

»» MOVING ON »»

Issue 9 Update December 2004

The newsletter for HGV and PSV operators

Working Time: the facts



Late changes to the Working Time Rules and some last minute editing meant that the article in the last issue of Moving On ('Making sense of working time') contained errors. We are sorry this happened. This article sets the record straight.

The main points of the new rules are:

- Breaks and periods of availability do not count as working time.
- They apply to drivers and crew of heavy goods and public service vehicles subject to the EU Drivers' Hours Rules – Regulation 3820/85.
- Weekly working time is limited to an average 48 hours. There is no opt-out.
- Up to 60 hours' work can be performed in a single week, as long as the average 48-hour limit is maintained.
- Night workers are restricted to 10 hours' working time in any 24-hour period.
- The definition of 'night time' is a period between 00.00–04.00 for drivers and crew of goods vehicles, and 01.00–05.00 for drivers and crew of passenger vehicles.
- Additional break requirements will apply (when doing other work instead of driving, or other work in addition to driving).
- Additional flexibility is allowed if a collective agreement or a workforce agreement at company level (between the employer and employees) is in place. This would allow:
 - the reference period for calculating the average 48-hour week to be extended from 4 to 6 months; and
 - the 10-hour night work limit to be exceeded – although mobile workers will still have to respect the rest requirements under the EU Drivers' Hours Rules.
- Workers who occasionally perform road transport activities will be subject to the Working Time Regulations 1998 (as amended), rather than these new regulations.
- Self-employed drivers (as defined under these new regulations) will not be covered by Working Time Rules until March 2009. There are several criteria that drivers must comply with to qualify as a self-employed driver. For example, 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.
- There is a new method of calculating average working time.
- Working time is restricted to road transport activities and other associated work, for example such as when a driver works in the employer's warehouse.
- Formal guidance for industry on the draft legislation, including the definitions (notably working time, periods of availability and occasional drivers) is also available.

Visit www.dft.gov.uk/freight/rtd for more information.

Got a query, want to book a test, got some information about a possible dodgy operator?

Ring our national number 0870 60 60 440

VOSA's new Operations Director



Moving On introduces Alastair Peoples.

Alastair Peoples joined VOSA in December as the new Operations Director. He joins from the Driver & Vehicle Testing Agency (DVTA) in Northern Ireland and is not new to the type of work we undertake.

Alastair started out as a Vehicle/Driving Examiner carrying out tests on the full range of vehicle categories. From there he became DVTA Operations Director in 1993.

In 2000, Alastair became Director of Technical Policy and Legislation. In this post he was responsible for developing quality standards for driving tests, and technical policy for driver and vehicle testing.

Commenting on his new post, Alastair said: "The work carried out by VOSA staff makes a vital contribution to road safety and I am both delighted and excited in becoming part of the operational team."

News in brief

Roller Brake Testing

VOSA is exploring options for future brake testing methods, together with the Department for Transport. Meetings are being held with industry associations and Faber Maunsell have been retained to contact a sample of operators to determine the cost effects of options and industry views. This should lead to a decision on the way forward early in the New Year.

Enforcement and drivers' hours provisions in Queen's Speech

The Queen's Speech announced the Government's intention to enable VOSA and the Police to issue Fixed Penalty Notices for a range of commercial vehicle traffic offences. And, for the first time, drivers who cannot show a satisfactory UK address will have to pay the Penalty immediately. If these powers, contained in the Road Safety Bill, make their way through Parliament, they will align the way we deal with non-domestic drivers with practice elsewhere in Europe.

The Road Safety Bill included other measures relating to commercial vehicle safety including powers to direct vehicles for detailed examination where an inspecting officer believes that a sophisticated tachograph interrupter has been fitted.

Speed limiter reminder

In the New Year, if you buy a new goods vehicle over 3.5 tonnes or a bus with more than eight passenger seats for use on international journeys, it must be fitted with a speed limiter. See November's issue of *Moving On* for more details.

The logo for VOSA, consisting of the letters 'VOSA' in a bold, blue, sans-serif font. The 'V' and 'O' are connected, and the 'S' and 'A' are also connected.

Vehicle & Operator Services Agency

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