

1. EU and AETR rules on drivers' hours

How the EU drivers' hours rules for passenger carrying vehicles work.

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The UK has left the EU, and the transition period after Brexit comes to an end this year. The current drivers' hours and tachograph rules continue to apply until 31 December 2020. Arrangements for 1 January 2021 onwards will be determined by the EU-UK Free Trade Agreement.

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Overview

The EU rules (Regulation (EC) 561/2006) apply to drivers of most passenger vehicles constructed or permanently adapted to carry more than 9 people including the driver, used for the carriage of passengers within the UK or between the UK and other EU and EEA countries and Switzerland. It is however not necessary for a vehicle to be laden to be in scope of the EUC/ AETR rules.

Vehicle operations that take place off the public road or vehicles that are never used to carry passengers on a public road are out of scope of the drivers' hours rules. 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 rules. 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 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.

Driver

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

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 from the EU rules which might apply to passenger-carrying vehicles.

This is a list of the exemptions from the EU rules which might apply to passenger-carrying vehicles regardless of where they are driven within the EU see also [Unforeseen events](#).

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

Exemptions

Vehicles used for the carriage of passengers on regular services with a route that does not exceed 50 km.

A regular service is a service which provides for the carriage of passengers at specified intervals along a specified route and where passengers are taken up and set down at predetermined stopping points.

Journeys involving the carriage of specified categories of passengers are also classed as regular services, provided they are operated under the same conditions. They are known as a “special regular service”. Typical examples would be the carriage of workers between home and work and the carriage of school pupils and students to and from educational establishments.

‘Specified intervals’ means the frequency of the service must be specified and be characterised by a degree of regularity. The existence of a timetable available to potential users of the service is indicative of a specified frequency.

‘Specified route’ means a precisely defined route which has predetermined stopping points at which passengers may be taken up or set down. The passengers must be in a position to know the route to be taken and the stopping points. In addition to the start and finish points of the route there must be at least one other stopping point.

This is the length of the route along which the vehicle travels, it does not include backtracking along the same route, or distance spent going to and from the depot from the start or end of the route.

A route would be regarded as a separate route if:

- the route is individually registered with the relevant traffic commissioner (this does not apply to services operated in Greater London under stewardship of Transport for London)
- the route ends at a recognised terminus (i.e. a destination in its own right, an established transport interchange or a garage); and either:
 - the same vehicle is not subsequently used on another route, or
 - there is a change of driver before the vehicle is used on another route in which case the two routes may be advertised as a through service, or
 - the same vehicle is subsequently used on another route with the same driver provided the two routes are not advertised as a through service (they may be advertised as connecting services and passengers wishing to continue on the connecting service may do so without leaving the vehicle if they wish and through tickets may be issued)

Vehicles not capable of exceeding 40 km/ h.

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 Services, 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.

Does not apply to commercial operators contracted by these bodies.

Vehicles undergoing road tests for technical development, repair or maintenance purposes, and new or rebuilt vehicles that 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, 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 GB 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 communications and postal services, or in the use of roads, railways, ports or airports
- serious interruption in private or public transport (not including trade disputes) involving carriage of passengers for hire or reward
- 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.

Non-commercial carriage means 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.

[Find out more about the emergency exemption.](#)

Specialised vehicles used for medical purposes.

Commercial vehicles that have a historic status according to the legislation of the member state in which they are driven and are used for the non-commercial carriage of passengers or goods.

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

Non-commercial carriage means any carriage by road, other than carriage for hire or reward or onfor 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.

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 with between 10 and 17 seats used exclusively for the non-commercial carriage of passengers.

Non-commercial carriage means 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.

The term “exclusively” is applied to the use of a vehicle only by that operator so, where a vehicle changes ownership or is hired in, any previous use by another operator will have no bearing on the application of the derogation to the operator using the vehicle. For the derogation to apply an operator can’t switch between commercial and non-commercial use, as once commercial use takes place by that operator then it ceases to be “exclusively non-commercial” use and from that point forward, regardless of further non-commercial use of the vehicle by the same operator, it can’t fall within this derogation. EU/ AETR rules will apply and it then needs to be determined whether one of the exemptions is applicable.

A vehicle operated under a permit will only be able to use this derogation if the use meets the definition of non-commercial and is used exclusively as such, as detailed above.

