

# RULES ON DRIVERS' HOURS AND TACHOGRAPHS

**Goods Vehicles**  
in Northern Ireland and Europe

REVISED NOV 2020



# RULES ON DRIVERS' HOURS AND TACHOGRAPHS:

## **Goods Vehicles**

Rules on drivers' hours and tachographs for vehicles used for the carriage of goods in Northern Ireland and Europe.

This guide gives general guidance about drivers' hours and tachograph rules for vehicles used for the carriage of goods. A vehicle does not need to be categorised or registered as a 'goods vehicle' to be in scope of drivers' hours rules as it is the size, construction and use of it which are the determining factors. For ease, this guide will however refer to 'goods vehicles'.

It reflects the Driver and Vehicle Agency's current enforcement policy. It doesn't reflect interpretation of the law in other countries.

Check the legislation in annex 1 and [get legal advice] to check your legal position.

There's different guidance about [drivers' hours and tachographs for passenger vehicle drivers.](#)

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# INTRODUCTION

*Overview of which drivers' hours and tachograph rules apply in different situations for vehicles used for the carriage of goods.*

## About this guidance

This guide provides advice to drivers and operators of goods vehicles, whether used privately or commercially. It explains the rules for drivers' hours and the keeping of records.

The EU and AETR regulations (see Annex 1) also place a responsibility on others in the supply chain such as consignors, freight forwarders, contractors, sub-contractors and driver agencies. People working in these sectors of the road haulage industry may benefit from an understanding of the guidance offered here.

Those who are involved in international operations are advised to check whether the other country or countries in which they operate produce equivalent guidance. We recommend that you contact the relevant embassy.

As with any legislation, previous and future court judgments may assist interpretation on a particular point. Where significant court judgments on interpretation are relevant, these have been incorporated in the text. Some important judgments are available - many in shortened form - in legal reference books held by larger reference libraries. If you are in doubt as to how these rules apply to you, seek your own legal advice.

### Which rules apply

Within Northern Ireland (NI), either NI domestic or EU rules may apply. Which set of rules applies depends on the type of driving and the type of vehicle being used.

For international journeys, either the EU or the AETR (European Agreement Concerning the Work of Crews of Vehicles Engaged in International Road Transport) rules may apply.

Most vehicles used for the carriage of goods by road and with a maximum permissible weight (including any trailer or semi-trailer) of over 3.5 tonnes are in scope of the EU rules; unless covered by a specific EU-wide exemption or a national derogation.

*International journeys to or through countries that are outside the EU but are signatories to the AETR are subject to AETR rules.*

### Carriage by road

'Carriage by road' is defined as any journey, made entirely or in part on roads open to the public, of a vehicle, laden or unladen, used for the carriage of passengers or goods. 'Off-road' driving is in scope of the rules, where it forms part of a journey that also takes place on public roads. Journeys that are made entirely off road are out of scope of any drivers' hours rules however under EU/AETR record keeping rules, drivers who carry out any EU/ AETR regulated work must record all periods of off-road driving as 'other work'.

### Goods

The term "goods" includes goods or burden of any description. It doesn't include parts of a vehicle or trailer's fixed equipment manufactured as part of the vehicle or trailer, and which enables the extension of fixed equipment. It also doesn't include ballast used for the purpose of road testing a vehicle or trailer, or for MOT or annual test purposes provided the ballast is a non-commercial load.

Non-commercial carriage is defined as any carriage by road, other than carriage for hire or reward or on own account, for which no direct or indirect remuneration is received and which does not directly or indirectly generate any income for the driver of the vehicle or for others and which is not linked to professional or commercial activity.

A trailer (including anything permanently attached to it) is not "goods" unless it being wholly carried on a vehicle or another trailer.

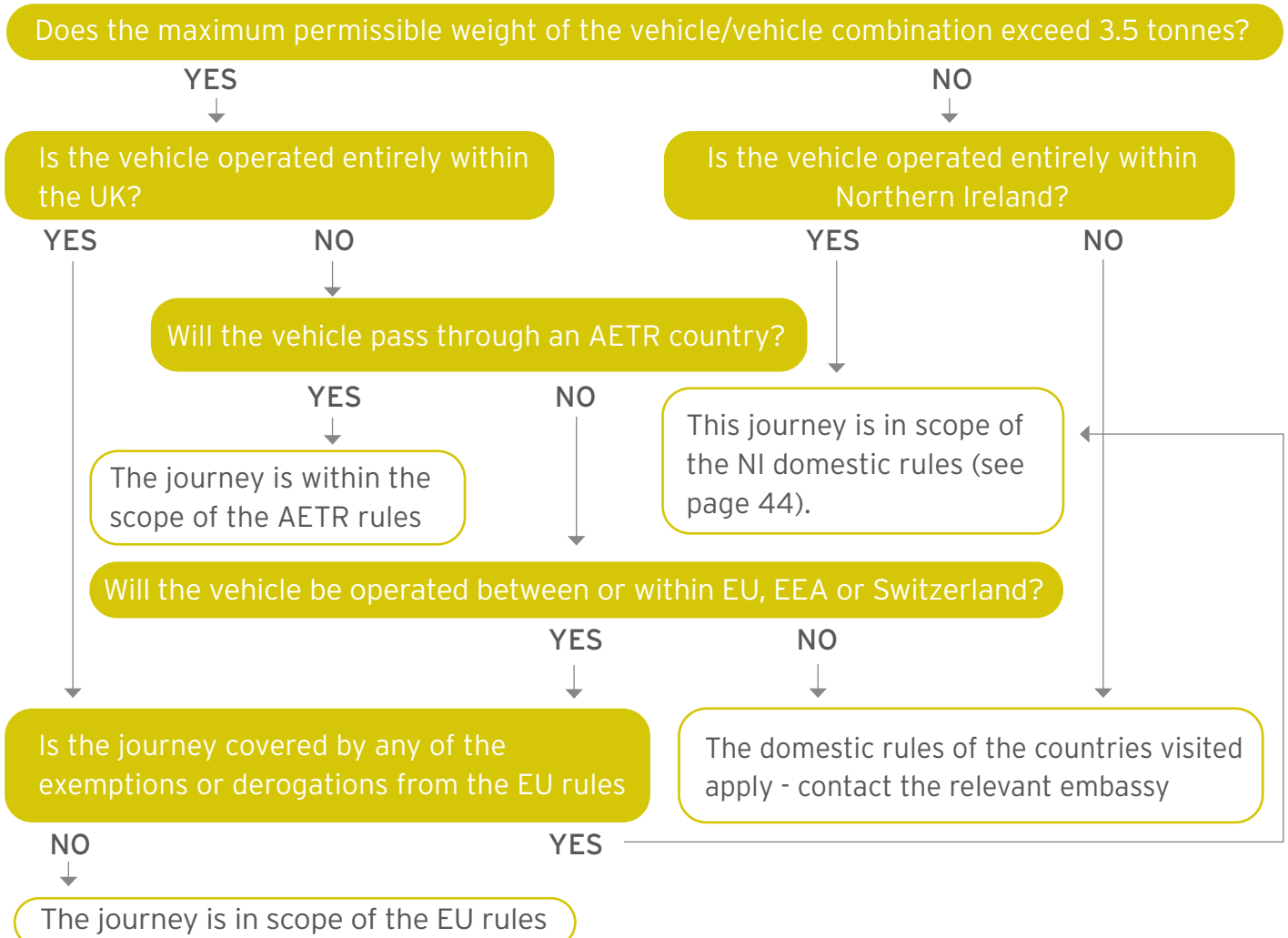
### International journey

An international journey means a journey to or from the UK and includes the part of the journey within the UK.

For journeys that are partly in the EU and partly in countries that are neither in the EU nor signatories to AETR, EU rules will apply to that portion of the journey that is in the EU. Countries outside the EU and AETR are likely to have their own regulations governing drivers' hours, which should be adhered to while driving in that country.

Most vehicles that are exempt from the EU rules come under NI domestic drivers' hours rules while engaged on domestic journeys.

This flowchart will help determine which rules apply in connection with goods vehicles.



## EU, AETR and EEA Countries

| EU Countries  | AETR Countries  | EUROPEAN ECONOMIC AREA (EEA)  |
|---|---|---|
| Austria<br>Belgium<br>Bulgaria<br>Croatia<br>Cyprus<br>Czech Republic<br>Denmark<br>Estonia<br>Finland<br>France<br>Germany<br>Greece<br>Hungary<br>Ireland<br>Italy<br>Latvia<br>Lithuania<br>Luxembourg<br>Malta<br>Netherlands<br>Poland<br>Portugal<br>Romania<br>Slovakia<br>Slovenia<br>Spain<br>Sweden | <b>All EU Member states plus:</b><br>Albania<br>Andorra<br>Armenia<br>Azerbaijan<br>Belarus<br>Bosnia and Herzegovina<br>Georgia<br>Kazakhstan<br>Leichtenstein<br>Macedonia<br>Moldova<br>Monaco<br>Montenegro<br>Norway<br>Russia<br>San Marino<br>Serbia<br>Switzerland<br>Tajikistan<br>Turkey<br>Turkmenistan<br>United Kingdom<br>Ukraine<br>Uzbekistan | <b>All the EU countries plus:</b><br>Iceland<br>Liechtenstein<br>Norway |

**Reminder: Switzerland is not a member of the European Union but follows EU rules.**

[EU]: European Union

[AETR]: European agreement concerning the work of crews of vehicles engaged in international road transport

[GB]: Great Britain

[EEA]: European Economic Area



# EU AND AETR RULES ON DRIVERS' HOURS

Stay up to date

The UK left the EU on 31 January 2020 but is currently in a transition period so EU rules continue to apply until 31 December 2020. Arrangements for 1 January 2021 onwards will be determined by the EU-UK Free Trade Agreement.

**How the EU drivers' hours rules for goods vehicles work.**

## Overview

The EU rules (Regulation (EC) 561/2006) apply to drivers of most vehicles used for the carriage of goods (including dual purpose vehicles) where the maximum permissible weight of the vehicle, including any trailer or semi-trailer, exceeds 3.5 tonnes and where the vehicle is used within the UK or between the UK and EU and EEA countries and Switzerland.

It is not necessary for a vehicle or its trailer to be laden for it to be in scope of the EU/ AETR rules.

## Driver

A 'driver' is anyone who drives a vehicle or is carried on the vehicle in order to be available for driving if necessary.

## Vehicle

A "vehicle" is defined as being a motor vehicle, tractor, trailer or semi-trailer or any combination of these. It includes trailers that cannot carry goods, such as generators, compressors etc.



## Goods

The term “goods” includes goods or burden of any description. It doesn’t include parts of a vehicle or trailer’s fixed equipment manufactured as part of the vehicle or trailer and which enable the extension of the fixed equipment. It also doesn’t include ballast used for the purpose of road testing a vehicle or for MOT or annual test purposes provided the ballast is a non-commercial load.

Non-commercial carriage is defined as any carriage by road, other than carriage for hire or reward or on own account, for which no direct or indirect remuneration is received and which does not directly or indirectly generate any income for the driver of the vehicle or for others and which is not linked to professional or commercial activity.

A trailer (including anything permanently attached to it) is not “goods” unless it being wholly carried on a vehicle or another trailer.

Vehicle operations that take place wholly off the public road or vehicles that are never used to carry goods on a public road are out of scope. Journeys that are made entirely off road are out of scope of any drivers’ hours rules however under EU/AETR record keeping rules, drivers who carry out any EU/ AETR regulated work must record all periods of off-road driving as ‘other work’.

Additionally drivers who are employed to drive vehicles which would normally be in scope of EU/ AETR rules but who never carry goods or passengers in the course of that employment (and for agency drivers this means each individual placement) are not considered to be within scope of the regulations. For example, this covers operations such as:

- » driving a hire vehicle for the purpose of delivery or collection
- » empty vehicles being driven to or from annual test<sup>1</sup> or a place of repair
- » driving a vehicle for the purpose of moving it between depots
- » driving a new/demonstrator vehicle for the purpose of collection or delivery
- » vehicles being driven to be scrapped

It does not apply to journeys to position a vehicle as part of an ongoing journey which is in scope of the EU/AETR rules.

<sup>1</sup> For the purposes of road testing and for taking a vehicle to annual test, this could include the carriage of ballast. But under no circumstances can this include the commercial carriage of goods.

## 1.1 Exemptions and national derogations

There are a number of specific exemptions and national derogations from the EU rules. Exemptions apply regardless of where the vehicle is driven within the EU; whilst national derogations only apply on journeys wholly within the UK. The following information lists the exemptions and national derogations and provides advice on which might apply to goods vehicles.

In some cases it may be necessary to refer to case law for definitive interpretations.

### Exemptions

#### **Vehicles not capable of exceeding 40 km/h**

For example, some works vehicles fall into this category. Also includes vehicles incapable of exceeding 40 km/h by virtue of a set speed limiter.

#### **Vehicles owned or hired without a driver by the Armed Forces, civil defence services, fire services and forces responsible for maintaining public order, when the carriage is undertaken as a consequence of the tasks assigned to these services and is under their control.**

It doesn't apply to commercial operations contracted by these bodies.

#### **Vehicles, including vehicles used in the non-commercial transport of humanitarian aid, used in emergencies or rescue operations.**

The EU rules do not define an 'emergency' but we consider this would certainly include any of the situations that would be considered an emergency for the purposes of the NI domestic drivers' hours legislation, namely a situation where immediate preventative action is needed to avoid:

- » danger to the life or health of people or animals
- » serious interruption of essential public services (gas, water, electricity or drainage), of electronic communication and postal services, or in the use of roads, railways, ports or airports or
- » serious damage to property

Vehicles used in connection with emergency or rescue operations are exempt from the EU rules for the duration of the emergency.

The important aspect of humanitarian aid is that it only applies to transport carried out on a non-commercial basis e.g. transportation of donated clothes, food parcels etc. The aid supplied must however be in direct response to an emergency or rescue operation.

Non-commercial carriage is defined as any carriage by road, other than carriage for hire or reward or on own account, for which no direct or indirect remuneration is received and which does not directly or indirectly generate any income for the driver of the vehicle or for others and which is not linked to professional or commercial activity.

### **Specialised vehicles used for medical purposes.**

These vehicles are constructed or adapted for use as mobile medical units for health screening, testing or treatment, such as mobile chest x-ray units.

### **Specialised breakdown vehicles operating within a 100 km radius of their base.**

'Specialised breakdown vehicle' was interpreted by the European Court as a vehicle whose construction, fitments and other permanent characteristics were such that it would be used mainly for removing vehicles that had recently been involved in an accident or broken down.

### **Vehicles undergoing road tests for technical development, repair or maintenance purposes, and new or rebuilt vehicles which have not yet been put into service.**

It doesn't apply to vehicles going to or from testing stations for the purposes of an annual test.

### **Vehicles or combinations of vehicles with a maximum permissible mass not exceeding 7.5 tonnes used for the non-commercial carriage of goods.**

This would include the non-commercial carriage of any goods, such as a person driving a vehicle for their own personal use, for example to movie house or to transport goods as part of a leisure pursuit (i.e. horses; rally cars; bikes).

Non-commercial carriage is defined as any carriage by road, other than carriage for hire or reward or on own

account, for which no direct or indirect remuneration is received and which does not directly or indirectly generate any income for the driver of the vehicle or for others and which is not linked to professional or commercial activity.

### **Commercial vehicles that have a historic status according to the legislation of the Member State in which they are driven and that are used for the non-commercial carriage of goods.**

In NI, a vehicle is a historic vehicle if it was manufactured more than 25 years before the occasion on which it is being driven.

Non-commercial carriage is defined as any carriage by road, other than carriage for hire or reward or on own account, for which no direct or indirect remuneration is received and which does not directly or indirectly generate any income for the driver of the vehicle or for others and which is not linked to professional or commercial activity.

### **Vehicles or combinations of vehicles with a maximum permissible mass not exceeding 7.5 tonnes used for specific purposes.**

This only includes:

- » carrying materials, equipment or machinery for the driver's use in the course of their work, or
- » delivering goods produced on a craft basis

Only within a 100 km radius from the base of the undertaking and on the condition that driving the vehicle does not constitute the driver's main activity and the transport is not carried out for hire or reward.

Carrying materials, equipment or machinery would apply to tradesmen such as electricians or builders carrying tools or materials for their own use. A court case clarified that the terms 'material or equipment' covers not only tools and instruments, but also goods which are required for the performance of the work involved in the main activity of the driver.

Goods produced on a craft basis are hard-crafted items made with or without the aid of tools and produced on a small scale, such as sewing, weaving, carving, glassblowing, furniture making, baking, or pottery etc. Vehicles can be used to deliver the craft items to either an individual customer as part of the terms of the sale or to a place where the items are to be sold e.g. a shop, craft fair, market etc.

**Note:** *The exemption for the carriage of craft goods does not apply to AETR regulated journeys as the AETR Agreement has not yet been aligned with Regulation (EC) 516/2006.*

### National derogations

The following national derogations apply to further specific uses of vehicles but only while on journeys wholly within the UK.

In some cases it may be necessary to refer to case law for definitive interpretations.

**Vehicles owned or hired without a driver by public authorities that do not undertake carriage by road in competition with private transport undertakings.**

The derogation only applies to vehicles being used:

- » by a Health and Social Services body;
- » to provide ambulance services for the conveyance of persons suffering illness, expectant or nursing mothers or other persons for whom such transport is reasonably required;
- » to carry staff, patients, medical supplies, equipment, organs or blood;
- » to provide services for old persons and services for persons to whom welfare arrangements for the physically and mentally handicapped persons apply
- » by HM Coastguard or a general or local lighthouse authority
- » for the purpose of maintaining railways by Northern Ireland Railways
- » by Waterways Ireland within the jurisdiction of Northern Ireland for the purposes of maintaining navigable waterways

**Vehicles used or hired without a driver by agricultural, horticultural, forestry, farming or fishery undertakings for carrying goods as part of their own entrepreneurial activity within a radius of 100 km from the base of the undertaking.**

This applies only to those who are an undertaking related to (ie in the business of) the activities of agricultural, horticultural, forestry, farming or fishery and are

transporting goods in relation to that business. If an organisation has a division for one of the listed activities then the derogation would apply only to that division. If an organisation as a whole is neither an undertaking, nor has a separate division relating to the listed activities, but it nonetheless operates vehicles occasionally for such purposes the derogation would not apply to its use of vehicles for those occasional purposes.

