
EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend the Road Transport (Working Time) Regulations 2005 (“the 2005 Regulations”) (S.I. 2005/639) as amended by S.I. 2007/853, to implement Directive 2002/15/EC of the European Parliament and of the Council on the organisation of the working time of persons performing mobile road transport activities (OJNo. L80, 23.3.2002, p.35) (‘the Directive’) in respect of self-employed drivers.

The 2005 Regulations are amended by extending their provisions to self-employed drivers (in accordance with article 2.1 of Directive 2002/15/EC), by inserting regulation 3(1A) into those Regulations. This amendment is enforced by new regulation 11A. Consequential amendments are made to regulations 2, 3, 4, 6, 7, 8, 9 and 13. In addition, a consequential amendment has been made in regulation 3(2)(c) to reflect the fact that regulation 2 of the Community Drivers’ Hours and Recording Equipment (Exemptions and Supplementary Provisions) Regulations 1986 has been replaced by regulation 2 of the Community Drivers’ Hours and Recording Equipment Regulations 2007.

A new regulation 3A is inserted in the 2005 Regulations which requires the Secretary of State to review the operation and effect of regulation 3(1A) and publish a report within five years after it comes into force and within every five years after that. Following a review it will fall to the Secretary of State to consider whether regulation 3(1A) should remain as it is, or be revoked or be amended. A further instrument would be needed to revoke regulation 3(1A) or to amend it.

An impact assessment of the effect this instrument will have on the costs for the business and voluntary sectors has been produced and is available from the Operator Licensing and Roadworthiness Division, Department for Transport, Zone 2/24 Great Minster House, 33 Horseferry Road, London SW1P 4DR and may also be accessed on the Department’s website at www.dft.gov.uk. A copy has been placed in the library of each House of Parliament.