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ts' Friend

Rest Periods and Breaks

Introduction

With the introduction of EC 561/06 the undermentioned contains those items of legislation that came into effect on 11th April 2007. Wherever possible we have tried to portray as accurately as possible the information regarding the changes and have taken care to outline the same in a brief but concise format with pictorial content to further assist where required.

- **Breaks**
- **Daily Rest Periods**
- **Double Manned Vehicles**
- **Rules for Transport by Ferryboat or Train**
- **Weekly Rest Periods**
- **Travelling Time**
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Breaks

After a driving period of no more than 4.5 hours, a driver must immediately take a break of at least 45 minutes unless he takes a rest period. A break taken in this way must not be interrupted. For example:

Driving 4.5 hours

Break 45 minutes

Driving 2.5 hours

Other work 1 hour

Driving 2.0 hours

Break 45 minutes

A break is any period during which a driver may not carry out any driving or any other work and which is used exclusively for recuperation. A break may be taken in a moving vehicle, provided no other work is undertaken.



Key Information

Remember Breaks may also be required under the separate Road Transport (Working Time) Regulations 2005.

Alternatively, a full 45-minute break can be replaced by one break of at least 15 minutes followed by another break of at least 30 minutes. These breaks must be distributed over the 4.5-hour period. Breaks of less than 15 minutes will not contribute towards a qualifying break, but neither will they be counted as duty or driving time. The EU rules will only allow a split-break pattern that shows the second period of break being at least 30 minutes, such as in the following examples:

Driving 2.0 hours	Break 15 mins	Driving 2.5 hours	Break 30 mins
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Driving 2.0 hours	Break 34 mins	Driving 2.5 hours	Break 30 mins
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The following split-break pattern is illegal because the second break is less than 30 minutes.

Driving 2.0 hours	Break 30 mins	Driving 2.5 hours	Break 15 mins	Driving
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A driver 'wipes the slate clean' if he takes a 45-minute break (or qualifying breaks totalling 45 minutes) before or at the end of a 4.5 hour driving period. This means

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that the next 4.5 hour driving period begins with the completion of that qualifying break, and in assessing break requirements for the new 4.5-hour period, no reference is to be made to driving time accumulated before this point. For example:

Driving 1.5 hours	Break 15 mins	Driving 1.5 hours	Break 30 mins	Driving 4.5 hours	Break 45 mins
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Daily Rest Periods

A driver must take a daily rest period within each period of 24 hours after the end of the previous daily or weekly rest period. An 11- hour (or more) daily rest is called a regular daily rest period.

Driving + other work + breaks = 13 hours

Regular daily rest = 11 hours

Alternatively, a driver can split a regular daily rest period into two periods. The first period must be at least **3 hours** of uninterrupted rest and can be taken at any time during the day. The second must be at least **9 hours** of uninterrupted rest, giving a total **minimum rest of 12 hours**; for example:

24 Hour Period			
8 hours (Driving + other work + breaks)	3 Hours rest	4 hours (Driving + other work + breaks)	9 Hours rest

A driver may reduce his daily rest period to no less than **9** continuous hours, but this can be done no more than **three times** between **any two weekly rest periods**; and **no compensation** for the reduction is required. A daily rest that is less than 11 hours but at least 9 hours long is called a reduced daily rest period.

24 Hour period	
Driving + other work + breaks = 15 hours	Reduced daily rest = 9 hours

When a daily rest is taken, this may be taken in a vehicle, as long as it has suitable sleeping facilities and is stationary.

To summarise, a driver who begins work at 06.00 on day 1 must, by 06.00 on day 2 at the latest, have completed either:



Key Information

A rest is an uninterrupted period where a driver may freely dispose of his time. Time spent working in other employment or under obligation or instruction, regardless of the occupation type, cannot be counted as rest, including work where you are self-employed.

