1978 No. 7

ROAD TRAFFIC

The Community Drivers' Hours Rules (Temporary Modifications) Regulations 1978

Made - - - -	*4th January* 1978
Laid before Parliament	*5th January* 1978
Coming into Operation	*26th January* 1978

The Secretary of State for Transport, being a Minister designated(**a**) for the purpose of section 2(2) of the European Communities Act 1972(**b**) in relation to the regulation and supervision of working conditions of persons engaged in road transport, in exercise of the powers conferred by that section, hereby makes the following Regulations:—

1. These Regulations shall come into operation on 26th January 1978, and may be cited as the Community Drivers' Hours Rules (Temporary Modifications) Regulations 1978.

2.—(1) In these Regulations—

"the Community Drivers' Hours Regulation" means Council Regulation (EEC) No. 543/69 on the harmonisation of certain social legislation relating to road transport(**c**), as amended by Council Regulations (EEC) Nos. 514/72(**d**), 515/72(**e**) and 2827/77(**f**);

"the Commission decision" means the decision of the Commission of the European Communities(**g**) which has been taken under Council Regulation (EEC) No. 2827/77 of 12 December 1977 (amending the Community Drivers' Hours Regulation), on an application by the United Kingdom Government under the said Council Regulation (EEC) No. 2827/77, and which authorises that Government to take measures with respect to national road transport operations for a period until 31 December 1980 derogating from Articles 7, 11 and 12 of the Community Drivers' Hours Regulation.

(2) The Interpretation Act 1889(**h**) shall apply for the interpretation of these Regulations as it applies for the interpretation of an Act of Parliament.

3. Pursuant to the Commission decision the provisions of Articles 7 (which relates to driving periods) and 11 and 12 (which relate to daily and weekly rest periods) of the Community Drivers' Hours Regulation shall, until 31 December

(**a**) S.I. 1975/1707. (**b**) 1972 c. 68. (**c**) O.J. No. L.77/49 of 29.3.69.
(**d**) O.J. No. L.67/1 of 20.3.72. (**e**) O.J. No. L.67/11 of 20.3.72.
(**f**) O.J. No. L.334/1 of 24.12.77. (**g**) O.J. No. L33/8 of 3.2.78 (**h**) 1889 c.63.

1980, have effect in relation to national transport operations in Great Britain as follows:—

(*a*) as respects the carriage of goods, subject to the modifications specified in Part I of the Schedule to these Regulations, and

(*b*) as respects the carriage of passengers, subject to the modifications specified in Part II of the said Schedule,

and each such modification shall have effect during the period shown in relation thereto in that Schedule; and Article 8 (breaks in driving) of the Community Drivers' Hours Regulation shall apply in accordance with the modified continuous driving periods set out in the said Schedule.

William Rodgers,
Secretary of State for Transport.

4th January 1978.

THE SCHEDULE

MODIFICATIONS DEROGATING FROM ARTICLES 7, 11 AND 12 OF THE COMMUNITY DRIVERS' HOURS REGULATION

PART I

CARRIAGE OF GOODS

1. *Article* 7(1) (*continuous driving period*):

from 1 January 1978 to 30 June 1979 the continuous driving period shall not exceed five hours;

from 1 July 1979 to 31 December 1980 the continuous driving period shall not exceed four and a half hours.

2. *Article* 7(2) (*daily driving period*):

from 1 January 1978 to 30 November 1978 the daily driving period shall not exceed ten hours;

from 1 December 1978 to 30 June 1979 the daily driving period shall not exceed nine and a half hours;

from 1 July 1979 to 31 December 1980 the daily driving period shall not exceed nine hours.

3. *Article* 7(4) (*weekly and fortnightly driving periods*):

from 1 January 1978 to 30 June 1979 the driving period shall not exceed 57 hours in any one week or 112 hours in any two consecutive weeks;

from 1 July 1979 to 31 December 1980 the driving period shall not exceed 54 hours in any one week or 106 hours in any two consecutive weeks;

4. *Article* 12 (*weekly rest period*):

from 1 January 1978 to 31 December 1978 the weekly rest period may be taken at any time between 0000 hours on a Sunday and 2400 hours on a Saturday;

from 1 January 1979 any period of seven consecutive days must include a weekly rest period;

from 1 January 1978 to 30 June 1979 the weekly rest period may be reduced to at least 24 consecutive hours, immediately preceded or followed by a daily rest period;

Article 12 shall apply in full from 1 July 1979.

