British Domestic Drivers Hours Regulations

BRITISH DOMESTIC REGULATIONS, for Light Goods Vehicle Operations

Domestic legislation in the form of the Transport Act 1968 Part VI, as modified, applies to drivers of vehicles which are exempt from EU law.

Permanent Hours Limits

A driver should not exceed the following:

**Daily driving**
- 10 hours maximum
  - The daily driving limit applies to driving on and off the public road. Off-road driving for the purposes of agriculture, quarrying, forestry, building work or civil engineering counts as duty rather than driving time.

**Daily duty**
- 11 hours maximum
  - A driver is exempt from the duty limit on non-driving days. This also applies to a driver who does not drive for more than four hours on each day of the week.

Definition of a Working Day

This is defined in the Drivers' Hours (Goods Vehicles) (Modifications) Order 1986 (SI 1986 No. 1459) as:

a) any working period (that is to say, any period during which a driver is on duty) which does not fall to be aggregated with the whole or part of any other such period or periods by virtue of paragraph (b) of this definition, and

b) where a working period is followed by one or more other such periods beginning within the 24 hours next after the beginning of that working period, the aggregate of that working period and so much of the other such period or periods as fall within those 24 hours.

The domestic week is the same as the EU week, ie the period between 0000 Monday to 2400 Sunday.

Light Vans and Dual Purpose Vehicles

Drivers of light vans (not exceeding 3.5t permissible maximum weight) and dual- purpose vehicles are subject only to the 10 hour driving regulations when engaged solely in certain professional activities, ie doctors, dentists, nurses, midwives, veterinary surgeons, commercial travellers, employees of the AA, RAC and RSAC and persons using their vehicles to assist in carrying out any service of inspection, cleaning, maintenance, repair, installation or fitting. Also included is cinematography, radio or television broadcasting staff.

Emergencies

Where events cause, or are likely to cause, danger to life or health of persons or animals, serious interruption in the maintenance of public services, for the supply of water, gas, electricity or drainage or of telecommunication or postal services, or a serious interruption in the use of roads, railways, ports or airports, driving and duty limits may be exceeded provided the driver does not spend time on duty (other than to deal with the emergency) for periods aggregating more than 11 hours.
MIXED DRIVING

This concerns drivers who change from community regulated operations to British domestic operations and in instances where this occurs the driver has the choice of observing the EU rules all the time, or a combination of both, provided the EU limits are not exceeded when engaged on EU work. Also the following points must be considered.

1. Time spent driving under EU rules does not count as “off-duty” under domestic rules.
2. Time spent operating under domestic rules does not count as a break or rest under community rules.
3. Driving time under EU rules counts towards the driving and duty limits under domestic rules.
4. If any EU driving is undertaken in a week the driver must observe the EU daily and weekly rest requirements.
BRITISH DOMESTIC REGULATIONS, for Minibus Operations

Who is a Driver?

A driver is a person who drives a vehicle, to which the British Domestic Drivers’ Hours rules apply, either in the course of employment or as owner of a business (Transport Act 1968 – s.95(3)).

It follows, therefore, that the driver of a s.19 Permit bus who drives during the course of employment is covered by British domestic drivers hours rules.

It also follows that office staff and garage staff who drive vehicles covered by British domestic driver’s hours rules for only a small part of their employment are also covered by the rules. (Subject to relaxation available to “part time drivers”).

Driving is defined as time spent behind the wheel for the purpose of controlling the movement of a vehicle. This applies when a vehicle is moving, or if stationary with the engine running.

Breaks and Rest

A break is defined as a period during which a driver is able to obtain both rest and refreshment. The break may be on duty or off duty.

Rest is always off duty.

Payment for time spent on rest or on break does not as a matter of course turn such time into duty time. Some bus companies pay through on meal breaks, whilst in other circumstances penalty payments may be made for long periods “off duty” between portions of work ie “spreadover” payments.

The test ultimately is that to be resting a driver must be free to dispose of personal time and when on a break is not carrying out specific duties for the employer.

Duty Time

Duty time includes time spent on duty by an employee in employment which involves driving a passenger vehicle. However, duty is not limited to driving time or to time spent working on or in connection with the vehicle. It can include other time spent acting under the employer’s specific instructions.

