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European Union (EU) rules on drivers' hours and working time

Simplified Guidance

**Driving whilst tired is
dangerous!**

Introduction

As part of both the Logistics Growth Review and the Red Tape Challenge the Department for Transport agreed to work with industry to look into whether there was scope to simplify the regime covering the EU drivers' hours and working time, with the aim of discussing this with other Member States and the European Commission.

An industry Stakeholder Working Group was set up to look into this issue in 2013 and the Group submitted its final report to the Department in January 2014 with a number of recommendations on the way forward. A copy of the report can be viewed on the gov.uk website at:

<https://www.gov.uk/government/publications/eu-drivers-hours-and-working-time-rules-stakeholder-working-group-final-report>

The Group concluded that it would not be advisable to reopen negotiations at European level on the legislation covering drivers' hours and working time, because:

- there is a risk that re-opening the negotiations could take years to complete (last negotiations of the drivers' hours regulations took five years); and
- there is a risk that re-opening negotiations could result in a regime that would be more onerous and complex than the current regime.

In addition, the Group concluded that the current problems with the regime relate to a lack of clarity and understanding of the existing rules, rather than the rules themselves. They decided that above all, there was a lack of understanding of when a driver needs to take a break, as the requirements in the driver's hours rules are different to those in the working time rules. Therefore, although the Group agreed that the current guidance was comprehensive (but understandably long and complex), they recommend the drafting of additional simplified guides; to supplement the current guidance (particularly covering breaks), aimed specifically at the driver/transport manager.

The Department agreed with the group's recommended way forward and has worked with industry and trade unions to produce this simplified guidance, which we hope will help drivers better understand how the EU drivers' hours and working time rules work together.

This guidance is not a substitute for the current full guidance documents on drivers' hours and working time, which are available on the gov.uk website at:

<https://www.gov.uk/government/collections/drivers-hours-rules-and-guidance>

Table - A summary of the EU drivers' hours rules and sector specific working time rules

Drivers' hours rules Regulation (EC)561/2006	Working time rules Directive 2002/15/EC
<p>Driving</p> <ul style="list-style-type: none"> • 9 hours daily driving limit (can be increased to 10 hours twice a week) • Maximum 56 hours weekly driving limit • Maximum 90 hours fortnightly driving limit 	<p>Working time (including driving)</p> <ul style="list-style-type: none"> • Working time must not exceed average of 48 hours a week (no opt out)¹ • Maximum working time of 60 hours in one week (provided average not exceeded) • Maximum working time of 10 hours if night work performed²
<p>Breaks</p> <ul style="list-style-type: none"> • 45 minutes break after 4.5 hours driving • A break can be split into two periods, the first being at least 15 minutes and the second at least 30 minutes (which must be completed after 4.5 hours driving) 	<p>Breaks³</p> <ul style="list-style-type: none"> • Cannot work for more than 6 hours without a break. A break should be at least 15 minutes long • 30 minute break if working between 6 and 9 hours in total⁴ • 45 minute break if working more than 9 hours in total
<p>Rest</p> <ul style="list-style-type: none"> • 11 hours regular daily rest⁵; which can be reduced to 9 hours no more than three times a week. • 45 hours weekly rest, which can be reduced to 24 hours, provided at least one full rest is taken in any fortnight. There should be no more than six consecutive 24 hour periods between weekly rests. 	<p>Rest</p> <ul style="list-style-type: none"> • Same rest requirements as EU drivers' hours rules

¹ Normally calculated over a rolling 17 week period, but can be extended to 26 weeks under a collective or workforce agreement

² Can be extended under a collective or workforce agreement

³ EC Regulation 561/2006 is directly effective and takes precedence over EC Directive 2002/15 - Article 2.4 Directive 2002/15. Therefore, EU drivers' hours break requirements take precedence when driving

⁴ After working for 6 hours a mobile worker must take a break of at least 15 minutes. However, if working more than 6 and up to 9 hours in a shift a mobile worker needs to take a break totalling at least 30 minutes - this could be two breaks of 15 minutes. Where a shift will contain more than 9 hours of working time, a total of 45 minutes of break is needed.

⁵ Alternatively, this regular daily rest period may be taken in two periods, the first of which must be an uninterrupted period of at least 3 hours and the second an uninterrupted period of at least nine hours

Who needs to follow these rules?


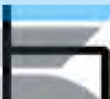


Drivers of goods vehicles or combinations of vehicle and trailer of more than 3.5 tonnes and passenger vehicles with more than 9 seats (including the driver's), unless covered by a specific EU-wide exemption or a national derogation. For details on these exemptions and national derogations please see link below to DfT's published guidance:

<https://www.gov.uk/government/collections/drivers-hours-rules-and-guidance>

What do the rules cover?

The rules cover maximum limits on driving time, working time and minimum requirements for breaks and rest periods.

