



FREIGHT TRANSPORT ASSOCIATION

Drivers Hours and Working Time

A presentation to:

APSE

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Non-profit making democratic organisation:

- **R**epresentation
- **I**nformation
- **T**raining
- **A**uditing



○ Licence Declaration

Declaration

I DECLARE THAT THE STATEMENTS MADE IN THIS APPLICATION ARE TRUE. I UNDERSTAND THAT THE LICENCE MAY BE REVOKED IF THE LICENSED OPERATOR DOES NOT COMPLY WITH THE UNDERTAKINGS MADE BELOW AND THAT IT IS AN OFFENCE TO MAKE A FALSE DECLARATION.

I, or the licensed operator, **UNDERTAKE**, to make proper arrangements so that:

- the rules on **drivers' hours and tachographs** are observed and proper records kept;
- motor vehicles and trailers are not **overloaded**;
- vehicles will operate within **speed** limits;
- motor vehicles and trailers, including hired vehicles and trailers, are **kept fit and serviceable**;
- drivers report promptly any defects or symptoms of defects that could prevent the safe operation of vehicles and/or trailers, and that any defects are promptly recorded in writing; and
- records are kept (for 15 months) of all driver defect reports, all safety inspections, routine maintenance and repairs to vehicles and trailers, and these are made available on request; and that
- in respect of each operating centre specified, that the number of authorised motor vehicles and the number of authorised trailers kept there will not exceed the maximum numbers recorded against the operating centre in question 14.

IF THE LICENCE IS GRANTED THESE UNDERTAKINGS MAY BE RECORDED IN THE LICENCE

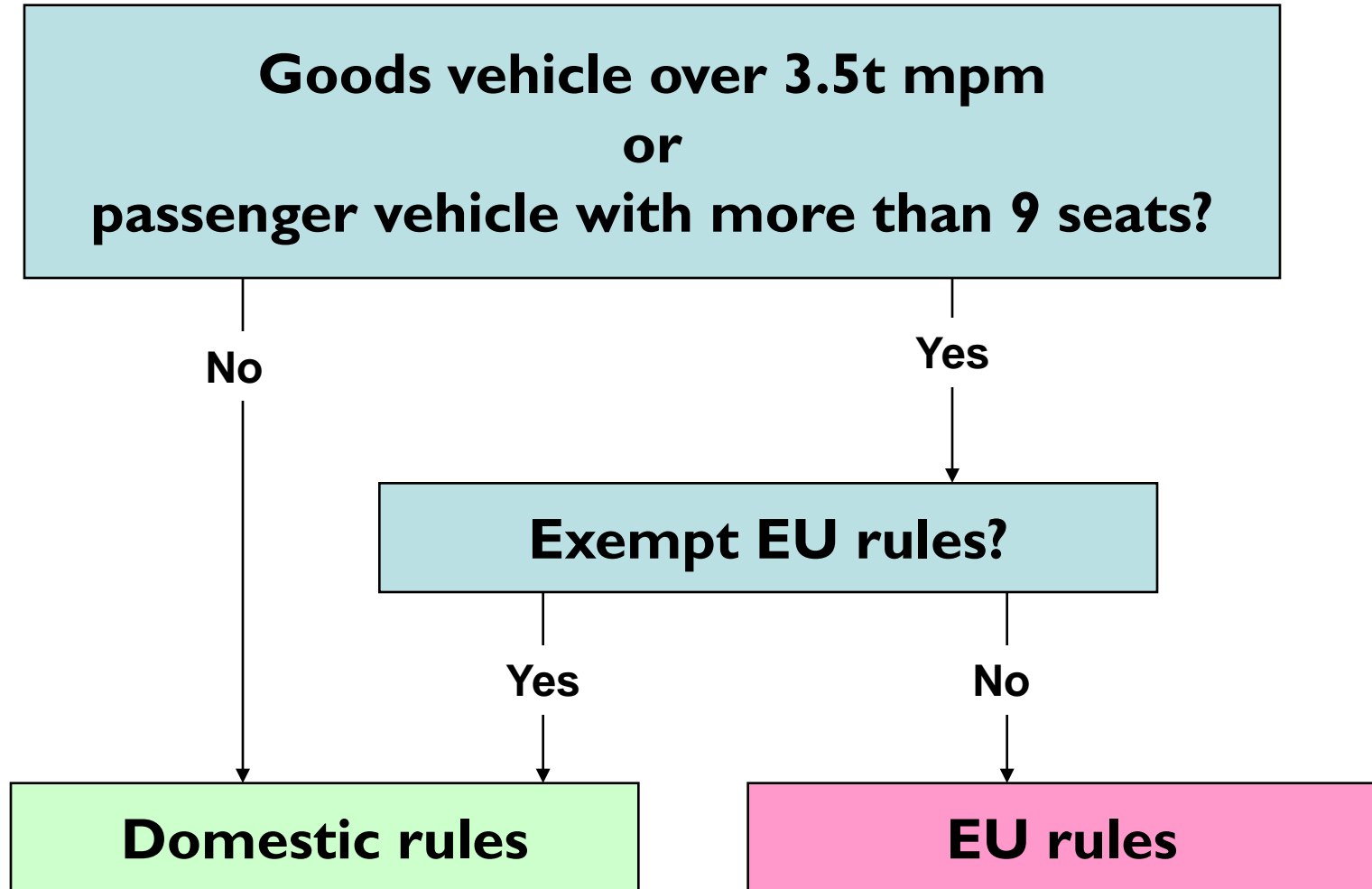
I, or the licensed operator, understand that failure to comply with the conditions or undertakings recorded on a licence can result in disciplinary action being taken against the licence holder and that failure to comply with conditions is a criminal offence.

