

EXPLANATORY MEMORANDUM TO
THE COMMUNITY DRIVERS' HOURS AND WORKING TIME (FOOT-AND-MOUTH
DISEASE) (TEMPORARY EXCEPTION) REGULATIONS 2007

2007 No. 2904

1. This explanatory memorandum has been prepared by the Department for Transport and is laid before Parliament by Command of Her Majesty.

This memorandum contains information for the Joint Committee on Statutory Instruments.

2. **Description**

2.1 These Regulations temporarily relax the limits on drivers' hours and weekly rest requirements for drivers driving goods vehicles for the purpose of moving pigs, cattle or sheep in connection with meeting the exceptional circumstances arising as a consequence of the outbreak of foot-and-mouth disease in Great Britain. They also relax those drivers' overall weekly working time limits.

3. **Matters of special interest to the Joint Committee on Statutory Instruments**

3.1 These Regulations breach the 21-day rule. The instrument was made as soon as the need for an urgent, temporary and restricted relaxation of the drivers' hours rules for hauliers of these categories of livestock was identified and substantiated.

3.2 Restrictions on the movement of animals imposed throughout Great Britain during the Foot-and-Mouth disease outbreak have recently been significantly relaxed but they have led to there now being a significant backlog in the numbers of animals on farms which need to be moved quickly to markets and slaughter to avoid animal welfare problems arising and to help ensure the long term viability of the livestock industry. Livestock haulage is a specialised business subject to special animal welfare based requirements. There is only limited capacity available at the present time. An urgent relaxation in drivers' hours is therefore necessary to free up sufficient additional capacity to enable these livestock movements now to take place quickly.

4. **Legislative Background**

4.1 The drivers concerned are subject to the EU drivers' hours rules (Regulation (EC) 561/2006). In summary, these apply a daily driving limit of 9 hours (which may be increased to 10 hours up to twice a week) with a requirement to take a break of 45 minutes after four and a half hours driving. They also apply a weekly driving limit of 56 hours and a fortnightly driving limit of 90 hours. They require drivers to take a daily rest break of 11 hours (this can be reduced to 9 hours three times a week) and a weekly rest break of 45 hours (this can be reduced to 24 hours once a fortnight if a compensating longer break is taken later).

4.2 These drivers are also subject to the Road Transport (Working Time) Regulations 2005 (“the 2005 Regulations”) which place limits on working (as opposed to driving) time. In particular the 2005 Regulations apply a maximum weekly limit of 60 hours, subject to an average of 48 hours over (generally) a seventeen week reference period.

5. Territorial Extent and Application

5.1 This instrument applies to Great Britain.

6. European Convention on Human Rights

6.1 As the instrument is subject to the negative resolution procedure and does not amend primary legislation, no statement is required.

7. Policy background

7.1 Following the initial outbreak of Foot-and-Mouth disease on 3 August, restrictions on animal movements have been in force with varying severity throughout Great Britain to prevent the spread of the disease. On two occasions, all movements were prohibited for several days. At other times, the restrictions have limited the capacity of the livestock haulage industry to meet normal demand due to a number of factors:

- movements were only permitted directly from farms to slaughterhouses and not for other reasons such as animal welfare, sales or movements between grazing land as part of the normal production process;
- a ban on multiple pick ups for permitted movements led to vehicles operating at considerably reduced capacity (in some parts of the country less than 20% of normal);
- requirements to disinfect vehicles at slaughterhouses led to substantial increases in overall journey times.

Although most of the restrictions were removed on 4 October, a substantial backlog of animals awaiting transport has built up at a time of the year when movements normally reach a peak and the livestock haulage industry operates at full capacity. Serious animal welfare concerns are arising and the future viability of the livestock industry is at risk.

7.2. Livestock haulage is a specialised industry. Purpose built vehicles must be used and drivers must be suitably qualified. There is little scope for securing additional drivers or vehicles from within the wider road haulage sector . Relaxing the special requirements for livestock haulage could also raise road and worker safety risks as well as concerns about the welfare of animals being transported. The industry have said that relaxing the drivers’ hours rules for a limited period would increase driver and vehicle capacity and help to meet the current exceptional demand.

7.3 The livestock industry is important to the economy generally and to remote rural communities in particular. As well as seeking to avoid animal welfare problems these Regulations are also intended to help preserve the viability of the industry. They provide for the following temporary relaxations in the drivers’ hours rules:

- increase the daily driving limit to 10 hours every day;

- abolish the weekly and fortnightly limits (56 and 90 hours);
- reduce the weekly rest period to 24 hours.

These changes will increase available driving time by up to a third. The daily rest break requirements are not being relaxed and the industry has been informed that drivers must not be compelled to work the longer permitted hours and should not drive when tired. Driver union representatives have been consulted and are content with the proposed changes.

7.4 The Regulations also increase the maximum weekly limit for working time under the 2005 Regulations from 60 to 66 hours in order to allow drivers to make full use of the additional permitted drivers' hours.

7.5 The Regulations will remain in force for a period of 30 days which is considered to be sufficient to enable the backlog of animal movements to be handled. If circumstances are resolved earlier the Regulations will be revoked.

8. Impact

8.1 The Regulations will help to limit the potential short and long term impact of the Foot-and-Mouth disease outbreak on the livestock industry. Since the change to the drivers' hours rules will be temporary and restricted in scope, the financial and other impacts on the haulage industry should be negligible. No impact on charities or voluntary bodies is foreseen. An Impact Assessment is therefore not required.

8.2 The impact on the public sector is minimal. The Vehicle and Operator Services Agency and the Police are the main public bodies affected as they are responsible for enforcing the drivers' hours rules. The Regulations will have negligible impact on them as they already enforce the rules and are aware of the types of operation to which these Regulations will apply.

9. Contact

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