
STATUTORY INSTRUMENTS

2012 No. 991

**The Road Transport (Working Time)
(Amendment) Regulations 2012**

Amendment of the Road Transport (Working Time) Regulations 2005

3. In regulation 2 (interpretation)—
- (a) in the definition of “period of availability”—
 - (i) after each occurrence of the phrase “mobile worker” insert “or self-employed driver”;
 - (ii) delete the phrase “but is required to be available” and replace it with “but—
 - “(a) in the case of a mobile worker, is required to be available; or
 - (b) in the case of a self-employed driver, makes himself available;”
 - (b) in the definition of “relevant requirements” insert “4(9)”, “7(6)”, “8(3)”, “9(5)” and “11A” after 4(8), 7(5), 8(2), 9(4) and 11 respectively;
 - (c) In the definition of “worker” after “means an individual” insert “who is not a self-employed driver and”;
 - (d) Delete the definition of “working time” and substitute —
 - ““working time” means the time from the beginning to the end of work during which —
 - (a) the mobile worker or self-employed driver is at his workstation;
 - (b) the mobile worker is at the disposal of his employer, or (as applicable) the self-employed driver is at the disposal of the client; and
 - (c) the mobile worker or self-employed driver is exercising his functions or activities, being:
 - (i) time devoted to all road transport activities, including, in particular—
 - (aa) driving;
 - (bb) loading and unloading;
 - (cc) assisting passengers boarding and disembarking from the vehicle;
 - (dd) cleaning and technical maintenance;
 - (ee) all other work intended to ensure the safety of the vehicle, its cargo and passengers or to fulfil the legal or regulatory obligations directly linked to the specific transport operation under way, including monitoring of loading and unloading and dealing with administrative formalities with police, customs, immigration officers and others; or
 - (ii) time during which the mobile worker or self-employed driver cannot dispose freely of his time and is required (or, in relation to a self-employed driver, chooses) to be at his workstation, ready to take up normal work, with certain tasks associated with being on duty, in

particular during periods awaiting loading or unloading where their foreseeable duration is not known in advance, that is to say either before departure or just before the actual start of the period in question, or under collective agreements or workforce agreements;

but, in relation to self-employed drivers, general administrative work that is not directly linked to the specific transport operation under way is excluded from working time.”.

(e) in the definition of “workstation”—

- (i) insert “in relation to a mobile worker” at the beginning of paragraph (a);
- (ii) insert “or” after “its head office or its main place of business;” at the end of paragraph (a);
- (iii) insert “in relation to a mobile worker or self-employed driver” at the beginning of paragraph (b);
- (iv) insert “in relation to a mobile worker or self-employed driver” at the beginning of paragraph (c).