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STATUTORY INSTRUMENTS

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**2008 No. 1660**

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

**Breaks for drivers**

5.—(1) A driver who is not entitled to a break under regulation 4 but whose scheduled daily working time is more than six hours is entitled to a break, but this paragraph and paragraphs (2) and (3) are subject to paragraph (4).

(2) The details of the break to which a driver is entitled under paragraph (1), including its duration and the terms on which it is granted, must be in accordance with any provisions for the purposes of this regulation which are contained in a collective agreement or a workforce agreement.

(3) Subject to the provisions of any applicable collective agreement or workforce agreement, the break provided for in paragraph (1) is an uninterrupted period of not less than 20 minutes.

(4) The employer of a driver may require the driver to work during a period that would, but for this paragraph, be a time when the driver is entitled to a break under this regulation; and when a driver is required to do so—

- (a) the employer must wherever possible allow the driver to take an equivalent period of compensatory rest, and
- (b) in exceptional cases in which it is not possible, for objective reasons, to grant such a period of rest, the employer must afford the driver such protection as may be appropriate to safeguard the driver's health and safety.

**Changes to legislation:**

There are currently no known outstanding effects for the The Cross-border Railway Services (Working Time) Regulations 2008, Section 5.