



Temporary relaxation of the enforcement of the retained EU drivers' hours rules: all road haulage sectors in Great Britain (until 8 May 2022)

Updated 12th April 2022

<https://www.gov.uk/government/publications/temporary-relaxation-of-the-enforcement-of-the-retained-eu-drivers-hours-rules-all-road-haulage-sectors-within-great-britain/temporary-relaxation-of-the-enforcement-of-the-retained-eu-drivers-hours-rules-all-road-haulage-sectors-in-great-britain-until-10-february-2022> (URL is correct)

In response to the exceptional pressures on the freight industry, the Department for Transport (DfT) has introduced a temporary relaxation of the enforcement of the EU drivers' hours rules in England, Scotland and Wales.

This temporary relaxation of the rules reflects the urgent situation arising from the cancellation of some ferry services. This is resulting in congestion in and around ports affecting the carriage of goods and passengers by road.

Timing of the relaxation

The relaxation of the rules applies from 12:01am on 9 April 2022 until 11:59pm on 8 May 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 under the EU drivers' hours rules and undertaking the carriage of goods or passengers by road can use this relaxation where necessary. The relaxations are not limited to specific sectors or journeys.

This relaxation does not apply to drivers in scope of the GB domestic drivers' hours rules and, so, not subject to tachograph controls.

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, DfT considers the following 3 conditions all need to be met (any transport operator intending to use the relaxation must consider whether the conditions are met):

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. 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.

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).

Details of the relaxation

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

(a) Replacement of the EU daily driving limit of 9 hours with one of 11 hours.

(b) Reduction of the daily rest requirements from 11 to 9 hours, together with a relaxation on the use of the ferry/train derogation to allow its use when on a reduced daily rest of 9 hours (instead of when on a regular rest period of 11 hours).

(c) Lifting the weekly (56 hours) and fortnightly driving limits (90 hours) to 60 and 96 hours respectively.

(d) Postponement of the requirement to start a weekly rest period after 6 x 24-hour periods, for after 7 x 24-hour periods, although 2 regular weekly rest periods or a regular and a reduced weekly rest period will still be required within a fortnight.

Drivers' must not use relaxation (a) and (d) at the same time. This is to ensure drivers can get adequate rest.

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 hours, 30 minutes 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 and emailing a copy to FOLRnotification@dft.gov.uk.*
- 2. A completed follow-up notification of relaxation form must then be emailed to FOLRnotification@dft.gov.uk one week after the end of the period of relaxation and by 15 May 2022 at the latest.*



Notification forms are not required:

- *for operators using the relaxation only in the course of international journeys via Kent*
- *from operators established outside the UK*

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 urgent situation arising from the cancellation of some ferry services. This is resulting in congestion in and around ports affecting the carriage of goods and passengers by road.

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

DfT wishes to make clear that driver safety must not be compromised. Drivers should not be expected to drive while tired. Employers remain responsible for the health and safety of their employees and other road users.

DfT emphasises 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 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 DfT using the following contact details:

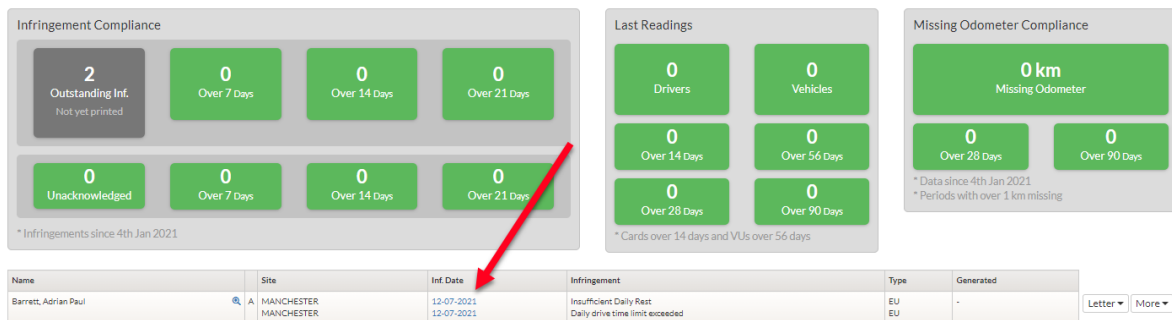
- *during office hours (9am to 5pm), email FOLRnotification@dft.gov.uk*
- *out of hours, phone the DfT Duty Office on 020 7944 5999*

Road Tech will be applying the new relaxations but you will need to apply the relaxation to each infringement where you deem appropriate. How to deal with the infringements in Tachomaster is explained in the following guidance.

