



*(ANALYSIS) Ltd.*

# Changes to the EC Drivers' Hours

Effective 11<sup>th</sup> April  
2007

# Drivers Hours for EEC Regulations – April 11<sup>th</sup> 2007

1. **EC FIXED WEEK** – 00.00 hrs Monday to 24.00 hrs Sunday.

The fixed week is used as a measuring period to ascertain as to whether driving limits are obeyed. If any rest periods are reduced legally the fixed week is then used to determine as to when compensation is required.

2. **DAILY DRIVING**

The daily driving limit is 9 hours but this may be extended to 10 hours twice in the fixed week. Weekly driving limit is 56 hours.

3. **DRIVING OVER TWO CONSECUTIVE WEEKS**

Driving cannot total more than 90 hours.

4. **BREAKS FROM DRIVING**

The maximum period of continuous driving is 4.5 hours. After this the driver must take a Break of at least 45 minutes before he/she begins to drive again.

**E.G. Drive 4.5 hours - Break 45 minutes - Drive 4.5 hours**

Alternatively a driver may elect to take this 45 minutes break across his driving periods in two segments. The first must be at least 15 mins in duration and the second at least 30 mins in duration.

<b>E.G. Drive</b>	<b>Break</b>	<b>Drive</b>	<b>Break</b>
<b>1 hr</b>	<b>15 mins</b>	<b>3.5 hrs</b>	<b>30 mins</b>

After a driver has had his 45 min break in segments then the calculation of a new 4.5 hour driving period begins afresh.

Consider then the following legal examples permissible since this ruling.

1. 

<b>Drive</b>	<b>Break</b>	<b>Drive</b>	<b>Break</b>	<b>Calculation</b>	<b>Drive</b>
<b>1 hr</b>	<b>15 mins</b>	<b>3.5hrs</b>	<b>30 mins</b>	<b>begins afresh</b>	<b>4.5hrs</b>

2. 

<b>Drive</b>	<b>Break</b>	<b>Calculation</b>	<b>Drive</b>	<b>Break</b>	<b>Drive</b>	<b>Break</b>	<b>Calculation</b>	<b>Drive</b>
<b>1 hr</b>	<b>45 mins</b>	<b>begins afresh</b>	<b>2 hrs</b>	<b>15 mins</b>	<b>1.5hrs</b>	<b>30 mins</b>	<b>begins afresh</b>	<b>4.5hrs</b>

# **DAILY REST**

## **The Rule.**

A drivers daily rest period is 11 consecutive hours but this may be reduced to 9 hours three times between any two weekly rest periods. Reductions do not require compensation.

## **In Practice.**

There are two distinct ways in which a driver can take up the three reductions.

Example 1. Duty 14 hours plus overnight rest 9 hours.  
Obviously overnight rest is below 11 hours and therefore one reduction is used.

Example 2. Duty 14 hours plus overnight rest 11 hours.  
Although the driver has had 11 hours away from work the law states that a drivers duty plus overnight rest must be calculated within a 24 hour period. In this example only 10 hours rest can be legally attributed and therefore another reduction has been taken, i.e. 14 hours duty plus 10 hours overnight rest equals 24 hours.

## **24 hours.**

This period is critical throughout the E.C. drivers rules and LEGAL daily rest must be calculated within it. This is why the maximum duty period is in practice 15 hours.

For example, 15 hours duty plus 9 hours overnight rest equals 24 hours. Therefore, any day that a driver works more than 13 hours automatically means that his legal DAILY rest is less than 11 hours.

## **SPLIT DAILY REST**

This may be taken in 2 separate periods during the 24 hour period. The first part must be at least 3 hours long and the second part must be at least 9 hours long.

The European Court has ruled that the minimum 9 hour portion must be the last portion of rest thus separating the working day from the next.

## **DAILY REST DOUBLE MANNED**

During each period of 30 hours both drivers must have a rest period of not less than 9 consecutive hours.

For the first hour the presence of another driver is optional.



## WHAT ARE THE RULES FOR TRANSPORT BY FERRYBOAT, OR TRAIN?

If a vehicle covers part of its journey by ferryboat or train  
The following rules apply:

- ✚ The daily rest period may be interrupted, but only twice. E.g. Moving and customs.
- ✚ Any interruptions to rest must be as short as possible and total no more than 1 hour in duration.
- ✚ During all parts of the rest period, the driver(s) must have access to a bunk or couchette.
- ✚ Time spent on a ferryboat or train which is not regarded as daily rest can be treated as a break.

## WEEKLY REST

After 6 days since the last weekly rest a driver needs 45 consecutive hours of rest. A weekly rest can be reduced as low 24 consecutive hours. (Home or Away)

The weekly rest either side of a reduced weekly rest must be a complete 45 hours.

This means a 45 hour weekly rest is required every two weeks.

Each reduction must be made up by an equal period of rest attached “en bloc” to a rest period of at least 9 hours duration before the end of the third week following the week in question.

In the simple example below if at the end of week 2 the driver reduces his weekly rest to 24 hours then the 21 hours he “owes” must be taken back by the end of week 5 (third week following). Note that weekly rest at the end of week 1 and week 3 must be 45 consecutive hours.

### Example:

	Week 1	Week 2	Week 3	Week 4	Week 5	Week 6
<b>Weekly Rest</b>	45 hrs	24 hrs	45 hrs			
<b>Owes</b>	0	21 hrs	0 hrs			

Weekly rest can be postponed until the end of the sixth day (144 hours from the start of a duty week) provided that the maximum driving over the six days does not exceed the maximum corresponding to six daily driving periods.

# Off Road Driving

On days when you are totally out of scope of EC driver's hours legislation, off road driving is classed as other work.

On days when you are in scope of EC driver's hours legislation, off road driving must be classed as driving.

For example, driving your in scope vehicle into a steel plant, distribution centre or quarry means you must record all movements as driving.

## **New Enforcement Powers**

There are new powers to prosecute foreign drivers. Domestic authorities can prosecute when offences are committed abroad by non-nationals.

TMS are running training courses explaining all of these new rules and your responsibilities as an employer. Should you require information on these courses please give us a call on 0115 9269377 or 0115 9206762.