For a vehicle used by a horticulture undertaking, the derogation would apply to the carriage of goods relating to the small-scale management of non built-up land and which have a tangible link to horticulture so would include the carriage of plants, hard landscaping and fencing materials and related tools.

For a vehicle used by fishery undertakings, the derogation only applies if it is being used to carry live fish or to carry a catch of fish from the place of landing to a place where it is to be processed. The term 'fish' includes finfish and shellfish.

**Agricultural tractors and forestry tractors used for agricultural or forestry activities within a 100 km radius from the base of the undertaking that owns, hires or leases the tractor.**

**Vehicles that are used to carry live animals between a farm and a market or from a market to a slaughterhouse where the distance between the farm and the market or between the market and the slaughterhouse does not exceed 100 km.**

**Vehicles being used to carry animal waste or carcasses that are not intended for human consumption.**

The derogation applies to carriage of animal waste or carcasses, including fallen stock, from farms and abattoirs. "Animal waste" is deemed to be a substance or object that is discarded or is intended or required to be discarded and a "carcass" to mean the body of a dead animal. The derogation doesn't apply to animal derived products nor to waste from supermarkets, shops etc.

**Specially fitted mobile project vehicles, the primary purpose of which is use as an educational facility when stationary.**

For example play buses and mobile libraries.

**Vehicles or combinations of vehicles with a maximum permissible mass not exceeding 7.5 tonnes used by universal service providers.**

Universal service providers as defined in Article 2(13) of Directive 96/67/EC of the European Parliament and of the Council of 15 December 1997 on common rules for the development of the internal market of Community postal services and the improvement of quality service to deliver items as part of the universal service.

These vehicles shall be used only within a 100 km radius of the base of the undertaking and on the condition that driving the vehicle does not constitute the driver's main activity.

Currently the only universal service provider in the UK is the Royal Mail.

Universal service provider vehicles must have a tachograph fitted.

**Vehicles operated exclusively on islands not exceeding 2,300 square kilometres in area which are not linked to the rest of Northern Ireland by a bridge, ford or tunnel open for use by a motor vehicle.**

**Vehicles used for the carriage of goods within a 100 km radius from the base of the undertaking and propelled by means of natural or liquefied gas or electricity, the maximum permissible mass of which, including the mass of a trailer or semi-trailer, does not exceed 7.5 tonnes.**

**Vehicles used for driving instruction and examination with a view to obtaining a driving licence or a certificate of professional competence, provided that they are not being used for the commercial carriage of goods or passengers.**

Includes instruction for renewal of Driver Certificate of Professional Competence (CPC).

**Vehicles used in connection with sewerage, flood protection, water, gas and electricity maintenance services, road maintenance or control, door-to-door household refuse collection or disposal, telegraph or telephone services, radio or television broadcasting and the detection of radio or television transmitters or receivers.**

There have been a number of significant court rulings from the European Court of Justice and British

courts dealing with this exemption. Common themes have included a direct and close involvement in the exempt activity; the principle of a general service in the public interest; and the limited and secondary nature of the transport activity.

**Sewerage, flood protection, water, gas and electricity maintenance services.**

It's DVA's view that vehicles used in connection with sewerage, flood protection, water, gas and electricity services must be involved in the maintenance of an existing service (rather than the construction of a new service) to claim the concession.

For vehicles used in connection with sewerage maintenance services the term "maintenance" also applies to the removal of waste from a system but only where the waste is removed directly onto the vehicle and immediately taken away for treatment. This would also include transporting partially treated sewage from satellite sites to main sites.

The derogation doesn't apply to the movement of sewage sludge which has been treated to make a product which is then used for another purpose such as, for example, fertiliser.



### Door-to-door household refuse collection or disposal.

It is the Department for Infrastructure's view is that, in order to be considered as exempt from the EU rules on drivers' hours and tachographs, a door-to-door household refuse collection and disposal operation should have the following characteristics:

- » It should be carried out either by a public authority or by a private undertaking under contract to a public authority;
- » It should involve the primary collection of waste from household or commercial premises, including the collection of street cleansing waste (e.g. litter from public street bins), whereby the transport activity remains subsidiary to the collection. The waste collected from commercial premises must be similar to or of the same kind as that collected from households, it must be collected in the same way (i.e. door-to-door), it must not be subject to any special collection regime or special rules, and must be collected using the same vehicles<sup>1</sup>.
- » Such operations might involve longer aggregate journeys where there are a number of stops, particularly in rural areas, but such journeys should not normally exceed a radius of 50 kilometres from the place where a vehicle is normally based<sup>2</sup>.

The types of refuse collection and disposal operations likely to be exempt are:

- » the door-to-door collection or from communal waste points of domestic waste such as black bin bags, green waste, garden waste, newspapers or glass from households
- » the collection of sofas and household appliances from households within a local area
- » the clearing of a home following a bereavement, provided refuse collection and disposal is the core purpose
- » the collection of the domestic type waste from commercial premises but would not extend to collecting commercial waste, for example, waste generated by a manufacturing process. Such collections do not have to form part of a mixed load (i.e. with household waste)

### Road maintenance and control

Vehicles used in connection with road maintenance services which:

- » are engaged on a journey directly relating to the maintenance services, for example, removing rubble or other materials or;

<sup>1</sup> Type of vehicle is indicative only. In certain rural areas, for example, conventional goods vehicles may well be used for door to door collections of household waste.

<sup>2</sup> The 50 kilometres is indicative only. Where a journey exceeds this, for example, in certain rural areas, DVA will consider the case for exemption based on its merits. In addition, it makes no difference whether, having collected the waste, the vehicle takes its load to a nearby transfer station only, or continues to a final disposal site, the only determining factor being one of proximity.



» are being used directly on the maintenance activity, for example, laying tarmac.

Such vehicles will fall within this derogation however journeys to a site for the purpose of positioning the vehicle in readiness for engaging in the maintenance activity or for returning to base after the maintenance activity has ended will not fall within this derogation.

Vehicles which are to be used or have been used that same day in connection with highway maintenance and control and don't travel far from the site where the work of highway maintenance is being carried out will fall within the derogation.

#### **Radio or television broadcasting.**

Vehicles must be used for the actual activity of broadcasting (including streaming). Vehicles used for filming for later broadcast, or for support services such as catering, make up, wardrobe, showers/toilets etc will not be eligible for this derogation.

#### **Specialised vehicles transporting circus and funfair equipment.**

Specialised vehicles transporting circus or funfair equipment can also use this derogation for attending carnivals and festivals.

A court judgment determined that in order for catering vehicles or trailers to be able to use this derogation they must be specialised.

In the case of a specialised trailer, it isn't necessary for the drawing vehicle to also be specialised. This means that a vehicle towing a catering/

refreshment trailer would be deemed to be specialised as the trailer itself is specialised. However, a vehicle or trailer without any special features for carrying (rather than towing) a catering kiosk wouldn't be deemed to be specialised.

A vehicle (with or without a trailer) transporting catering kiosks or any other equipment used for a purpose directly connected to a circus or funfair which is going to, for example, a local market, car boot sale, sporting event, shopping centre car park etc would not be entitled to claim this derogation.

Being a member of a guild or association (such as the Showman's Guild or the Circus Proprietors Association) does not in itself give exemption to the EC drivers' hours requirements as the equipment carried must still be funfair or circus equipment.

#### **Vehicles used for milk collection from farms or the return to farms of milk containers or milk products intended for animal feed.**

#### **Vehicles used exclusively on roads inside hub facilities such as ports, airports, interports and railway terminals.**

This applies only to those vehicles being used within the perimeter of these areas (rather than those driving to or through the areas), although we accept that these vehicles may occasionally leave the site for vehicle maintenance purposes.

### **Vehicles used by Royal National Lifeboat Institution.**

Applies to vehicles used by RNLI for hauling lifeboats

### **Any vehicle used for collecting sea coal.**

### **Concession for members of a volunteer force and instructors in the Cadet Corps**

There is also a concession in place from the daily and weekly rest requirements specified in the EU drivers' hours regulations (but not from AETR rules) for professional drivers who are also members of a volunteer reserve force (e.g. the Army Reserve) or are an instructor in the Cadet Corps.

The conditions of the concession are:

- » a suspension of the requirement to take a daily rest period within a period of 24 hours when the driver commenced the weekly training as a reservist or as an instructor in the cadet corps
- » a suspension of the requirement to take a weekly rest period at the end of the six 24 hour periods from the previous weekly rest period when the driver commences their driving as a reservist or as an instructor in the cadet corps
- » a regular daily rest must still be taken before they start work for their primary employer and a regular weekly rest must be taken no later than at the end of the sixth day following training

- » the exception is limited to a maximum of:
  - 10 weekend training sessions and
  - fifteen days' annual camp training in any year
- » drivers must not attend weekend training sessions on any two consecutive weekends
- » drivers must not attend any annual camp training that takes place over the weekend that immediately follows a weekend training session that the driver has attended
- » drivers must not attend a weekend training session on the weekend that immediately follows any annual camp training that the driver has attended
- » drivers must not attend any annual camp training that takes place over the weekend that immediately follows the end of an earlier period of annual camp training that the driver has attended
- » a regular daily rest period of at least eleven hours must be taken immediately following the end of each weekend training session and at the end of each period of annual camp training
- » a regular weekly rest period of a least forty-five hours must be taken no later than the end of the sixth day following the end of the day on which a weekend training session or, as the case may be, a period of annual camp training ends

No such concessions are available for those undertaking retained fire and rescue work, volunteer police work or voluntary emergency/rescue services (e.g. RNLI, mountain rescue) so activities of that nature can only be undertaken if they do not impact on legally required daily and weekly rest periods or if the situation is deemed to be an emergency as detailed [Emergencies].

If it is exempt from the EU rules due to the provisions listed above then the vehicle will usually be in scope of the NI domestic rules when travelling in NI - see page 44.

## 1.2 Driving

'Driving time' is the duration of driving activity recorded either by the tachograph or manually when it is broken.

Even a short period of driving under EU rules during any day by a driver will mean that they are in scope of the EU rules for the whole of that day and must comply with the daily driving, break and rest requirements; they will also have to comply with the weekly rest requirement and driving limit.

## 1.3 Duty

Duty is all periods of work activities such as driving and other work. It also includes periods of availability (POAs) unless the driver is able to take a break or rest period that complies with EU drivers' hours rules during the POA. (see Recording other work for more information). POAs do not

however count towards a driver's working time total under The Road Transport (Working Time) Regulations (Northern Ireland) 2005 (as amended) - See Annex 2 for more information on working time rules).

Breaks and rest periods do not count as duty.

Time spent working in other employment regardless of the occupation type or volunteering when there is an obligation to undertake duties cannot count as rest and must be counted as duty. This includes, but is not limited to:

- » self-employed work
- » community service activities
- » non-emergency activities for retained fire fighters, volunteer police work, volunteering such as RNLI, mountain rescue or other activity undertaken at the request of the emergency services
- » training related to obtaining/retaining a Driver Certificate of Professional Competence (CPC) where the training is at the request or instigation of an employer. Driver CPC training can only be undertaken during rest periods if the driver is attending voluntarily and not at the request of the employer.

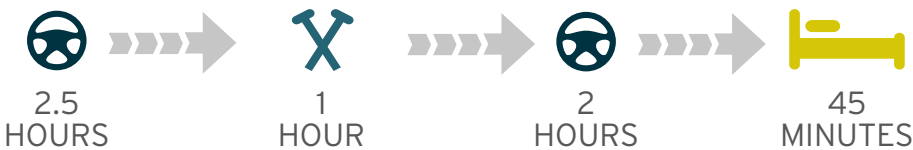
See Section 1.9 for information on when travelling time counts as duty.

For information on emergency situations please go to [Emergencies].

## KEY

DRIVING  
TIMEBREAK /  
REST TIMEOTHER  
WORK TIME**1.4 Breaks and driving limits****Breaks**

After a driving period of no more than 4.5 hours, a driver must immediately take a break of at least 45 minutes unless they take a rest period. A break taken in this way must not be interrupted. For example:

**A break**

A break is any period during which a driver may not carry out any driving or any other work and which is used exclusively for recuperation. A break may be taken in a moving vehicle, provided no other work is undertaken.

Alternatively, a full 45 minute break can be replaced by one break of at least 15 minutes followed by another break of at least 30 minutes. These breaks must be distributed over the 4.5 hour period. Breaks of less than 15 minutes will not contribute towards a qualifying break, but neither will they be counted as duty or driving time. The EU rules will only allow a split-break pattern that shows the second period of break being at least 30 minutes, such as in the following examples:



The following split-break pattern is illegal because the second break is less than 30 minutes



A driver 'wipes the slate clean' if they take a 45 minute break (or qualifying breaks totalling 45 minutes before or at the end of a 4.5 hour driving period. This means that the next 4.5 hour driving period begins with the completion of that qualifying break, and in assessing break requirements for the new 4.5 hour period, no reference is to be made to driving time accumulated before this point. For example:



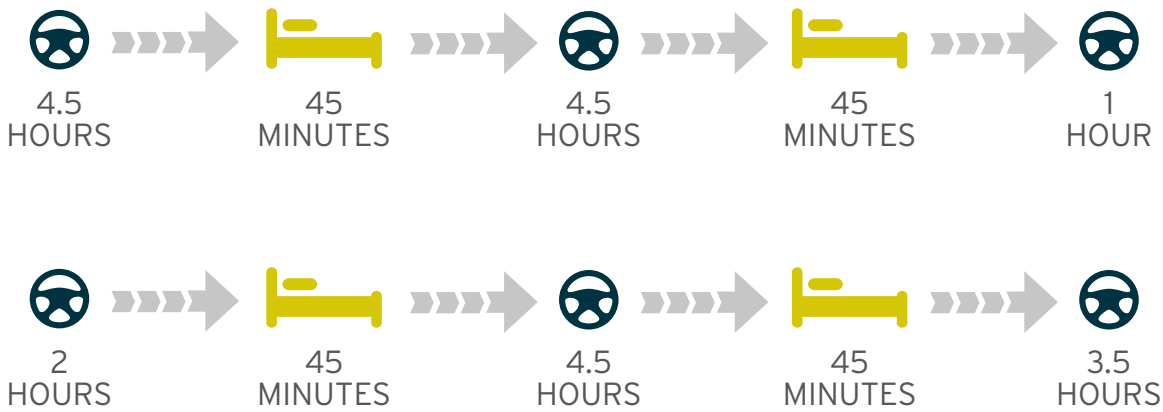
Breaks may also be required under the separate Road Transport (Working Time) Regulations 2005. See [Annex 2].

### Daily driving limit

The maximum daily driving time is 9 hours; for example:



The maximum daily driving time can be increased to 10 hours twice in a fixed week; for example:



### Daily driving time

Daily driving time is either:

- » the total accumulated driving time between the end of one daily rest period and the beginning of the following daily rest period
- » the total accumulated driving time between a daily rest period and a weekly rest period (or vice versa)

**Note:** All off road driving between rest periods will also count towards the daily driving limit where there is also driving on the public highway between those same rest periods. Where there is no driving on the public highway between rest periods then any off road driving is considered to be 'other work'.

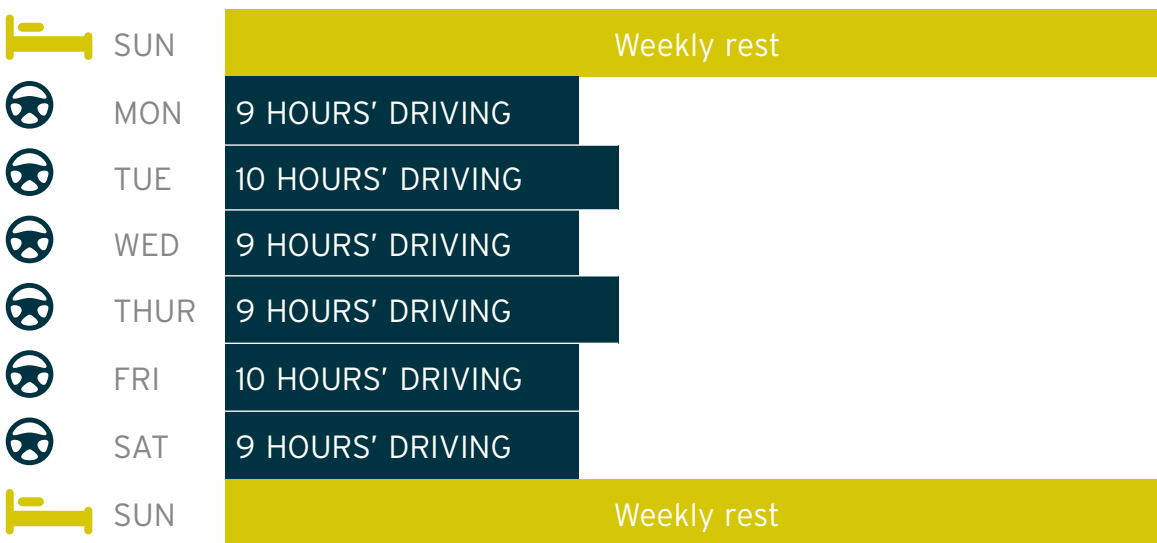
## Weekly driving limit

The maximum weekly driving limit is 56 hours, which applies to a fixed week.

### A fixed week

A fixed week starts at 00.00 on Monday and ends at 24.00 on the following Sunday.

The following diagram shows an example of how this might be achieved:



Total weekly hours =  $(4 \times 9) + (2 \times 10) = 56$ .

