

2021 No. 1106

ROAD TRAFFIC

**The Drivers' Hours and Tachographs (Temporary Exceptions)
(No. 3) Regulations 2021**

Made - - - -at 8.37 a.m. on 30th September 2021

Laid before Parliament at 12.00 p.m. on 30th September 2021

Coming into force 4th October 2021

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^(a).

Citation, commencement, extent and interpretation

1.—(1) These Regulations may be cited as the Drivers' Hours and Tachographs (Temporary Exceptions) (No. 3) Regulations 2021 and come into force on 4th October 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 cumulative impacts of the Covid-19 pandemic, an acute shortage of goods vehicle drivers, and unusual fuel buying patterns, which adversely affect the carriage by road of goods;

“relaxation period” means the period beginning with 4th October 2021 and ending with 31st October 2021;

“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) where the driver is engaged in domestic goods transport operations during the relaxation period;

(a) EUR 2006/561, as amended by S.I. 2019/453, S.I. 2020/1658 and S.I. 2021/135. S.I. 2019/453 amended Article 14 and inserted Article 25A. S.I. 2021/135 amended Article 8.

- (b) where that driver has reasonable grounds to believe that there are exceptional circumstances which makes compliance with Articles 6 and 8 of the Drivers' Hours Regulation not reasonably possible; and
 - (c) where that driver is driving a vehicle operated by a transport undertaking, that transport undertaking also has reasonable grounds to believe that there are exceptional circumstances which makes compliance with Articles 6 and 8 of the Drivers' Hours Regulation not reasonably possible.
- (2) A driver may rely on the temporary exception in regulation 3 or those in regulation 4 but not both.

Temporary exception to daily driving time

3. In relation to Article 6, in the second sentence of paragraph 1, the daily driving time may be extended to at most 10 hours not more than four times during the week.

Temporary exceptions to weekly driving time and rest periods

4.—(1) In relation to Article 6, in paragraph 3, where a driver relies on the exception in paragraph (2), the driver may exceed the total accumulated driving time during any two consecutive weeks of 90 hours by up to 9 hours.

(2) In relation to Article 8, in paragraph 6, a driver may take two reduced weekly rest periods of at least 24 hours followed by two regular weekly rest periods, provided that—

- (a) any reduction in a weekly rest period shall be compensated for by an equivalent period of rest taken before the end of the third week following the week in question; and
- (b) any rest taken as compensation for a reduced weekly rest period—
 - (i) must be taken as an extension to a regular weekly rest period, and
 - (ii) may be taken divided over two consecutive regular weekly rest periods.

Sunsetting of these Regulations

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

Signed by authority of the Secretary of State for Transport

At 8.37 a.m. on 30th September 2021

Vere
Parliamentary Under Secretary of State
Department for Transport

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations provide for temporary exceptions to some of the requirements in Articles 6 and 8 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 4th October 2021 to 31st October 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 cumulative impacts of the Covid-19 pandemic, an acute shortage of goods vehicle drivers and unusual fuel buying patterns. Regulation 5 provides that these Regulations cease to have effect on 1st November 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.

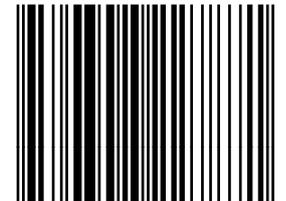
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