

Temporary Relaxation of EU Drivers' Hours' Rules BUT ONLY FOR SPECIFIC BUSINESS/INDUSTRIES

In response to requests from industry, the Department for Transport (DfT) has, pursuant to Article 14(2) of regulation 561/2006, agreed to a temporary and limited relaxation of the enforcement of EU Drivers' Hours' rules in England, Scotland and Wales, for the drivers of vehicles involved in the delivery of:

- Food,
- Non-food (personal care and household paper and cleaning), and
- Over-the-counter pharmaceuticals,

when undertaking the following journeys;

- Distribution centre to stores (or fulfilment centre),
- Manufacturer or supplier to distribution centre (including backhaul collections)
- Manufacturer or supplier to store (or fulfilment centre),
- Between distribution centres and transport hub trunking,
- Transport hub deliveries to stores.

THIS EXEMPTION DOES NOT APPLY TO DRIVERS UNDERTAKING DELIVERIES DIRECTLY TO CONSUMERS; NOR DOES IT APPLY TO ANY OPERATION THAT DOES NOT MEET THE WORK DESCRIPTION ABOVE.

IF YOU ARE NOT ON THE LIST ABOVE THEN THE RELAXATION DOES NOT APPLY TO YOU.

This temporary relaxation applies from 00:01hrs on Wednesday, 18th March 2020, and will run until 23:59hrs on Thursday, 16th April 2020; and will apply only to the drivers specified in this notice.

Driver safety must not be compromised; employers remain responsible for the health and safety of their employees and other road users, and drivers should not be expected to drive whilst tired. Practical implementation of the temporary relaxation should be through agreement between employers and employees and/or driver representatives.

For the drivers and work in question, the EU Drivers' Hours' rules can be temporarily relaxed as follows:

- a) Replacement of EU Daily Driving limit of 9 hours with one of 11 hours – **IMPORTANT - THIS RELAXATION CANNOT BE USED WITH POINT F BELOW.**
- b) Reduction of the Daily Rest requirement from 11 hours to 9 hours
FTTC Guidance – it is not stated, but it is presumed therefore that the application of no more than 3 reductions between two weekly rest periods is removed for this relaxation period
- c) Lifting the Weekly Driving limit from 56 hours to 60 hours,
FTTC Guidance – a week in this case is 0000 hours Monday to 2400 hours the following Sunday
- d) Lifting the Fortnightly Driving limit from 90 hours to 96 hours,
FTTC Guidance – The Law states TWO WEEKLY and therefore we believe the statement of Fortnightly is an error in the guidance, Fortnightly = two weeks and therefore in this case applies from 0000 hours Monday to 2400 hours two Sundays later
- e) The requirement for a Driving Break of 45 minutes after 4.5 hours driving replaced with a break of 45 minutes after 5.5 hours of driving,
FTTC Guidance – again, not stated, but it is presumed that the breaks can still be split into two breaks, the first of at least 15 minutes and the second break of at least 30 minutes.

COVID-19

EU Drivers' Hours Regulations Guidance

- f) Postponement of the requirement to start a Weekly Rest period after six-24-hour periods, to after seven-24-hour periods i.e. 168 hours after the end of the previous Weekly Rest - – **IMPORTANT - THIS RELAXATION CANNOT BE USED WITH POINT A ABOVE.**

However, the requirement for a driver to take AT LEAST either two regular (45 hours) weekly rest periods or AT LEAST one regular (45 hours) and one reduced (24 hours) weekly rest period in any two consecutive fixed weeks remains.

FTTC Guidance – Therefore the delay of the Weekly Rest CANNOT be taken week after week otherwise the driver will fail to comply with this aspect of the Weekly Rest application.

VERY CAREFUL PLANNING AND MANAGEMENT OF THE DRIVERS IS ESSENTIAL – NOT ONLY TO COMPLY WITH THE REGULATIONS, BUT ALSO ENSURE THEIR SAFETY AND THAT OF OTHER ROAD USERS.

IMPORTANT SUB-NOTE To ensure drivers are able to get adequate rest, relaxation (a) and (f) must not be used at the same time – **ONLY ONE OF THESE RELAXATIONS CAN BE USED.**

The drivers in question must note the reasons why they are exceeding the normal permitted limits on the back of their tachograph charts or digital printouts, as is usual practice in emergencies. This is essential for enforcement purposes.

FTTC Guidance – therefore, if any part of the relaxations listed above are used the driver MUST, if using a digital tachograph:

- a. Take a print-out, at the latest on arrival at the suitable stopping place
- b. Enter on the back of the print-out:
 - i. Driver's name
 - ii. Driving Licence Number or driver's digital card number
 - iii. Date
 - iv. Signature
 - v. Details of which part of the relaxation have been applied; why and what work was being undertaken; from where to where
- c. It is recommended two print-outs are taken, one to be retained for the current day and 28 calendar days after which it MUST be returned to the Operator; the second print-out should be returned as soon as possible to the Operator in order that this can be attached to any Infringement Report

REMEMBER - AT ALL TIMES ROAD SAFETY OF THE DRIVER AND OTHER ROAD USERS REMAINS PARAMOUNT.

IF YOU HAVE ANY QUERIES PLEASE CALL FOSTER TACHOGRAPHS & TRANSPORT COMPLIANCE

ON

01772-655155

OR EMAIL

admin@fostertachographs.co.uk

With respect to those areas above where we have based advice upon presumption, due to omission within the guidance, we are seeking clarification and answers from the DfT/DVSA and as soon as this is available, we will post/advise accordingly.