EXPLANATORY MEMORANDUM TO

The Community Drivers' Hours Regulations (Northern Ireland) 2012

SR No. 248

1. Introduction

1.1. This Explanatory Memorandum has been prepared by the Department of the Environment to accompany the Statutory Rule (details above) which is laid before the Northern Ireland Assembly.

1.2. The Statutory Rule is made under section 2(2) of, and paragraph 1A of Schedule 2 to, the European Communities Act and is subject to the negative resolution procedure.

2. Purpose

2.1. Regulation (EC) No. 561/2006 ("the Regulation"), which entered into force on 11 April 2007, sets maximum limits on driving time and minimum requirements for breaks and rest periods for those heavy goods vehicle drivers and bus and coach drivers who fall within its scope.

2.2. This Statutory Rule implements a Commission Decision of 22 December 2008 which authorises the UK to grant an exception from the daily and weekly rest requirements in Article 8(2) and 8(6) respectively for professional drivers operating solely within the UK when they undertake military training with the volunteer reserve forces or act as instructors in the Cadet Corps at weekend training sessions or in annual camp training.

3. Background

3.1. Until now, the exception has been implemented by administrative means in Northern Ireland, as in Great Britain, but for reasons of legal certainty, we need to give effect to the European Commission Decision of 22 December 2008 in domestic legislation.

3.2. The exception means that the daily and weekly rest requirements in Article 8(2) and 8(6) respectively of the Regulation are not triggered whilst the driver is attending a weekend training session or annual training camp. This relaxation of the rules enables more drivers to participate in these training events although they must otherwise strictly comply with the rules.

3.3. In the interest of road safety, the exception will only apply to 15 days' camp and 10 weekend training sessions a year, provided that weekend training is not allowed to take place on consecutive weekends.

3.4. Also, a regular daily rest period of 11 hours daily must be taken between the end of the weekend training and annual camp training and the start of work for the primary employer and a regular weekly rest period of 45 hours must be taken no later than at the end of the sixth day following a period of weekend training or annual camp training.

4. Consultation

4.1. A consultation document setting out the Department's proposed implementation of the exception in Northern Ireland was issued on 24 January 2011 to a wide range of interests in NI and had a closing date of 19 April 2011 for receipt of comments. Four responses were received, and no issues were raised during the consultation process.

5. Equality Impact

5.1. An equality screening anaysis has been carried out. No equality issues have been identified and accordingly an equality impact assessment is not considered necessary.

6. Regulatory Impact

6.1. There is no impact on business, charities, social economy enterprises or the voluntary sector.

7. Financial Implications

7.1. None.

8. Section 24 of the Northern Ireland Act 1998

8.1. The Department has considered the matter of Convention Rights and Community Law and is satisfied that there are no matters of concern.

9. EU Implications

9.1. The Statutory Rule implements a negotiated exception from the requirements of the regulation.

10. Parity or Replicatory Measure

10.1. This mirrors the Community Drivers' Hours and Recording Equipment Regulations 2012 made in Great Britain on 11 June 2012 (SI2012/1502).

11. Additional Information

11.1. Not applicable.