What are the tachograph modes or activity symbols?

	Driving
	Break or rest period
	Other work
	Period of availability (POA)

Why do we have two sets of rules?

When the EU drivers hours rules were introduced years ago, although they restricted the amount of driving that could be done and the amount of minimum rest drivers needed to take, some drivers were still being expected to work long hours doing other work, in addition to driving. Therefore, it was decided at European level that drivers working under the EU drivers hours rules should also have restrictions on the amount of overall work (including driving) they could do.

How many hours can I drive in one day?








The rules have a daily limit on driving of 9 hours between daily/weekly rest periods. However, up to twice a week a driver can increase the maximum driving time to 10 hours.

How many hours can I work in one day?

Although there is no daily limit on the amount of working time in one day (between daily/weekly rest periods), the requirements for minimum daily rest (9 hours in 24) mean a driver cannot have a working day of more than 15 hours at most three times between weekly rest periods. Where a driver has a full daily rest of 11 hours, the maximum working day is 13 hours.








The working day or shift spread between daily/weekly rest periods is made up of time recorded for driving, other work, breaks and periods of availability (POA). Although working time consists of only hours recorded for driving and other work, breaks and periods of availability must be taken into account when calculating the shift spread for a driver, to ensure enough daily rest has been taken.

LEGAL example of a Shift spread:

08:00							23:00
4.5hrs	45mins	2hrs	3.5hrs	2hrs	15mins	2hrs	
							
Driving	Break	POA	Driving	Other work	Break	Other work	

The above example shows a shift spread of 15 hours from the time the driver started work until completion, this would allow for a reduced rest of 9hrs within the 24 hours from start of working day

ILLEGAL example of a Shift spread:

08:00							02:00
4.5hrs	45mins	2hrs	4hrs	2hrs	15mins	4.5hrs	
							
Driving	Break	POA	Driving	Other work	Break	Other work	

In above example although there are 15 hours recorded as working time, the shift spread is in fact 18 hours leaving only 6 hours with the 24 hours from the start of the working day for a daily rest period, which is illegal so that the driver would be committing an offence.

Is there a limit on the hours I can drive/work at night in one day?

Yes; under the working time rules there is a 10 hour working time limit in any 24 hours if any work (including driving) is carried out during the night time period, unless there is a relevant agreement in place to work longer.

What is classed as a 'night time period' and what is a relevant agreement?

The night time period is between 00:00 and 04:00 for goods vehicles and between 01:00 and 05:00 for passenger vehicles.

A relevant agreement can be either a collective agreement (between the employer and an independent trade union) or a 'workforce agreement' (between the employer and an elected representative of the workforce).

If there is a relevant agreement in place how much longer can a driver work at night in one day?

There is no limit in the working time rules. However, taking into account the minimum rest requirements, a driver cannot work for more than 15 hours in one day up to three occasions between weekly rest periods.

Example below show no more than 10 hours working time in any 24 hour period

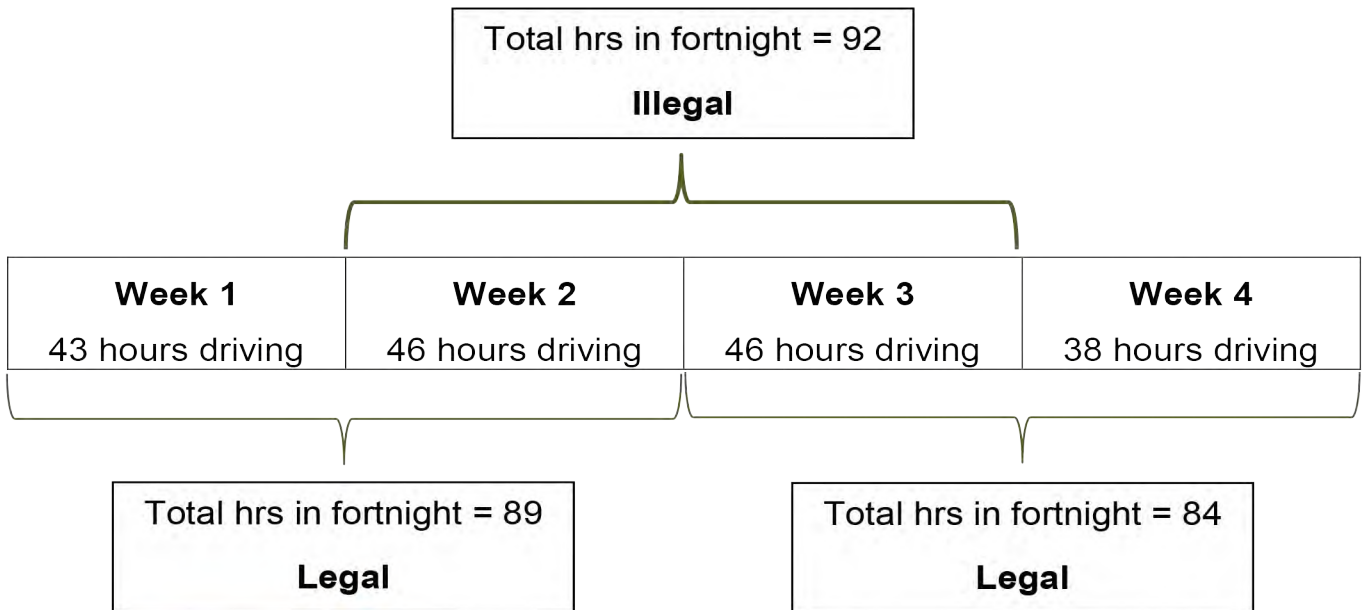
00:00		09:00		00:00		09:00
4 hrs ⊕ + ✕	1 hr ⊔	4 hrs ⊕ + ✕	15 hrs ⊔	4 hrs ⊕ + ✕	1 hr ⊔	4 hrs ⊕ + ✕

