

EXPLANATORY MEMORANDUM TO
THE DRIVERS' HOURS (GOODS VEHICLES) (MILK COLLECTION) (TEMPORARY
EXEMPTION) REGULATIONS 2007

2007 No. 2370

1. This explanatory memorandum has been prepared by the Department for Transport and is laid before Parliament by Command of Her Majesty.

This memorandum contains information for the Joint Committee on Statutory Instruments.

2. **Description**

- 2.1 These Regulations temporarily extend the permissible maximum working day of a driver engaged in the collection and transportation of milk to allow for the disinfecting operations necessitated by the outbreak of foot-and-mouth disease in Great Britain.

3. **Matters of special interest to the Joint Committee on Statutory Instruments**

- 3.1 These Regulations breach the 21-day rule. The instrument was made as soon as the need for a temporary and restricted relaxation of the domestic drivers' hours rules for milk tankers was identified. The relaxation is necessary to ensure that the dairy industry can continue to operate, without transmitting foot and mouth disease. Any delay to providing the relaxation potentially increases the risk of the disease spreading and may lead to supply chain disruption.

4. **Legislative Background**

- 4.1 The domestic drivers' hours rules, set out in the Transport Act 1968 as amended, limit the driving time and duty time of drivers of goods vehicles that are not subject to the EU drivers' hours rules (Regulation (EC) 561/2006). They apply a daily driving limit of 10 hours and a daily duty limit (i.e. total working time) of 11 hours.

- 4.2 Vehicles used for the collection of milk are exempt from the EU drivers' hours rules. These Regulations extend the duty limit (as distinct from driving) under the domestic rules to 13 hours for drivers of milk tankers to allow for disinfecting operations.

5. **Territorial Extent and Application**

- 5.1 This instrument applies to Great Britain.

6. **European Convention on Human Rights**

As the instrument is subject to negative resolution procedure and does not amend primary legislation, no Human Rights statement is required.

7. Policy background

7.1 Foot and Mouth restrictions require vehicles visiting farm premises within the protection and surveillance zones to be disinfected. These zones comprise a relatively small area surrounding the current outbreaks. But the whole of Great Britain has been declared as a restricted zone. Although there is no mandatory requirement to disinfect vehicles within the wider restricted zone, following the last outbreak of foot and mouth disease the Department for Environment Food and Rural Affairs (DEFRA) reached an agreement with the milk industry that this would be done on a voluntary basis during any future outbreaks, to reduce the risk of transmitting the virus.

7.2 DEFRA sees milk collection as a significant transmission risk. Disinfecting vehicles adds around 2 hours on average to a normal collection round. During this period drivers continue to be on duty although they will not be driving. Normal schedules cannot be maintained within the current 11 hour duty limit. Without a relaxation the milk supply chain would be seriously disrupted, with potential shortages of supply or, alternatively, the milk industry would cease to adhere to the voluntary agreement to disinfect vehicles with the associated risk of spreading the virus.

7.3 Due to the nature of the incident it is not clear for how long this relaxation will be required. The situation will be kept under close review and these Regulations will be revoked as soon as there is no longer the risk of transmission of the disease.

7.4 Given the specific nature of the regulations there is limited public interest. However, in accordance with section 101 (6) of the Transport Act 1968 we have consulted relevant representative organisations. Driver union representatives were broadly supportive subject to the department making it clear in advice that any relaxation of the rules should only be used when absolutely necessary, in the context of the current crisis.

7.5 The changes implemented by the Regulations are not in themselves politically or legally significant.

8. Impact

8.1. No impact on charities or voluntary bodies is foreseen. These Regulations will enable drivers of milk tankers to get their vehicles disinfected without reducing the amount of time they have available for transporting milk. The Regulations will help to limit the potential impact of the foot and mouth disease outbreak on the dairy industry. Since the change to the domestic drivers' hours rules will be temporary and restricted in scope, the financial and other impacts should be negligible. An Impact Assessment is therefore not required.

8.2 The impact on the public sector is minimal. The Vehicle and Operator Services Agency and the Police are the main public bodies affected as they are responsible for enforcing the domestic drivers' hours rules. The Regulations will have negligible impact on them as they already enforce the rules and are aware of the types of operation to which these Regulations will apply.

9. Contact

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