E U Regulation 561/2006 For drivers under E U rules and Tachograph regulation. Replaced 3820/85 in 2007

Transport Act 1968 for drivers under British Domestic hours rules

If vehicle is over 3.5 tonnes GVW or has more than 8 pass seats, assume E U rules unless an exemption applies

Which rules apply?





Summary of rules

	Domestic	EU
Rules	Daily driving limit Daily duty limit <i>Concessions apply</i>	Daily driving limit Daily rest Weekly driving limit Two-week driving limit Breaks from driving Weekly rest
Records	Log book <i>Exemptions apply</i>	Tachograph



Refuse Collection

- **11/04/2007 561/2006** only exempts door-to-door household refuse collection
- **Post 04/07** original advice issued by DfT (30/04/07) “No mixed loads are permissible”
- **07/12/2007** new advice from DfT contradicting earlier advice now saying that trade and domestic can be mixed

- **11/04/2007 3820/85 replaced by 561/2006**
- **All minibuses exempt under previous rules.**
- **Now only “non commercial carriage” of passengers exempt**
- **19/03/2007 DfT defined non commercial as not incidental to a profit. Therefore permit drivers are exempt.**



Other Concessions

- **Highway Maintenance**
- **Tools of the trade**
- **Sewage/water services**
- **Mobile project vehicles (libraries)**
- **Grounds/parks undertakings**
- **Recovery vehicles**
- **Driver training**
- **Fitters/Vehicle deliverers**



Domestic Hours Review

- **Dft to consider if there is a case for changes (Aug 08)**
- **Will examine:-**
- **Road Safety, working conditions, fair competition, regulatory burden.**

Will review existing research, other E U states rules and will invite comment from other stakeholders.

Expect review/consultation during 2009

Specific driver fatigue rules

	Domestic	EU
Drivers Hours Rules	<p>Daily driving limit</p> <p>Daily duty limit</p>	<p>Daily driving limit</p> <p>Daily rest</p> <p>Weekly driving limit</p> <p>Two-week driving limit</p> <p>Breaks from driving</p> <p>Weekly rest</p>
Working Time	<p>Average weekly working limit (opt out)</p> <p>Adequate rest</p> <p>Health assessments for night workers</p>	<p>Average weekly working limit (<u>no</u> opt out) & weekly cap</p> <p>Breaks from work</p> <p>Health assessments and working limit for night work</p>



Working Time directive

Road transport rules	Flexibilities
48hr average week	Extend reference period* Set reference period*
60hr max week	Definition of working time Additional holidays
10hr max night work	Can be varied*
Breaks from work	Can split into 15mins periods
EU daily and weekly rest	New for crew – but only on EU days/weeks

* By collective or workforce agreement only



Review of Working Time

- **DfT reviewed RTD in 2008**
- **Review resulted in no change**
- **E U continues to examine possible end of opt out from main directive.**
- **U K is opposed to any change**



Key EU hours rules obligations

	Employers	Employees
EU Drivers Hours Rules	<ul style="list-style-type: none">Proper instructionOrganise workNo payments to encourage breachesRegular checksEnsure drivers complyKeep records	<ul style="list-style-type: none">Properly record hoursComply with rules
RTR Working Time	<ul style="list-style-type: none">Notify of rulesAsk about other workEnsure complianceKeep records	<ul style="list-style-type: none">Notify of other work



For More information

- **FTA Members Advice Centre**
 - **0870 605 0000**
- **Members Services (if not a member)**
 - **08717 112222**
 - **Website www.fta.co.uk**
 - **E Mail info@fta.co.uk**