

**Land Transport Rule:
Work Time in Large Passenger Service Vehicles 2019**



Order in Council

At Wellington this *29th* day of *April* 2019

Her Excellency the Governor-General Present:
in Council

Pursuant to sections 152, 152A, and 158 of the Land Transport Act 1998, Her Excellency the Governor-General makes the following ordinary rule, acting –
(a) on the advice and consent of the Executive Council
(b) on the recommendation of the Minister of Transport, after having regard to the criteria specified in section 164(2) of that Act.

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Rule

1. Title

This rule is Land Transport Rule: Work Time in Large Passenger Service Vehicles 2019.

2. Commencement

This rule comes into force on 6 May 2019.

3. Objective of rule

The objective of this rule is to provide short term measures to enable operators of scheduled passenger services to schedule the timing of 10-minute breaks and rest breaks efficiently and safely, while minimising disruption to services.

The rule also aims to avoid disruptive effects on mobility and potential risks to safety, for example resulting from large passenger service vehicles stopping at inappropriate locations for drivers to take breaks.

The rule will expire 12 months after commencement, but may be revoked or replaced earlier if circumstances allow.

4. Application

This rule:

- (1) applies to scheduled passenger services performed in a large passenger service vehicle.
- (2) applies in addition to *Land Transport Rule: Work Time and Logbooks 2007*.

5. Interpretation

10-minute break means a period of rest taken within the work period that is at least 10-minutes duration and is not spent in a moving vehicle associated with work

disruptive impact means an impact on the ability of the operator to provide the relevant scheduled passenger services efficiently and safely, for example:

- (a) the cancellation of or material delay to a service or services, or
- (b) the need for additional drivers or buses to maintain service levels.

driver means a person who is employed or engaged to drive a large passenger service vehicle in a scheduled passenger service to which this rule applies.

excluded passenger service has the same meaning as in section 5 of the Land Transport Management Act 2003.

exempt service has the same meaning as in section 5 of the Land Transport Management Act 2003.

large passenger service vehicle has the same meaning as in section 2 of the Land Transport Act 1998.

operator means the operator of the relevant scheduled passenger service.

public transport service has the same meaning as in section 5 of the Land Transport Management Act 2003.

regional public transport plan means a regional public transport plan under Part 5 of the Land Transport Management Act 2003.

rest break has the same meaning as in Land Transport Rule: Work Time and Logbooks 2007.

scheduled passenger service means a public transport service operated under a regional public transport plan using a large passenger service vehicle, but does not include an excluded passenger service or an exempt passenger service.

work period

(a) means the period —

- (i) beginning with the time at which, in accordance with the driver's terms and conditions, the driver starts work; and
- (ii) ending with the time at which, in accordance with the driver's terms and conditions, the driver finishes work; and

(b) includes all authorised breaks (whether paid or not) provided to the driver or to which a driver is entitled during the period specified in paragraph (a).

6. Drivers must take breaks

- (1) In addition to rest breaks provided in accordance with the Land Transport Rule: Work Time and Logbooks 2007, the operator must ensure that the driver of a large passenger service vehicle operated as part of a scheduled passenger service is provided with 10-minute breaks as follows:
 - a. If the driver's work period is more than 2 hours but not more than 6 hours, one 10-minute break.
 - b. If the driver's work period is more than 6 hours but not more than 10 hours, two 10-minute breaks.
 - c. If the driver's work period is 10 hours or more, but not more than 13 hours, three 10-minute breaks.
- (2) If there is agreement by the driver and the operator or the operator's representative on the times at which the driver is to take 10-minute breaks during the driver's work period, the driver must take the breaks at those times, but if there is no agreement then the breaks are to be taken in accordance with rule 6(3).
- (3) If there is no agreement under rule 6(2), the operator must schedule 10-minute breaks, which the driver must take, as near as is reasonable and practicable to the following applicable specified times:
 - a. If a driver's work period is 2 hours or more but not more than 4 hours the specified time is the middle of the work period, or
 - b. If a driver's work period is more than 4 hours but not more than 6 hours the specified time is one-third of the way through the work period, or
 - c. If a driver's work period is more than 6 hours but not more than 10 hours the specified time for the first 10-minute break is at 2 hours 45 minutes after the start of the work period and for the second is half way between the rest break and the end of the work period, or
 - d. If a driver's work period is more than 10 hours but not more than 12 hours, the specified time for the first 10-minute break is 2 hours 45 minutes after the start of the work period, the second is 2 hours after the first rest break and third is halfway between the second 10-minute break and the end of the work period.
 - e. If a driver's work period exceeds 12 hours, the specified time for the first 10-minute break is 2 hours 45 minutes after the start of the work period, the second is 2 hours 45 minutes after the first rest break and third is halfway between the second rest break and the end of the work period.

- (4) If compliance with rule 6(3) would have disruptive impact, the operator may adjust the scheduling of 10-minute breaks in order to minimise the disruptive impact, and the driver must take the breaks at those times.

7. Revocation

This rule is revoked on the first anniversary of commencement.

A handwritten signature in blue ink, appearing to read 'M. J. W. White', is positioned above the title of the signatory.

Clerk of the Executive Council