

(3) This paragraph applies to mobile workers [<sup>F8</sup>or self-employed drivers], to whom paragraph (2) does not apply, who in the course of [<sup>F9</sup>their employment or working activities] drive, or travel in, vehicles

- (a) which fall within the meaning of a “vehicle” in Article 1 of the AETR;
- (b) which are not referred to in [<sup>F10</sup>Article 2(2)] of the AETR; and
- (c) which are performing [<sup>F11</sup>transport operations wholly or partly outside the United Kingdom].

(4) These Regulations do not apply to—

- [<sup>F12</sup>(a) .....
- (b) any [<sup>F13</sup>mobile worker or self-employed driver] who does work which is included in the calculation of working time—
  - (i) where the reference period is shorter than 26 weeks, on fewer than 11 days in a reference period applicable to that [<sup>F13</sup>mobile worker or self-employed driver], or
  - (ii) in any other case on fewer than 16 days in a reference period applicable to that [<sup>F13</sup>mobile worker or self-employed driver].

**Textual Amendments**

- F1** Words in reg. 3(1A) substituted (31.12.2020) by [The Drivers' Hours and Tachographs \(Amendment etc.\) \(EU Exit\) Regulations 2019 \(S.I. 2019/453\)](#), regs. 1(3), **50(2)(a)**; 2020 c. 1, Sch. 5 para. 1(1)
- F2** Reg. 3(1A) inserted (11.5.2012) by [The Road Transport \(Working Time\) \(Amendment\) Regulations 2012 \(S.I. 2012/991\)](#), regs. 1, **4(a)**

- F3** Words in reg. 3(1) substituted (31.12.2020) by The Drivers' Hours and Tachographs (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/453), regs. 1(3), **50(2)(a)**; 2020 c. 1, Sch. 5 para. 1(1)
- F4** Reg. 3(2) substituted (11.4.2007) by The Road Transport (Working Time) (Amendment) Regulations 2007 (S.I. 2007/853), regs. 1, **2(3)**
- F5** Words in reg. 3(2) inserted (11.5.2012) by The Road Transport (Working Time) (Amendment) Regulations 2012 (S.I. 2012/991), regs. 1, **4(b)(i)**
- F6** Words in reg. 3(2) substituted (11.5.2012) by The Road Transport (Working Time) (Amendment) Regulations 2012 (S.I. 2012/991), regs. 1, **4(b)(ii)**
- F7** Reg. 3(2)(c) substituted (11.5.2012) by The Road Transport (Working Time) (Amendment) Regulations 2012 (S.I. 2012/991), regs. 1, **4(c)**
- F8** Words in reg. 3(3) inserted (11.5.2012) by The Road Transport (Working Time) (Amendment) Regulations 2012 (S.I. 2012/991), regs. 1, **4(d)(i)**
- F9** Words in reg. 3(3) substituted (11.5.2012) by The Road Transport (Working Time) (Amendment) Regulations 2012 (S.I. 2012/991), regs. 1, **4(d)(ii)**
- F10** Words in reg. 3(3)(b) substituted (26.3.2019) by The Drivers Hours and Tachographs (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/453), regs. 1(2), **26**
- F11** Words in reg. 3(3)(c) substituted (31.12.2020) by The Drivers' Hours and Tachographs (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/453), regs. 1(3), **50(2)(b)**; 2020 c. 1, Sch. 5 para. 1(1)
- F12** Reg. 3(4)(a) revoked (11.5.2012) by The Road Transport (Working Time) (Amendment) Regulations 2012 (S.I. 2012/991), regs. 1, **4(e)**
- F13** Words in reg. 3(4)(b) substituted (11.5.2012) by The Road Transport (Working Time) (Amendment) Regulations 2012 (S.I. 2012/991), regs. 1, **4(f)**

**Changes to legislation:**

There are currently no known outstanding effects for the The Road Transport (Working Time) Regulations 2005, Section 3.