Example below shows that owing to a shorter daily rest period in the 24 hour period from 00:00 on day 1 to 00:00 on the second day there is 11 hours of working time, with this being repeated during the two days (as the 24 hrs window moves forward and backwards)

00:00		09:00		21:00		09:00
4 hrs ⊕ + ✕	1 hr ⊔	4 hrs ⊕ + ✕	12 hrs ⊔	6 hrs ⊕ + ✕	1 hr ⊔	5 hrs ⊕ + ✕

How many hours can I drive in one week?

Over a week, you can drive for a maximum of 56 hours in total (e.g. 9 hours on 4 days, and 10 hours on 2 days) although over two consecutive weeks you must not exceed 90 hours.



Remember to check both forward and backwards when calculating fortnightly driving hours

What is classed as a week?

A 'week' means the period of time between 00.00 on Monday and 24.00 on Sunday. However, for recording purposes this would be 00.01 Monday to 23.59 Sunday.

How many hours can I work in one week?

You may not exceed an average of 48 hours working time (driving and other work) per week over a specific reference period. In addition you must not work for more than 60 hours in any single week.

What is a reference period?

Normally, the number of hours worked each week should be averaged out over a continuous 17 week period. However, this period can be extended to 26 weeks if there is a relevant agreement in place. This continuous 17 to 26 week period is used to calculate the average weekly working time and is known as the 'reference period'.

A reference period starts at 00:01 on Monday and runs for the relevant number of weeks until 24:00 on Sunday. If the 17 week reference period is selected there will

be one period of 18 weeks to cover the year. The default 17 week reference periods start on the first Monday of April, August and December.

If I don't do that much driving in a day, do I still need to comply with the rules?

Even a short period of driving under EU drivers' hours rules during any day means you are in scope of the EU drivers' hours and working time rules and will need to comply with all the rules on driving, break and rest requirements for that day and weekly rest requirements for that week.

However, drivers who only occasionally drive vehicles under the EU drivers' hours rules would be exempt from the working time rules - by occasionally we mean:

- they only drive for 10 days or less under the EU drivers' hours rules in a reference period that is shorter than 26 weeks;
- they only drive for 15 days or less under the EU drivers' hours rules in a reference period that is 26 weeks long.

