

2006 No. 244

ROAD TRAFFIC

The Community Drivers' Hours and Working Time (Road Tankers) (Temporary Exception) (Amendment) Regulations 2006

<i>Made</i> - - - -	<i>4th February 2006</i>
<i>Laid before Parliament</i>	<i>7th February 2006</i>
<i>Coming into force</i> - -	<i>11th February 2006</i>

The Secretary of State makes the following Regulations in exercise of the powers conferred by section 2(2) of the European Communities Act 1972 (a).

He has been designated(b) for the purposes of section 2(2) in relation to the regulation and supervision of working conditions of persons engaged in road transport and to measures relating to the organisation of working time.

Citation and commencement

1. These Regulations may be cited as the Community Drivers' Hours and Working Time (Road Tankers) (Temporary Exception) (Amendment) Regulations 2006 and shall come into force on 11th February 2006.

Amendment of the Community Drivers' Hours and Working Time (Road Tankers) (Temporary Exception) Regulations 2006

2.—(1) The Community Drivers' Hours and Working Time (Road Tankers) (Temporary Exception) Regulations 2006(c) are amended as follows.

(2) In regulation 2, for "10th February 2006" substitute "12th March 2006".

Signed by authority of the Secretary of State for Transport

4th February 2006

S.J. Ladyman
Minister of State
Department for Transport

(a) 1972 c. 68.
(b) S.I.1975/1707 and 1997/1174.
(c) S.I.2006/17.

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 (OJ No L 370, 31.12.1985, p1) (“the Council Regulation”) provides that Member States may, in urgent cases, grant a temporary exception, for a period not exceeding 30 days, from the application of the provisions of that Regulation to transport operations carried out in exceptional circumstances.

These Regulations amend the Community Drivers’ Hours and Working Time (Road Tankers) (Temporary Exception) Regulations 2006 (“the principal Regulations”) to extend the expiry date of the exceptions provided for in those Regulations for 30 days until 12th March 2006. This period of 30 days is granted while the Secretary of State continues to await the Commission’s response to his request for an exception in accordance with the Council Regulation.

The principal Regulations provided for the operation of road tankers which transport petroleum products in the exceptional circumstances arising from the fire at Buncefield fuel depot. They provided that until the end of 10th February 2006, any time spent driving road tankers in those exceptional circumstances, or in consequence of such exceptional circumstances, was not to be taken into account for the purposes of the application of Article 6(2) of the Council Regulation, which limits the maximum period of driving in a fortnight. In addition, Articles 6(1) and 8(3) of the Council Regulation were modified to increase the daily driving period to 10 hours and to reduce the minimum weekly rest period to 24 hours.

The Road Transport (Working Time) Regulations 2005, which apply to mobile workers to whom the Council Regulation applies, were also modified in relation to road tankers to increase the maximum working time in a week, prescribed by regulation 4(1) of those Regulations, to 66 hours and to allow up to 6 extra hours to be worked without affecting the average weekly working time. But the modification has effect only where necessary as a result of driving within the modified Council Regulation.

A Regulatory Impact Assessment has not been prepared for this instrument as it has no significant impact on the costs of business.

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