



STATUTORY INSTRUMENTS.

S.I. No. 342 of 2015

ORGANISATION OF WORKING TIME (NON-APPLICATION OF
CERTAIN PROVISIONS TO PERSONS PERFORMING MOBILE ROAD
TRANSPORT ACTIVITIES) REGULATIONS 2015

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I, RICHARD BRUTON, Minister for Jobs, Enterprise and Innovation, in exercise of the powers conferred on me by Sections 3(3), 7 and 25 of the Organisation of Working Time Act 1997 (No. 20 of 1997), and following consultation with the Minister for Transport, Tourism and Sport, hereby make the following regulations:

Citation and commencement

1. These Regulations may be cited as the Organisation of Working Time (Non-Application of Certain Provisions to Persons Performing Mobile Road Transport Activities) Regulations 2015.

Interpretation

2. In these Regulations—

“the Act” means the Organisation of Working Time Act 1997 (No. 20 of 1997),

“Directive 2002/15/EC¹” means Council Directive 2002/15/EC of the European Parliament and of the Council of 11 March 2002 on the organisation of the working time of persons performing mobile road transport activities.

“employee” means an employee to whom Directive 2002/15/EC applies.

“inspector” means an inspector within the meaning of section 8 of the Act.

Non-application of Act

3. Sections 11, 12, 13, 15 and 16 of the Act do not apply to persons performing mobile road transport activities as defined in Directive 2002/15/EC.

4. The Organisation of Working Time (Records) (Prescribed Form and Exemptions) Regulations 2001 (S.I. No. 473 of 2001) shall not apply to the employer of an employee to whom these Regulations apply.

Form of certain records under section 25(1)

5. The records required to be kept under section 25(1) of the Act shall, in the case of an employee to whom these Regulations apply, include the following particulars and documents:

¹O.J. No. L80, 23.03.2002 p.35.

- (a) the name and address of each employee concerned, the number known as the Personal Public Service (PPS) number that has been assigned to him or her and a brief statement (which may be by reference to any form of job description or classification used by the employer concerned) of his or her duties as an employee; and
- (b) a copy, as appropriate, of the statement provided to each employee concerned in accordance with the provisions of the Terms of Employment (Information) Act 1994 (No. 5 of 1994), or any order or regulation made under that Act, that relates to him or her,
- (c) (i) any days and hours of leave in each week granted by way of annual leave or in respect of a public holiday to each employee concerned and the payment made to each employee in respect of that leave,

(ii) any additional day's pay referred to in section 21(1)(d) of the Act provided in each week to each employee concerned, and
- (d) a copy of a written record of a notification issued to an employee concerned in relation to any of the matters provided for in section 17 (including a copy of a notice posted in the manner referred to in subsection (5) of that section),

and shall generally be in such form as will enable an inspector to understand the particulars contained therein without difficulty.



GIVEN under my Official Seal,
31 July 2015.

RICHARD BRUTON,
Minister for Jobs Enterprise and Innovation.

EXPLANATORY NOTE

(This note is not a part of the Instrument and does not purport to be a legal interpretation.)

The purpose of these Regulations, made under Sections 3(3), 7 and 25 of the Organisation of Working Time Act 1997, is to clarify the law regarding organisation of working time and mobile transport workers. It removes mobile transport workers, as defined in Directive 2002/15/EC, from scope of Sections 11, 12, 13, 15 and 16 of the Organisation of Working Time Act 1997. It also removes mobile transport workers from scope of S.I. No. 473 of 2001 which prescribes the form in which records required to be kept under the Organisation of Working Time Act should be held.

BAILE ÁTHA CLIATH
ARNA FHOILSIÚ AG OIFIG AN tSOLÁTHAIR
Le ceannach díreach ó
FOILSEACHÁIN RIALTAIS,
52 FAICHE STIABHNA, BAILE ÁTHA CLIATH 2
(Teil: 01 - 6476834 nó 1890 213434; Fax: 01 - 6476843)
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