



Re: Temporary derogation from driving and resting time rules for the drivers of vehicles undertaking the transport of goods between the UK and **IRELAND** and within Ireland

14th Dec 2024

The Road Safety Authority (RSA) and the Department of Transport (DoT) have agreed to allow a temporary and urgent derogation in respect of certain provisions of the driving and resting time rules. The derogation will apply to the drivers of vehicles undertaking the transport of **GOODS** between the UK and IRELAND and within Ireland.

The move is being made because of the emergency faced by Irish hauliers due to damage caused to the port in Holyhead during Storm Darragh, which is disrupting supply chains in the lead into Christmas.

Coming into effect: The derogation will apply for a period of 14 days and will run from 14th Dec 2024 to 27th Dec 2024. For this period, the following provisions will be temporarily relaxed as follows:

- Derogation to Article 6(1) of Regulation 561/2006 and Article 4(1) of **Section 2 of Part B of Annex 31 to the TCA:** the daily driving limit is increased from 9 hours to 11 hours two (2) times per week.
- Derogation to Article 6(2) of Regulation 561/2006 and Article 4(2) of **Section 2 of Part B of Annex 31 to the TCA:** the maximum weekly driving limit is increased from 56 hours to 60 hours.
- Derogation to Article 6(3) of Regulation 561/2006 and Article 4(3) of Section 2 of Part B of Annex 31 to the TCA: the fortnightly driving limit is increased from 90 hours to 102 hours.
- Derogation to Article 8(6) of Regulation 561/2006 and Article 6(6) of **Section 2 of Part B of Annex 31 to the TCA:** the rules relating to weekly rest are



being relaxed by allowing drivers to take a reduced weekly rest of at least 24 hours in each consecutive week during the relaxation period. There will be no obligation on a driver to take at least one (1) regular weekly rest period in any two consecutive weeks until the derogation expires. Furthermore, there will not be any requirement for compensation where reduced weekly rest is being taken.

• Derogation of Article 9(1) of Regulation 561/2006 and Article 6(12) of Section 2 of Part B of Annex 31 to the TCA: the permitted period of interruption where a driver accompanies a vehicle which is transported by ferry or train and takes a regular daily rest period or a reduced weekly rest period in a sleeper cabin, bunk or couchette is being increased from 1 hour to 2 hours.

While the derogations are proposed for an initial 14-day period, the RSA and the DoT will keep this under review and consider the need for an extension of same based on further engagement with the relevant stakeholders.

While the current situation may impact on driving time, driver safety or other road user's safety must not be compromised. Drivers should not deviate from the rules if it jeopardises road safety nor should they be expected to drive whilst tired. Employers remain responsible for the health and safety of their employees and other road users.

There is no change to the rules relating to working time.

For the avoidance of doubt, this is a national derogation and does not apply outside of the jurisdiction of Ireland. It will apply in Ireland to all drivers in scope of the derogation and will be allowed by Ireland's Road Safety Authority Enforcement Officers. Enforcement of drivers hours rules in other jurisdictions is a matter for the relevant competent authorities in each country, but UK (and other Member State) authorities will be notified of the temporary derogation taken by Ireland and those countries are obliged to take the details of the derogation into account for enforcement purposes (i.e. drivers should not be subject to enforcement in any other jurisdiction for exceeding the rules in accordance with the temporary derogation.

Notes:

Operator obligations: The RSA wishes to emphasise that HGV operators are required to mitigate the risks of disruption to transport operations and to plan accordingly and ensure compliance with the rules.

Appropriate arrangements must be put in place to record any extra driving time being undertaken by drivers availing of the derogation. Drivers must record on the back of their analogue tachograph charts or digital tachograph printouts (as soon as they finish their daily working period) the reasons and justification why they are exceeding the prescribed limits. Where there is a failure to do so, this will cause delays and issues at inspections. The practical implementation of this temporary relaxation of the rules should be agreed by employers with their drivers.

HGV operators must put in place contingency measures to cater for emergency and urgent situations, and this must be properly documented and retained for inspection. Documentary evidence in support of the reason for taking extra driving should retained for at least 12 months. Any deviation from the driving and resting time rules must be a last resort. During inspections, the history of the driver and operator overall compliance with the rules will be carefully assessed.