## Two-weekly driving limit

The maximum driving time over any two-weekly period is 90 hours; for example:

| WEEK | TOTAL HOURS OF DRIVING | TWO WEEKLY TOTALS |
|------|------------------------|-------------------|
| 9    | 56 HOURS               | 90 hours          |
| 10   | 34 HOURS               |                   |
| 11   | 45 HOURS               | 79 hours          |
| 12   | 45 HOURS               |                   |
| 13   | 43 HOURS               | 90 hours          |
|      |                        |                   |
|      |                        | 88 hours          |
|      |                        |                   |



The following is an example of how a driver's duties might be organised in compliance with the rules on weekly and two-weekly driving limits:

|     |                  |            | WEEKLY                                     | TWO WEEKS   | BETWEEN WEEKLY RESTS |   |
|-----|------------------|------------|--|---|----------------------|---|
| MON | driving 9 hours  | Daily rest | Total 56 hours driving during fixed week 1 | Total 90 hours driving during fixed weeks 1 and 2 |                      |   |
| TUE | driving 9 hours  | Daily rest |  |   |                      |   |
| WED | driving 9 hours  | Daily rest |  |   |                      |   |
| THU | Weekly Rest      |            |  |   |                      |   |
| FRI | driving 10 hours | Daily rest |  |   |                      |   |
| SAT | driving 10 hours | Daily rest |  |   |                      |   |
| SUN | driving 9 hours  | Daily rest |  |   |                      |   |
| MON | driving 9 hours  | Daily rest | Total 34 hours driving during fixed week 2 |   |                      | Total 58 hours driving between weekly rests |
| TUE | driving 10 hours | Daily rest |  |   |                      |   |
| WED | driving 10 hours | Daily rest |  |   |                      |   |
| THU | Weekly Rest      |            |  |   |                      |   |
| FRI | Weekly Rest      |            |  |   |                      |   |
| SAT | Compensation     |            |  |   |                      |   |
| SUN | driving 5 hours  | Daily rest |  |   |                      |   |

### 1.5 Daily rest periods

A driver must take a daily rest period within each period of 24 hours after the end of the previous daily or weekly rest period. A driver must take at least 11 continuous hours of rest (called a regular daily rest period). However, this daily rest requirement can be reduced to 9 continuous hours up to three times between weekly rest periods (called a reduced daily rest period).

#### A rest

A rest is an uninterrupted period where a driver may freely dispose of their time.

Time spent working in other employment regardless of the occupation type or volunteering when there is an obligation to undertake duties, cannot count as rest and must be counted as duty. This includes, but is not limited to:

- » self-employed work
- » community service activities
- » non-emergency activities for retained fire fighters, volunteer police work, volunteering such as RNLI, mountain rescue or other activity undertaken at the request of the emergency services
- » training related to obtaining/retaining a Driver Certificate of Professional Competence (CPC) where the training is at the request or instigation of an employer. Driver CPC training can only be undertaken during rest periods if the driver is attending voluntarily and not at the request of the employer.

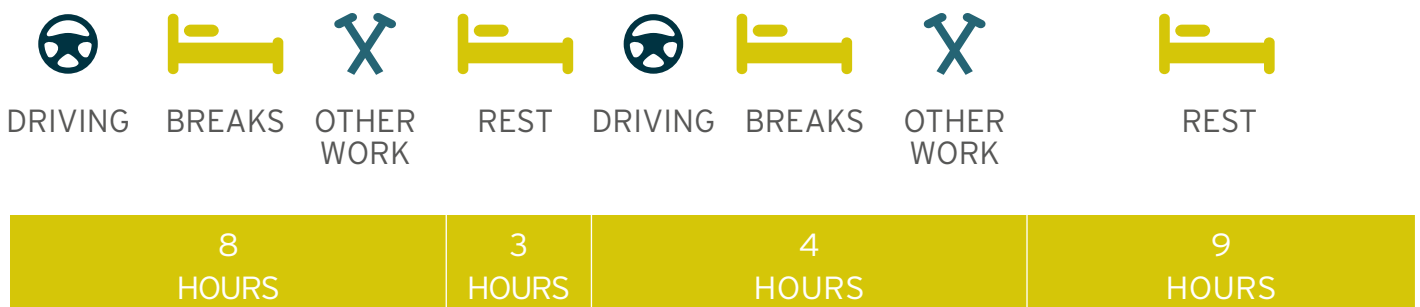
For information on emergency situations please go to [Emergencies].

#### 24-HOUR PERIOD



Alternatively, a driver can split a regular daily rest period into two periods. The first period must be at least 3 hours of uninterrupted rest and can be taken at any time during the day. The second must be at least 9 hours of uninterrupted rest, giving a total minimum rest of 12 hours. For example:

#### 24-HOUR PERIOD



A driver may reduce their daily rest period to no less than 9 continuous hours, but this can be done no more than three times between any two weekly rest periods; no compensation for the reduction is required. A daily rest that is less than 11 hours but at least 9 hours long is called a reduced daily rest period.

### 24-HOUR PERIOD



Daily rest periods may be taken in a vehicle. However, it is expected that the vehicle has suitable sleeping facilities for each driver and the vehicle is stationary. Suitable sleeping facilities in a vehicle are considered to be a bunk or other type of bed which is primarily designed for sleeping on. If a vehicle has no suitable sleeping facilities then other arrangements should be made, for example a hotel, hostel, guest or boarding house, chalet, static caravan or rental accommodation.

To summarise, a driver who begins work at 06.00 on day 1 must, by 06.00 on day 2 at the latest, have completed either:

- » a regular daily rest period of at least 11 hours or
- » a split regular daily rest period of at least 12 hours or
- » if entitled, a reduced daily rest period of at least 9 hours

#### **Regular daily rest**

A continuous period of at least 11 hours' rest.

#### **Split daily rest period**

A regular rest taken in two separate periods - the first at least 3 hours, and the second at least 9 hours.

#### **Reduced daily rest period**

A continuous rest period of at least 9 hours but less than 11 hours.

## Multi-manning

'Multi-manning' is the situation where, during each period of driving between any two consecutive daily rest periods, or between a daily rest period and a weekly rest period (and vice versa), there are at least two drivers in the vehicle to do the driving. For the first hour of multi-manning the presence of another driver or drivers is optional, but for the remainder of the period it is compulsory. This allows for a vehicle to depart from its operating centre and collect a second driver along the way, providing that this is done within 1 hour of the first driver starting work.

Where the above conditions are complied with then the multi-manning concession may be used - that is each driver must have a daily rest period of at least 9 consecutive hours but they may do so within the 30-hour period that starts at the end of the last daily or weekly rest period (rather than the normal 24 hour period). Organising drivers' duties in such a fashion enables a crew's duties to be spread over 21 hours.

If however the conditions cannot be complied with, then drivers sharing duties on a journey will individually be governed by single manning rules and will not be able to use the concession which allows daily rest to be taken in a 30 hour period.

Where a driver utilises the multi-manning daily rest concession (of 9 hours rest in a 30 hour period) that rest period cannot be counted as a regular daily rest as it is of less than 11 hours duration. These rest periods therefore count towards the limit of 3 reduced rest periods between any 2 consecutive weekly rest periods.

Drivers engaged on multi-manning can however, if they choose, take either:

- » a split daily rest within the 30 hour period so long as it taken as the first period being at least 3 hours and the second period being at least 9 hours
- » a rest period of at least 11 hours in the 30 hour period

Both of these options are regular daily rest periods and so would not count towards the limit of three reduced daily rest periods between weekly rest periods.

This is an example of how the duties of a two-man crew could be organised to take maximum advantage of multi-manning daily rest concession:

|                | DRIVER 1                       | DRIVER 2                           |
|----------------|--------------------------------|------------------------------------|
| 30-HOUR PERIOD | Daily rest                     | Daily rest                         |
|                | Other work 1 hour              | Daily rest (not on vehicle) 1 hour |
|                | Driving 4.5 hours              | Availability 4.5 hours             |
|                | Break + availability 4.5 hours | Driving 4.5 hours                  |
|                | Driving 4.5 hours              | Break + availability 4.5 hours     |
|                | Break + availability 4.5 hours | Driving 4.5 hours                  |
|                | Driving 1 hour                 | Break + availability 1 hour        |
|                | Break 1 hour                   | Driving 1 hour                     |
|                | Daily rest (9 hours)           | Daily rest (9 hours)               |

The maximum driving time for a two-man crew taking advantage of this concession is 20 hours before a daily rest is required (although only if both drivers are entitled to drive 10 hours).

Under multi-manning, the 'second' driver in a crew may not necessarily be the same driver for the duration of the first driver's shift but could in principle be any number of drivers as long as the conditions are met. Whether these second drivers could claim the multi-manning concession in these circumstances would depend on their other duties.

On a multi-manning operation, 45 minutes of a period of availability will be considered to be a break, so long as the co-driver does no work.

Other than the daily rest concession detailed above drivers engaged in multi-manning are governed by the same rules that apply to single-manned vehicles.

### Being on call during a daily rest period

Drivers who are on call during any period of legally required rest must at all times be able to dispose of the rest time as they choose. This means that an employer cannot impose any limitations on drivers during such periods, for example requiring them to remain in or close to home or at another location. Drivers must be able to dispose of their free time as they choose (but this does not include undertaking any work where they are under the control of or are fulfilling an obligation to an employer). Being on call may only extend as far as a driver agreeing to answer a call during a rest period but only if the driver so chooses. On receiving a call to return to work drivers may only do so if they have completed the legally required amount of rest or if the work is deemed to be an emergency. See [Emergencies].

It is recognised that some drivers volunteer to provide an emergency response, for example retained firefighters, RNLI or mountain rescue, and are on call specifically to provide such a response. Where it is a requirement for emergency response personnel to remain at or near home whilst on call, DVA will regard the period on call as being rest.

### 1.6 Weekly rest periods

A driver must take a weekly rest period after, at most, 6x24 hour periods from the end of their last weekly rest; during which they may freely dispose of their time. It may be either a 'regular weekly rest period' or a 'reduced weekly rest period'. There are rules on where the weekly rest must be taken.

In any two consecutive 'fixed' weeks a driver must take at least:

- » two regular weekly rests or
- » one regular weekly rest and one reduced weekly rest

Other weekly rest periods of either type may be taken in any two consecutive 'fixed weeks' in addition to this minimum requirement.

#### **A regular weekly rest period**

A regular weekly rest is a period of rest of at least 45 continuous hours.

#### **A reduced weekly rest period**

A reduced weekly rest is a rest period of at least 24 but less than 45 continuous hours. It must be compensated for by an equivalent period of rest taken in one block before the end of the third week following the week in question. The compensating rest must be attached to a period of rest of at least 9 hours - in effect either a weekly or a daily rest period.

#### **A fixed week**

A fixed week starts at 00.00 on Monday and ends at 24.00 on the following Sunday.

A weekly rest period must start no later than at the end of six consecutive 24-hour periods from the end of the last weekly rest period. A driver's working week starts at the end of a weekly rest period, and finishes when another weekly rest period is commenced, which may mean that weekly rest is taken in the middle of a fixed week. This is perfectly acceptable - the working week does not have to be aligned with the fixed week, provided all the relevant limits are complied with.

| WEEK 1        |  |           |  |  | WEEK 2        |  |          |  |  | WEEK 3        |  |  |  |  |
|---------------|--|-----------|--|--|---------------|--|----------|--|--|---------------|--|--|--|--|
|               |  |           |  |  |               |  |          |  |  |               |  |  |  |  |
| Rest 45 hours |  | 144 hours |  |  | Rest 45 hours |  | 80 hours |  |  | Rest 45 hours |  |  |  |  |

**Note:** It is permitted to have more than 6 shifts between weekly rest periods so long as compliant daily rest periods are taken between shifts and there are not more than six consecutive 24-hour periods between the weekly rests.

The following diagram is an example of how the driver's duties might be organised in compliance with the rules on weekly rest, whereby one reduced weekly rest period may be taken in any period of two consecutive weeks.

| WEEK 1 |  |               |  |  | WEEK 2 |  |  |               |  | WEEK 3 |  |  |               |  |
|--------|--|---------------|--|--|--------|--|--|---------------|--|--------|--|--|---------------|--|
|        |  |               |  |  |        |  |  |               |  |        |  |  |               |  |
|        |  | Rest 45 hours |  |  |        |  |  | Rest 24 hours |  |        |  |  | Rest 45 hours |  |

The following diagram is an example of how a driver's duties might be organised in compliance with the rules on weekly rest, which allow two reduced weekly rest periods to be taken consecutively. This complies with the rules because at least one regular and one reduced weekly rest period have been taken in two consecutive 'fixed' weeks. The additional reduced weekly rest period is needed to avoid exceeding 6x24-hour periods between weekly rest periods. Only the reduced weekly rest which is taken to meet the requirement of taking one regular weekly rest and one reduced weekly rest in two consecutive fixed weeks must be compensated for.

| WEEK 1        |  |  |  |  | WEEK 2        |  |  |  |  | WEEK 3        |  |  |  |  |               |  |
|---------------|--|--|--|--|---------------|--|--|--|--|---------------|--|--|--|--|---------------|--|
|               |  |  |  |  |               |  |  |  |  |               |  |  |  |  |               |  |
| Rest 45 hours |  |  |  |  | Rest 24 hours |  |  |  |  | Rest 27 hours |  |  |  |  | Rest 45 hours |  |

The following diagram is an example of a driver reducing a weekly rest period to 33 hours in week 1. This reduction must be compensated for by attaching a 12-hour period of rest to another rest period of at least 9 hours before the end of week 4. This compensation cannot be taken in several smaller periods.





|             | WEEK 1   | WEEK 2   | WEEK 3   | WEEK 4                               |
|-------------|----------|----------|----------|--------------------------------------|
| WEEKLY REST | 33 hours | 45 hours | 45 hours | 45 hours<br>+ 12 hours' compensation |

A weekly rest period that falls in 2 weeks may be counted in either week but not in both. However, where such a rest period is of at least 69 hours in total and starts in one fixed week and ends in the next fixed week, it may be counted as 2 back-to-back weekly rests (eg a 45-hour weekly rest followed by 24 hours), provided that no more than 144 hours (6 x 24 hours) has elapsed since the end of the previous weekly rest period and start of the following weekly rest period.

Time spent working in other employment regardless of the occupation type or volunteering when there is an obligation to undertake duties, cannot count as rest and must be counted as duty. This includes, but is not limited to:

- » self-employed work
- » community service activities
- » non-emergency activities for retained fire fighters, volunteer police work, volunteering such as RNLI, mountain rescue or other activity undertaken at the request of the emergency services

- » training related to obtaining/retaining a Driver Certificate of Professional Competence (CPC) where the training is at the request or instigation of an employer. Driver CPC training can only be undertaken during rest periods if the driver is attending voluntarily and not at the request of the employer.

For work related to emergencies please go to [Emergencies]

### **International carriage of goods**

Note: This section does not apply to AETR regulated journeys as the AETR Agreement has not yet been aligned with Regulation (EC) 561/2006.

Drivers undertaking international carriage of goods under EU rules may take two consecutive reduced weekly rest periods provided that, in any four consecutive fixed weeks, at least four weekly rest periods are taken, of which at least two are regular weekly rest periods.

For the purpose of this derogation international transport is when a driver takes two consecutive reduced weekly rest periods outside the UK and the driver's country of residence

It is permitted for a driver to interrupt these reduced EU weekly rest periods by a ferry or train journey as long as the whole of the rest period is taken

outside the employer's country of establishment and the country of the drivers' place of residence.

When two consecutive reduced EU weekly rest periods are taken, the compensation for both reductions must precede and be attached to the next weekly rest period which must be a regular weekly rest period.

Where two consecutive EU reduced weekly rest periods have been taken, those working under a combination of both EU and AETR rules must still ensure that within the four week period, two of the weekly rest periods

are regular weekly rest periods and the rules on compensation are complied with.

The following diagram is an example of a four-week period where two consecutive EU reduced weekly rest periods have been taken and how they must be compensated for:



#### WEEKLY REST FOR DRIVER ON AN INTERNATIONAL JOURNEY

| WEEK 1 | WEEK 2 | WEEK 3   | WEEK 4 |
|--------|--------|--|--------|
| 24 hrs | 26 hrs | 21 hrs + 19 hrs compensation<br>+ 45 hrs<br>(compensation must come first) | 45 hrs |

**Note:** for the regular weekly rest part of this extended period of rest to be attached to week 3, it must start before 2400 hrs on the Sunday of week 3.

This is the same example but also shows the requirement to start each weekly rest period, including the regular weekly rest with the compensation preceding it, no later than 6 x 24-hour periods from the end of the previous weekly rest period.

| WEEK 1      |  |  |  |  |  |  | WEEK 2      |  |  |  |  |  |  | WEEK 3                       |  |  |  |  |  |  | WEEK 4      |  |  |  |  |  |  |             |  |  |  |  |  |  |
|-------------|--|--|--|--|--|--|-------------|--|--|--|--|--|--|------------------------------|--|--|--|--|--|--|-------------|--|--|--|--|--|--|-------------|--|--|--|--|--|--|
| Rest        |  |  |  |  |  |  | Rest        |  |  |  |  |  |  | Rest                         |  |  |  |  |  |  | Rest        |  |  |  |  |  |  |             |  |  |  |  |  |  |
| Driving     |  |  |  |  |  |  | Driving     |  |  |  |  |  |  | Driving                      |  |  |  |  |  |  | Driving     |  |  |  |  |  |  |             |  |  |  |  |  |  |
| 24 hrs Rest |  |  |  |  |  |  | 26 hrs Rest |  |  |  |  |  |  | 21 hrs + 19 hrs compensation |  |  |  |  |  |  | 45 hrs Rest |  |  |  |  |  |  | 45 hrs Rest |  |  |  |  |  |  |

Rest  
Driving

Drivers must also return to base or their country of residence once every four weeks - see **Returning to base or driver's country of residence**

The normal rules on sleeping facilities apply - see **Sleeping facilities**

### Returning to base or driver's country of residence

**Note: This section does not apply to AETR regulated journeys as the AETR Agreement has not yet been aligned with Regulation (EC) 561/2006.**

Operators must organise work so that, within each period of four consecutive weeks, drivers working under EU rules can return to the operating centre where the driver is normally based, or to the driver's home, in order to spend one regular weekly rest period or a weekly rest period of more than 45 hours including compensation for a reduced weekly rest period. The driver's work must be organised so that he is able to return to base or home before the start of the regular weekly rest period.

Where the arrangement is for the driver to return to their home for this rest period, they may choose to spend it elsewhere such as a friend's home, holiday accommodation etc.

The following diagram is an example of an eight-week period with the driver returning to the UK operating centre where he is normally based or to his home:

| WEEK 1                                   | WEEK 2              | WEEK 3   | WEEK 4              |
|--|---------------------|--|---------------------|
| 45 hrs or more at UK normal base or home | Reduced weekly rest | 45 hrs or more at UK normal base or home and compensation for week 2 | Reduced weekly rest |
|  |                     |  |                     |
| WEEK 5                                   | WEEK 6              | WEEK 7   | WEEK 8              |
| Reduced weekly rest                      | Reduced weekly rest | 45 hrs or more at UK normal base or home*                            | Reduced weekly rest |
|  |                     |  |                     |

Rest  
 Driving

\*Rest period starts in Week 7 so is attached to week 7. Compensation for Week 4 is attached.