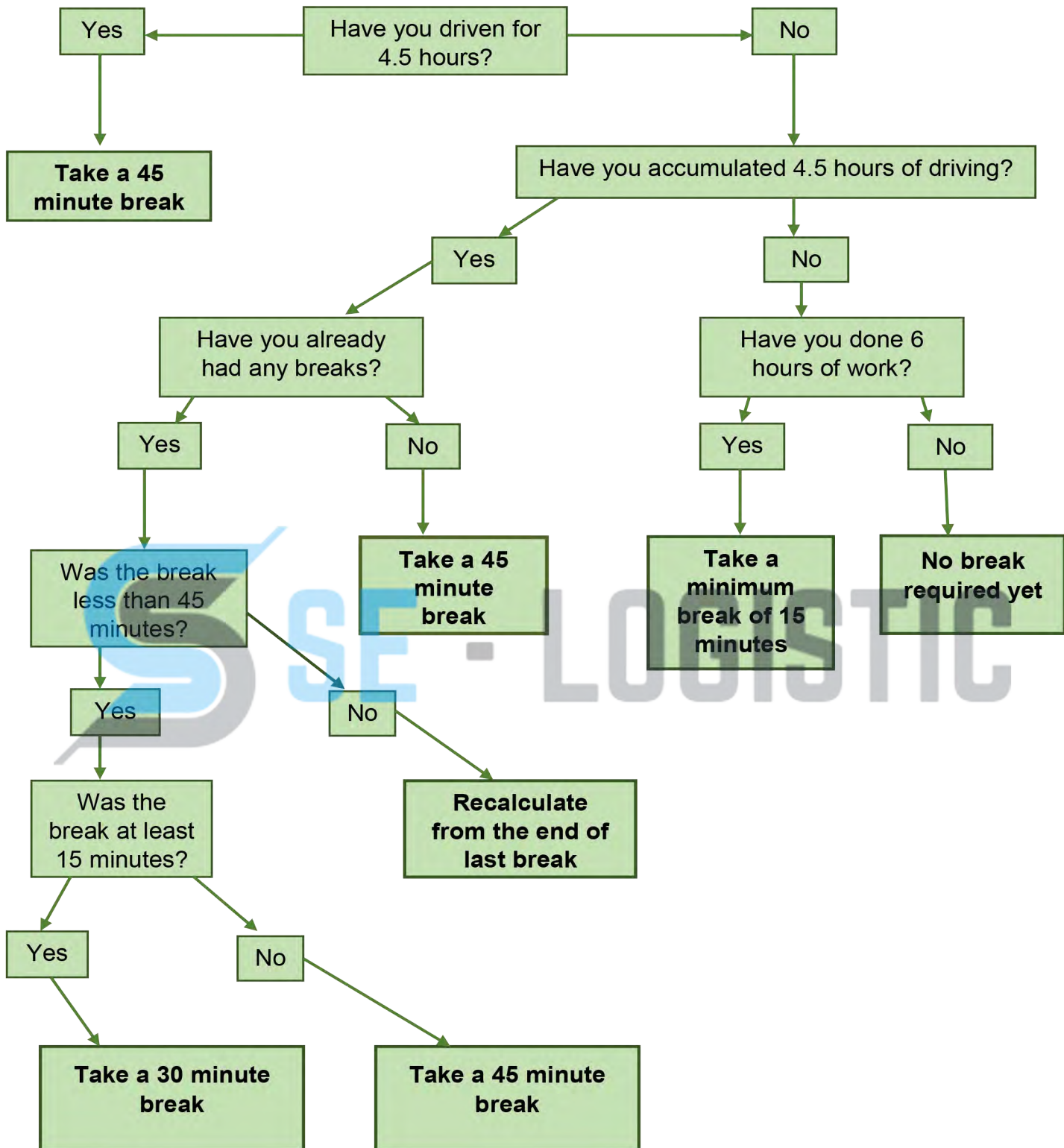
What breaks do I need to take in one day?

This will depend on whether you are driving or doing other work. If you are driving, under the EU drivers' hours rules you must take 45 minutes of break time once you have driven for 4.5 hours in a day. A driver can take a split break of at least 15 minutes followed by another of at least 30 minutes (in that order). Once the 45 minute break has been completed a further 45 minutes break will need to be taken if a further 4.5 hours of driving is completed.

If you are doing other work, under the working time rules you will need to take a break or breaks totalling 30 minutes, if working a total of between 6 and 9 hours in a shift. If working for more than 9 hours you will need to take a break totalling 45 minutes. All working time breaks can be split into periods of at least 15 minutes.

A driver must not work (including driving) for more than 6 hours without a break.

Do I need a break yet?



Why are the driving and working time breaks different?

Driving a large vehicle is more difficult and carries more risk than other types of work, that is why the break requirements in the drivers' hours rules are tighter than those in the working time rules.

When will I know what break I need to have; if I drive and do other work in one day?

When you are driving you need to keep in mind the drivers' hours rules and take a break of 45 minutes when you have driven for 4.5 hours. However, if you do other work before driving this will count towards your working time, so you must remember that you must never work (including driving) for more than 6 hours without a break. In other words take a break after no more than 4.5 hours of driving or 6 hours of work, whichever ever happens soonest.

What is classed as a break?

A break is any period of time during your working day when you are not carrying out any driving or any other work. This time must be used just to relax and recuperate.

Can I take my break in my vehicle?

Yes, as long as you are not doing any other work and are using the time to recuperate.

Break Examples:

Driving only - with a single break

4.5 hrs driving ⌚	45 minutes break ⌌	4.5 hrs driving ⌚
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After 4.5 hours of driving a driver MUST take a break, here the driver take a full 45 minutes break before continuing to drive.