PART II

CARRIAGE OF PASSENGERS

1. *Article* 7(1) (*continuous driving period*):

from 1 January 1978 to 30 November 1978 the continuous driving period shall not exceed five and a half hours;

from 1 December 1978 to 30 September 1979 the continuous driving period shall not exceed five hours;

from 1 October 1979 to 31 December 1980 the continuous driving period shall not exceed four and a half hours.

2. *Article* 7(2) (*daily driving period*):

from 1 January 1978 to 30 November 1978 the daily driving period shall not exceed ten hours;

from 1 December 1978 to 30 September 1979 the daily driving period shall not exceed nine and a half hours;

from 1 October 1979 to 31 December 1980 the daily driving period shall not exceed nine hours.

3. *Article* 7(4) (*weekly and fortnightly driving periods*):

from 1 January 1978 to 30 November 1978 the driving period shall not exceed 60 hours in any one week or 118 hours in any two consecutive weeks;

from 1 December 1978 to 30 September 1979 the driving period shall not exceed 57 hours in any one week or 112 hours in any two consecutive weeks;

from 1 October 1979 to 31 December 1980 the driving period shall not exceed 54 hours in any one week or 106 hours in any two consecutive weeks.

4. *Article* 11(2) (*daily rest period*):

from 1 January 1978 to 30 September 1978 every crew member shall have had a daily rest period of ten consecutive hours during the twenty-four hour period preceding any time when he is performing any activity covered by Article 14(2)(*c*) or (*d*) of the Community Drivers' Hours Regulation, which may be reduced to eight and a half hours three times a week;

from 1 October 1978 to 30 September 1979 the daily rest period of ten hours may be reduced to eight and a half hours twice a week;

from 1 October 1979 to 31 December 1980 the daily rest period of ten hours may be reduced once a week to eight and a half hours for the drivers of vehicles on regular routes;

from 1 October 1979 Article 11(2) shall apply in full for passenger services on non-scheduled routes.

5. *Article* 12 (*weekly rest period*):

from 1 January 1978 to 30 September 1979 the weekly rest period may be taken at any time between 0000 hours on a Sunday and 2400 hours on a Saturday;

from 1 October 1979 any period of seven consecutive days must include a weekly rest period;

from 1 January 1978 to 30 September 1979 the weekly rest period may be reduced to at least 24 consecutive hours, not necessarily preceded or followed immediately by a daily rest period; however, from 1 January 1978 to 30 September

1978 the weekly rest period may be replaced by a periodical rest period of 24 hours to be taken before the end of any fortnight;

from 1 October 1979 to 31 December 1980 the weekly rest period may be reduced to at least 24 consecutive hours, immediately preceded or followed by a daily rest period.

EXPLANATORY NOTE

(This Note is not part of the Regulations.)

These Regulations implement, as respects Great Britain, the decision of the Commission of the European Communities authorising the Government of the United Kingdom to take, with respect to national road transport operations, measures which will, during the period up to 31 December 1980, derogate from the provisions of Articles 7, 11 and 12 of Council Regulation (EEC) No. 543/69 which relate to hours and conditions of work of drivers in the road transport industry. These measures will allow a phased introduction of the provisions of the Council Regulation as they apply to national transport.

The modifications of Articles 7, 11 and 12 which are effected, as respects national transport operations, by these Regulations are set out in the Schedule to these Regulations, Part I of which relates to the carriage of goods and Part II of which relates to the carriage of passengers. The periods during which the particular modifications are operative are specified in the Schedule against each modification.

None of the modifications will be operative by virtue of these Regulations after 31 December 1980.

SI 1978/7 C
ISBN 0-11-083007-5