Drivers taking two consecutive reduced weekly rest periods on EU international journeys, must also return to base or home once in every 4-week period to take a regular weekly rest, or a regular weekly rest period to which one or more periods of compensation for reduced weekly rest periods are attached. The driver's work must be organised so that he is able to return to base or home before the start of the regular weekly rest period or, in the case of the compensations for two consecutive weekly rest periods, before the compensatory rest commences (as these must precede the regular weekly rest period).

The following diagram is an example of a driver on an EU international journey who takes two consecutive reduced weekly rest periods returning to the UK operating centre where he is normally based or to his home:

| WEEK 1              | WEEK 2              | WEEK 3  | WEEK 4  |
|---------------------|---------------------|---|---|
| Reduced weekly rest | Reduced weekly rest | 2x compensation +45 hrs or more, at UK normal base or home* | Regular weekly rest                             |
|                     |                     |   |   |
| WEEK 5              | WEEK 6              | WEEK 7  | WEEK 8  |
| Reduced weekly rest | Regular weekly rest | 445 hrs or more, at UK normal base or home                  | Reduced weekly rest and compensation for week 5 |
|                     |                     |   |   |

\*The compensations must be taken first. The regular weekly rest period they are attached to starts before 24:00 on Sunday of Week 3 so can be attached to Week 3.

Operators must keep documents at their premises to show how this is complied with for all drivers it applies to.

### **Sleeping facilities**

Reduced weekly rest periods may be taken in a vehicle. However, it is expected that the vehicle has suitable sleeping facilities for each driver and is stationary. Suitable sleeping facilities in a vehicle are considered to be a bunk or other type of bed which is primarily designed for sleeping on. If a vehicle has no suitable sleeping facilities then other arrangements should be made, for example a hotel, hostel, guest or boarding house, chalet, static caravan or rental accommodation.

It is not permitted to take regular weekly rest periods and any weekly rest of more than 45 hours which include compensation for previous reduced weekly rest in a vehicle. Such rest periods must be taken in suitable gender-friendly accommodation with adequate sleeping and sanitary facilities such as a hotel, hostel, guest or boarding house, chalet, static caravan or rental accommodation.

Cost for accommodation outside the vehicle must be met by the employer.

### **Being on call during a weekly rest period**

Drivers who are on call during any period of legally required rest must at all times be able to dispose of the rest time as they choose. This means that an employer cannot impose any limitations on drivers during such periods, for example requiring them to remain in or close to home or at another location. Drivers must be able to dispose of their free time as they choose (but this does not include undertaking any work where they are under the control of or are fulfilling an obligation to an employer). Being on call may only extend as far as a driver agreeing to answer a call during a rest period but only if the driver so chooses. On receiving a call to return to work drivers may only do so if they have completed the legally required amount of rest or if the work is deemed to be an emergency. See [Emergencies].

It is recognised that some drivers volunteer to provide an emergency response, for example retained firefighters, RNLI or mountain rescue, and are on call specifically to provide such a response. Where it is a requirement for emergency response personnel to remain at or near home whilst on call, DVA will regard the period on call as being rest.

## 1.7 Journeys involving a ferry or train

Where a driver accompanies a vehicle that is being transported by ferry or train, the daily and weekly rest requirements are more flexible.

### Interrupting regular daily rest periods

A regular daily rest period may be interrupted no more than twice, but the total interruption must not exceed 1 hour in total. This allows for a vehicle to be driven onto a ferry or train and off again at the end of the crossing including customs formalities.

#### A regular daily rest period







A regular daily rest is a period of rest of at least 11 hours' duration or 12 hours if split into two periods of rest of at least three hours duration followed by at least 9 hours duration.

Where the regular daily rest period is interrupted in this way, the total accumulated daily rest period must still be at least 11 hours or 12 hours if split.

For example, a qualifying regular daily rest period could be interrupted in the following manner:

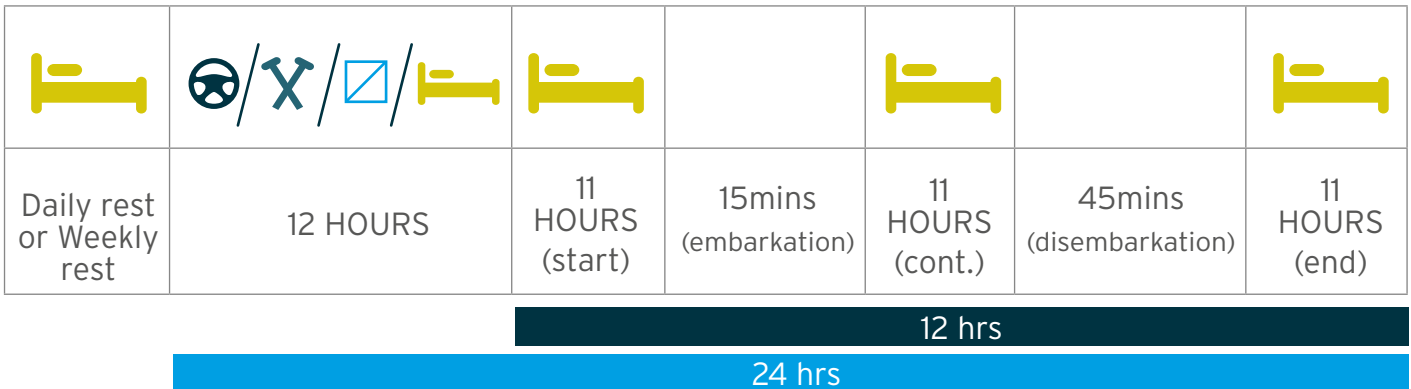
|   |   |   |   |   |
|---|---|---|---|---|
|  |  |  |  |  |
| 2 HOURS   | 30 MINUTES<br>(embarkation)   | 7 HOURS<br>(on train or ferry)  | 30 MINUTES<br>(disembarkation)  | 2 HOURS   |

For example, a split daily rest could be interrupted in the following manner:

|   |   |   |   |                         |  |                            |   |
|---|---|---|---|-------------------------|--|----------------------------|---|
|  |  |  |  |                         |  |                            |  |
| 30 MINUTES  | 3 HOURS   | 30 MINUTES  | 9 HOURS<br>(start)  | 20mins<br>(embarkation) | 9 HOURS  | 35mins<br>(disembarkation) | 9 HOURS<br>(end)  |

It is also permitted to have one of the interruption periods falling in the 3 hour part of a split rest period and one interruption period falling in the 9 hour part of a split rest period or for both parts of the interruption period to fall within the 3 hour part of the split daily rest.

Any regular daily rest period that is interrupted must be completed within the 24-hour period (if single manned). The 24-hour period commences at the point of starting duty following the end of the previous rest period, whether that previous rest period is a daily or a weekly rest period, as shown in this diagram:



### Interrupting weekly rest periods

**Note:** Under AETR rules it is currently only permitted to interrupt regular daily rest periods.

EU weekly rest periods may be interrupted no more than twice, but the total interruption must not exceed 1 hour in total but when interrupting a regular weekly rest period, the ferry or train leg must be at least 8 hours duration. The interruptions allow for a vehicle to be driven onto a ferry or train and off again at the end of the crossing and includes customs formalities.

When an EU reduced weekly rest period is interrupted, the total accumulated weekly rest period must still be of at least 24 hours duration. The weekly rest period must have commenced no later than 6 X 24 hours periods, calculated from the end of the previous weekly rest period.







A sleeper cabin, bunk or couchette must be available during the EU reduced weekly rest period.

#### A reduced weekly rest period

A reduced weekly rest is a rest period of at least 24 but less than 45 hours' duration. It must be compensated for by an equivalent period of rest taken in one block before the end of the third week following the week in question. The compensating rest must be attached to a period of rest of at least 9 hours - so either a weekly or a daily rest period.



This is an example of interruptions to an EU reduced weekly rest period:

| WEEK 1  |   | WEEK 2 |   |   |   |   |   |   | WEEK 3  |                      |   |                         |   |   |   |                     |
|---|---|--------|---|---|---|---|---|---|---|----------------------|---|-------------------------|---|---|---|---------------------|
| 6   | 7 | 1      | 2   | 3 | 4 | 5 | 6 | 7 | 1   | 2                    | 3   | 4                       | 5   | 6 | 7   |                     |
|  |   |        |  |   |   |   |   |   |  |                      |  |                         |  |   |  |                     |
| Regular weekly rest   |   |        |   |   |   |   |   |   | 24hrs (start)   | 30mins (embarkation) | 24hrs (cont.)   | 30mins (disembarkation) | 24hrs (end)   |   |   | Regular weekly rest |

25hrs total-the interrupted weekly rest started in Week 2 so can be attached to that week







When an EU regular weekly rest period is interrupted, the total accumulated weekly rest period must still be of at least 45 hours duration. The weekly rest period must have commenced no later than 6 X 24 hours periods, calculated from the end of the previous weekly rest period.

Interrupting an EU regular weekly rest is only permitted where the ferry or train leg of the journey is scheduled for 8 hours or more and the driver has access to a sleeper cabin.

#### A regular weekly rest period

A regular weekly rest is a period of rest of at least 45 hours' duration.

This is an example of interruptions to an EU regular weekly rest period:

| WEEK 1  |   | WEEK 2  |                      |   |                         |  |   |  | WEEK 3 |   |
|---|---|---|----------------------|---|-------------------------|--|---|--|--------|---|
|  |  |  |                      |  |                         |  |  |  |        |   |
| Reduced weekly rest   |   | 45 hrs (start)  | 30mins (embarkation) | 45 hrs (cont.)  | 30mins (disembarkation) | 45 hrs (end)   |   |  |        | Reduced weekly rest and compensation for week 1 |

46hrs total and ferry/train leg of journey must be at least 8hrs

## Multi-manned journeys involving a ferry or train

Drivers who are engaged on multi-manning can also interrupt a regular daily rest period or weekly rest periods as detailed above. It should be noted however that when interrupting a daily rest period in a 30-hour spreadover, the daily rest period must be a regular daily rest of at least 11 hours, or 12 hours, if split. The interrupted rest must be completed within the 30-hour spreadover.

### 1.8 Emergencies

The EU rules do not define an 'emergency' but we consider this would certainly include any of the situations that would be considered an emergency for the purposes of the NI domestic drivers' hours legislation, namely a situation where immediate preventative action is needed to avoid:

- » danger to the life or health of people or animals
- » serious interruption of essential public services (gas, water, electricity or drainage), of electronic communication and postal services, or in the use of roads, railways, ports or airports
- » serious damage to property

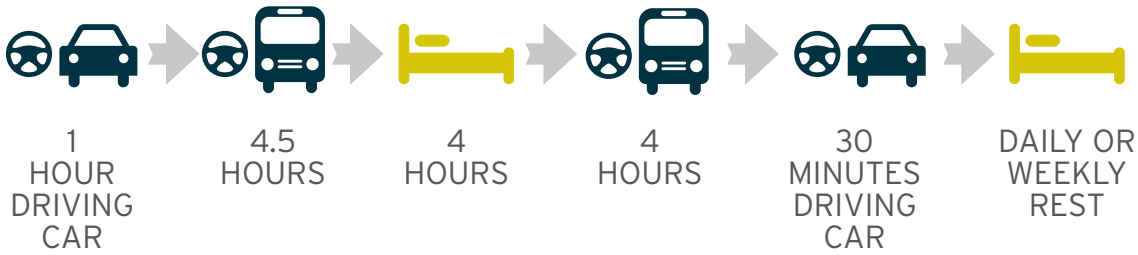
Vehicles used in connection with emergency or rescue operations would be exempt from the EU rules for the duration of the emergency. However drivers who have interrupted a rest period to attend an emergency would be required to commence/complete a qualifying rest period before recommencing work.

### 1.9 Travelling time







Drivers are sometimes required to travel to a goods vehicle they are required to drive, or from a vehicle they have driven.

Where a vehicle which is in scope of the EU rules is neither at the driver's home nor at the employer's operational centre where the driver is normally based, but is at a separate location, time spent travelling to or from that location to take charge of the vehicle, regardless of the mode of transport, cannot be counted as a rest or break, unless the driver is on a ferry or train and has access to a sleeper cabin (if interrupting a regular weekly rest period), or a sleeper cabin, bunk or couchette (if interrupting a regular daily rest period or a reduced weekly rest period). Even if the driver is not paid or makes the decision themselves to travel to or from home/base the travel time cannot be counted as rest or break.

For example: If a driver had to travel for 1 hour by car, on public transport or as a passenger, to pick up a vehicle from a location that was not their home or normal operating base then this time would count as other work. Similarly, if they had to travel back by car, on public transport or as a passenger, from a location that was not their normal operating base, this would count as other work.



A driver who has driven a vehicle in scope of EU rules and has completed their maximum driving time (9 or 10 hours) may be driven back to base or home (e.g. by travelling in a car or as a passenger on a coach), provided they are not required to start a daily rest period or a weekly rest period before reaching base. They should record this activity as other work or availability, depending on whether they undertake additional work, such as navigating, while a passenger.

| 24-HOUR PERIOD   |  |  |  |  |  |
|--|--|--|--|--|--|
|  |  |  |  |  |  |
| DRIVING  | BREAKS   | DRIVING  | BREAKS   | OTHER WORK   | REST   |
| 4.5 HOURS  | 45 MINUTES   | 4.25 HOURS   | 15 MINUTES   | 5.25 HOURS<br>(On coach as a passenger)  | REDUCED DAILY REST 9 HOURS (AT A HOTEL)  |

### 1.10 Unforeseen events

In order to deal with exceptional circumstances that cause unavoidable delays during the course of a journey, a driver may depart from (a) the EU or AETR rules to reach a suitable stopping place to ensure the safety of persons, of the vehicle or its load or (b) the EU rules only to reach his operational base or home in exceptional circumstances. When utilising either concession road safety must not be jeopardised.

A 1995 judgment by the European Court of Justice provides a useful guide to how this provision should be interpreted. It can apply only in cases where it unexpectedly becomes impossible to comply with the rules on drivers' hours during the course

of a journey. In other words, planned breaches of the rules are not allowed. This means that when an unforeseen event occurs, it would be for the driver to decide whether it is necessary to depart from the rules. In doing so, a driver would have to take into account the need to ensure road safety in the process (eg when driving a vehicle carrying an abnormal load under the Special Types regulations) and any instruction that may be given by an enforcement officer (eg when under police escort).

Some examples of such events are delays caused by severe weather, road traffic accidents, mechanical breakdowns, interruptions of ferry services and any event that causes or is likely to cause danger to the life or health of people or animals.

Repeated and regular occurrences, however, might indicate to enforcement officers that employers have not in fact been scheduling work to enable compliance with the applicable rules.

### Reaching a suitable stopping place

Provided that road safety is not jeopardised, in exceptional circumstances, it is permitted to depart from the EU or AETR driving limits, breaks and rest requirements but only to the extent necessary to ensure the safety of persons, the vehicle or its load, in order to reach a suitable stopping place.

Drivers must note all the reasons for deviating from the rules on the back of their tachograph record sheets (if using an analogue tachograph) or on a printout or temporary sheet (if using a digital or smart tachograph) at the latest on reaching the suitable stopping place (see relevant sections covering manual entries, in Section 4, '[Tachograph rules](/guidance/drivers-hours-passenger-vehicles/4-tachograph-rules)').

Drivers and operators are expected to reschedule any disrupted work to remain in compliance with the EU rules. Drivers must take 11 hours daily rest, or 9 hours if that concession is open to them, even when the rest period cannot be completed within the 24-hour period (or 30-hour period if multi-manned).

Operators should endeavour to adjust the driver's schedule to ensure they do

not exceed the weekly and fortnightly driving limits.

Any period of extension must be compensated by an equivalent period of rest taken in one block added to any rest period, by the end of the third week following the week in which the extension takes place.

### Reaching the employer's operational centre or driver's home

**Note: This section (on reaching employer's operational centre or driver's home) does not apply to AETR regulated journeys as the AETR Agreement has not yet been aligned with Regulation (EC) 561/2006.**

Provided that road safety is not jeopardised, in exceptional circumstances, it is permitted to depart from the EU daily and weekly driving time limits and the requirement to start a weekly rest period no later than 6 x 24 hour periods from the end of the previous weekly rest, in order to reach the employer's operational centre or the driver's home:

- » by up to one hour, in order to take either a regular or a reduced weekly rest period, or
- » by up to two hours, in order to take a regular weekly rest period, provided that an uninterrupted break of 30 minutes is taken immediately prior to the additional driving

It is not permitted to exceed the fortnightly driving limit of 90 hours.

It is not permitted to interrupt the additional driving with other work unless it is necessary to ensure the safety of persons, the vehicle or its load.

Any period of extension must be compensated by an equivalent period of rest taken in one block added to any rest period, by the end of the third week following the week in which the extension takes place.

#### Limits following an unforeseen event - to reach normal base or home to take weekly rest period

| RULE                               | NORMAL LIMIT        | TO TAKE A REGULAR OR REDUCED WEEKLY REST | TO TAKE A REGULAR WEEKLY REST  |
|------------------------------------|---------------------|--|--|
| Daily driving limit                | 9 or 10 hours       | 10 or 11 hours*                          | 11 or 12 hours* - must be immediately preceded by a 30 minute break        |
| Weekly driving limit               | 56 hours            | 57 hours*                                | 58 hours* - must be immediately preceded by a 30 minute break              |
| Period between weekly rest periods | 6x 24 hours periods | 6x 24 hours* + 1 hour                    | 6x 24 hours + 2 hours* - must be immediately preceded by a 30 minute break |

\*The period of extension must be compensated for by adding an equivalent period to any other rest period, by the end of the third week following the week in which the extension takes place.

Drivers must note all the reasons for deviating from the rules on the back of their tachograph record sheet (if using an analogue tachograph) or on a printout or temporary sheet (if using a digital or smart tachograph) at the latest on reaching the destination (see relevant sections covering manual entries, in Section 4.

When this concession has been used, the employer must adjust the driver's schedule to ensure that the driver does not exceed the 90-hour driving limit in the fortnight.

## 1.11 Summary of EU limits on drivers' hours

The current limits on drivers' hours as specified by the EU rules are summarised below.

### Breaks from driving

A break of no less than 45 minutes must be taken after no more than 4.5 hours of driving. The break can be divided into 2 periods - the first at least 15 minutes long and the second at least 30 minutes - taken over the 4.5 hours.

