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Our Ref: **F0001686**

Date: 10th March 2009

Dear

FREEDOM OF INFORMATION ACT 2000

I refer to your e-mail of 10th February 2009 concerning drivers hours and Tachograph Guides published on our website. You said that in the guide on tacho rules for goods vehicles has changed in relation to weekly rest requirements. Also that until recently there was an example of a driver taking two reduced weekly rest periods one after the other.

The published guide is now showing that there should be one regular and one reduced period every two weeks, which is at odds to the previously published guide. I will deal with the six points you have raised in the same order as in your e-mail.

Q1) Can you tell me when this changed?

A1) There has been no change to Council Regulation (EC) 561/2006 regarding Article 8 (daily and weekly rest requirements). The view of VOSA regarding the legislation has not changed in that it is believed that a driver may take two consecutive Reduced weekly rest periods. However, in two consecutive weeks, a driver must take at least two Regular weekly rest periods or one Regular weekly rest period and one Reduced weekly rest period. It should be noted that only a Court may interpret the meaning of legislation. To date we are not aware of any 'stated cases' that apply to this Regulation.

Q2) Why did it change?

A2) Nothing has changed in legislation or interpretation. The diagram was amended to show the working custom of the majority of drivers, effectively, Monday to Friday with occasional Saturday overtime. Although the preamble of the Regulation is quite clear in that the reference to a 'fixed week' does not preclude the driver from starting their 'working week' on any day in the fixed week. Producing guides to drivers hours

legislation is both difficult and time consuming. The guide is written with the aim of providing a concise, yet comprehensive explanation of the relevant legislation. It is not possible to cover every eventuality or permutation that a driver / operator may come across.

Q3) What will happen to a company that has been following your advice from the previous publication?

A3) There has been no change in the regulation or policy.

Q4) Has VOSA advertised this amendment and if so, where and when?

A4) As there has been no change in the Regulation or policy, there has been no need to do this.

Q5) If it wasn't advertised, why not?

A5) Please see A4) above.

Q6) Have any other changes been made?

A6) A recent Commission Decision has allowed for daily and weekly rest requirements to be delayed for members of the Reserve Forces who are also full time HGV / PSV drivers. This relaxation of the time constraints contained in the Regulation has been published in the commercial press. In addition, the details have been communicated to Traffic Examiners. It should be noted that the relaxation applies to the requirement to attend an annual training exercise, usually of a two week duration and ten weekend training exercises, distributed throughout the training year.

If you have any queries about this letter, please contact us, quoting reference **F0001686**.

If you are unhappy with the information supplied, you may ask for an internal review. To request an internal review, please write to:

VOSA Corporate Office,
Berkeley House,
Croydon Street,
Bristol,
BS5 0DA

or email vosa.corporateoffice@vosa.gsi.gov.uk

giving the reasons for your dissatisfaction. It will help us if you quote the reference number for your case.

If you do not agree with the outcome of the internal review, you may lodge an appeal with the Information Commissioner (www.informationcommissioner.gov.uk). The Information Commissioner is an independent official appointed by the Crown to oversee the Data Protection Act 1998, the Freedom of Information Act 2000 and the Environmental Information Regulations 2004.

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You can write to the Information Commissioner at:

The Information Commissioner's Office
Wycliffe House,
Water Lane,
Wilmslow,
Cheshire
SK9 5AF

Yours sincerely

VOSA Information Access