Comments

Any infringement in scope will have the option of marking as relaxed by the operator by clicking on the comment icon against infringements. This can be accessed through the Compliance Dashboard by clicking on the date

Compliance Dashboard



Infringement Compliance

- 2 Outstanding Inf. (Not yet printed)
- 0 Over 7 Days
- 0 Over 14 Days
- 0 Over 21 Days
- 0 Unacknowledged
- 0 Over 7 Days
- 0 Over 14 Days
- 0 Over 21 Days

* Infringements since 4th Jan 2021

Last Readings

- 0 Drivers
- 0 Vehicles
- 0 Over 14 Days
- 0 Over 56 Days
- 0 Over 28 Days
- 0 Over 90 Days

* Cards over 14 days and VUs over 56 days

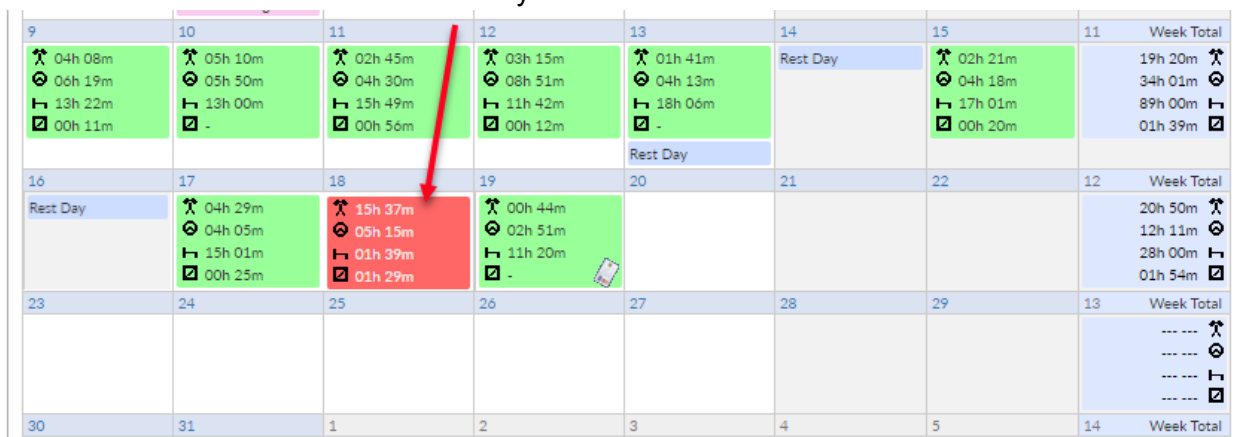
Missing Odometer Compliance

- 0 km Missing Odometer
- 0 Over 28 Days
- 0 Over 90 Days

* Data since 4th Jan 2021
* Periods with over 1 km missing

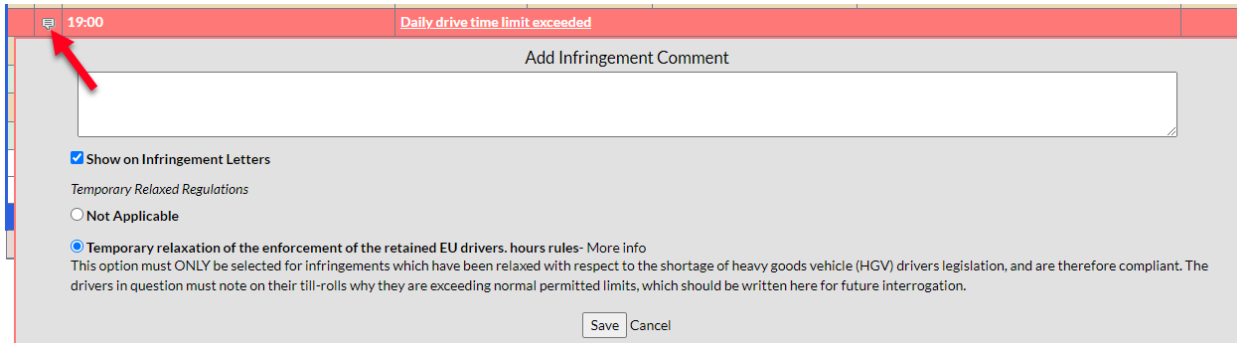
Name	Site	Inf. Date	Infringement	Type	Generated
Barrett, Adrian Paul	MANCHESTER	12-07-2021	Insufficient Daily Rest Daily drive time limit exceeded	EU	-