### Daily driving

Maximum of 9 hours, extendable to 10 hours no more than twice a week.

### Weekly driving

Maximum of 56 hours.

### Two-weekly driving

Maximum of 90 hours in any 2 week period.

### Daily rest

Minimum of 11 hours, which can be reduced to a minimum of 9 hours no more than 3 times between weekly rests. May be taken in 2 periods, the first at least 3 hours long and the second at least 9 hours long. The rest must be completed within 24 hours of the end of the last daily or weekly rest period.

### Multi-manning daily rest

A daily rest of at least 9 hours duration must be taken within a period of 30 hours that starts from the end of the last daily or weekly rest period. A 9-hour daily rest is however a

reduced daily rest period and subject to the limit of 3 times between weekly rest periods. For the first hour of multi-manning, the presence of another driver is optional, but for the remaining time is compulsory.

### Ferry/train daily rest

A regular daily rest period (of at least 11 hours), or weekly rest periods, may be interrupted no more than twice by other activities of not more than 1 hour's duration in total, provided that the driver is accompanying a vehicle that is travelling by ferry or train and has access to a sleeper cabin, bunk or couchette.

Interrupting a regular weekly rest in this way is only permitted where the ferry or train leg of the journey is scheduled for 8 hours or more and the driver has access to a sleeper cabin.

### Weekly rest

A regular weekly rest of at least 45 hours, or reduced weekly rest of at least 24 hours, must be started no later than the end of a 6 consecutive 24-hour period from the end of the last weekly rest. In any 2 consecutive weeks a driver must have at least 2 weekly rests - one of which must be at least 45 hours long. A weekly rest that falls across 2 weeks may be counted in either week but not both. Any reductions must be compensated in one block by an equivalent rest added to another rest period of at least 9 hours before the end of the third week following the week in question.

## 1.12 AETR rules

Journeys to or through the countries that are signatories to the AETR Agreement see list [EU, AETR and EEA countries](<https://www.gov.uk/guidance/drivers-hours-goods-vehicles/introduction#eu-aetr-and-eea-countries>) are subject to AETR rules. AETR rules apply to the whole journey, including any EU countries passed through.

The AETR rules are in most respects the same as the EU rules however where there is divergence, this has been detailed in the relevant section (sections 1.1, 1.6, 1.7 and 1.10).

The same exemptions that apply to EU journeys, detailed in Section 1.1, also apply to AETR journeys - see [Exemptions]. The national derogations detailed in Section 1.1 do not apply to AETR journeys as they only apply on UK territory.

For more information refer to the AETR agreement.

## 1.13 Working Time Regulations

Drivers who are subject to the EU or AETR rules on drivers' hours and tachographs normally have also to comply with the rules on working time as laid out in the Road Transport (Working Time) Regulations (Northern Ireland) 2005. (For the main provisions, see [Annex 2](<https://www.gov.uk/guidance/drivers-hours-goods-vehicles/annex-2-working-time-rules>).

**EU:** European Union

**EEA:** European Economic Area

**AETR:** European agreement concerning the work of the crews of vehicles engaged in international road transport

**GB:** Great Britain

**CPC:** Certificate of Professional Competence

# NORTHERN IRELAND DOMESTIC RULES

## SECTION 2

How the Northern Ireland drivers' hours domestic rules work for goods vehicle.

### Overview

The Northern Ireland domestic rules, as contained in:

- » The Road Traffic (Northern Ireland) Order 1981; and the
- » Vehicles (Drivers' Hours of Duty) Regulations (Northern Ireland) 1991
- » Vehicles (Drivers' Hours of duty) (Amendment) Regulations (Northern Ireland) 1992 apply to most goods vehicles that are exempt from the EU rules.

### 2.1. Domestic rules exemptions

The following groups are exempt from the domestic drivers' hours rules:

- » drivers of vehicles used by fire brigade and ambulances
- » drivers who always drive off the public road system
- » private driving, ie not in connection with a job or in any way to earn a living
- » vehicles dealing with emergency events which risk life or the serious disruption of public services
- » A goods vehicle which has a permissible maximum weight not exceeding 3.5 tonnes or which has an unladen weight not exceeding 1.525 tonnes
- » a vehicle which is being used-
  - » As a shop at a local market
  - » For door-to-door selling
  - » For mobile banking, exchange or savings transactions
  - » For worship
  - » For the lending of books, records or cassettes
  - » For cultural events or exhibitions
  - » and which is specifically fitted for that use.



## 2.2. Domestic driving limits

Driving is time considered to be spent at the controls of a vehicle for the purposes of controlling its movement, whether it is moving or stationary with the engine running, even for a short period of time.

### Daily driving

In any working day the maximum amount of driving permitted is 10 hours. The daily driving limit applies to driving on and off the public road. Off-road driving for the purposes of agriculture, quarrying, forestry, building work or civil engineering counts as duty rather than driving time.

### Continuous driving

The maximum number of hours for a continuous period of driving a goods vehicle is 5 hours after which a 30 minute break must be taken. The maximum continuous period of driving in any period of 24 hours is 10 hours.

**Day:** The day is the 24-hour period beginning with the start of duty time.

### Daily duty

In any working day the maximum amount of duty permitted is 14 hours. A driver is exempt from the daily duty limit (14 hours) on any working day when they do not drive.

A driver who does not drive for more than 4 hours on each day of the week is exempt from the daily duty limit for the whole week.

**Week:** Is the period from 0000 hrs on a Monday to 2400 hrs the following Sunday.

**Duty:** In the case of an employee driver, this means being on duty (whether driving or otherwise) for anyone who employs them as a driver. This includes all periods of work and driving, but does not include rest or breaks. Employers should also remember that they have additional obligations to ensure that drivers receive adequate rest under health and safety legislation. See **Annex 2** for more details.

For owner drivers, this means driving a vehicle connected with their business, or doing any other work connected with the vehicle and its load.

### Rest and breaks

In any period of 24 hours the driver must take 10 consecutive hours rest.

## 2.3. Record keeping

Drivers must keep written records of their hours of work on a weekly record sheet for vehicles used for the carriage of goods that require an Operator Licence and driving exceeds 4 hours in that day or where the driver does not keep within a 50 kilometre radius of the place where the vehicle is normally based.

A driver is not required to keep a drivers hours record book where:

- » they are driving a vehicle used by a district council for the purpose of road cleansing, road watering or the collection or disposal of refuse, night soil or the contents of cesspools

- » they are driving a vehicle which has a tachograph fitted and is being correctly used as an alternative to keeping a record book.

An example of such a sheet is at [Annex 3](/guidance/drivers-hours-goods-vehicles/annex-3-example-of-a-weekly-record-sheet). Operators are expected to check and sign each weekly record sheet.

Suppliers of record books (also known as log books) containing weekly record sheets can be found on the internet.

Alternatively, an EU-approved and sealed tachograph may be used to record a driver's activities while they are subject to domestic drivers' hours rules. When recording in this manner, and where domestic records are legally required (see flowchart below), all rules on the fitment and use of the tachograph must be complied with.

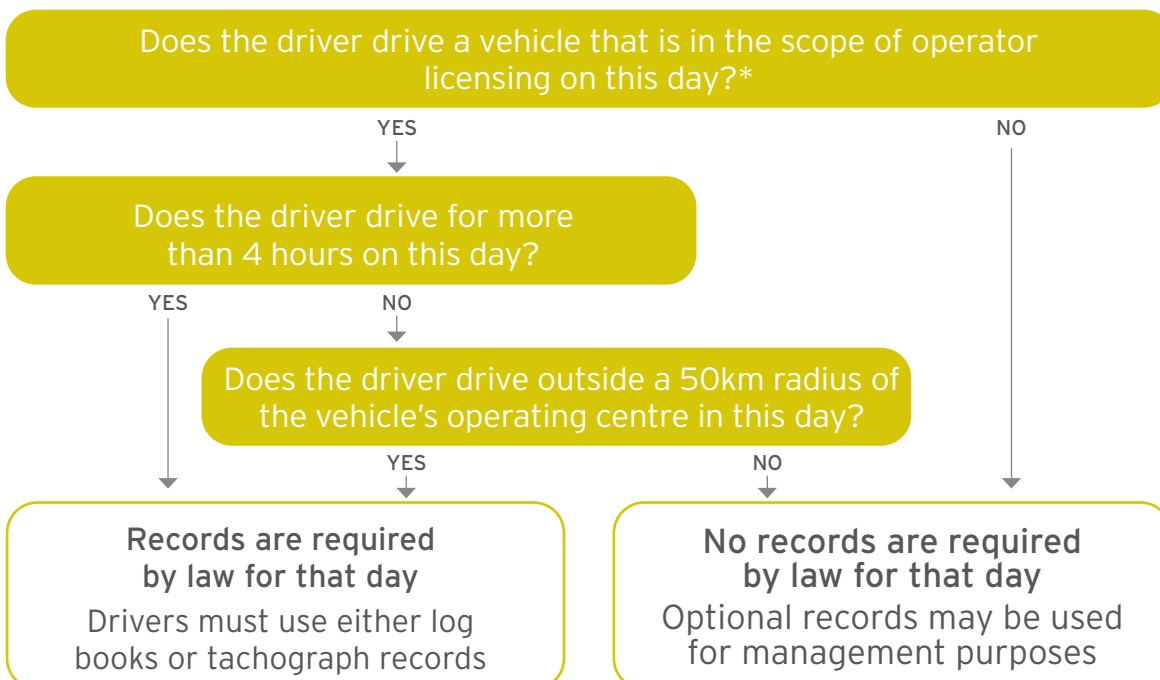
See [Section 4](/guidance/drivers-hours-goods-vehicles/4-tachograph-rules)

Where a tachograph is fitted to a vehicle subject to the domestic rules but is not used to produce a legally required record, the operator and driver should nevertheless ensure that the tachograph is properly calibrated and sealed. The tachograph does not have to be recalibrated provided the seals remain intact and the vehicle remains out of scope of the EU rules.

#### Exemptions from keeping records

Some groups are exempt from requirements to keep records under domestic rules on drivers' hours.

Follow the flowchart below to determine whether records must be kept.



\*This exemption does not apply to drivers of Crown vehicles that would have needed an 'O' licence if the vehicle had not been Crown property. If this is the case, answer 'yes' to this question in the flowchart.

\*\*Any off-road driving carried out for the purpose of agriculture, quarrying, forestry, building work, civil engineering or road maintenance does not count towards this total.

## 2.4. Emergencies

The Northern Ireland domestic rules are relaxed in cases where immediate preventative action is needed to avoid:

- » danger to the life or health of people or animals
- » serious interruption of essential public services (gas, water, electricity or drainage), of electronic communications or postal services, or in the use of roads, railways, ports or airports
- » serious damage to property

In these cases the driving and duty limits are suspended for the duration of the emergency.

## 2.5. Records for vehicles carrying postal articles

Tachographs must be fitted and used on all vehicles with a permissible maximum weight in excess of 3.5 tonnes that are used to carry parcels and letters on postal services. Drivers of such vehicles may be exempt from the EU rules on drivers' hours (see [EU rules exemptions](/guidance/drivers-hours-goods-vehicles/1-eu-and-aetr-rules-on-drivers-hours#exemptions-and-derogations)) but, if so, must still comply with the NI domestic rules and keep a written record of their work.

## 2.6. Travelling abroad

The NI domestic rules apply only in NI, but drivers must observe the national rules of the countries in which they travel. The embassies of these countries will be able to assist in establishing the rules that might apply.

For example, German national rules require drivers of goods vehicles between 2.8 and 3.5 tonnes to record details of their journeys in an AETR-style log book. This means that UK drivers have to use the log book when they set out and while driving through the countries on journeys to or through Germany. Copies of these log books can be obtained from the Road Haulage Association (Tel: 01733 263434).

## 2.7. Mixed vehicle types

Where a driver divides their time between driving vehicles used for the carriage of goods and passengers under the Northern Ireland domestic rules, then in any working day or week, if they spend most of their time driving passenger vehicles then the appropriate Northern Ireland rules for passenger vehicles apply for that day or week.

## 2.8. Working Time Regulations

Drivers who are subject to the Northern Ireland domestic rules on drivers' hours are affected by four provisions under The Working Time Regulations (Northern Ireland) 2016.

See **Annex 2** for more details.

**EU:** European Union

**AA:** Automobile Association

**RAC:** Royal Automobile Club

**RSAC:** Royal Scottish Automobile Club

**AETR:** European agreement concerning the work of crews of vehicles engaged in international road transport

**UK:** United Kingdom

**NI:** Northern Ireland

# MIXED EU/AETR AND NORTHERN IRELAND DOMESTIC DRIVING

## SECTION 3

How the drivers' hours rules apply when driving a goods vehicle under a mix of the EU/ AETR and Northern Ireland (NI) rules.

### General Principles

Many drivers spend some of their time driving under one set of rules and some under another set, perhaps even on the same day.

When working partly under EU/ AETR rules and partly under NI domestic rules during a day or a week, the following points must be considered (the EU rules take precedence over the NI domestic rules):

- » the time spent driving or on duty under EU/ AETR rules cannot count as a break or rest period under NI domestic rules
- » driving and other duty under NI domestic rules (including non-driving work in another employment) count as other work but not as a break or rest period under EU/ AETR rules
- » driving or other duty under EU/ AETR rules count towards the driving and duty limits under NI domestic rules.

### 3.1. Driving limits

The NI domestic limit for goods vehicles (a maximum of 10 hours of driving a day) must always be obeyed. But at any time when actually driving under the EU/ AETR rules all the rules on EU/ AETR driving limits must be obeyed.

### 3.2. Duty limits

The NI domestic limit (no more than 14 hours on duty in a 24-hour period) must always be obeyed. But when any EU/ AETR driving is carried out, the limit of 13 or 15 hours maximum of duty (determined by the amount of EU/ AETR daily rest needed) must always be obeyed. EU/ AETR breaks must be taken within these duty periods.

### 3.3. Rest periods and breaks

All drivers who drive in scope of the EU/AETR drivers' hours rules need to comply with the sector specific working time rules, which have the same rest requirements as the EU drivers' hours rules. Therefore, a driver who drives vehicles in scope of the NI rules on some days/weeks must always comply with EU rest requirements unless they are classed as an occasional mobile worker. For more information see **Annex 2**.

Drivers who are occasional mobile workers only need to comply with EU/ AETR daily rest requirements on days when they drive under EU/ AETR rules. An EU/ AETR weekly rest period must also be taken. So where a driver who is an occasional mobile worker works under EU/ AETR rules in one week and under NI domestic rules the next week (or vice versa), they must take either an EU/ AETR regular or a reduced weekly rest in the week in which the EU/ AETR regulated driving takes place. If a reduced weekly rest is taken, compensation will be required by the end of the third week following the week in which the reduced weekly rest is taken.

As it is not permitted to work more than 6 x 24-hour periods (including any non-EU/ AETR regulated work) between weekly rest periods, drivers who are occasional mobile workers must take an EU compliant weekly rest period prior to undertaking any EU/ AETR regulated work where any previous non-EU/ AETR regulated work means the 6 x 24-hour periods would be exceeded.

### 3.4. Records

Working under EU/ AETR rules (whether an occasional mobile worker or not) means EU/ AETR record keeping rules will always apply in addition to the NI domestic record keeping rules.

On any day where both EU/ AETR and NI domestic driving take place then records must be kept in accordance with both NI domestic and EU/ AETR requirements, recording activities in accordance with the general principles set out at the start of this section.

EU/ AETR rules require that for each day that work is undertaken, even if that work is not in scope of the EU/ AETR rules (for example secondary employment). All non-EU/AETR work must be recorded as 'other work' on a tachograph chart, printout or a manual entry using the manual input facility of a digital tachograph. EU/AETR rules also require records are kept for rest days and for annual or sick leave.

'Other work' means all activities which are defined as working time in Article 3(a) of Directive 2002/15/EC except 'driving', including any work for the same or another employer, within or outside of the transport sector.

If requested, drivers must be able to produce their EU/ AETR records, including the driver card if held, for the current day and the previous 28 calendar days, as well as any NI domestic records

**EU:** European Union

**AETR:** European agreement concerning the work of crews of vehicles engaged in international road transport

**GB:** Great Britain

# TACHOGRAPH RULES

## SECTION 4

The rules about the tachograph that must be used by drivers to record EU/AETR drivers' hours.

### Overview

An approved tachograph must be used when driving under EU or AETR drivers' hours rules. The only exception is driving a vehicle collecting sea coal. Such drivers still have to follow the EU drivers' hours rules, but don't need a tachograph.

The tachograph is a device that records:

- » driving time
- » breaks and rest periods
- » other work and periods of availability
- » the vehicle's speed
- » the distance the vehicle has travelled

The resulting record is to be used to monitor compliance with rules and drivers' hours.

There are three types of tachograph:

- » analogue
- » digital (fitted in vehicles registered from 1 May 2006)
- » smart (fitted in vehicles registered from 15 June 2019)

The rules on using the tachograph are contained in Regulation (EU) 165/2014 and will depend on which of these types is fitted. These rules must be observed by both drivers and operators of vehicles that fall within the scope of Regulation (EC) 561/2006 or the AETR rules.

### Not in scope?

Drivers of vehicles that are exempt from or not in scope of the EU and AETR rules see [Which rules apply?] are not required to use a tachograph, even if it is fitted, unless the vehicle is operated by a universal service provider (USP). At the time of publication, the only USP is the Royal Mail.