Driving only - with split break

2.5 hrs Driving ⌚	15 mins Break ⌌	2 hrs Driving ⌚	30 mins Break ⌌	4.5 hrs Driving ⌚
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Using a split break the driver takes a minimum of 15 minutes after 2.5 hours of driving and then having completing 4.5 hours of driving (by driving a further 2 hours), the remainder of the break is taken with a break of a minimum of 30 minutes

Driving and other work not exceeding 6hrs of combined working between EU driving breaks

4 hrs Driving ⌚	1.5 hrs Other work ✂	45 mins Break H	3 hrs Driving ⌚	2 hrs Other work ⌚
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Here the driver has not driven more than 4.5hrs without the 45 minute break; the driver has not worked (driving and other work) for more than 6 hours without a break. Total number of worked hours is 10.5 hours which requires a working time break of at least 45 minutes, which has been achieved

Driving and other work with split breaks used to satisfy EU working time break requirements

4 hrs Driving ⌚	2 hrs Other work ✂	15 mins Break H	1.5 hrs Other work ✂	30mins Driving ⌚	30 mins Break H	4.5 hrs Driving ⌚
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Here the driver has not completed 4.5hrs driving but after 4 hours of driving started 3.5 hours of other work. After completing 2 hours of other work the driver had reached 6 hours of working time so was due a minimum break of 15 minutes. After a further 1.5 hours of other work the driver drove for 30 minutes thereby completing 4.5 hours of driving and was then required to complete the 45 minutes of break due under EU drivers hours by taking a further 30 minutes, having already taken 15 minutes using the split break rule. The driver was then able to complete a further 4.5 hours of driving

What rest do I need to take in one day?

You must take at least 11 continuous hours of rest. However, this daily rest requirement can be reduced to 9 hours up to three times between weekly rest periods.

Are there any other flexibilities on daily rest?

Yes; you can:

- take a split daily rest of at least 3 hours followed by another of at least 9 hours (totalling 12 hours). There is no limit to the number of split daily rest periods that can be taken;
- On a train or ferry crossing, interrupt your daily rest up to two times for a total amount of 1 hour, but you must have access to a bunk or couchette. This can only be done when a regular daily rest period is taken and the rest time must still total 11 hours.
- If two or more drivers operate a vehicle, each driver must have a daily rest period of at least 9 consecutive hours within 30 hours of the last daily or

weekly rest period (this will however count as a reduced daily rest period for both drivers). This allows drivers' duties to be spread over 21 hours. The maximum driving time for a two-man crew using this allowance is 20 hours, if both drivers are entitled to drive for ten hours. After this time, a daily rest is required.

Can I take my daily rest in my vehicle?

Yes, you can take your daily rest period or a reduced weekly rest period in your vehicle, provided the vehicle is stationary and is fitted with suitable sleeping facilities. However, you cannot take a regular weekly rest period in your vehicle.

Regular daily rest

<p>13 hrs work (driving, other work, periods of availability and breaks)</p> <p>☉ + ✂ + ☰ + ☐</p>	<p>11 hrs rest (full daily rest)</p> <p>☰</p>
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Reduced daily rest

<p>15 hrs work (driving, other work, periods of availability and breaks)</p> <p>☉ + ✂ + ☰ + ☐</p>	<p>9 hrs rest (reduced daily rest)</p> <p>☰</p>
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Both of the above examples show a full 24 hours from the start of the working day to the completion of the working day, including the daily rest period. It is however possible to have a shorter working day and a daily rest period which adds up to less than 24 hours, as in the example below:

<p>9 hrs work (driving, other work, POA and breaks)</p> <p>☉ + ✂ + ☰ + ☐</p>	<p>11 hrs rest (regular daily rest)</p> <p>☰</p>	<p>15hrs work (driving, other work, POA and breaks)</p> <p>☉ + ✂ + ☰ + ☐</p>	<p>9 hrs rest (reduced daily rest)</p> <p>☰</p>
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Although the work period and rest period only total 20 hours the calculation for the next 24 hour period commences at the end of this daily rest period.

Full 24 hours taken but with a reduced daily rest of 9 hours giving a 15 hour working day

What weekly rest must I take?

You must take a weekly rest period of at least 45 consecutive hours after, at most, 6x24 hour periods from the end of your last weekly rest. However, this can be reduced down to 24 hours every other week provided the reduction is compensated for by an equivalent period of rest before the end of the third week following the week in question. The time must be paid back in one block and must be attached to another rest period of at least 9 hours.

Examples of compliant weekly rest periods

Standard weeks with regular weekly rest periods

Week 1					Week 2					Week 3							
		Rest						Rest					Rest				
		45 hrs					144 hrs			45 hrs			80 hrs		45 hrs		

The above example shows three weeks (00:00 Monday to 24:00 Sunday) with regular weekly rest periods of 45 hours within each and no more than 6 x 24 hour periods (144 hours) between weekly rests

Reduced weekly rest periods

Week 1					Week 2					Week 3				
				Rest 45 hrs					Rest 24 hrs					Rest 45 hrs

The above examples show a full weekly rest period in weeks 1 and 3 with a reduced weekly rest in week 2

As above with two reduced weekly rests within a single week

Week 1					Week 2					Week 3					
Rest 45 hrs					Rest 27 hrs					Rest 30 hrs					Rest 45 hrs

