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STATUTORY INSTRUMENTS

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**2021 No. 58**

**EXITING THE EUROPEAN UNION  
ROAD TRAFFIC**

**The Drivers' Hours and Tachographs  
(Temporary Exceptions) Regulations 2021**

<i>Made</i>	- - - -	<i>20th January 2021</i>
<i>Laid before Parliament</i>		<i>21st January 2021</i>
<i>Coming into force</i>	- -	<i>22nd January 2021</i>

The Secretary of State makes these Regulations in exercise of the powers conferred by Articles 14(1) and 25A of Regulation (EC) No 561/2006 of the European Parliament and of the Council of 15th March 2006 on the harmonisation of certain social legislation relating to road transport<sup>(1)</sup>.

**Citation, commencement, extent and interpretation**

1.—(1) These Regulations may be cited as the Drivers' Hours and Tachographs (Temporary Exceptions) Regulations 2021 and come into force on 22nd January 2021.

(2) These Regulations extend to England and Wales and Scotland.

(3) In these Regulations—

“domestic goods transport operations” means the carriage by road of goods exclusively within Great Britain;

“Drivers' Hours Regulation” means Regulation (EC) No 561/2006 of the European Parliament and of the Council of 15th March 2006 on the harmonisation of certain social legislation relating to road transport;

“exceptional circumstances” means the circumstances arising from the Covid-19 pandemic or the withdrawal of the United Kingdom from the European Union, which adversely affect the carriage by road of goods;

“international and other cross-Irish Sea goods transport operations” means—

(a) the carriage by road of goods between the United Kingdom and the European Union, provided that—

(i) the carriage is from, to or via Great Britain; and

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(1) EUR 561/2006 as amended by S.I. 2019/453. S.I. 2019/453 amended Article 14 and inserted Article 25A.

- (ii) the carriage does not include the carriage by road of goods outside the combined territories of the United Kingdom and the European Union; or
  - (b) the carriage by road of goods between any part of Great Britain and Northern Ireland;
- “relaxation period” means the period beginning with 22nd January 2021 and ending with 31st March 2021;
- “relevant journey” means a journey to a place outside any part of Great Britain—
- (a) via the Channel Tunnel at Folkestone; or
  - (b) which involves embarking from the Port of Dover;
- “temporary exception” means an exception to certain provisions of the Drivers’ Hours Regulation provided for in regulations 3 and 4.

### **Application of temporary exceptions**

- 2.—(1) Subject to paragraph (2), a driver may rely on a temporary exception—
- (a) during the relaxation period; and
  - (b) where a driver has reasonable grounds to believe that there are exceptional circumstances which makes compliance with Articles 6 to 9 of the Drivers’ Hours Regulation not reasonably possible.
- (2) A driver may—
- (a) only rely on temporary exceptions in regulation 3 or 4 but not both; and
  - (b) if relying on temporary exceptions in regulation 3, only rely on the temporary exception in regulation 3(2)(a) or (5)(b) but not both.

### **Temporary exceptions that apply to international and other cross-Irish Sea goods transport operations**

- 3.—(1) The following temporary exceptions to the Drivers’ Hours Regulation apply to a driver undertaking international and other cross-Irish Sea goods transport operations.
- (2) In relation to Article 6—
- (a) in paragraph 1, a driver may exceed the daily driving time of 9 hours by up to 2 hours and if a driver relies on this exception, the second sentence of paragraph 1 does not apply to that driver;
  - (b) in paragraph 2, a driver may exceed the weekly driving time of 56 hours by up to 4 hours;
  - (c) in paragraph 3, a driver may exceed the total accumulated driving time during any two consecutive weeks of 90 hours by up to 6 hours.
- (3) A driver may rely on the temporary exception in paragraph (4) where a driver—
- (a) is undertaking a relevant journey; and
  - (b) whilst that driver is in Kent.
- (4) In relation to the second paragraph of Article 7, a driver may replace the uninterrupted break provided for in the first paragraph of Article 7 by a break of at least 15 minutes followed by one or two breaks totalling at least 30 minutes, each of at least 15 minutes, and each distributed over the period provided for in Article 7 in such a way as to comply with the provisions of that Article.
- (5) In relation to Article 8—
- (a) the requirement in paragraph 4 that a driver may have at most three reduced daily rest periods between any two weekly rest periods does not apply;

- (b) in paragraph 6, a weekly rest period may start no later than at the end of seven 24-hour periods, instead of six 24-hour periods, from the end of the previous weekly rest period.
- (6) In relation to paragraph 1 of Article 9 of the Drivers' Hours Regulation—
  - (a) a driver may rely on the derogation from Article 8 provided for in paragraph 1 of Article 9 where the driver has taken a reduced daily rest period;
  - (b) a regular daily rest period, reduced weekly rest period or reduced daily rest period may be interrupted not more than four times, instead of twice, by other activities not exceeding three hours, instead of one hour, in total.

#### **Temporary exceptions that apply to domestic goods transport operations**

4.—(1) The following temporary exceptions to the Drivers' Hours Regulation apply to a driver undertaking domestic goods transport operations.

(2) In relation to Article 6, in paragraph 3, a driver may exceed the total accumulated driving time during any two consecutive weeks of 90 hours by up to 6 hours.

(3) In relation to Article 8, in paragraph 6, a driver engaged in domestic goods transport operations may also rely on the derogation provided for in the third sub-paragraph.

#### **Sunsetting of these Regulations**

- 5. These Regulations cease to have effect on 1st April 2021.

Signed by authority of the Secretary of State for Transport

20th January 2021

*Vere*  
Parliamentary Under Secretary of State  
Department for Transport

**Status:** This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

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## EXPLANATORY NOTE

*(This note is not part of the Regulations)*

These Regulations provide for temporary exceptions to some of the requirements in Articles 6 to 9 of Regulation (EC) 561/2006 of the European Parliament and of the Council on the harmonisation of certain social legislation relating to road transport (“Drivers’ Hours Regulation”). The Drivers’ Hours Regulation forms part of retained EU law.

The temporary exceptions provide for some relaxations in respect of drivers’ hours and rest periods for the period from 22nd January 2021 to 31st March 2021 and are made as a response to the adverse impact on the carriage by road of goods caused by the exceptional circumstances arising from the Covid-19 pandemic and the UK’s withdrawal from the European Union.

Regulation 5 provides that these Regulations cease to have effect on 1st April 2021 (at the end of the relaxation period during which the temporary exceptions apply).

An impact assessment has not been produced for this instrument.

An Explanatory Memorandum for this instrument has been published alongside these Regulations at [www.legislation.gov.uk](http://www.legislation.gov.uk).