



## Temporary relaxation of drivers' hours

In response to unprecedented pressures on supply chains, the Department for Transport (DfT) has introduced a temporary relaxation of the enforcement of EU drivers hours and GB drivers' hours rules in England, Scotland and Wales, currently in place until 21 April 2020. These measures reflect the exceptional circumstances arising from the COVID-19 outbreak, and the DfT has made it clear that they should only be used where necessary, and that driver safety must not be compromised as a result.

### How have the EU drivers' hours rules been relaxed?

The EU drivers' hours rules have been temporarily relaxed as follows:

- Replacement of the daily driving limit of nine hours to a daily driving limit of 11 hours
- Reduction of the daily rest requirements from 11 to nine hours
- The weekly and fortnightly driving limits have been lifted from 56 to 60 hours, and 90 to 96 hours respectively
- Postponement of the requirement to start a weekly rest period after six 24 hours periods, to after seven 24 hour periods.
- The requirement for daily breaks of 45 minutes after four and a half hours driving replaced with a break of 45 minutes after five and a half hours of driving

Drivers must not use relaxation (a) and (d) at the same time

### How have the GB drivers' hours been relaxed?

The GB drivers' hours rules have been temporarily relaxed as follows:

- Replacement of the GB duty time limit of 11 hours with 12 hours
- Replacement of the GB daily driving time limit of ten hours with 11 hours

Drivers can only take advantage of this temporary relaxation five days in any seven day period, and must take a rest period of 24 hours within the same seven day period when taking advantage of this relaxation.

### How long will these relaxations be in place for?

Both relaxations apply from 00:01 on 23 March 2020 to 23.59 on 21 April 2020. The DfT reserves the right to withdraw the relaxations earlier or extend the relaxations.

### Who can use the relaxation?

The relaxations are not limited to any particular sectors or journeys. Anyone subject to the EU drivers' hours rules or the GB drivers' hours rules can rely upon these relaxations.

## Are there any other relaxations relating to drivers?

There are two other relaxations in place for the delivery of essential items to retailers, and the delivery of essential items to consumers.

## What are the implications of these relaxations on health and safety obligations?

Employers remain responsible for the health and safety of their employees, and those affected by their undertaking, including other road users. Employers are required to ensure so far as is reasonably practicable, the health and safety of their employees while at work and others who may be put at risk by their work activities. This includes consideration of the risks that can arise from fatigue.

Drivers should not be expected to drive whilst tired, and the relaxation of the rules should only be implemented through agreement between employers and employees/ driver representatives. Where an employee does not feel able to continue to drive, they should not do so, and should be encouraged to pull over for breaks as required.

Drivers should note on the back of their tachograph charts or print outs the reasons why they are exceeding the normally permitted limits. This is already common practice in emergency situations, and essential for enforcement purposes.

Employers should only use the relaxations where necessary. As a general rule businesses are expected to plan for and manage the risks of disruption to the supply chain and the implementation of these relaxations should be avoided unless there are no other options available. Employers should try to secure additional drivers, to deal with high work demands or work absences.

## Should drivers be provided with access to welfare facilities?

All drivers are required by law to have access to welfare facilities in the premises they visit as part of their work. With the latest advice for hands to be washed regularly, failure to allow access to welfare facilities may in fact increase the risk of COVID-19 contamination. Welfare facilities must continue to be provided.

For further information in respect of the drivers' hours rules relaxations, or any other road transport law matters, please contact Laura Shirley or Philip Crosbie.



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