Where the normal use of a vehicle is for commercial purposes, this derogation will not apply to journeys by drivers who have been permitted by their employer to borrow a vehicle for the driver’s private use.

Vehicles owned or hired without a driver by public authorities that do not compete with private transport undertakings.

The derogation only applies to vehicles being used:

- for the provision of ambulance services by or at the request of an NHS body, including for persons aged 18 or over who have a disability
- for the transport of organs, blood, equipment, medical supplies or personnel by or at the request of an NHS body
- by a local authority to provide services for old people or for mentally or physically handicapped people
- by HM Coastguard or a general or local lighthouse authority
- for maintaining railways by:
 - the British Railways Board
 - any holder of a network licence which is a company wholly owned by the Crown
 - Transport for London (or a wholly owned subsidiary)
 - a Passenger Transport Executive
 - a local authority
- by the British Waterways Board or Canal & River Trust for the purpose of maintaining navigable waterways

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

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.

Including instruction in connection with Driver Certificate of Professional Competence (CPC) renewal.

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.

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 and classrooms.

European Commission special authorisation derogations.

The following vehicles are exempt from the EU rules in GB after the European Commission granted a special authorisation for:

- any vehicle which is being used by the Royal National Lifeboat Institution
- any vehicle that was manufactured before 1 January 1947
- any vehicle that is propelled by steam

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
 - 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
- a regular daily rest period of at least 11 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 at least 45 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
- 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

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](#).as detailed in [Section 2: GB domestic rules](#).

If a vehicle it is exempt from the EU rules due to meeting on of the provisions listed above then the vehicle will usually be in scope of the GB domestic rules when travelling in GB see [Section 2: GB domestic rules](#).

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 2005 (see Annex 2 for more information on working time rules).

Breaks and rest periods do not count as duty 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.

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





For information on emergency situations see [Emergencies](#).

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:

	
4.5 hrs	45 mins

			
2.5 hrs	1 hr	2 hrs	45 mins

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:







			
2 hrs	15 mins	2.5 hrs	30 mins

			
2 hrs	34 mins	2.5 hrs	30 mins

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

				
2 hrs	30 mins	2.5 hrs	15 mins	

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:

					
1.5 hrs	15 mins	1.5 hrs	30 mins	4.5 hours	45 mins

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






Daily driving limit

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

		
4.5 hrs	45 mins	4.5 hrs

				
2 hrs	45 mins	4.5 hrs	45 mins	2.5 hrs

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

				
4.5 hrs	45 mins	4.5 hrs	45 mins	1 hr

				
2 hrs	45 mins	4.5 hrs	45 mins	3.5 hrs

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; or
- the total accumulated driving time between a daily rest period and a weekly rest period

Note: Driving time includes any off-road parts of a journey where the rest of that journey is made on the public highway. Journeys taking place entirely off road would be considered as ‘other work’.

So, for example, any time spent driving off road between a parking/rest area and a passenger-loading area prior to travelling out onto a public road would constitute driving time. But it would be regarded as other work if all the passengers were picked up and dropped off on the same off-road site.

Weekly driving limit

The maximum weekly driving limit is 56 hours, which applies to 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:

Sun	Weekly rest	
Mon	9 hours driving	
Tues	10 hours driving	
Wed	9 hours driving	
Thu	9 hours driving	
Fri	10 hours driving	
Sat	9 hours driving	
Sun	Weekly rest	

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	79 hours
10	34 hours		
11	45 hours	90 hours	88 hours
12	45 hours		
13	43 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	
Tue	Driving 9 hours		Daily rest		
Wed	Driving 9 hours		Daily rest		
Thu	Weekly rest (reduced)				
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 90 hours driving during fixed weeks 1 and 2
Tues	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			
					Total 58 hours driving between weekly rests

Rest periods

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 see [Emergencies](#).