- i. a regular daily rest period of at least 11 hours; (A continuous period of at least 11 hours' rest.) **or**
- ii. a split regular daily rest period of at least 12 hours; (A regular rest taken in two separate periods - the first at least 3 hours, and the second at least 9 hours.) **or**
- iii. if entitled, a reduced daily rest period of at least 9 hours. (A continuous rest period of at least 9 hours but less than 11 hours.)

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Double Manned Vehicles

'Multi-manning' is the situation where, during each period of driving between any two consecutive daily rest periods, or between a daily rest period and a weekly rest period, there are at least two drivers in the vehicle to do the driving. For the

first hour of multi-manning the presence of another driver or drivers is **optional**, but for the remainder of the period it is **compulsory**. This allows for a vehicle to depart from its operating centre and collect a second driver along the way, providing that this is done within 1 hour of the first driver starting work.

If these strict conditions cannot be complied with, then drivers sharing duties on a journey will individually be governed by single manning rules and will not be able to use the following variation to the daily rest requirement - where a vehicle is manned by two or more drivers, each driver must have a daily rest period of at least **9** consecutive hours within the 30-hour period that starts at the end of the last daily or weekly rest period.

Organising drivers' duties and incorporating this concession enables a crew's duties to be spread over 21 hours. This is an example of how the duties of a two-man crew could be organised to take maximum advantage of multi-manning rules:

	Driver 1	Driver 2
	Daily Rest	Daily Rest
	Other work 1 hour	Daily rest (not on vehicle) 1 hour
30	Driving 4.5 hours	Availability 4.5 hours
Hour	Break + Availability 4.5 hours	Driving 4.5 hours
Period	Driving 4.5 hours	Break + Availability 4.5 hours
	Break + Availability 4.5 hours	Driving 4.5 hours
	Driving 1 hour	Break + Availability 1 hour
	Break 1 hour	Break 1 hour
	Daily rest 9 hours	Daily rest 9 hours

The maximum driving time for a two-man crew taking advantage of this concession is 20 hours before a daily rest is required (although only if both drivers are entitled to drive 10 hours).

Under multi-manning, the 'second' driver in a crew may not necessarily be the same driver for the duration of the first driver's shift but could in principle be any number of drivers as long as the conditions are met. Whether these second drivers could claim the multi-manning concession in these circumstances would depend on their other duties.

On a multi-manning operation the first 45 minutes of a period of availability will be considered to be a break, so long as the co-driver does no work.

Rules for Transport by Ferryboat or Train

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

- i. The daily rest period may be interrupted, but only twice, allowing the vehicle to be driven on to a ferry and off at the end of the sea crossing. However, this will depend on the length of the ferry crossing
- ii. Any interruption in rest must be as short as possible and must exceed no more than **1 hour**
- iii. Where the rest period is interrupted in this way, the **total accumulated rest period must still be 11 hours**.
- iv. During the rest period, the driver(s) must have access to a bunk or couchette
- v. Time spent on a ferryboat or train which is not treated as daily rest can be treated as a break

For example, a qualifying regular daily rest period could be interrupted in the following manner:

Rest 2 hours	Driving/Other Work (embarkation) 30 mins	Rest (on ferry or train 7 hours)	Driving/Other Work (disembarkation) 30 mins	Rest 2 hours
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Weekly Rest Periods

A driver must start a weekly rest period no later than at the end of six consecutive 24-hour periods from the end of the last weekly rest period.
A regular weekly rest period is a period of at least 45 consecutive hours.

Week 1					Week 2					Week 3				
45 Hours					144 Hours					45 Hours 80 Hours 45 Hours				

Note:

An actual working week starts at the end of a weekly rest period, and finishes when another weekly rest period is commenced, which may mean that weekly rest is

taken in the middle of a fixed (Monday-Sunday) week. This is perfectly acceptable - the working week is not required to be aligned with the 'fixed' week defined in the rules, provided all the relevant limits are complied with.