The requirement for weekly rest is that within two consecutive weeks you must have at least two weekly rests, one of which must be a full period. The example above has at least two weekly rests in consecutive weeks (weeks 1 and 2 or weeks 2 and 3) and in both cases at least one of those rest periods is a full weekly rest of 45 hours. It just happens that there are two reduced weekly rests in week 2. However, as only one is needed to meet the minimum requirement of 1 x regular and 1 x reduced weekly rest periods in a fortnight, only one of these reduced periods will have to be compensated for. The second reduced weekly rest is only needed to prevent the driver from exceeding a 6 x 24 hour period between weekly rest periods

Showing compensation for a reduced weekly rest period

	Week 1	Week 2	Week 3	Week 4
Weekly rest	33 hours	45 hours	45 hours	45 hours Plus 12 hours compensation added to either the weekly rest period or a daily rest period

The reduced weekly rest in week 1 must be compensated by the end of the third week following the week in which the reduction takes place, which in the above scenario is week 4. The compensation must be added to either a weekly rest period or a daily rest period of at least 9 hours.

Are there any other flexibilities on weekly rest?

Yes; if you are a driver of a single international coach tour you can drive for up to 12 days before you have to take your normal weekly rest period. However, to qualify a driver must have taken 45 hours rest immediately before the journey starts and must take at least 69 hours rest (1 x 24 and 1 x 45 hour periods) immediately after. Where a driver takes less than 90 hours (2 x 45 hour periods) it will still be necessary for such a driver to compensate for the reduced weekly rest period (which was combined with a regular one) in the normal manner. Drivers will still be restricted to 90 hours total driving per fortnight.

What is classed as a rest period?

A rest is an uninterrupted period of time when you can do anything you want; apart from doing any type of working, regardless of the employer.

What is classed as working time?

In general any activities carried out in connection with the transport operation count as work; such as:

- driving;
- loading/unloading;
- training that is part of normal work and is part of the commercial operation (e.g. driver CPC or any industry sector specific training/talks);
- 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, either before departure or just before the start of the period in question.

What is not included in working time?

Routine travel between home and your normal place of work; rest and breaks and Periods of Availability.

What is a Period of Availability?

A Period of Availability (POA) is basically waiting time, which is not a break or a rest. However, to count as a POA a driver must be available to answer calls to start work or resume driving on request and the period and the duration should be known to the driver in advance, either before departure or just before the start of the period in question.

Can I take a POA at the workstation?

Yes; provided you are not required or instructed to remain at your workstation during a POA (unless due to safety or security reasons), otherwise this will become working time.

Can I take a POA in my vehicle?

Yes; again provided you are not doing any work.

How do I record my driving and working time?

Your driving time is recorded on the tachograph. Working time records must be kept by your employer and tachograph records may also be used for this. If tachographs are not used as working time records then another type of accurate record must be kept by your employer.

What if my employer is asking me to break the rules?

You should report this to the Driver and Vehicle Standards Agency on 0300 123 9000. All calls will be treated in confidence.

Case Studies

A driver drives for 4.5 hrs when he takes a break of 45 minutes, he then drives one hour to his depot. When he gets back the driver carries out duties around the depot. How long can he work before taking a break? And how long must that break be?

The driver could work for up to 5 hours before needing to take a break, at which point he must take at least a working time break of at least 15 minutes before continuing to work. If the driver has finished his working day within the 5 hours of additional work then the driver would not need to take any additional break.

4.5 hrs Driving Ⓢ	45 mins Break ⌏	1 hr Driving Ⓢ	5 hrs Other work ✕
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Total working hours here is 6, any more would require driver to take a working time break of minimum 15 minutes

4.5 hrs Driving Ⓢ	45 mins Break ⌏	1 hr Driving Ⓢ	5 hrs Other work ✕	15 mins Break ⌏	1.5 hrs Other work ✕
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Minimum working time break taken to allow further other work to be undertaken

From the start of the working day a driver has driven 4 hours and arrived back at the workstation. The driver is required to work in the warehouse for a further 6 hours. How long will it be before the driver will need to take a break? And how can the day be organised?

The driver will need to take a working time break after no more than 2 hours of other work because a worker must not work for more than 6 hours without taking a break. If the driver plans to continue working after the two hours, but for no more than 9 hours in total on that day, then the break must be a minimum of 15 minutes with an additional 15 minutes break to be taken before the end of the working shift. If the driver plans to work for more than 9 hours in the shift, then a total of 45 minutes of break will be required, which can be split into two or three periods of at least 15 minutes.