24 hour period			
			
Driving	Breaks	Other work	Regular daily rest
13 hours			11 hours

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 hr period							
							
Driving	Breaks	Other work	Rest	Driving	Breaks	Other work	Rest
8 hrs			3 hrs	4 hrs			9 hrs

A driver may reduce their daily rest period to no less than 9 continuous hours, but this can be done no more than 3 times between any 2 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			
			
Driving	Breaks	Other work	Reduced daily rest
15 hours			9 hours

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 which incorporate this concession 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 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 the, 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, DVSA 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

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

A reduced weekly rest

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

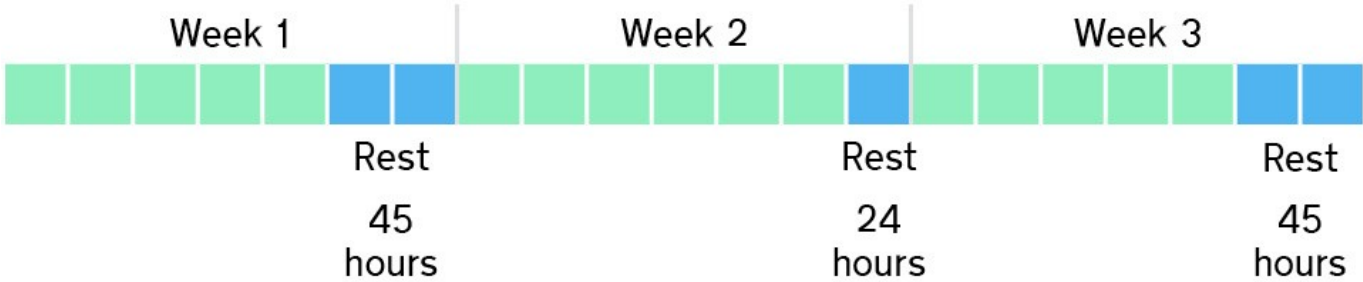
A fixed week starts at 00.00 on Monday and ends at 24.00 on the following Sunday.

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.

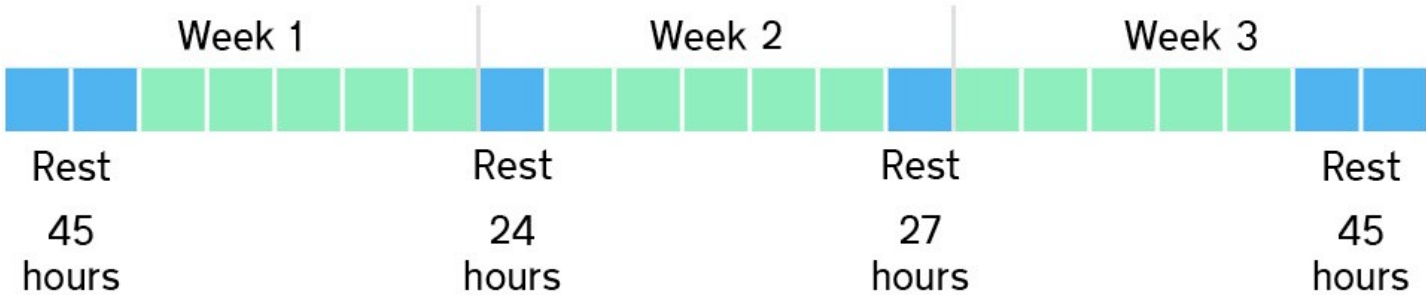


It is permitted to have more than 6 shifts between weekly rest periods so long as compliant daily rest periods are taken between shifts and there are not more than six consecutive 24-hour periods between the weekly rests.

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.



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.



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.

 Weekly rest			
Week 1	Week 2	Week 3	Week 4
33 hrs	45 hrs	45 hrs	45 hrs + 12 hrs 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 45 hours’ weekly rest followed by 24 hours) provided that not more than 144 hours’ (6 x 24 hour periods) has elapsed since the end of the previous weekly rest period and the 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 see [Emergencies](#).

Single occasional international coach journeys

Drivers on international occasional coach journeys can postpone the weekly rest period for up to 12 consecutive 24-hour periods following a previous regular weekly rest period. This applies to services which last at least 24 consecutive hours in an EU Member State or third country other than the country in which the service started. However, the following conditions must be met:

- the driver must take at the end of the derogation two weekly rest periods back to back, or one regular weekly rest period and one reduced weekly rest period of at least 24 hours back to back
- the vehicle must be fitted with digital or smart tachograph in accordance with the requirements of Annex IB to Regulation (EEC) No 3821/85 or to the AETR regulation (The EU tachograph regulation is Regulation (EU) 165/2014 however Annex IB continues to be an Annex of Regulation (EEC) No 3821/85).
- if driving during the period from 2200 to 0600, the vehicle must either be multi-manned or the 4½ hour driving period, before a break is required, is reduced to three hours

It should be noted that, as always, any reduction to weekly rest within the back to back rest periods must be compensated by an equivalent period of rest taken en bloc before the end of the third week following the end of the derogation period.