or from the calendar and click on the day



9	10	11	12	13	14	15	11
<ul style="list-style-type: none"> 04h 08m 06h 19m 13h 22m 00h 11m 	<ul style="list-style-type: none"> 05h 10m 05h 50m 13h 00m - 	<ul style="list-style-type: none"> 02h 45m 04h 30m 15h 49m 00h 56m 	<ul style="list-style-type: none"> 03h 15m 08h 51m 11h 42m 00h 12m 	<ul style="list-style-type: none"> 01h 41m 04h 13m 18h 00m - 	Rest Day	<ul style="list-style-type: none"> 02h 21m 04h 18m 17h 01m 00h 20m 	<ul style="list-style-type: none"> Week Total 19h 20m 34h 01m 89h 00m 01h 39m
16	17	18	19	20	21	22	12
Rest Day	<ul style="list-style-type: none"> 04h 29m 04h 05m 15h 01m 00h 25m 	<ul style="list-style-type: none"> 15h 37m 05h 15m 01h 39m 01h 29m 	<ul style="list-style-type: none"> 00h 44m 02h 51m 11h 20m - 				<ul style="list-style-type: none"> Week Total 20h 50m 12h 11m 28h 00m 01h 54m
23	24	25	26	27	28	29	13
							<ul style="list-style-type: none"> Week Total
30	31	1	2	3	4	5	14
							<ul style="list-style-type: none"> Week Total

Click on the comment icon to the left of the infringement and choose the relaxation option which matches your operational needs. The comment will be added to the letter even if you do not have “Show on Infringement Letters” ticked. Enter the comment the driver has written on his till roll print out from the tachograph head. Click Save.

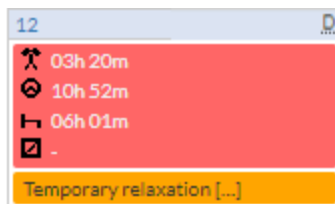


Once saved the comment will be recorded and shown at the bottom of the Day View.

20:13	End of Shift					
20:13	-	Rest	Driver - Single	-		

Comments for 12-07-2021		
19:00 12-07-2021	Adrian Barrett @ 17:44 13-07-2021	
Relaxed Regulation: <i>Temporary relaxation of the enforcement of the retained EU drivers. hours rules</i> - More info		
Emailed the R555FOLRCOVID19@dft.gov.uk. address before and after using the relaxation.		Delete

The Calendar will now show a comment notification.



Now a log of infringements flagged for the relaxation is kept. There is a new report “Infringements – Relaxed Regulation” that shows which infringements have been marked.

These infringements will stay on Tachomaster but the comment will appear on the letters.

It is also possible to add a copy of the till roll details to the day view. Scan the till roll and use the Supporting Files option.





If an infringement falls outside the relaxation time period or outside of the specific relaxed regulations – for example, a daily rest infringement caused by a driver exceeding the 15 hour duty – the infringement will not have any options to exclude.

Infringements that marked as due to with one of the “Covid-19 Regulation” comment will be still shown as infringements but with comments on the calendar, day view and if you open the comment section from the infringement.

DCRS3

If you are using DCRS3, any infringement marked with a Covid-19 comment will have the points removed automatically when you assign a valid Covid-19 comment.

Ledger Source	Date / Time	Description	Points Total	Level	Extra Information
Day	30-03-2020	-	32	4	
Day	29-03-2020	-	32 (+4)	4	
Infringement	29-03-2020 11:00Q	Work Period Exceeded	(2)	-	Included due to Infringement
Infringement	29-03-2020 12:53Q	Insufficient Breaks in Driving Period	(0)	-	Excluded due to Marked as relaxed regulation
Infringement	29-03-2020 19:59Q	Insufficient Daily Rest	(2)	-	Included due to Infringement

[Expand similar rows](#)

Any points that have been setup will also be removed from the Driver Profiler system too.

It is not possible to remove points from the old DCRS2 (prior to DCRS3).