4 hrs Driving Ⓢ	2 hrs Other work ✂	15 mins Break H	3 hrs Other work ✂	30 mins Break H	1 hrs Other work ✂
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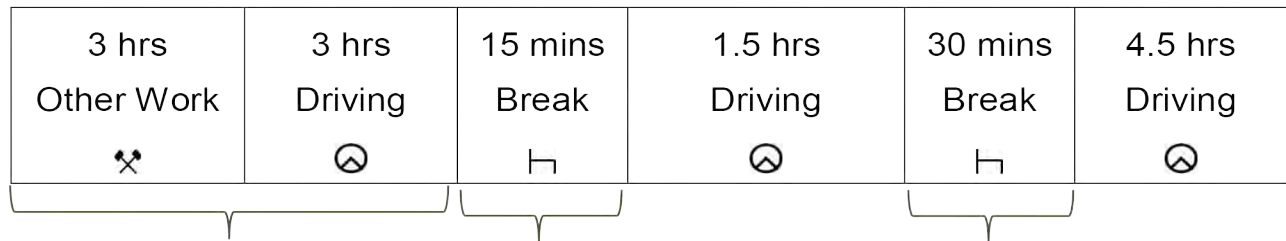
6 hrs of working time driver must take break

Minimum working time break of 15 minutes

Due to working time exceeding 9 hrs driver must have at least 45 minutes of breaks that interrupts working time

A worker starts work in the yard in the morning and they work for three hours before getting into a vehicle to start driving. How long can the worker/driver drive before taking a break?

The driver can drive for three hours before requiring to take a break, under RTD. If the driver takes a 45 minute break then he/she can drive for a further period of up to 4.5 hours. If the driver takes a break of between 15 minutes and 44 minutes then this counts as a working time break from work, but does not fully meet the drivers' hours break from driving needed to wipe the slate clean. Under these circumstances, the driver can continue to drive for 1.5 hours before taking a 30 minute break after which the driver is allowed to drive for a further period of up to 4.5 hours.



6 hours of working time driver must take break

Minimum working time break of 15 minutes

30 minutes minimum, second part of split drivers hours break. Also accumulated 45 minutes break for working time, as worked over 9 hours working time

A driver carries out other work at the start of a day for 5 hours then starts driving to a location 3 hours away. After 1 hour of driving the driver has been working for 6 hours and decides to take a short break at a motorway service area. Owing to the queues the driver starts driving again after 50 minutes of break and reaches the destination after 2 further hours of driving. The driver takes a further 30 minutes of break at the destination, to fulfil the second part of a split break, then starts the journey back to base. The journey back takes 4 hours. Is this legal?

No this is not legal due to the driver driving for 6 hours in the second half of the day without taking sufficient breaks. The first break of 50 minutes would reset the amount of available driving time back to 4.5 hours before a further break is required. However, because the driver mistook this break as the first part of a split break, the second break consisted of just 30 minutes which is insufficient for the amount of driving.

If the driver had taken less than 45 minutes break at the motorway services then this break plus the 30 minutes break at the destination would have complied with the rules for split breaks and the day's work would have been legal in view of a split break before 4.5 hours of accumulated driving. Or the driver could have included an additional break of a minimum of 30 minutes interrupting the final 4 hours of driving.

5 hrs Other Work ✂	1 hrs Driving ⌚	50 mins Break H	2 hrs Driving ⌚	30 mins Break H	4 hrs Driving ⌚
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Break required due to working time reaching 6 hours.
Due to greater than 45 minutes classed as full break
Resetting driving time available to 4.5 hours

30 minute break not part of split break due to previous break being classed as full

The following examples are based on the above but with different breaks to ensure compliance.

5 hrs Other Work ✂	1 hrs Driving ⌚	40 mins Break H	2 hrs Driving ⌚	30 mins Break H	4 hrs Driving ⌚
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By reducing this break to below 45 minutes it is no longer classed as full break and can become part of a split break

Second break is at least 30 minutes therefore part of a split break

5 hrs Other Work ✂	1 hrs Driving ⌚	50 mins Break H	2 hrs Driving ⌚	30 mins Break H	2 hrs Driving ⌚	30 mins Break H	2 hrs Driving ⌚
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Additional 30 minute break creates split break on return journey

A passenger transport scenario

The driver arrives at the yard at 0700, gets on to her coach and inserts her digital tachograph card into the slot. The driver then picks up the relevant paperwork and talks through the work for the day with the transport manager. The driver pulls the coach out from its parking space and does the walk around check, which takes ten minutes. It is now 0730

30 minutes other work

After being informed it is a little early to leave the driver makes some tea and puts it in a flask for later

10 minutes period of availability

At 0740 the driver sets out for the first pick up point of the regular school run. After picking up children at six stops, the driver arrives at the school at 0840

This is under domestic drivers' hours but;

Recorded as 60 minutes other work for EU drivers' hours purposes

A check of the coach ensuring nothing has been left behind reveals some fresh chewing gum stuck to a seat which the driver scrapes off

5 minutes other work

The next job is to take a group from the WI for a day out to Cadbury World.