If the single occasional international journey ends before the 12 consecutive 24-hour periods have elapsed, the 2 back to back weekly rest periods must be taken immediately. It is not permitted to start any new journeys until the back to back weekly rest periods have been taken following the end of the single occasional international journey.

Drivers on international journeys 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](#).

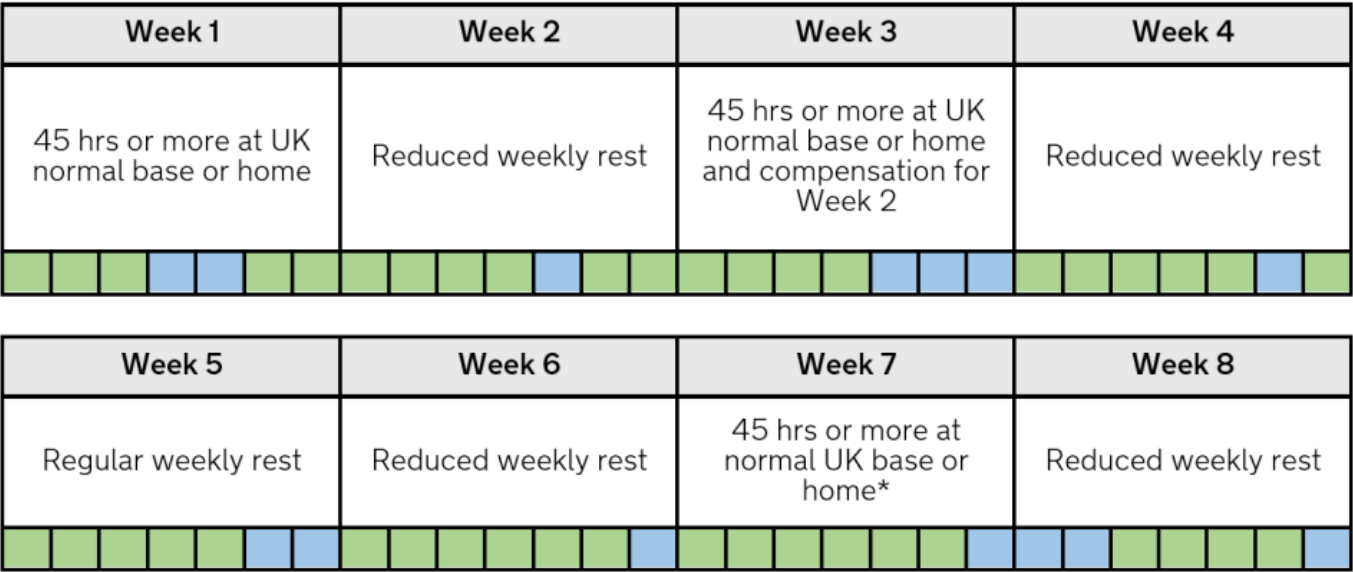
Returning to base or driver's country of residence

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 8-week period with the driver returning to the UK operating centre where they are normally based or to their home:



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

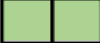



 Rest

 Driving

[Enlarge this diagram](#)

The following diagram is an example of a driver on an EU single occasional international coach journey who postpones a weekly rest period, returning to the UK operating centre where the driver is normally based or, to the driver’s home:

Week 1	Week 2	Week 3	Week 4
45 hrs or more at UK normal base or home	Postponed weekly rest	1 reduced +1 regular at UK normal base or home	Reduced weekly rest
			

Week 5	Week 6	Week 7	Week 8
Regular weekly rest and compensation for Week 3	Postponed weekly rest	2x Regular weekly rest at UK normal base or home and compensation for Week 4	Reduced weekly rest
			

[E](#)

[Enlarge this diagram](#)

Operators must keep documents at its premises to show how it complies with this 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, DVSA 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


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:

