

Exemptions

These regulations do not apply to:

- Self-employed drivers, as defined under these new regulations, will not be covered by working time rules until 2009. There are several criteria that drivers must comply with to qualify as a self-employed driver. For example, they must have an Operator's Licence. They must be free to organise their working activities and cannot be restricted (either implicitly or explicitly) from having commercial relations with several customers/clients;
- any worker who does work which is included in the calculation of working time :
(a) where the reference period is shorter than 26 weeks, on fewer than 11 days in a reference period applicable to that worker, or
(b) in any other case on fewer than 16 days in a reference period applicable to that worker.
If these limits are exceeded then you will be subject to the Road Transport Working Time Regulations.

Enforcement

The responsibility for the enforcement of these regulations rests with the Driver & Vehicle Testing Agency.

Enforcement Officers powers include:

- to enter premises

- to make an Examination or investigation as necessary.
- to require information to be given,
- to require production of and to inspect and copy records which by virtue of the Regulations are required to be kept..
- Issue improvement or prohibition notices as deemed necessary to ensure the alleged breaches are remedied.

Depending on the nature of any offences detected an improvement notice or prohibition notice may be issued. In addition prosecution action may be appropriate where, upon conviction, the maximum penalty ranges from £5000 or, upon conviction on indictment, to a maximum of 2 years imprisonment with an unlimited fine.

This leaflet is not designed as a statement of law, nor is it an exhaustive guide to the Road Transport Working Time Regulations.

Further information or guidance is available from:

**www.dft.gov.uk/freight/rtd
or by contacting:**

**DVTA Enforcement Section
148-158 Corporation Street
Belfast
BT1 3DH**

Tel 028 9025 4100

Fax 028 9025 4111

**E mail dvtaenforcements@doeni.gov.uk
www.doeni.gov.uk/dvta**



A Guide to the Road Transport (Working Time) Regulations



Introduction

The Road Transport (Working Time) Regulations (Northern Ireland) 2005 No 241 came into effect on 16th June 2005 and applies to mobile workers, including drivers and crews of heavy goods and public service vehicles subject to the EU Drivers' Hours Rules - Regulation 3820/85 (as amended). These regulations limit weekly working time (excluding breaks and periods of availability) and limit the amount of work that can be done at night. They also specify how much continuous work can be done before taking a break and introduce daily and weekly rest limits for the crew and travelling staff.

What is working time?

The Regulations define working time as the time from the beginning of work, during which the mobile worker is at the workstation (typically this means the driver's cab) at the disposal of the employer, and exercising his functions or activities, this includes:

- Driving;
- Loading/unloading;
- Training that is part of normal work and is part of the commercial operation;
- Assisting passengers boarding/disembarking from vehicle;
- Cleaning and maintenance of the vehicle;
- Work intended to ensure the safety of the vehicle and its cargo and passengers, eg monitoring loading and unloading, including daily defect check and report;
- Administrative formalities or work linked

to legal or regulatory obligations directly linked to the specific transport operators underway.

Main Provisions:

Working time

- Up to 60 hours work can be performed in a single week including overtime,
- Working time must not average more than 48 hours over the 17-week reference period. This 17-week period can be extended to a period not exceeding 26 weeks by way of a work force agreement.

Periods of availability

- A period shall not be treated as a period of availability unless the mobile worker knew in advance about the period and its foreseeable duration.
- The time spent by a mobile worker travelling in but not driving a moving vehicle is counted as a period of availability.
- A period of availability shall not include a period of rest or a break.

Breaks

- No mobile worker shall work more than six consecutive hours without a break. Where the time exceeds six hours but does not exceed nine hours the break must last 30 minutes.

Where the time exceeds nine hours the break must be at least 45 minutes.

- Each break may be made up of separate periods of not less than 15 minutes each.

Rest Periods

- In the application of the Working Time regulations the provisions of the Community Drivers' Hours Regulations relating to daily and weekly rest shall apply to all mobile workers to whom they do not apply under that regulation. As they apply to other mobile workers under that regulation.

Night Work

- A mobile worker who undertakes night work in any 24-hour period is not permitted to exceed 10 hours during that period.
- This period may be extended for particular reasons but must be undertaken by means of a collective or workforce agreement.
- Compensation for night work must not be given where it is liable to endanger road safety
- The definition of night time is a period between 0000-0400 for mobile workers of goods vehicles, and 0100-0500 for mobile workers of passenger vehicles.

Employer Responsibilities

- Must inform mobile workers of the Road Transport Working Time requirements.
- Request details of any other work and take account of this.
- Keep records for each worker for two years.
- Provide copies of records or other documentary evidence to the worker in question or an enforcement officer.