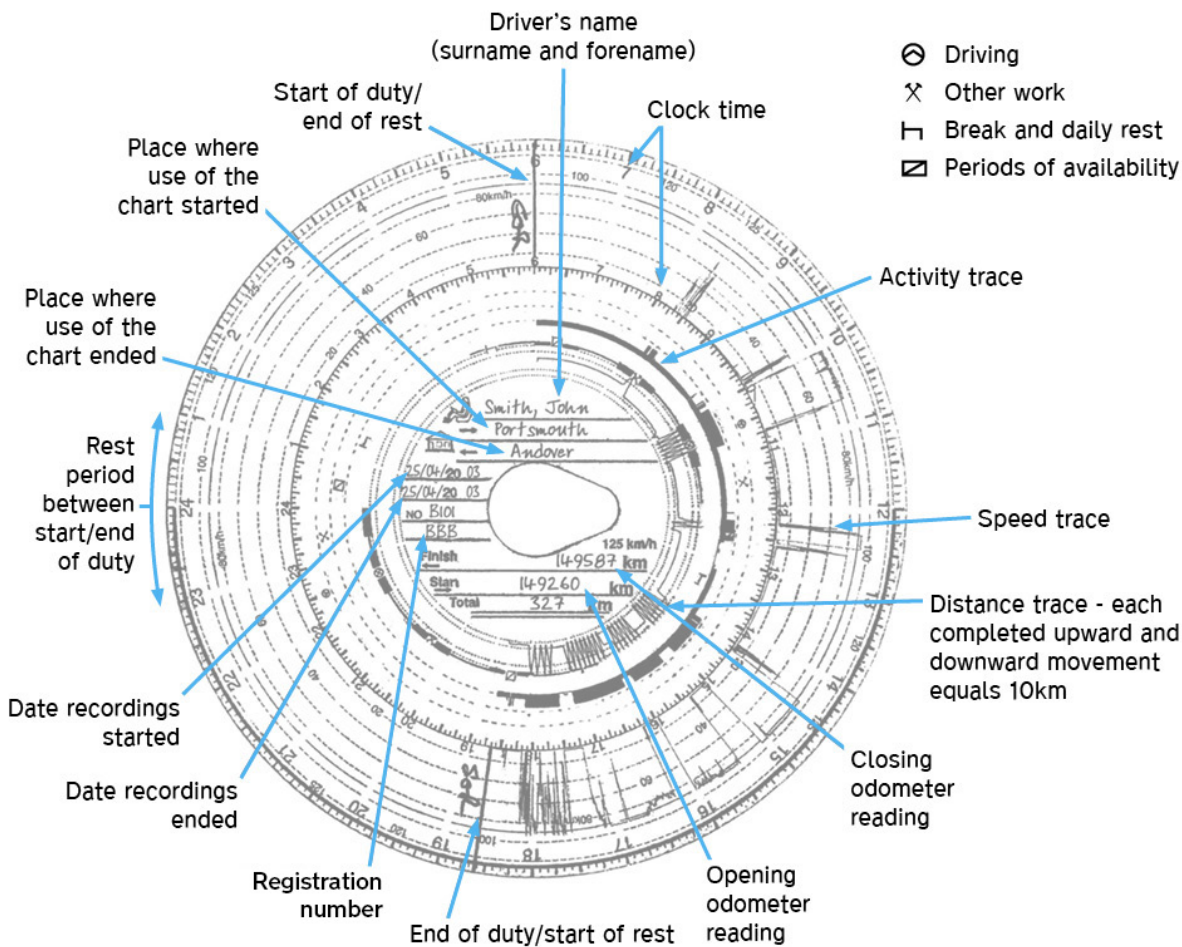
## 4.1. Analogue tachographs

Analogue tachograph recordings are made by a stylus cutting traces into a wax-coated chart. Three separate styluses mark recordings of:

- » speed
- » distance travelled
- » the driver's activity (known as the 'mode')

The inner part of the chart is used by the driver to write details of their name, location of start of journey, end location, date and odometer readings.

The reverse of a tachograph chart normally contains an area for recording manual entries and details of other vehicles driven during the period covered.





## Charts and records

Drivers are responsible for operating the tachograph correctly in order to record their activities accurately and fully. Specifically, drivers must:

- » verify, before using the tachograph, that it is correctly calibrated via the attached plaques and ensure that the time displayed is set to the official time of the country in which the vehicle is registered
  - » ensure that the correct type of chart is being used for the specific model of tachograph in use
  - » carry enough charts for the whole journey, including spare charts in case any become damaged or dirty
  - » enter centrefield details at the first use of the chart, when changing vehicles and when completing the use of the chart (see 'Centrefield entries' section)
  - » correctly operate the mode switch in order to record their activities accurately see [Common rules]
  - » use a second chart if a chart is damaged while in use and attach this one to the first chart on completion - there are other occasions when use of a second chart in a 24-hour period is unavoidable, namely when a driver changes to a vehicle with an incompatible tachograph to the chart in use or they change vehicle so many times that all the details cannot be accommodated on one chart
  - » make manual entries on the chart in respect of their activities away from the vehicle (see 'Manual entries' section), where the rules have been departed from for an unforeseen event, or to correct a recording
- » make manual entries when the equipment malfunctions and report any such malfunctions to the operator
  - » not use a chart to cover a period longer than 24 hours
  - » not remove the chart from the tachograph before the end of their duty period unless authorised to do so. The rules do not specify who can authorise removal of the chart, but cases where charts can be removed include:
    - a change of vehicle
    - swapping charts or cards on multi-manned journeys
    - to make manual entries in the event of an emergency, tachograph malfunction etc
  - » return used charts to the operator within 42 days. This requirement must be complied with even when a driver changes employer
  - » be able to produce at the roadside:
    - charts and any legally required manual records for the current day and the previous 28 calendar days
    - the driver's card if they hold one see [Digital tachographs]
  - » permit a DVA examiner or police officer to examine the tachograph and inspect charts.

### Time tips

Make sure the time is correct for am or pm - both times are displayed identically on an analogue tachograph's 12-hour clock face.

Analogue tachographs must continue to display the correct time - which for the UK includes adjustments for British Summer Time.

### Activity record

Most analogue tachographs in use are 'automatic'. This means that they will automatically record activity as driving when the vehicle is moving however it defaults to the selected mode switch setting when the vehicle stops so drivers need to ensure it is set to the appropriate mode for the activity being carried out when the vehicle is stationary.

### Driver cards

Drivers who have been issued with a driver card are committing an offence if they are unable to produce this during a roadside inspection, even if they only drive analogue tachograph-equipped vehicles.

### Centrefield entries

A driver is required to enter the following information on the centrefield of a tachograph chart that they are using to record their activities:

- » surname and first name (the law does not stipulate which order the names are put in - but employers may have a policy on this)
- » the date and place (nearest town or city is required) where the use of the chart begins and ends. The year may be written in full or abbreviated - so both '2020' and '20' are acceptable - if the start and finish places are the same, both must be written on the chart - ditto marks are not acceptable
- » the registration number(s) of vehicle(s) driven (which should be entered before departing on a new vehicle)
- » the time at which any change of vehicle takes place
- » the odometer readings:
  - at the start of the first journey
  - at the end of the last journey
  - at the time of any change of vehicle, recording the readings from both vehicles

Note that the 'total km' field does not have to be completed.

It is not acceptable for written entries to extend outside the centrefield area if they might interfere with chart recordings. If, for example, the driver's name or a place name is so long it must be abbreviated in order to avoid any possible interference with the recordings, the full name should be noted on the reverse of the chart.

Tachograph charts are required to provide space on their reverse side for the driver to manually record the additional information that is required in connection with changes of vehicles (see example under 'Manual entries' on next page).

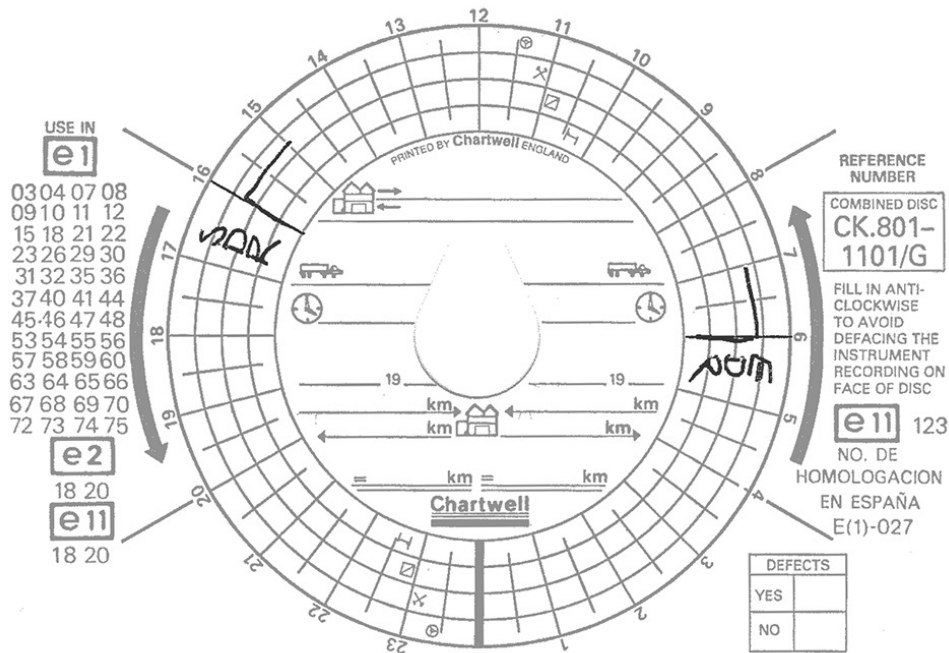
### **Manual entries**

Drivers must produce a record of their whole daily working period. So when drivers are unable to operate the tachograph, have not been allocated a vehicle, or are working away from the vehicle and have had to remove their tachograph chart, they must manually record their activities on the chart.

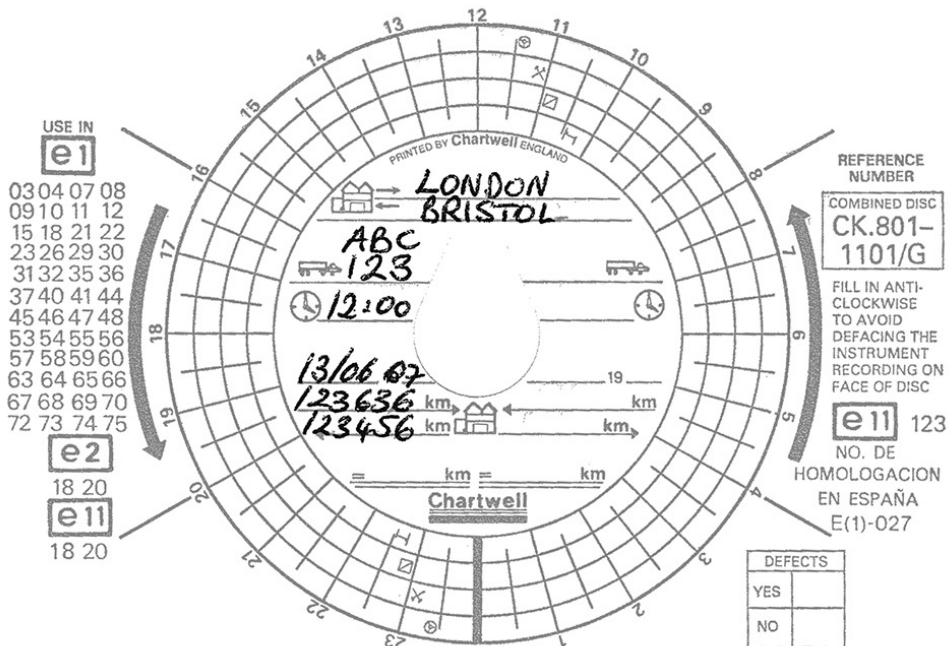
Manual entries may also be needed at other times - for example, if the tachograph develops a fault, or in the event of an emergency see ['Unforeseen events']. Employers may also ask drivers to indicate on a chart where their duty (or rest) begins and ends, so that they can ensure that a full record has been submitted.

Most analogue charts have a specified place to make manual entries (usually on the reverse) however, manual entries can be made anywhere on the chart provided that they are clear and do not obliterate other recordings.

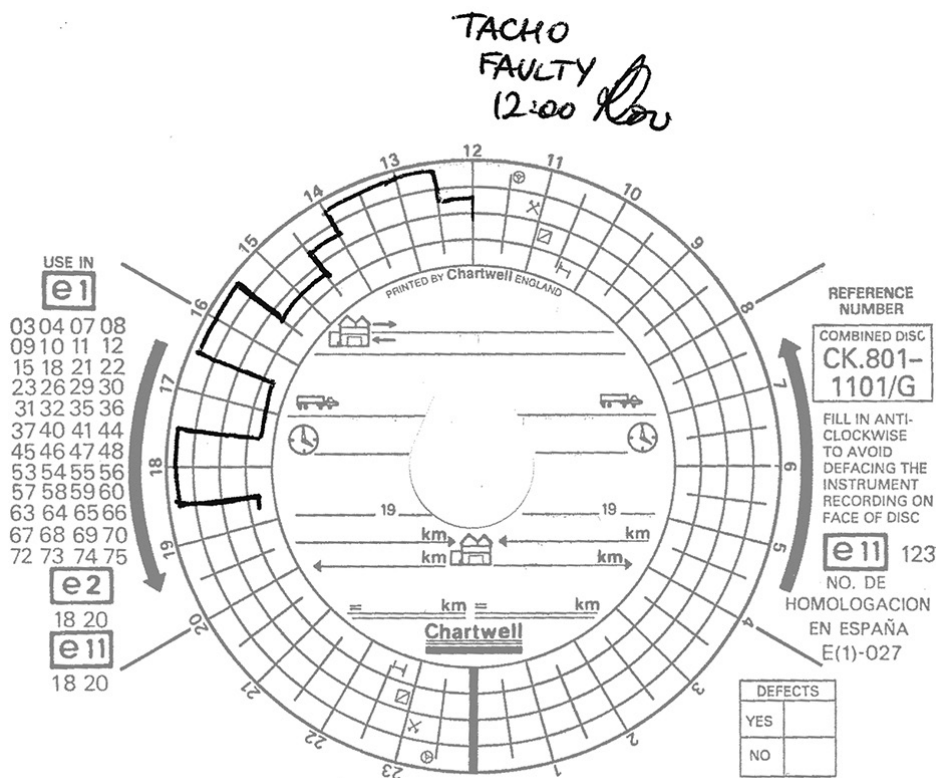
The following are examples of manual records.



This is an example of manual entries made on the rear of a tachograph chart of a driver who started their day at 06.00 with an hour's work doing other duties away from their vehicle. They also finished their day with an hour of other work away from their vehicle and has indicated both the end and the start of a daily rest period. Their activities while with the vehicle are recorded by the tachograph on the other side of the chart once it has been inserted.



This is an example of the manual entries made by a driver who changed vehicles at 12.00 in London and continued their duties before finishing in Bristol. All the details of their activities and their name are entered on the other side of the chart.



This is an example of manual entries made by a driver who discovered a tachograph fault at 12.00. They have used the pre-printed area to indicate their activities for the remainder of their duty until 18.30. They have also noted the reason for them keeping a manual record. All other details are provided on the other side of the chart.

## 4.2. Digital or smart tachographs

Digital and smart tachographs work by storing digital data on the driver and vehicle in their own memory and separately on a driver's card. Smart tachographs also automatically record the location of the vehicle and allow for enforcement authorities to remotely interrogate the data. Strict rules are in place for the use of the data.

Operators must periodically download this data from digital and smart tachographs (known as the Vehicle Unit or VU) every 90 days and from driver cards every 28 days and analyse the information to ensure that the rules have been complied with.

When driving a vehicle fitted with a digital or smart tachograph on a journey that is not in scope of EU/AETR rules it is recommended, but not legally required, to select 'out-of-scope' in the tachograph. Details of how to do this will be contained in the user manual for the model of tachograph.

## Driver cards and records

It is a legal requirement for a driver to use a driver card when driving a vehicle that is in scope of EU/ AETR rules and which is equipped with a digital or smart tachograph.

If the vehicle is used without a driver card being inserted, the system will not prevent the vehicle from being driven, but the VU will record the fact that the vehicle has been used without a card.

A driver who has not been issued a driver card is not permitted to drive a vehicle equipped with a digital or smart tachograph.

Similarly, a driver who is not in possession of their issued driver card is not permitted to drive a vehicle equipped with a digital or smart tachograph unless the card has been lost or stolen, in which case the procedures for reporting this must be followed. See the information at Lost, stolen or malfunctioning driver cards below. It is not permitted to keep manual records if the driver card has been forgotten.

Drivers may only be in possession of one driver's card and must never use anyone else's card or allow another driver to use their card.

Drivers must inform the DVA if their card bears incorrect details, for example after a change of name.

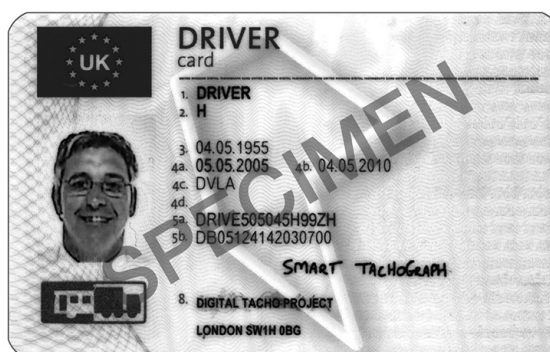
When driving a vehicle that is equipped with a digital or smart tachograph, drivers must:

- » ensure that the tachograph is calibrated by inspecting the calibration plaque or interrogating the tachograph
- » ensure that their driver card is inserted into the correct slot (driver in slot 1, second driver in slot 2 from the moment they take over the vehicle, and that it is ready for use, before the vehicle is moved
- » record the country in which they begin and end their daily work period. This must always be carried out at the time of the start or end of the period, even if the card is not to be withdrawn or inserted (for example if the card is left in overnight)
- » when using the derogation to interrupt rest on journeys involving a ferry or train, the ferry mode must be selected in addition to the rest mode (EU rules only)
- » carry sufficient supplies of type-approved print roll on board the vehicle so that a printout can be produced at an enforcement officer's request
- » ensure that all duties conducted since the driver card was last removed from a tachograph are manually entered onto the card record, using the manual entry facility on the tachograph
- » ensure that the tachograph is working properly



- » ensure that through the daily working period the mode button is used correctly to record other work, periods of availability, and rest and breaks
- » take reasonable steps to protect their card from dirt and damage
- » use only their own personalised driver card to record driving and other activities they undertake
- » ensure that the card is not removed from the tachograph during the working day unless otherwise authorised. The rules are not specific on who can authorise removal of the card, but cases where cards can be removed include a change of vehicle, or where another driver will be using the vehicle during a break or rest period
- » on multi-manning operations ensure that their driver card is placed in the correct slot (slot 1 when they are acting as driver and slot 2 when co-driver on a double-manned journey) when they take over driving
- » make their cards available for downloading by their employer
- » be able to produce at the roadside:
  - » charts and any legally required manual records for the current day and the previous 28 calendar days
  - » the driver's card if they hold one
  - » sign a hard copy of data when required to do so by a DVA examiner or a police officer

Mode switch default: Depending on the preferences entered into the digital/smart tachograph at the time of calibration the digital tachograph can default to recording either 'rest' for driver 1 and driver 2 or 'other work' for driver 1 and 'availability' for driver 2 when the vehicle stops. Drivers must use the mode switch correctly to ensure that rest and break periods are recorded correctly.



