



IMPORTANT NOTICE:

The Department for Transport (DfT) has issued a reminder to the transport industry of two key developments; changes to EU driving rules and the public health passenger locator form.

17.08.2020

Changes to EU driving rules

A summary of the key changes are as follows:

A requirement for drivers to “return home” every 4 weeks.

- Transport Undertakings should organise drivers’ work in a way which enables them to return to the operating centre where they are normally based and spend at least one regular weekly rest period (or a weekly rest period of more than 45 hours in compensation for a reduced weekly rest period) at their place of residence, within each period of four consecutive weeks.

A ban on taking regular weekly rest periods in the driver’s vehicle.

- Drivers should take their 45 hour weekly rest in suitable accommodation away from the vehicle’s cab, the cost of which is to be met by the transport undertaking as the employer.
- Some jurisdictions have been enforcing this already and some drivers have taken to taking tents with them as a means of satisfying this requirement. This will no longer be possible given the stipulations as to the nature of the accommodation must be provided – *“They shall be taken in suitable gender-friendly accommodation with adequate sleeping and sanitary facilities.”*

A new definition of “non-commercial carriage”.

- The new definition states that this is “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”.

More flexibility on the scheduling of the rest periods for some drivers on international carriage of goods.

- Rest periods for drivers engaged in long-distance international goods transportation should be flexible in order to allow drivers to reach their home for their regular weekly rest periods. This flexibility should not alter the current working time of the drivers or the maximum fortnightly driving time. It should also be subject to stricter rules on the compensation for reduced rates.

Changes to EU driving rules

The regulation says this:

- By way of derogation from the first subparagraph, a driver engaged in international transport of goods may, outside the Member State of establishment, take two consecutive reduced weekly rest periods provided that the driver in any four consecutive weeks takes at least four weekly rest periods, of which at least two shall be regular weekly rest periods.
- This means that the compensation rest required after these 2 reduced weekly rest must be taken and completed within the relevant week and before the regular 45 hour weekly rest which must commence within the relevant period.

Changes to EU driving rules

New provisions for rests and breaks for drivers when journeys involve transport by ferry or by rail.

- Where drivers accompany vehicles which are transported by ferry or train, their daily rest period, or reduced weekly rest period, should not be interrupted more than twice by other activities not exceeding one hour in total. This applies only to drivers who have access to a sleeper cabin in the ferry or train and where the journey is scheduled for 8 hours or more.

A new requirement to keep a full record of all other work.

- These should either be entered manually on a record sheet or printout or by use of manual input facilities on recording equipment.

Changes to the drive/break rule when double manned.

- A driver engaged in multi-manning may take a break of 45 minutes in a vehicle driven by another driver provided that the driver taking the break is not involved in assisting the driver driving the vehicle.'

The Provision of adequate parking facilities.

- The Commission shall ensure that information about safe and secure parking areas is easily accessible to drivers engaged in the carriage of goods and passengers by road. The Commission shall publish a list of all parking areas that have been certified, in order to provide drivers with adequate facilities such as security, lighting emergency procedures, gender-friendly sanitary facilities, the availability of refreshments, communications and power supplies.

A new rule to exceed daily and weekly driving limits in order to get home.

- Provided that road safety is not thereby jeopardised, in exceptional circumstances, the driver may also depart from Article 6(1) and (2) and Article 8(2) by exceeding the daily and weekly driving time by up to one hour in order to reach the employer's operational centre or the driver's place of residence to take a weekly rest period.

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Changes to EU driving rules

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- Under the same conditions, the driver may exceed the daily and weekly driving time by up to two hours, provided that an uninterrupted break of 30 minutes was taken immediately prior to the additional driving in order to reach the employer's operational centre or the driver's place of residence for taking a regular weekly rest period.
- Any period of extension shall be compensated by an equivalent period of rest taken en bloc with any rest period, by the end of the third week following the week in question.'
- The driver must make a record the reasons for this departure by no later than arrival at the stopping place.
- Whilst the above points summarise the key changes, the devil is in the detail and operators should consider the actual regulations (see the link above).
- This new EU regulation amends existing EU legislation and with respect to drivers' hours the amended regulation is Regulation EU 561 of 2006. An amended version of that regulation does not yet appear to be available.
- It is understood that the DVSA are going to update their Guide to Drivers' Hours which is now an online publication (previously GV262), but it is not yet known when the revised version of this guide will be available.
- It is not yet clear quite how the DVSA will approach enforcement of these changes. This may be at the roadside, but will more likely be undertaken during TE visits or desk-based assessments when operators will be expected to produce evidence of bringing drivers home in accordance with the regulations and of the accommodation provided where regular weekly rests are taken away from base.
- The DfT has reminded all operators of their obligation to review the changes and ensure their compliance with them.
- We can assist operators who have queries regarding the changes.

Public Health Passenger Locator Form

- The DfT has issued a reminder to the industry that travellers who enter the UK from outside of the common travel area, must complete the [Public Health Passenger Locator Form](#), unless they are exempt.
- Drivers of goods vehicles, or other employees of a community licence holder for the international carriage of goods, are not exempt from the requirement to complete the form. However, these groups are exempt from the requirement to self-isolate when arriving in the UK, regardless of what country they have travelled from.