
STATUTORY INSTRUMENTS

2008 No. 1660

**The Cross-border Railway Services
(Working Time) Regulations 2008**

Interpretation

2. In these Regulations—

“collective agreement” means a collective agreement within the meaning of section 178 of the Trade Union and Labour Relations (Consolidation) Act 1992^{M1}, the trade union parties to which are independent trade unions within the meaning of section 5 of that Act;

“cross-border worker” means any worker who is a member of a train crew and who is assigned to interoperable cross-border services for more than one hour on a daily shift basis;

“driver” means a cross-border worker in charge of operating a traction unit;

“employer”, in relation to a cross-border worker, means the person by whom the worker is (or where the employment has ceased, was) employed;

“employment”, in relation to a cross-border worker, means employment under the worker's contract, and “employed” is to be construed accordingly;

“inspector” means a person appointed under paragraph 1 of Schedule 2;

[^{F1}“interoperable cross-border services” are services for the carriage of passengers or goods by way of the tunnel system, as defined by section 1(7) of the Channel Tunnel Act 1987 (excluding shuttle services, as defined by section 1(9) of that Act);]

“leave year” for a cross-border worker is the year beginning on—

- (a) such date as is provided for in a relevant agreement, or
- (b) if there are no provisions of a relevant agreement which apply, on 1 January;

“relevant agreement”, in relation to a cross-border worker, means—

- (a) a workforce agreement which applies to the worker,
- (b) any provision of a collective agreement which forms part of a contract between the worker and the worker's employer, or
- (c) any other agreement in writing which is legally enforceable as between the worker and the employer;

“relevant training” means work experience provided pursuant to a training course or programme, training for employment, or both, other than work experience or training—

- (a) the immediate provider of which is an educational institution or a person whose main business is the provision of training, and
- (b) which is provided on a course run by that institution or person;

“rest period” means any period which is not working time;

“week” means a period of seven days which starts at such time as is determined for the purposes of these Regulations by a relevant agreement, or in default of such a determination at midnight at the beginning of Monday;

“workforce agreement” means an agreement between an employer and workers employed by the employer or their representatives in respect of which the conditions set out in Schedule 1 to these Regulations are satisfied; and

“working time”, in relation to a cross-border worker, means—

- (a) any period during which the worker is working, at the employer's disposal and carrying out the worker's activities or duties,
- (b) any period during which the worker is receiving relevant training, and
- (c) any additional period which is to be treated as working time for the purpose of these Regulations under a relevant agreement.

Textual Amendments

- F1** Words in [reg. 2](#) substituted (31.12.2020) by [The Cross-border Railway Services \(Working Time\) \(Amendment\) \(EU Exit\) Order 2018 \(S.I. 2018/874\)](#), arts. 1(1), 3; 2020 c. 1, Sch. 5 para. 1(1)
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Marginal Citations

- M1** [1992 c.52](#).

Changes to legislation:

There are currently no known outstanding effects for the The Cross-border Railway Services (Working Time) Regulations 2008, Section 2.