The driver drives the empty vehicle to the pick-up point, arriving at 0915

30 minutes EC regulated driving

The party is due to depart at 1000. Whilst waiting the driver decides to clean the windows to give the passengers a better view

25 minutes other work

At 0940 the driver sets the tachograph to the "break" symbol to take a break, provided the passengers do not arrive early. However, at 0950 the group organiser appears and starts checking the plans for the day. In view of the timings the 10 minutes cannot be counted towards the break requirements. The driver then carries out 15 minutes of other work due to the early arrival of the organiser including assisting the women to load their picnic into the luggage locker.

15 minutes other work.

The driver then explains the safety features of the coach and tells the passengers that they must fasten their seat belts

2 minutes other work

The coach sets off at 1007. The journey to Cadbury World is expected to take three hours but, due to an accident on the motorway that causes slow-moving traffic, actually takes an extra half hour. At 1337 the driver helps unload the picnic and at 1342 sets the tachograph to "break".

3½ hours in scope driving

5 minutes other work

DVSA are carrying out checks in the Cadbury World coach park. The Traffic Examiner explains to Jill that although she has only completed 4 hours of in scope driving, she has broken the working time rules because she worked for 6 hours and 22 minutes (0700 to 1342 minus 10 minutes periods of availability) without taking a break. She could have stayed legal by taking a break of at least 15 minutes at the pick-up point, rather than cleaning the windows or talking to the group organiser. Alternatively, she could have stopped for a 15 minute break a few miles short of Cadbury World, before completing six hours work. The TE accepts that this would

have been annoying for the WI members and stressful for Jill, so he decides to take no further action on this occasion.

30mins ✕ Other work	10mins ☑ Period of availability	1hr 5mins ✕ Other work	30mins ⊕ Driving	42mins ✕ Other work	3.5hrs ⊕ Driving	5mins ✕ Other work
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Sorting paperwork and walk around check	Making tea	1 hour domestic hours driving, recorded as other work plus 5 minutes scraping chewing gum	EU driving to 2 nd pick-up point	Cleaning windows of coach, attempting to take break but interrupted and now recorded as other work plus loading picnic and safety announcements	Driving to destination	Unloading picnic
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As a result of this inspection DVSA could make a note to visit the operator to check that the managers understand the working time rules, have given everybody involved appropriate training, and allocate work in ways that make it possible for drivers to follow the regulations.

Common Pitfalls

Some of the most common offences relevant to drivers' hours are:

FAIL TO PRODUCE TACHO CHARTS/DRIVER CARD/PRINT OUT

Article 36(1) EU 165/2014

Drivers must carry their digital smart cards at all times. If the driver has been driving a vehicle fitted with an analogue tachograph the charts must be carried for the current day and the previous 28 calendar days. Drivers must also produce any manual records and printouts for the current day and the previous 28 days. A driver must also be able to produce a printout from the digital tachograph when requested by an enforcement officer, if the driver does not have sufficient paper roll to produce this printout he/she would commit an offence.

EXCEEDING 9 OR 10 HOURS DAILY DRIVING

Article 6(1) EC 561/2006

The standard daily driving period is 9 hours but may be extended to 10 hours twice during the week. A week is 0000 hrs on a Monday to 2400 hrs the following Sunday.

INSUFFICIENT WEEKLY REST PERIOD

Article 8(6) EC 561/2006

It is important that weekly rest rules are adhered to especially with regard to the requirement to take at least one regular weekly rest as part of the minimum two weekly rests in any two consecutive weeks.

FAIL TO USE TACHOGRAPH CHART OR DRIVER CARD

Article 34(1) EU 165/2014

If the driver is in scope of EU drivers' hours he/she must by law record their all their activities once they have taken over a vehicle via the method as described by law i.e. on a tachograph chart or on a digital smart card. Failure to do so is an offence.

FAIL TO KEEP RECORD OF OTHER WORK

Article 6(5) EC 561/2006

The drivers' hours record for a driver in scope of EU drivers hours must be a full and accurate record of the driver's working day and must therefore include any work, periods of availability and breaks which occur between commencing duty that day and taking over an in-scope vehicle.

INSUFFICIENT DAILY REST IN 24 HR PERIOD

Article 8(2) EC 561/2006

A driver must take the legally required daily rest period and this must be completed within 24 hours of the start of the driver's working day. Although a driver may have further rest hours after the 24 hours, these hours will not be counted towards the requirement to complete either a regular or reduced daily rest period within the 24 hours from commencing duty.

EXCEED 90 HRS FORNIGHTLY DRIVING

Article 6(3) EC 561/2006

A driver in scope of EU drivers' hours may only drive for a maximum of 90 hours in any two consecutive weeks.

