NOTIFICATION

TEMPORARY RELAXATION OF THE ENFORCEMENT OF THE EU AND NI DRIVERS’ HOURS RULES: ALL SECTORS CARRIAGE OF GOODS BY ROAD

In response to unprecedented pressures on local and national supply chains, the Department for Infrastructure introduced a temporary and limited urgent relaxation of the enforcement of EU drivers’ hours rules in Northern Ireland. It has also introduced a temporary and limited urgent relaxation of the enforcement of NI drivers’ hours rules in Northern Ireland.

This relaxation began on 23 March 2020 and was due to end on 21 April 2020.

A specific review of the continuation of the relaxations past 21 April 2020 has been conducted and on the basis of the current evidence, a decision has been made to continue with the relaxations (apart from the relaxation on break requirements) until 23:59 on Sunday 31 May 2020.

The Department will keep these temporary arrangements under review and the relaxation may be amended or brought to an end earlier if circumstances change.

The Department would like to remind all transport operators and the customers who influence their practices that:

- the standard drivers’ hours rules are important safety-related rules. They are in place to improve road safety and the working conditions of drivers and reduce the risk of drivers being involved in fatigue-related accidents;

- therefore, these temporary relaxations should only be used where absolutely necessary. Operators should, wherever possible, attempt to recruit additional drivers from other sectors who are out of work or facing being furloughed;

- the temporary relaxations are designed to support the transport of vital goods, including the supply chains related to medicines, health, fuel, food and other necessities.

The current situation is being kept under review and the relaxation may be amended or withdrawn earlier than 31 May 2020 if circumstances change. Operators should use this period to increase resilience.

If any drivers or operators consider that they are being asked to use the relaxation without correct justification then they can email their concerns to:

drivershours@infrastructure-ni.gov.uk

Retrospective checking of the use of these relaxations will take place as necessary including by DVA.
Relaxation of EU drivers’ hours rules

The 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

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

d) Postponement of the requirement to start a weekly rest period after six 24 hour periods, for after seven 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

e) Drivers using the relaxation at 'b', reducing their daily rest from 11 hours to 9, can still use the derogation allowing them to interrupt their daily rest by up to one hour, to embark and disembark from a train or a ferry.

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

Relaxation of NI drivers’ hours rules

The NI drivers’ hours rules can be temporarily relaxed as follows:

- Replacement of the NI daily driving time limit of 10 hours with 11 hours

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

Timing of the relaxations

The relaxations of the EU drivers’ hours at (a) to (d) are applicable from 00:01 Monday 23 March 2020 until 23.59 Sunday 31 May 2020.

Please note that the previous relaxation of the EU drivers’ hours rules on breaks (i.e. the requirements for daily breaks of 45 minutes after 4.5 hours driving replaced with a break of 45 minutes after 5.5 hours of driving) was applicable from 23 March 2020 until 21 April 2020 only.

The relaxation of the EU drivers’ hours rules at (e) above is applicable from 00:01 on Saturday 4 April 2020 and will run until 23:59 on Sunday 31 May 2020.
The relaxation of the NI drivers’ hours rules is applicable from 00:01 Monday 23 March 2020 until 23:59 on Sunday 31 May 2020.

This will be kept under review with a possibility of extending or amending the scope of the relaxations; depending on new evidence as circumstances change.

Who can use the relaxations

Anyone driving under the EU drivers’ hours rules or the NI drivers’ hours rules and undertaking carriage of goods by road can use the relevant relaxations where necessary.

Although the relaxations are not limited to specific sectors or journeys, they should only be used where necessary, otherwise normal drivers’ hours rules should apply. We believe the relaxations should be used by drivers involved in the carriage of essential goods by road, such as the carriage of medical equipment/supplies (including oxygen and clinical waste) and the delivery of essential food and hygiene items (including animal feed and milk collection).

Interaction with other relaxations

There are currently no other active relaxations.

Using the relaxation

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

When driving under the 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, of course, essential for enforcement purposes.

When driving under the NI drivers’ hours rules, drivers must note on their record sheet (or tachograph charts or printouts, if applicable) the reasons why they are exceeding the normally permitted limits. This is also usual practice in emergencies and is, of course, essential for enforcement purposes.
The temporary relaxation of the rules described above reflects the exceptional circumstances stemming from the COVID-19 outbreak. It must be used only where necessary, otherwise the normal drivers’ hours 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. It will be working to encourage and facilitate the movement of drivers into priority areas.

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.

All enquiries regarding interpretation of these temporary arrangements should, in the first instance, be made to:

drivershours@infrastructure-ni.gov.uk

We will keep these temporary arrangements under review.

21 April 2020

Department for Infrastructure