An employee is not on duty:

- during breaks for rest and refreshment if during those breaks the driver has no specific duties/responsibilities to carry out for his employer.
- if carrying out duties for an employer for whom no driving is undertaken.

The Working Week

The working week for British domestic rules commences midnight Sunday and continues until the following midnight Sunday. It is a fixed period.

Operators covered by domestic rules can apply to the Traffic Commissioner for the working week to commence on another day.

The Working Day

The working day can begin at any time of the day or night and continues until a driver starts a statutory rest period. It is neither a calendar day nor a period of 24 hours!
Daily Rest

A driver must have a period of rest of at least 10 hours between each working day. This can be reduced to 8½ hours on no more than 3 occasions per week. There is nothing to prevent this occurring on consecutive days.

Unlike EU rules, there is no requirement to compensate for reduced daily rest.

There is no provision under British domestic rules for “split” daily rest.

Fortnightly Rest

A driver must have a period of at least 24 hours off duty every 2 weeks, ie each fortnight.

It must be contained wholly within the two-week period or must have started before the end of the second of the two fixed weeks. Note that under domestic rules, the working week normally starts at midnight on Sunday, although an operator can seek permission from the Traffic Commissioner to apply a different start day.

The rest period does not have to be a calendar day. A driver who ends duty, say, at 1500 on Tuesday and starts duty again at 1500 the next day has complied with the 24 hours rest period, thus allowing 14 consecutive calendar days to be worked.

Maximum Total Daily Driving Time

The maximum aggregate driving time is 10 hours in a working day.

Maximum Period of Driving and Minimum Breaks

A driver cannot exceed a maximum continuous or accumulated driving period of 5½ hours, after which a break of at least 30 minutes must be taken.

A through duty of 8½ hours may be worked provided that accumulated layover time is at least 45 minutes.

This can be made up of small amounts of non-driving time, but this non-driving time must be between the time of first driving a vehicle and the time of ending the driving of the vehicle. Signing on times before driving is undertaken or signing off time after driving has finished cannot count towards the 45 minutes.

At the end of this period the driver may take either a daily rest period or a break of at least 30 minutes. In the case of the latter a further period of driving can be undertaken provided the overall total for the working day does not exceed 10 hours.

Maximum Total Weekly/Fortnightly Driving/Duty Time

There is no stated maximum weekly limit on driving time. It is calculated as an aggregate of daily driving periods giving 70 hours in a week and 140 hours in a fortnight.

Maximum Daily Duty/Spreadover

The maximum length of a driver’s working day (from signing on to signing off) is stated in British drivers hours rules as 16 hours. A driver cannot exceed 10 hours driving during that period.

Emergencies

Emergencies under British domestic rules are defined as:

Events requiring immediate action to avoid danger to life or health or serious interruption of essential public services (gas, water, electricity and drainage) or of telecommunications or postal services, or in the use of roads or airports or damage to property.
There are exemptions from hours rules to allow drivers to deal with emergencies.

**Part-Time Drivers’ Exemption**

Drivers on Domestic Journeys and Work who do not drive for more than 4 hours per day in any week do not have to observe any hours rules during that week.

On no more than two working days of the week a part time driver may drive over 4 hours. On each of these two days:

- all duties must start and finish within that 24 hour “day”
- driving time must not exceed 10 hours
- working time must not exceed 16 hours
- there must be 10 hours rest preceding/following each full working day. If one of the days overlaps into a week in which the part-time driving exemption does not apply, limits on driving and spreadover must be observed. The rule is applicable:
- week by week, not day by day
- to drivers’ hours, not drivers’ records.

**MIXED BRITISH AND EU DRIVING**

There is nothing to prevent drivers working partly under EU rules and partly under British domestic rules.

Where this occurs, the following must be observed:

- time spent driving or on duty under one set of rules cannot impinge upon break or rest under the other
- driving under EU rules counts towards the limits on driving under British rules
- other work under EU rules counts towards the limits on other duty under British rules
- driving and other duty under British rules counts as attendance at work under the EU rules.

It must not be assumed when involved in mixed EU/British operations that observing EU rules will automatically ensure compliance with the law on drivers hours.

The “split” daily rest provision of 8 hours cannot be used to separate an EU day from a British day. Under British rules, rest “between working days” must be at least 8½ hours, whereas under EU rules the use of the split daily rest a minimum of 8 hours is permitted.