### How to apply for driver cards

Apply for a Digital Driver card  
[www.nidirect.gov.uk/articles/digital-tachographs](http://www.nidirect.gov.uk/articles/digital-tachographs))

In Northern Ireland, application forms are available from the Driver and Vehicle Agency (DVA) - (call 0300 200 7861). Application forms are also available from DVA test centres.

[www.nidirect.gov.uk/articles/vehicle-test-centres](http://www.nidirect.gov.uk/articles/vehicle-test-centres)

### **Lost, stolen or malfunctioning driver cards**

Driver cards have passed all relevant International Organization for Standardization (ISO) qualified tests and security certification requirements. They are designed to work reliably and securely for their period of validity but, like all cards, can be damaged by abuse. Drivers must take care of their driver card - treating it as if it were a credit card and not subjecting it to excessive force, bending or extremes of temperature.

Where it is impossible to use a driver card (that being when it has been lost, stolen or damaged or is malfunctioning) a driver may drive without the card for a maximum of 15 calendar days (or longer if this is necessary for the vehicle to be returned to its premises) provided that they produce 2 printouts - one at the start of the day and another at the end so long as there is no change of vehicle. Where there is a change of vehicle then a printout will need to be taken at the start and end of the use of vehicle 1 and then a printout at the start and end of vehicle 2 and so on. All printouts must be marked with:

- » the driver's name or driver card or licence number, so the driver can be identified
- » any manual entries needed to show periods of other work, availability, and rest or break
- » the driver's signature

The driver must report the problem to DVA and apply for a new card within seven calendar days.

### **UTC - the time set on a digital or smart card tachograph**

The internal clock of a digital or smart tachograph is set to Universal Time Co-ordinated (UTC). The time displayed on the clock face can be set by the driver either to local time or to UTC. However, all data will be recorded by the VU on the time set by the integral clock, which operates on UTC - this is the same as Greenwich Mean Time (GMT). Drivers will need to remember that UTC is one hour behind British Summer Time (BST). So, between 01.00 on the last Sunday in March and 01.00 on the last Sunday in October drivers must account for the difference when manually inputting activity details in the digital or smart tachograph.

For example, if drivers carried out other work for two hours between 06.00 and 08.00 in June before taking over the vehicle, they must enter this as between 05.00 and 07.00 in UTC time. As mentioned above, it is possible for drivers to set the display time on the VU to local BST, but this will not prevent the VU recording in UTC. Therefore, it is recommended that drivers leave the display time in UTC as a reminder of the difference.



## Manual records

A digital or smart tachograph offers the ability for a driver to enter activities carried out by them away from their vehicle. This is by means of the manual input facility in the tachograph. There is however no requirement to make a manual record on a driver card where all the activity has already been captured on an analogue record sheet.

Analogue tachographs do not have a manual input facility so a manual record must be made on the reverse of the record sheet detailing the type of activity and the times started and finished. Further details are given in the section relating to analogue tachographs under the heading of 'manual records'.

The only time a manual record or entry is legally required is when:

| REASON  | ACTION   |
|---|--|
| Activity takes place away from the vehicle and is not possible to use the tachograph. | Manual record to be kept on analogue record sheet, on printout paper or by manual input on a digital or smart tachograph where possible. |
| The equipment or card malfunctions.   | Manual record must be kept on an analogue record sheet or on printout paper.   |
| The rules are breached due to an unforeseen event (see page 39).                      | Record reasons on a printout or the reverse of a portion of print roll, at the latest on arrival at the suitable stopping place.         |
| A record needs to be corrected because the incorrect mode has been recorded.          | Amend record, including the reason, on a printout or the reverse of a portion of print roll as soon as possible.                         |

Manual records must be kept and produced in the same way as any other record which has been produced using the tachograph.

### 4.3 Common rules

#### Operation of the mode switch or button

Drivers must ensure that the mode switch on an analogue tachograph or the mode button on a digital or smart tachograph is correctly set to record their activities.



Driving



Other work



Availability



Break or rest

| SYMBOL                            | EXPLANATORY NOTE  |
|-----------------------------------|---|
| Driving symbol                    | This is automatically recorded on most tachographs.   |
| Other work                        | Covers all activities defined as work other than driving in scope of EU/ AETR rules. Includes any work for the same or another employer, within or outside the transport sector.  |
| Availability                      | Covers periods of waiting time, the duration of which is known about in advance. Examples of what might count as a period of availability (POA) are accompanying a vehicle on a ferry crossing or waiting while other workers load/unload the vehicle. For mobile workers driving in a team, a POA would also include time spent sitting next to the driver while the vehicle is in motion (unless taking a break or performing other work, ie navigation). |
| Break, rest, annual or sick leave | Covers breaks in work and daily or weekly rest periods. Drivers may not carry out any driving or any other work. Break periods are to be used exclusively for recuperation. During a rest period a driver must be able to dispose freely of their time. Periods of annual or sick leave must also be recorded.  |

If for any reason the tachograph does not make an accurate record of activities (eg if the driver inadvertently makes an incorrect manual entry in a digital or smart tachograph, or fails to correctly operate the mode button or switch), the driver must make a manual tachograph record to this effect. For digital or smart tachographs, the driver should make and sign a printout for the relevant period with a note giving details of the error and reason at the time the error is made. For analogue tachographs,

the record should be made at the back of the chart.

#### Multi-manning - second driver record

Some tachographs will automatically record all time spent as a second driver when the vehicle is in motion as a period of availability and do not allow the mode to be changed to either 'break' or 'other work'. Provided the second driver is not required to carry out any work during this time, enforcement authorities will accept the

first 45 minutes of this time as a break from driving. Any periods of other work, however, must be manually recorded on a printout or chart by the driver.

A 'driver' is anyone who drives a vehicle or is carried on the vehicle in order to be available for driving so where there are more than two drivers on board the vehicle, all drivers are required to keep a record of their activities. If there are more than two drivers, this must be done by making manual entries or records when there is not an available slot on the tachograph.

### Travelling time

In cases where a vehicle that comes within the scope of EU/ AETR rules is at a separate location that is neither the driver's home nor the employer's operational centre where the driver is normally based, but is at a separate location, the time the driver spends travelling to or from that location to take charge of or relinquish that vehicle, regardless of the mode of transport, cannot be counted as a rest or break, unless the driver is in a ferry or train and has access to a sleeper cabin (if interrupting a regular weekly rest period), or a sleeper cabin, bunk or couchette (if interrupting a regular daily rest period or a reduced weekly rest period). Even if the driver is not paid or makes the decision themselves to travel to or from home/ base the travel time cannot be counted as rest or break. Travelling time must therefore be recorded as "other work" or "availability" in accordance with the above descriptions.

### Mixed records - analogue and digital/ smart tachographs

It is possible that a driver may, during the course of a day, drive two or more vehicles where both types of tachograph are used. Drivers in such a situation must use a driver card to record while driving a vehicle with a digital or smart tachograph and tachograph charts when driving a vehicle equipped with an analogue tachograph. Time away from the vehicle may be recorded on either type of tachograph, but there is no need to record it on both.

**Note: A driver who is not in possession of a driver card cannot drive a vehicle equipped with a digital or smart tachograph when the vehicle is in scope of EC/AETR rules unless their card has been lost or stolen.**

### Recording other work

Drivers must record as 'other work', all time spent undertaking activities described as 'other work' below and record as 'availability' all time spent undertaking activities described as 'availability' below.

Any work-related activity can impact on a driver's fatigue levels so drivers are legally required, whether employed part-time or full-time, keep a full record of all work-related activity, whether that work is transport related or not. For example, a part time driver who has a second job working in a bar, must record the bar work as other work regardless of when that work takes place.

Reminder: 'it is not permitted to undertake any work-related activity during legally required breaks or rest periods.

'Other work' means all activities which are defined as working time in Article 3(a) of Directive 2002/15/EC except 'driving', including any work for the same or another employer, within or outside of the transport sector.

Periods of availability' (POAs) means:

- » periods when the mobile worker is not required to remain with the vehicle (but must be available to answer any calls to start or resume driving or to carry out other work). It includes periods accompanying a vehicle being transported by ferry or train, as well as periods of waiting at frontiers and those due to traffic prohibitions.
- » for multi-manned journeys, the time spent sitting next to the driver or on the couchette while the vehicle is in motion.

POAs, and their foreseeable duration, must be known in advance by the mobile worker (so before departure or just before the actual start of the period in question). POAs do not include break or rest periods

The record of other work must be either:

- » written manually on a chart
- » written manually on a printout from a digital or smart tachograph
- » made by using the manual input facility of a digital or smart tachograph or

Additionally, for days where a driver has been subject to the domestic drivers' hours rules, a record may also be required under those rules. See [Record keeping], recorded in a domestic log book

### **Information to be provided to operators**

A driver who is at the disposal of more than one operator must provide each undertaking with sufficient information to allow them to make sure the rules are being met.

### **Rest and other days off**

Drivers are required, in addition to breaks and rest periods, to record periods of annual or sick leave under the rest mode (bed symbol) by using the manual inputs on a digital/smart tachograph or by making a manual record on a chart or print out paper.

It is not acceptable to use attestation letters as an alternative for recording periods of annual or sick leave. Other countries may accept attestation letters from drivers on international journeys for other types of leave, but we are not aware if that is the case so such drivers should ensure that all periods of rest and leave are recorded as detailed the paragraph above. The UK will not accept attestation letters as an alternative to keeping records as detailed in the paragraph above.

# RESPONSIBILITIES OF OPERATORS

## SECTION 5

Legal responsibilities and liabilities operators have for their own and their drivers' compliance with the regulations.

### EU/ AETR rules

Operators have legal responsibilities and liabilities for their own compliance with the regulations and that of the drivers under their control.

Operators must:

- » ensure that tachographs have been calibrated, inspected and recalibrated in line with the rules
- » supply sufficient quantity of type-approved charts and print roll to drivers
- » ensure the return of used tachograph charts from drivers. Note that this responsibility continues after a driver has left employment until all charts are returned
- » ensure drivers are properly trained and instructed on the rules relating to drivers' hours and the correct functioning and use of tachographs
- » properly schedule work so the rules are met
- » not make payments to drivers related to speed of delivery, distances travelled and/or the amount of goods carried if that would encourage breaches of the rules

- » keep documents at their premises to show compliance with the requirement for drivers to return to their home or the operator's base (EU rules only).

### Download data from the vehicle unit

Operators must download data from the vehicle unit:

- » at least every 90 calendar days
- » immediately before transferring control of the use of the vehicle to another person (for example, when the vehicle is sold or un-hired)
- » without delay upon permanently removing the unit from service in the vehicle
- » without delay upon becoming aware that the unit is malfunctioning, if it is possible to download data
- » without delay in any circumstances where it is reasonably foreseeable that data will be erased imminently
- » in any case as often as necessary to ensure that no data is lost (the Vehicle Unit holds 365 days' worth of average data, after which the memory is full and the oldest data is overwritten and lost)

### **Download data from driver cards**

Operators must download data from driver cards:

- » at least every 28 calendar days
- » immediately before the driver ceases to be employed by the undertaking (remember that this also applies to agency drivers)
- » without delay upon being aware that the card has been damaged or is malfunctioning, if it is possible to download data
- » without delay in any circumstances where it is reasonably foreseeable that data will be erased imminently
- » where it is only possible to download the card via a vehicle unit (for example, if the card is stuck), immediately before ceasing control of the use of the vehicle
- » in any case as often as necessary to ensure that no data is lost (the driver card holds 28 days of average data, after which the memory is full and the oldest data is overwritten and lost. An average day is deemed to be 93 activity changes. In certain operations where more than 93 activity changes are recorded in a day, a driver card may hold less than 28 days of data)

### **Provide copies**

Provide copies of charts and digital data to drivers if requested to do so.

### **Regular checks**

Make regular checks of charts and digital data to ensure compliance.

### **Produce records**

Be able to produce records to enforcement officers for 12 months.

### **Breaches of rules**

Take all reasonable steps to prevent breaches of the rules.

### **Tachograph calibration and inspection**

All tachographs used for recording drivers' hours, whether analogue, digital or smart, must be properly installed, calibrated and sealed. This task must be performed either by a vehicle manufacturer or an approved tachograph calibration centre. An installation plaque must be fixed to or near the tachograph. Tachograph calibration centres will issue a certificate showing details of any inspection conducted. A list of Northern Ireland Approved Tachograph Centres (ATC's) is available through the follow: [www.nidirect.gov.uk/articles/approved-tachograph-centres](http://www.nidirect.gov.uk/articles/approved-tachograph-centres).

Analogue tachographs must be inspected every 2 years and recalibrated every 6 years.

Digital and smart tachographs must be recalibrated:

- » every 2 years
- » after any repair
- » if the vehicle registration number changes
- » if UTC is out by more than 20 minutes
- » after an alteration to the circumference of the tyres or characteristic coefficient

Inspection and recalibration dates are shown on the plaque and updated by calibration centres. Operators must ensure that these tachograph requirements are complied with before a new or used vehicle goes into service.

### **Breakdown of the tachograph**

EU and AETR legislation requires that in the event of a breakdown or faulty operation of the tachograph, it must be repaired as soon as possible. If the vehicle is unable to return to its base within a week the repair must be carried out en route.

NI legislation also provides that a driver or operator will not be liable to be convicted if they can prove to a court that the vehicle was on its way to a place where the tachograph could be repaired, or that it was not immediately practicable for it to be repaired and the driver was keeping a manual record. Additionally, they will not be liable where a seal is broken and the breaking of the seal

was unavoidable and it could not be immediately repaired, providing that all other aspects of the EU/ AETR rules were being complied with.

For faults and breakdowns involving digital or smart tachographs, operators should ask the repair centre to download any data held on the unit. If this is not possible the centre should issue the operator with a 'certificate of undownloadability', which must be kept for at least 12 months.

International journeys: Although this is the position under EU/ AETR rules, it is not advisable to start or continue an international journey with a defective tachograph, even if manual records are kept. This is because many countries will not permit entry by such vehicles, since their own domestic laws require a fully functioning system.

### **Digital or smart tachographs - company cards**

Company cards are issued by DVA in the company name. Company cards do not primarily hold data but act as an electronic key to protect and access data from the VU. A company can hold up to 2,232 cards, which will have identical card numbers but different issue numbers at the end of the card number that enable operators to tell them apart.

Company cards are needed to download data from the VU - they can be placed in either driver card slot. Company cards are not needed in order to access information from a driver card where it is being downloaded separately from the VU.



Operators may also use the company card to lock in (in other words, protect) their drivers' details. Once an operator has locked in, all subsequent data is protected and the full details may only be downloaded by inserting the same numbered company card. Locking in is especially recommended since failure to do so could lead to an operator being unable to download its data if the data held in the VU has been protected by a previous operator locking in with its card.

The cards can also be used to lock out when an operator has finished with a vehicle - for example, if it has been sold or if the operator has used a hired vehicle. This will signify the end of their interest in the vehicle and its operations, although failing to do this will not prevent another operator protecting its own data by locking in, as locking in will automatically lock out the previous protection.

Operators who use hired vehicles may need to train their drivers, and equip them with the means to download VU data from vehicles at the point of un-hire where this occurs away from base.

Northern Ireland Operators can apply for company cards by calling the DVA 0300 200 7861 to obtain an application form. Further details are available through the following web link where applications can be made online:

<https://www.nidirect.gov.uk/articles/digital-tachograph-company-cards>

- \*[EU]: European Union
- \*[USP]: universal service provider
- \*[EEC]: European Economic Community
- \*[UK]: United Kingdom
- \*[VU]: vehicle unit
- \*[DVLA]: Driver and Vehicle Licensing Agency
- \*[DVSA]: Driver and Vehicle Standards Agency
- \*[UTC]: universal time co-ordinated
- \*[GMT]: Greenwich Mean Time
- \*[BST]: British Summer Time
- \*[DVA]: Driver and Vehicle Agency (Northern Ireland)



# ENFORCEMENT AND PENALTIES

## SECTION 6

The powers and sanctions available to enforce breaches of drivers' hours and tachograph rules.

### **Powers**

Legislation has provided authorised DVA examiners with powers that include:

- » the power to stop and inspect vehicles
- » the power to prohibit and direct vehicles
- » powers relating to the investigation of possible breaches of regulations and
- » the power to instigate, conduct and appear in proceedings at court
- » the power to issue defect notices and prohibition notices in relation to working time rules
- » the power to issue Fixed Penalty notices

### **Sanctions**

Action taken against drivers' hours and tachograph rules infringements is largely determined by legislation, and includes the following:

#### **Verbal warnings**

Minor infringements that appear to enforcement staff to have been committed either accidentally or due to the inexperience of the driver/operator and are isolated instances may be dealt with by means of a verbal warning. This will include a clarification of the infringement and an explanation of the consequences of continued infringement.

#### **Defect notice**

These may be issued to operators for a number of infringements not related to safety, and give them 14 days to carry out a rectification of the shortcoming, otherwise prosecution will be considered.

## Prohibition

Many drivers' hours and tachograph rules infringements are sufficiently serious to attract a prohibition. A prohibition is not strictly a 'sanction', rather an enforcement tool to remove an immediate threat to road safety. When issued, driving of the vehicle is prohibited for either a specified or an unspecified period until the conditions stated on the prohibition note are satisfied. Where the prohibition is issued for an unspecified period, a note indicating the removal of the prohibition must be issued before use of the vehicle is permitted. In addition to attracting a prohibition, the matter will be considered for prosecution.

In certain circumstances a vehicle which has been prohibited will also be immobilised to prevent further use. Once the situation which led to the prohibition being imposed has been rectified and the payment of a fee has been made the vehicle will be released.

## Fixed penalties and deposits

Infringing drivers with verifiable UK addresses are, in the most routine cases, dealt with by means of a fixed penalty, which can be considered by the driver for up to 21 days. Breaches of drivers' hours rules will attract a level of fixed penalty fine that is graduated depending on the seriousness. Drivers without a verifiable address are asked to pay a deposit equal to the fixed penalty and further driving is prohibited pending receipt of that payment. DVA can still take cases to court if it is deemed necessary.

