



# Review of the UK's Domestic Drivers' Hours Rules

This briefing paper gives an outline of the "Review of the UK Domestic Drivers Hours' Rules" consultation document. This briefing is provided to APSE member authorities throughout the UK.

## Key Issues:

- Where the domestic rules currently apply
- Summary of the present UK's domestic rules
- Recent research carried out to help with the review of the rules

## 1. Introduction

The domestic drivers' hours rules, referred to as the "Domestic Rules," were established in the interest of the health and safety of drivers and to support road safety. The Domestic Rules apply to most 'goods and passenger vehicles driven in the UK that are not covered by the EU driver's hour's rules.' The drivers who work in the following industry sectors and/or drive these classifications of vehicles are likely to work under the Domestic Rules:

- Vans not exceeding 3.5 tonnes (in Great Britain (GB) but not in Northern Ireland (NI));
- Passenger transport (operating on regular routes up to 50km);
- Tradesmen (e.g. building/construction);
- NHS & publicly owned medical vehicles;
- Refuse collection;
- Local authority services for the elderly & disabled;
- Milk;
- Utilities & road maintenance (e.g. gas/water);
- Breakdown;
- Agricultural, fishing and forestry;

- Charity work (where employed drivers are used);
- Special vehicles (e.g. vehicles that operate on natural gas, electric or are not capable of speeds over 40km).

The Department for Transport has issued a consultation document which aims to review the current rules and assess whether they are still meeting their intended purpose, how far they support fair competition, to ensure that they do not impose undue burden and to consider the extent that EU rules are relevant. The consultation does not make specific amending proposals – these would need to be the subject of a separate consultation if necessary. The Department of Transport has also assembled a steering group, to inform key stakeholders of developments and to help identify options for change.

The full copy of the consultation document is available at: <http://www.dft.gov.uk/consultations/open/domesticdrivershours/consultation.pdf>

## **2. Summary of UK Domestic Drivers' Hours Rules**

The following is a summary of the domestic rules for goods and passenger vehicles in the UK:

- *the maximum amount of driving permitted for goods and passenger vehicles in the UK is 10 hours in any working day*
- *duty time includes all periods of work and driving; for drivers of goods vehicles in GB, in any working day the maximum amount of duty permitted is 11 hours. There is a longer maximum duty limit of 14 hours in Northern Ireland.*
- *for drivers of passenger vehicles the duty limit is 16 hours in Great Britain and is 14 hours in Northern Ireland (extendable to 15 hours and 30 minutes up to 3 times a week).*
- *there are no break requirements for drivers of goods vehicles in Great Britain, however in NI a break of at least 30 minutes must be taken after 5 hours of continuous driving.*
- *passenger vehicle drivers in the UK must take a break of at least 30 minutes after 5 hours and 30 minutes of driving. Alternatively within any period of 8 hours and 30 minutes in the working day, total breaks of at least 45 minutes must be taken so that the driver does not drive for more than 7 hours and 45 minutes. The driver must have a break of at least 30 minutes at the end of this period unless it is the end of the working day.*

- *for drivers of good vehicles, there are no daily rest requirements in Great Britain. In Northern Ireland in any period of 24 hours, the period for rest is 10 consecutive hours.*
- *drivers of passenger vehicles must take a continuous daily rest of 10 hours between 2 consecutive working days. This can be reduced to 8 hours and 30 minutes up to 3 times a week.*
- *For drivers of goods vehicles, there are no weekly or fortnightly rest requirements. For drivers of passenger vehicles in Great Britain, in any two consecutive weeks there must be at least one period of 24 hours off duty. In Northern Ireland there is no such requirement.*

There are exemptions to the domestic rules and the consultation asks whether there is a case to extend the Domestic Rules to other sectors that are currently exempt.

