

New Driver's Hours Regulations

On 11th April 2007 the EU Drivers' Hours Regulation amendments came into force. This fact sheet will explain what that Means to you and what you have to do.

What the new rules mean to you

Change to read: The amended rules apply to you if you are already required to abide by the European Union drivers' hours regulations 3820/85/EEC, which have been in force in the UK since September 1986. This means practically anyone driving a goods vehicle with a maximum permissible gross weight over 3.5 tonnes is affected, unless it falls into the list of exceptions.

Vehicle operators must understand and act on the new legislation in order to meet their duty of care responsibilities. Training drivers should be a high priority.

What the law says

Although there are no fundamental changes in driving time and rest periods, the weekly driving limit is now fixed at 56 hours, where previously there was no limit. The maximum limit of 90 hours in any two consecutive weeks remains unchanged.

Overall, the new rules are more prescriptive. For instance, once a fortnight a driver must take at least 45-hours' uninterrupted rest.

Summary of EU drivers' hours rules:

- maximum daily driving: 9 hours
- maximum weekly driving: 56 hours
- maximum fortnightly driving: 90 hours
- maximum driving without a break: 4.5 hours

- minimum breaks at or before the end of driving 4.5 hours: 45 minutes or one break of at least 15 minutes followed by one of at least 30 minutes (the order cannot be reversed)
- minimum daily rest (normally): 11 hours

Retention of record sheets

Current regulations require you to make periodic checks to ensure that your drivers are complying with the rules.

From 1st January 2008 drivers will be required to carry the relevant record sheets, any manual records and their digitach driver cards if they have one, for the current day and the previous 28 days for roadside inspection. This replaces the current 16-day period.

Definition of driving time

As of the 11th April 2007 the legal definition of driving time changed to whatever the tachograph or driver records as driving time.

Exemptions

- vehicles with a maximum authorised speed not exceeding 40km/h
- specialised breakdown vehicles operating within 100km radius of their base

- vehicles or combinations of vehicles with a maximum permissible mass not exceeding 7.5 tonnes and used for the non-commercial carriage of goods
- commercial vehicles with a historic status and used for the non-commercial carriage of passengers

Derogations

- vehicles with between 10 and 17 seats used specifically for the non-commercial carriage of passengers
- tractors used for agricultural or forestry activities within a radius of no more than 100km of the base of operation which owns, hires or leases the vehicles used for the carriage of live animals from farms to local markets and vice versa, or from markets to local slaughterhouses, all within a radius of no more than 50km
- gas or electric vehicles not exceeding 7.5 tonnes gross weight and used for the carriage of goods within a 50km radius of the operating base

Driver training

From 11th April 2007 transport operators must “properly instruct” their drivers on how to comply with drivers’ hours regulations. At this time there is no detail as to how this instruction should be carried out and at what frequency.

Further reading

To find out more about the new EC drivers’ hours regulations, try visiting www.dft.gov.uk www.dvla.co.uk www.fta.co.uk and www.vosa.co.uk

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Working for more than one employer

Drivers must be free to use their daily and weekly rest periods as they wish. However, if a driver has secondary employment he must inform his employer of the type of work & hours employed, this would include time spent working as a retained firefighter, special constable or as a member of the reserves as well as time spent working as a barman or self employed DJ etc.

Employers should regularly ask drivers if they have any secondary employment and a system including written declarations is recommended.

Off-Road driving

The new rules include any driving done partly on public roads and partly off public roads as ‘carriage by road’. This means that when you drive a vehicle on both public and private roads, all of the driving must be counted as such. So vehicles delivering to private sites will not be able to count the site driving as ‘other work’.