## Prosecution

If it is considered to be in the public interest, more serious infringements are considered for prosecution, either against the driver, the operator or other undertakings, or against all of them. (See also EU rules: co-liability on [Infringements of the EU drivers' hours rules]).

## Referral to the Transport Regulator

Where the driver is the holder of a vocational licence and/or the operator is the holder of an operator's licence, enforcement staff may report infringements by either the driver or the operator to the Transport Regulator instead of, or as well as, prosecution. This may occur when enforcement staff believe that the matter under consideration brings into doubt the repute of the driver/operator and subsequently call on the Transport Regulator to decide whether any administrative action should be taken against their licences.

## Infringements of NI domestic drivers' hours rules

Where an infringement of the domestic drivers' hours rules occurs, the law protects from conviction in court those drivers who can prove that, because of unforeseen difficulties, they were unavoidably delayed in finishing a journey and breached the rules. It also protects employers if any driver was involved in other driving jobs that the employer could not have known about.

### **Infringements of the EU drivers' hours rules**

The law protects from conviction in court those drivers who can prove that, because of unforeseen difficulties, they were unavoidably delayed in finishing a journey and breached the rules.

The EU/ AETR rules make operators liable for any infringements committed by their drivers.

However, operators will not be held responsible for these offences if they can show that at the time of the infringement the driver's work was being organised in full consideration of the rules, and in particular that:

- » no payments were made that encouraged breaches
- » the driver's work was properly organised
- » the driver was properly instructed and
- » regular checks were made

Operators must also show that they have taken all reasonable steps to avoid the contravention. Employers also have a defence if they can prove that the driver was involved in other driving jobs that the employer could not reasonably have known about. Where it is found that an operator has failed in its obligations, prosecution may be considered against the operator for a driver's offence.

In the case of infringements concerning records, the law protects an employer from conviction if they can prove that they took all reasonable steps to make sure that the driver kept proper records.

Under the EU/ AETR rules, enforcement action can be taken against operators and drivers for offences detected in Northern Ireland but committed in another country, provided that the offender has not already been penalised.

To prevent further penalties being imposed for the same offence, enforcement agencies must provide the driver with evidence of the proceedings or penalties in writing. The driver is required to carry the documentation until such time as the infringement cannot lead to further action.

#### **EU/ AETR rules: co-liability**

The EU/ AETR rules also make undertakings such as consignors, freight forwarders, tour operators, principal contractors, sub-contractors and driver employment agencies responsible for ensuring that contractually agreed transport time schedules respect the rules on drivers' hours.

The undertaking must take all reasonable steps to comply with this requirement. If a contract with the customer includes a provision for transport time schedules to respect the EU/ AETR rules, then the requirement would normally be satisfied. However, a driver employment agency is unlikely to absolve itself from the liability if it is found to have been offering back-to-back jobs to drivers where it will be impossible for the driver in question to take a daily or weekly rest in between those jobs.

## Penalties for infringements of the drivers' hours rules in Northern Ireland

### Maximum fines

In Northern Ireland the maximum fines that can be imposed by a court of law on conviction are as follows:

| OFFENCE   | PENALTY   |
|---|---|
| Failure to observe driving times, break or rest period rules  | Level 4 fine  |
| Failure to make or keep records under the NI rules  | Level 4 fine  |
| Failure to install a tachograph   | Level 5 fine  |
| Failure to use a tachograph   | Level 5 fine  |
| Failure to hand over tachograph records as requested by an enforcement officer                                    | Level 5 fine  |
| False entry or alteration of a record with the intent to deceive  | On summary conviction Level 5 fine or on indictment 2 years' imprisonment |
| Altering or forging the seal on a tachograph with the intent to deceive   | On summary conviction Level 5 or on indictment 2 years' imprisonment      |
| Failure to take all reasonable steps to ensure contractually agreed transport time schedules respect the EU rules | Level 4 fine  |

\*[EU]: European Union

\*[USP]: universal service provider

\*[EEC]: European Economic Community

\*[UK]: United Kingdom

\*[VU]: vehicle unit

\*[DVLA]: Driver and Vehicle Licensing Agency

\*[DVSA]: Driver and Vehicle Standards Agency

\*[UTC]: universal time co-ordinated

\*[GMT]: Greenwich Mean Time

\*[BST]: British Summer Time

\*[DVA]: Driver and Vehicle Agency (Northern Ireland)

\*[NI]: Northern Ireland

# ANNEX 1

## LEGISLATION

*The main legislation about drivers' hours rules.*

### EU rules

#### PriorityList:

- » EC Regulation 561/2006 on drivers' hours and tachographs (as amended)\* EU 165/2014 on tachographs and drivers' hours (repealing Council Reg. (EEC) 3821/85 on recording equipment in road transport and amending Reg (EC) 561/2006) as amended
- » Commission Implementing Regulation (EU) 2016/799 implementing Regulation (EU) No 165/2014 laying down the requirements for the construction, testing, installation, operation and repair of tachographs and their components
- » The Passenger and Goods Vehicles (Recording Equipment) Regulations (Northern Ireland) 1996 as amended
- » The Passenger and Goods Vehicles (Recording Equipment)(Tachograph Card) Regulations (Northern Ireland) 2007
- » The Community Drivers' Hours and Recording Equipment (Exemptions and Supplementary Provisions) Regulations (Northern Ireland) 2009
- » The Passenger and Goods Vehicles (Tachographs) (Amendment) Regulations (Northern Ireland) 2016
- » The Drivers' Hours and Tachographs (Amendment) Regulations (Northern Ireland) 2019
- » The Passenger and Goods Vehicles (Recording Equipment) (Downloading of Data)(Amendment) Regulations (Northern Ireland) 2016.

**AETR rules**

- » European Agreement Concerning the Work of Crews on Vehicles Engaged in International Road Transport (AETR) (Cm 7401) (as amended by Cmnd 9037)

**Domestic rules**

- » The Road Traffic (Northern Ireland) Order 1981
- » Vehicles (Drivers' Hours of Duty) Regulations (Northern Ireland) 1991
- » Vehicles (Drivers' Hours of duty) (Amendment) Regulations (Northern Ireland) 1992

For reference to the text of the relevant legislation the following links are useful:

**United Kingdom**

The National Archives  
[www.legislation.gov.uk](http://www.legislation.gov.uk)

The Stationery Office  
[www.tsoshop.co.uk](http://www.tsoshop.co.uk)

**European Union**

[Eur-Lex]- The portal for European Union law  
[eur-lex.europa.eu/en/index.htm](http://eur-lex.europa.eu/en/index.htm)

\*[EU]: Economic Union

# ANNEX 2

## WORKING TIME RULES

*The working time rules that apply depends on whether the driving is in scope of the EU or NI domestic drivers' hours rules.*

### **Driving under the EU/ AETR drivers' hours rules**

The Road Transport (Working Time) Regulations (Northern Ireland) 2005 as amended ('the 2005 Regulations') apply to mobile workers who are regulated by EU/ AETR drivers hours rules and to those who operate transport services. There are different rules for occasional mobile workers (see text boxes below for definitions).

A mobile workers is defined as being any worker forming part of the travelling staff (including trainees and apprentice) who is in the service of an undertaking which operates transport services for goods or passengers by road for hire or reward or on its own account.

The 2005 Regulations define working time as the time from the beginning of work, during which the mobile worker is at the workstation (this includes in the vehicle) at the disposal of the employer and exercising his functions or activities - i.e. time devoted to all road transport activities including:

- » driving;
- » loading/unloading;
- » training that is part of normal work and is part of the commercial operation;
- » assisting passengers boarding/ disembarking from vehicle;
- » cleaning, maintenance of vehicle;
- » work intended to ensure safety of vehicle and its cargo and passengers (e.g. monitoring loading and unloading - including daily defect check and report);
- » administrative formalities or work linked to legal or regulatory obligations directly linked to the specific transport operations under way;

- » time during which the mobile worker cannot freely dispose of his/her time and is required to be at the workstation ready to take up normal work, with certain tasks associated with being on duty (e.g. working in the warehouse, or in an office or doing other activities for the employer);
- » waiting periods where the foreseeable duration is not known in advance by the mobile worker.

The main provisions of the 2005 Regulations are as follows:

- » weekly working time must not exceed an average of 48 hours per week over the reference period - a maximum working time of 60 hours can be performed in any single week providing the average 48-hour limit is not exceeded
- » night work: if night work is performed, working time must not exceed 10 hours in any 24-hour period. Night time is the period between 00.00 and 04.00 for goods vehicles and between 01.00 and 05.00 for passenger vehicles. The 10-hour limit may be exceeded if this is permitted under a collective or workforce agreement
- » breaks:
  - » mobile workers must not work more than 6 consecutive hours without taking a break
  - » if working hours total between 6 and 9 hours, working time should be interrupted by a break or breaks totalling at least 30 minutes

- » if working hours total more than 9 hours, working time should be interrupted by a break or breaks totalling at least 45 minutes
- » breaks should be of at least 15 minutes' duration
- » rest: the regulations are the same as the EU drivers' hours rules
- » record keeping: records need to be kept for two years after the period in question
- » If a mobile worker works for more than one employer who operates vehicles regulated by EU/ AETR drivers' hours the worker must inform each employer in writing of the hours worked for another employer.

The reference period for calculating the 48-hour week is normally 17 weeks, but it can be extended to 26 weeks if this is permitted under a collective or workforce agreement.

There is no 'opt-out' for individuals wishing to work longer than an average 48-hour week, but breaks and 'periods of availability' do not count as working time.

Generally speaking, a period of availability (POA) is waiting time, the duration of which must be known in advance. Examples of what might count as a POA are accompanying a vehicle on a ferry crossing or waiting while other workers load/unload the vehicle. For mobile workers driving in a team, a POA would also include time spent sitting next to the driver while the vehicle is in motion (unless the mobile worker is taking a break or performing other work ie navigation).



In addition, mobile workers are affected by two provisions under the Working Time Regulations (Northern Ireland) 2016. These are:

- » an entitlement to 5.6 weeks' paid annual leave
- » health checks for night workers

Drivers who only occasionally drive vehicles subject to the EU/ AETR drivers' hours rules, may be able to take advantage of the exemption from the 2005 Regulations for occasional mobile workers (see text box below for the criteria).

Self-employed drivers were brought in scope of the EU/ AETR Working Time Directive 2002/15/EC in Northern Ireland in May 2012, by the Road Transport (Working Time) Amendment Regulations (Northern Ireland) 2012.

The employer is responsible for keeping working time records, making the records available for inspection and informing workers of their responsibilities. Records must be kept regardless of whether or not the operation works close to the average 48-hour weekly working time limit and need to be kept for 2 years after the end of the reference period in question.

Mobile workers must see details of any relevant agreement in advance.

On request from an employer, a mobile worker must inform that employer (in writing) of work performed for another employer.

Employment agencies/employment businesses must keep working time records if the mobile worker is paid by (or via) them.

Owner drivers who do not meet the criteria for a self-employed driver should keep a record of their own working time.

DVA enforces the provisions of the 2005 Regulations and the requirement for health checks for night workers (under the 2016 Regulations).

#### **Definition of a self-employed driver under the 2005 Regulations**

'Self-employed driver' means anyone whose main occupation is to transport passengers or goods by road for hire or reward within the meaning of Community legislation under cover of a Community licence or any other professional authorisation to carry out such transport, who is entitled to work for himself and who is not tied to an employer by an employment contract or by any other type of working hierarchical relationship, who is free to organise the relevant working activities, whose income depends directly on the profits made and who has the freedom, individually or through a co-operation between self-employed drivers, to have commercial relations with several customers (Regulation 2 of SI 2005/241).

### Definition of an occasional mobile worker under the 2005 Regulations

A mobile worker would be exempt from the 2005 Regulations if:

- » they work 10 days or less within scope of the EU/ AETR drivers' hours rules in a reference period that is shorter than 26 weeks or
- » they work 15 days or less within scope of the EU/ AETR drivers' hours rules in a reference period that is 26 weeks or longer

### Driving under the NI domestic drivers' hours rules or are an occasional mobile worker

Drivers of vehicles subject to the NI domestic drivers' hours rules or who are an occasional mobile worker (see text box for definition below), are affected by four provisions of the Working Time Regulations 2016.

These are:

- » weekly working time, which must not exceed an average of 48 hours per week over the reference period (although individuals can 'opt out' of this requirement if they want to)
- » an entitlement to 5.6 weeks' paid annual leave
- » health checks for night workers
- » an entitlement to adequate rest
- » The reference period for calculating the 48-hour average week is normally a rolling 17-week period. However, this reference period can be extended up to 52 weeks, if this is permitted under a collective or workforce agreement.

### Adequate rest

Adequate rest is defined as being long and continuous enough to ensure that workers do not harm themselves, fellow workers or others and that they do not damage their health in the short or long term.

When considering the requirement for 'adequate rest' under the 2016 Regulations, employers need to take into account, not only the Northern Ireland domestic drivers' hours rules (which set maximum limits; which are only intended to give the industry some flexibility and should not be regarded as normal working patterns), but also the duty on employers, under Health and Safety at Work legislation, to manage the risks of fatigue. The Health and Safety Executive (HSE) has published guidance on this issue, as per the links below to further relevant guidance on their website:

- » [www.hse.gov.uk/pubns/priced/hsg256.pdf](http://www.hse.gov.uk/pubns/priced/hsg256.pdf)
- » [www.hse.gov.uk/humanfactors/topics/specific2.pdf](http://www.hse.gov.uk/humanfactors/topics/specific2.pdf)
- » [www.hse.gov.uk/humanfactors/topics/fatigue.htm](http://www.hse.gov.uk/humanfactors/topics/fatigue.htm)
- » [www.hse.gov.uk/pubns/indg382.pdf](http://www.hse.gov.uk/pubns/indg382.pdf)

Whilst mobile workers regulated by the 2016 Regulations can opt out of the 48 hour weekly average working limit, an employer cannot opt out of the requirement that workers get adequate rest. Therefore, employers are required to ensure that workers who have opted out of the 48-hour weekly average do not work excessively long hours and take

regular breaks. Employers might also want to take into account; as best practice, the break and rest requirements in the sector specific working time legislation, which is applicable to drivers in scope of the EU drivers' hours rules see Driving under the EU/ AETR drivers' hours rules in this Annex.

Employers must take responsibility for determining what constitutes 'adequate rest' for each of their workers, which can differ dependent on a number of factors, such as: their age; health; personal circumstances; outside influences; type of work (mentally or physically strenuous) etc. to determine all the potential risks and impacts on that worker's fatigue level. Compliance with the drivers' hours and working time rules alone is insufficient to manage the risks of fatigue.

The 2005 Regulations do not apply to self-employed drivers (see text box below for definition). Please note that this definition is different to the one used under the 2016 Regulations.

DVA enforces the working time limits and the requirement for health checks for night workers under the 2016 Regulations for drivers operating under the NI domestic drivers' hours rules (and occasional mobile workers).

### **Definition of self-employed under the 2016 Regulations**

You are self-employed if you are running your own business and are free to work for different clients and customers.

**EU:** European Union

**AETR:** European agreement concerning the work of crews of vehicles engaged in international road transport

**GB:** Great Britain

**POA:** Period of availability

**DVSA:** Driver and Vehicle Standards Agency

**DVA:** Driver and Vehicle Agency

# ANNEX 3

## EXAMPLE OF A WEEKLY RECORD SHEET



### Weekly Record Sheet

#### Example

| Driver's name               |                                |                              |                       | Period covered by sheet                   |                    |                    |                    |
|-----------------------------|--------------------------------|------------------------------|-----------------------|---|--------------------|--------------------|--------------------|
|                             |                                |                              |                       | Week commencing (date) _____              |                    |                    |                    |
|                             |                                |                              |                       | To week ending (date) _____               |                    |                    |                    |
| Day on which duty commenced | Registration no. of vehicle(s) | Place where vehicle(s) based | Time of going on duty | Time of going off duty                    | Time spent driving | Time spent on duty | Driver's signature |
| Monday                      |                                |                              |                       |   |                    |                    |                    |
| Tuesday                     |                                |                              |                       |   |                    |                    |                    |
| Wednesday                   |                                |                              |                       |   |                    |                    |                    |
| Thursday                    |                                |                              |                       |   |                    |                    |                    |
| Friday                      |                                |                              |                       |   |                    |                    |                    |
| Saturday                    |                                |                              |                       |   |                    |                    |                    |
| Sunday                      |                                |                              |                       |   |                    |                    |                    |
| Certification by employer   |                                |                              |                       | I have examined the entries in this sheet |                    |                    |                    |
|                             |                                |                              |                       | Signature _____                           |                    |                    |                    |
|                             |                                |                              |                       | Position held _____                       |                    |                    |                    |

*Download an example of a weekly record sheet.*

**You can download an example of a weekly record sheet here:**

[https://www.nidirect.gov.uk/publications/drivers-hours-and-tachographs-weekly-record-sheet.](https://www.nidirect.gov.uk/publications/drivers-hours-and-tachographs-weekly-record-sheet)



# Weekly Record Sheet Example

| Driver's name _____         |                                | Period covered by sheet _____             |                       |                        |                    |                    |                    | Driver's signature _____ |
|-----------------------------|--------------------------------|---|-----------------------|------------------------|--------------------|--------------------|--------------------|--------------------------|
|                             |                                | Week commencing (date) _____              |                       |                        |                    |                    |                    |                          |
|                             |                                | To week ending (date) _____               |                       |                        |                    |                    |                    |                          |
| Day on which duty commenced | Registration no. of vehicle(s) | Place where vehicle(s) based              | Time of going on duty | Time of going off duty | Time spent driving | Time spent on duty | Driver's signature |                          |
| Monday                      |                                |   |                       |                        |                    |                    |                    |                          |
| Tuesday                     |                                |   |                       |                        |                    |                    |                    |                          |
| Wednesday                   |                                |   |                       |                        |                    |                    |                    |                          |
| Thursday                    |                                |   |                       |                        |                    |                    |                    |                          |
| Friday                      |                                |   |                       |                        |                    |                    |                    |                          |
| Saturday                    |                                |   |                       |                        |                    |                    |                    |                          |
| Sunday                      |                                |   |                       |                        |                    |                    |                    |                          |
| Certification by employer   |                                | I have examined the entries in this sheet |                       |                        |                    |                    |                    |                          |
|                             |                                | Signature _____                           |                       |                        |                    |                    |                    |                          |
|                             |                                | Position held _____                       |                       |                        |                    |                    |                    |                          |