



Advice received from DVSA Weekend in-cab rest enforcement

10 October 2017

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Introduction

Recently DVSA announced it is to commence enforcement of weekend “in-cab” rest from the 1st November 2017. The RHA requested further clarification from DVSA and the Department for Transport on how the enforcement will be managed so that operators and drivers are not caught out by the planned changes.

Today, Gareth Llewellyn, Chief Executive of the DVSA provided Richard Burnett, CEO of the RHA, with clarification on the enforcement of in-cab weekly rest restrictions. So members and others are clear about the forthcoming enforcement, this advice is quoted in full below.

DVSA Advice as received.

Quote:-

Background

There are ongoing and severe problems with inappropriate weekend parking of lorries in parts of Great Britain. In line with European law DVSA will be enforcing a ban on lorry drivers taking full weekly rests in cabs on or adjacent to public roads. This will include lay-bys and other public parking places that have no toilet, shower and food facilities.

Policy

Up to 31st October DVSA has and will continue to warn drivers suspected of taking full weekly rests in cabs on or next to public roads.

From 1st November, DVSA will start to sanction drivers who take full weekly rest breaks in cabs outside formal rest areas (i.e. service areas and truck stops), including by:

- Financial penalty deposits/fixed penalty notices of £300;
- Prohibitions on the driver until the full weekly rest is properly taken, i.e. outside the cab or in a formal rest area;
- Reporting operators involved to their licensing authorities, including abroad.



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A full weekly rest break (including extended compensatory rest being taken for an earlier shortened weekly rest) taken in whole or in part in a cab outside a formal rest area will not be considered a valid full weekly rest break for enforcement purposes.

There will be no sanctions related to using the cab for sleeping during limited weekly rests and overnight rests.

Only current offences will be sanctioned – the latest full weekly rest will be considered.

Enforcement Tactics

There will be targeted enforcement with other agencies directed at inappropriate locations, including where the problems are most intense (such as in Kent and on the approaches to certain ports elsewhere). DVSA will be influenced by the wider public and safety interest in what sanctions it deploys, including in considering whether to prohibit driving.

The enforcement of full weekly rest may include sanctions against drivers in the process of taking the full rest, but who have not completed it. It will need to be clear from the tachograph records that, to comply with the minimum rest rules, the driver could only be interpreted as in the process of taking a full weekly rest. A driver found doing this could be prohibited for 45 hours from the enforcement encounter, hence obliging him to 're-start' his full weekly rest.

DVSA may use roadside checks that take place at a point when the driver is not currently taking a full weekly rest to check on in-cab sleeping. Where DVSA suspects the last full weekly rest has been taken in the cab outside of a formal rest area it will consider:

If the tachograph (and for vehicles in international use, times of entry into the UK) indicates that it is plausible that the driver was at his home address or the vehicle at its base during the weekly rest, if so then no action will be taken.

If proof can be provided that the full weekly rest was taken appropriately (including evidence of rest taken outside the cab or in a formal rest area), then no action will be taken.

The safety of our staff is of paramount importance, and where we feel there may be a risk to our staff, either from waking a driver or where alcohol may be involved, we will ask the Police to accompany.

End Quote.

We would like to thank DVSA for providing the above information for our members.



The Road Haulage Association

About the RHA

- The Road Transport Industry is a dynamic, business critical sector upon which the UK economy depends. The Road Haulage Association (RHA) is the only UK trade association dedicated solely to the needs of UK road transport operators. It is the voice of the road haulage profession, a champion of its interests and a respected partner to the broader logistics community. We represent approximately 7,000 member companies.
- Largely taken for granted, these companies provide an essential service on which the people and businesses of the UK depend. The food we eat, the clothes we wear, the houses we live in and the places where we work all depend upon road haulage working efficiently to get goods to where they need to be.

10 October 2017
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