

Notification of Temporary Relaxations to the Drivers' Hours Rules

Temporary relaxation of the enforcement of the retained EU drivers' hours rules: All road haulage sectors in Great Britain

Following the outbreak of the Omicron Covid-19 variant and pursuant to Article 14(2) of the retained EU Drivers' Hours Regulation (Regulation (EC) 561/2006), the Department for Transport has gained the approval of the Secretary of State for Transport to temporarily relax the enforcement of the retained EU Drivers' Hours Regulation in England, Scotland and Wales.

The temporary relaxation of the rules reflects the urgent situation arising from the impacts of Covid-19, including the recent highly infectious Omicron variant. This is resulting in increased absence rates and outbreaks in specific workforces including in respect of the carriage of goods by road and the supply chains of which they are a part.

Timing of the relaxation

The relaxation of the rules applies from 00:01 on **12 January 2022** until 23:59 on **10 February 2022**.

The current situation is being kept under review and the Department reserves the right to withdraw or amend the relaxation if circumstances change.

Scope of the relaxation

Anyone driving in Great Britain (GB) under the retained EU drivers' hours rules and undertaking carriage of goods by road can use this relaxation where necessary. The relaxations are not limited to specific sectors or journeys.

Drivers' hours rules are an important road safety measure and any deviation from the rules must be a last resort when other means of mitigating a situation have failed. Therefore, the temporary exceptions to the drivers' hours rules must only be used where necessary by drivers and transport operators.

When considering whether it is necessary to use the relaxation, the Department for Transport considers the following three conditions all need to be met. The Department's guidance is that any transport operator considering using the relaxation must consider whether the conditions are met. They are:

1. **Evidence of detriment to wider community.** That there is a significant risk of a threat to human and/or animal welfare or a failure of a particular supply chain that will have a serious impact on essential public services.

Transport operators must obtain, to their satisfaction, confirmation from their customers that such a risk exists and that the customer is unlikely to be able to resolve the risk in other ways.

In the context of the transportation of food, fuel, and medicines, this would include avoiding the risk of acute shortages at retail outlets that would be readily apparent to consumers. In respect of these sectors and essential public services, they can include losses of production that would then lead to shortages. However, shortages at retail

outlets are not a justification in respect of many types of goods, such as domestic building supplies, clothing, or supplies to hospitality.

2. **There must be evidence that a relaxation would lead to a significant improvement in the situation.** This includes evidence that the risk is unlikely to be resolved without using the relaxation; and
3. **Driver safety must not be compromised.** Operators and self-employed drivers must [assess the risks](#) of using the temporary relaxation and implement suitable control measures and/or mitigations, so that the safety of the driver, other road users and those involved in loading and unloading is not compromised.

Transport managers should make sure that a risk assessment has been carried out and appropriate controls put in place. They should also continue to monitor and review where necessary as long as the relaxation is used.

It is important to consider the risk of fatigue and the effect of the relaxation on shift patterns. For example, if the relaxation related to daily driving time has been used, it should not be followed by a reduced daily rest period and should be used in the context of stable start times for shifts.

Information about [fatigue and shift work](#) is available.

It should be noted that the temporary relaxation has been brought in primarily to add reliability and resilience to duty rosters, as opposed to extra scheduling of deliveries.

It is also essential that use of the relaxation is agreed genuinely with the drivers involved, including in the light of a driver's specific circumstances.

Drivers continue to be bound by the [Road Transport \(Working Time\) Regulations 2005](#). This legally limits the amount of working time (including driving) a driver can do in any given week to a maximum of 60 hours, with an average of 48 hours a week calculated over a rolling 17 to 26 week period.

If you are concerned that a driver or the vehicle operator is breaking the [drivers' hours rules](#), (including the terms of this temporary relaxation) or the working time regulations, this should be reported to the [Driver and Vehicle Standards Agency \(DVSA\)](#).

It is permitted for a driver using this relaxation to drive outside GB during the period of this relaxation. However, this relaxation only covers driving undertaken within GB.

Details of the relaxation

The retained EU drivers' hours rules can be temporarily relaxed as follows:

EITHER

- (a) the daily driving limit can be increased from 9 hours to 10 hours up to four times in a week (instead of the normal permitted increase to 10 hours twice a week). All other daily driving limits remain at 9 hours; **OR**

- (b) replacement of the requirement to take at least two weekly rest periods including one regular weekly rest period of at least 45 hours in a two-week period, with an alternative pattern of weekly rest periods as specified below, and an increase to the fortnightly driving limit from 90 hours to 99 hours.

The alternative pattern of weekly rest periods for drivers using the relaxation related to weekly rest periods is:

- A regular weekly rest period is not required in a two-week period provided two reduced weekly rest periods of at least 24 hours are taken.
- Following this, two regular weekly rest periods must be taken. However, any reduction in weekly rest shall be compensated for in the normal way by an equivalent period of rest taken before the end of the third week following the week in question.
- In addition, any rest taken as compensation for a reduced weekly rest period shall be attached to a regular weekly rest period of at least 45 hours (which can be split over 2 regular weekly rest periods).

This relaxation must not be used in combination with existing rules for international driving, which allow for two consecutive reduced weekly rest periods in certain circumstances. It is not recommended that this relaxation be used for drivers engaged partly in international journeys.

All other Drivers' Hours rules remain in force unchanged, including the requirement for drivers to take at a break period of at least 45 minutes after 4.5 hours of driving.

Use of the relaxation

The practical implementation of the temporary relaxation should be through agreement between employers and employees and driver representatives.

1. Operators must notify the DfT if this relaxation is used by completing an [initial notification of relaxation form \(until 10 February 2022\)](#) and emailing a copy to RSSSFOLRCOVID19@df.gov.uk

If you have already notified DfT about the use of the relaxation in operation up to 9 January 2022, you must still complete and submit this form if you intend to make use of this new relaxation during the period up until 6 February 2022.

2. A completed [follow-up notification of relaxation form \(until 10 February 2022\)](#) must then be emailed to RSSSFOLRCOVID19@df.gov.uk one week after the end of the period of relaxation and by 13 February 2022 at the latest.

Failure to comply with the requirement to notify the DfT would be an indication to enforcement authorities that the relaxation had been used inappropriately and follow-up investigatory action may occur.

In addition, when driving under the retained EU drivers' hours rules, drivers must note on the back of their tachograph charts or printouts the reasons why they are exceeding the normally permitted limits. This is usual practice in emergencies and is essential for enforcement purposes.

The temporary relaxation of the rules reflects the exceptional circumstances arising from the cumulative impacts of the Covid-19 pandemic and the acute shortage of HGV drivers in Great Britain, which continues to adversely affect the carriage of goods by road, causing acute supply chain pressures. It must be used only where necessary (see advice under 'Scope of the Relaxation'), otherwise the normal drivers' hours rules should be followed.

The Department encourages operators facing high work demands or work absences to take urgent measures to secure drivers who have limited or no current work.

The Department wishes to make clear that driver safety must not be compromised. Drivers should not be expected to drive whilst tired - employers remain responsible for the health and safety of their employees and other road users.

The Department wishes to emphasise that, as a general rule, we expect business to plan for and manage the risks of disruption to supply chains.

Please note that relaxations in relation to transport which is undertaken solely in the territory of Northern Ireland are a matter for the devolved authority.

Enquiries

All enquiries regarding interpretation of these temporary arrangements should be made to the DfT using the following contact details:

- during office hours (9am to 5pm), email RSSSFOLRCOVID19@dft.gov.uk
- out of hours, phone the DfT Duty Office on 020 7944 5999

12 January 2022
Department for Transport
United Kingdom