### **3. Methodology of the Review**

The Department for Transport is leading the review and a steering group has been put together to look for possible improvements that can be made to the current rules. To date the review has been established from information gathered from two key pieces of research that have been carried out:

(1) Research to find what links exist between tiredness and driving/working long hours. The findings showed that there were various determinants that were linked to tiredness amongst drivers; including *'sleep deprivation, time spent on task, and the time of day.'* There was also an analysis done, which assessed the domestic driver's rules and/or fatigue management systems of different countries in order to see if the UK could learn from international experience.

(2) Survey to *'review the use and awareness of the Domestic Rules.'* The sample was taken from drivers and operators in a variety of industries. Examples of their findings include;

- Most good vehicle drivers indicated they spent a short period of time driving each day whereas many passenger vehicle drivers indicated that they drive at or near the driving time limits.
- Over half of goods and passenger vehicle drivers surveyed in Great Britain thought that the break requirements in the Domestic Rules were not adequate.
- The majority of goods vehicle drivers thought that the daily driving and daily duty limits are set at the right level, whereas more than

half of the passenger vehicle drivers thought that these were too high.

- Many operators stated that the flexibility of the Domestic Rules was the main advantage and that they would not want to see this changed.
- Many drivers and managers felt that the use of digital tachographs would lead to better enforcement and increased operational efficiency.
- There was a greater awareness and understanding amongst passenger vehicle drivers compared to goods vehicle drivers.
- Two thirds of the operators surveyed had a good understanding of the Domestic Rules.

Further details of the findings are in the full consultation document.

#### **4. APSE comment**

APSE supports measures that seek to improve the health and safety protection of workers. In terms of the review, APSE will be approaching the Department for Transport about being involved in the steering group.

There are certain areas of the domestic rules that require further clarity in order for Local Authorities to be able to apply the rules. For example, the issue of whether certain winter gritting operations constitute as an emergency. Under regulation 2 of the Drivers' Hours (Goods Vehicles) (Exemption) Regulations 1986, the domestic drivers limits can be exceeded in the 'case of emergency' which includes 'a serious interruption in the use of the roads'. However, the Department for Transport issued guidance to the Freight Transport Association in June 2004 stating:

*'...I can confirm the FTA's handbook accurately reflects the Department view that the 'treatment of ice and snow at a few hours notice constitutes an emergency'. However, I am aware that some Council's are interpreting this to mean that all their gritting operations would be regarded as 'emergencies' on the basis that during winter months when drivers are put on standby, the decision to call upon them to grit roads is usually only ever taken a few hours in advance following consideration of the regular weather reports that are received during the day. This is not a view we share.*

*Given the sophisticated technologies that now exist to predict when bad weather is likely to strike, the Department views the likelihood of an 'emergency' situation arising because of bad weather as being pretty remote, and certainly not in the case of every conceivable gritting operation.*

*Of course, even with this technology it can still be difficult to predict when, and where, bad weather is likely to strike. In extreme cases, by which I mean at an*

*hour or two's notice, we accept that the treatment of ice and snow is likely to constitute an emergency situation. But as most Councils will have pre-planned duty rosters already in place, the question of whether an 'emergency' situation has arisen might also depend on whether the Council in question had to draft in more drivers at very short notice over and above those already rostered.*

*Of course, I can understand that a Council might want to delay sending out gritter lorries until the last moment in order to save stocks of salt and thus money. But by having little or no regard for long-range weather forecasts, choosing instead to rely solely on forecasts on the day in question, the Council in question is unlikely to endear itself to a Court of Law from a road safety perspective – particularly if, as I suspect, the drivers will have already done a days work before being asked to take a lorry out to grit the roads.'*

APSE encourages authorities to look closely at the current rules with a view to commenting on their relevance and appropriateness. Whilst welcoming the review APSE would argue a critical consideration must be the overriding need to protect the safety of drivers, other road users and the general public. We would not rule out specific and very limited provisions to cope with situations of national emergency or extreme and planned for needs but safety must be at the forefront of considerations.

APSE will be responding to this consultation document. The consultation will run until 13<sup>th</sup> October 2009, so please send responses through to APSE by 10<sup>th</sup> October 2009 to:

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