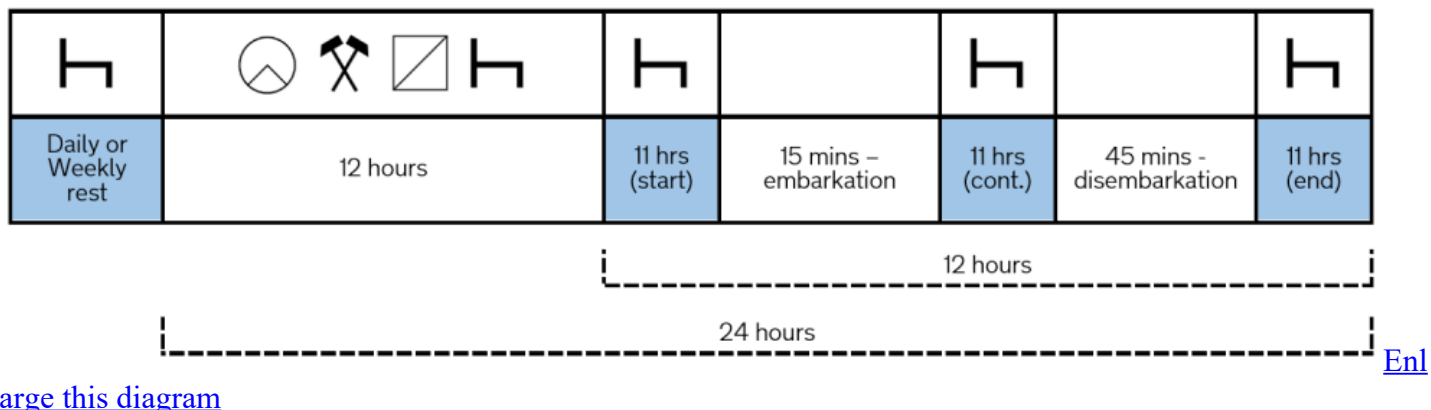
				
2 hrs	30 mins (embarkation)	7 hrs (on ferry or train)	30 mins (disembarkation)	2 hrs

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

							
30 mins	3 hrs	30 mins	9 hrs (start)	20 mins (embarkation)	9 hrs (cont)	35 mins (disembarkation)	9 hrs (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 and not weekly 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.

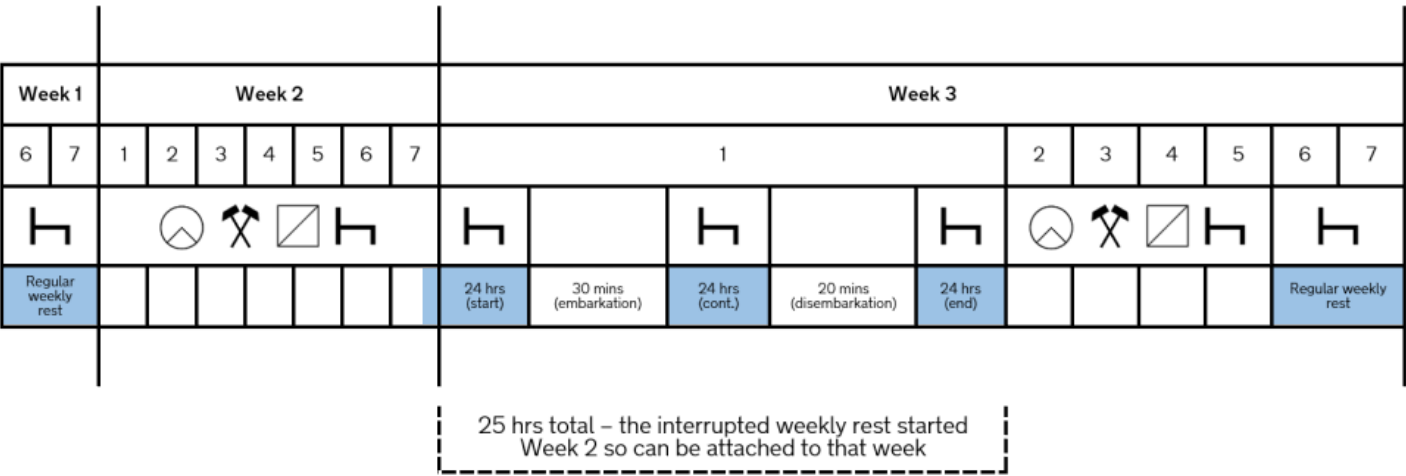
When an EU reduced weekly rest period is interrupted, the total accumulated weekly rest period must still be at of least 24 hours duration. The weekly rest period must have commenced no later than 6 X 24 hours periods, calculated from the end of the previous weekly rest period.