Alternatively, a driver can take a reduced weekly rest period of a minimum of 24 consecutive hours. If a reduction is taken, it must be compensated for by an equivalent period of rest taken **in one block** before the end of the **third week** following the week in question. The compensating rest must be attached to a period of rest of at least 9 hours - in effect either a weekly or a daily rest period.

For example, where a driver reduces a weekly rest period to 33 hours in week 1, he/she must compensate for this by attaching a 12-hour period of rest to another rest period of at least 9 hours before the end of week 4. This compensation cannot be taken in several smaller periods. (See example below.)



Key Information

A weekly rest period is the weekly period during which drivers may freely dispose of their time. It may be either a 'regular weekly rest period' or a 'reduced weekly rest period'.

	Week 1	Week 2	Week 3	Week 4
Weekly Rest	33 Hours	45 Hours	45 Hours	45 Hours + 12 Hours Compensation

A **regular weekly rest** is a period of rest of at least 45 hours' duration.

A **reduced weekly rest** is a rest period of at least 24 but less than 45 hours' duration.

In any **two consecutive 'fixed' weeks** a driver must take at least:

1. two regular weekly rests; or
2. one regular weekly rest and one reduced weekly rest.

The following tables are examples of how a driver's duties might be organised in compliance with the rules on weekly rest, which allow two reduced weekly rest periods to be taken consecutively. This complies with the rules because at least one regular and one reduced weekly rest period have been taken in two consecutive 'fixed' weeks.

Week 1					Week 2					Week 3				
45 Hrs Rest					24 Hrs Rest					27 Hrs Rest				45 Hrs Rest

The following table is an example of how the driver's duties might be organised in compliance with the rules on weekly rest, whereby one reduced weekly rest period may be taken in any period of two consecutive weeks under 'normal' circumstances.

Week 1					Week 2					Week 3				
				45 Hrs Rest					24 Hrs Rest					45 Hrs Rest

A weekly rest period that falls in two weeks may be counted in either week but

not in both. However, a rest period of at least 69 hours in total may be counted as two back-to-back weekly rests (e.g. a 45-hour weekly rest followed by 24 hours), provided that the driver does not exceed 144 hours' work either before or after the rest period in question.

Where reduced weekly rest periods are taken away from base, these may be taken in a vehicle, provided that it has suitable sleeping facilities and is stationary.

Note: Operators who utilise a cyclical shift pattern should take care that their shift patterns allow for compliance with the rolling two-weekly requirements for weekly rest and compensation.

Travelling Time

Where a vehicle coming within the scope of the EU rules is neither at the driver's home nor at the employer's operational centre where the driver is normally based but is at a separate location, time spent travelling to or from that location to take charge of the vehicle may not be counted as a rest or break, unless the driver is in a ferry or train and has access to a bunk or couchette.

Unforeseen events

Provided that road safety is not jeopardised, and to enable a driver to reach a **suitable stopping place**, a departure from the EU rules may be permitted to the extent necessary to ensure the safety of persons, the vehicle or its load. Drivers must note all the reasons for doing so on the back of their tachograph record sheets (if using an analogue tachograph) or on a printout or temporary sheet (if using a digital tachograph) at the latest on reaching the suitable stopping place (see relevant sections covering manual entries). Repeated and regular occurrences, however, might indicate to enforcement officers that employers were not in fact scheduling work to enable compliance with the applicable rules.

*A judgment by the European Court of Justice dated 9 November 1995 provides a useful guide to how this provision should be interpreted. It can apply only in cases where it unexpectedly becomes impossible to comply with the rules on drivers' hours during the course of a journey. In other words, planned breaches of the rules are not allowed. This means that when an unforeseen event occurs, it would be for the driver to decide whether it was necessary to depart from the rules. In doing so, a driver would have to take into account the need to ensure road safety in the process (e.g. when driving a vehicle carrying an abnormal load under the **Special Types** regulations) and any instruction that may be given by an enforcement officer (e.g. when under police escort).*

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