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

A reduced weekly rest

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:



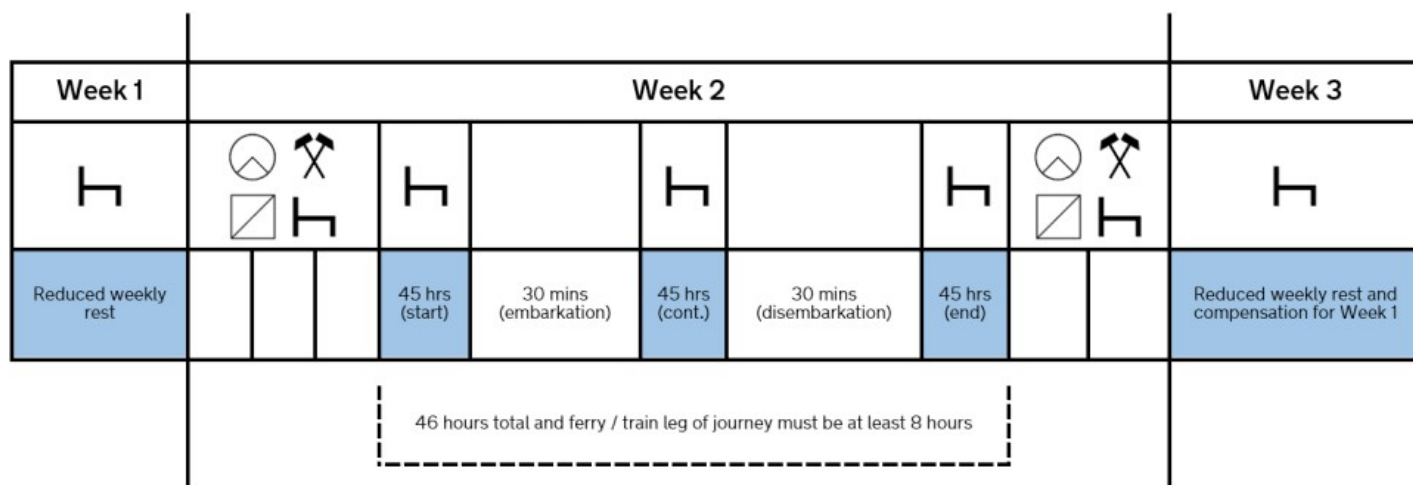
When an EU regular weekly rest period is interrupted, the total accumulated weekly rest period must still be of at least 45 hours duration. The weekly rest period must have commenced no later than 6 X 24 hours periods, calculated from the end of the previous weekly rest period.

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

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:



[nlarge this diagram](#)

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 GB 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 communications and postal services, or in the use of roads, railways, ports or airports
- serious interruption in private or public transport (not including trade disputes) involving carriage of passengers for hire or reward
- 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.

[Find out more about the use of the emergency exemption.](#)

1.9 Travelling time







Drivers of passenger-carrying vehicles are often required to be relocated to a vehicle they are required to drive or from a vehicle they have driven.

Where a vehicle coming within the 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 coach driver had to travel for 1 hour by car, on public transport or as a passenger, to pick up a coach 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.

					
1 hr Driving car	4.5 hrs	4 hrs	4 hrs	30 mins Driving car	Daily or weekly rest

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 or home. 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					
					
4.5 hrs	45 mins	4.25 hrs	15 mins	5.25 hrs (eg on coach as passenger)	9 hrs reduced daily rest (eg 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 deviate from (a) the EU / 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 Court of Justice of the European Union 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 is for the driver to decide whether it is necessary to depart from the rules. In doing so, a driver will have to take into account the need to ensure road safety in the process and any instruction that maybe 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 or 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 (including passengers), 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’](#)).

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 2 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 at the latest on reaching the destination (see relevant sections covering manual entries, in Section 4, [‘Tachograph rules’](#)).

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 two-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](#)) 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 (see sections 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](#) for further details). The national derogations detailed in Section 1.1 do not apply to AETR journeys as they only apply on UK territory.

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 2005. (For the main provisions, see [Annex 2](#).)

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