

Recording Domestic Hours Using Tachograph

Vehicles used for the carriage of goods that are out of scope or exempt from the EU drivers' hours rules are subject instead to domestic drivers' hours rules of the relevant country.

This Fact Sheet examines the issues surrounding operations subject to the GB domestic drivers' hours rules when using a digital tachograph to provide records.

Requirements

Under the domestic drivers' hours rules, depending on your operation, some drivers are not legally required to keep written records. Regulation 12 of the Drivers' Hours (Goods Vehicles) (Keeping of Records) Regulations 1987 requires driving records to be kept for vehicles driven within scope of operator licensing, but there are exemptions depending on the time/distance driven.

Definition of driving

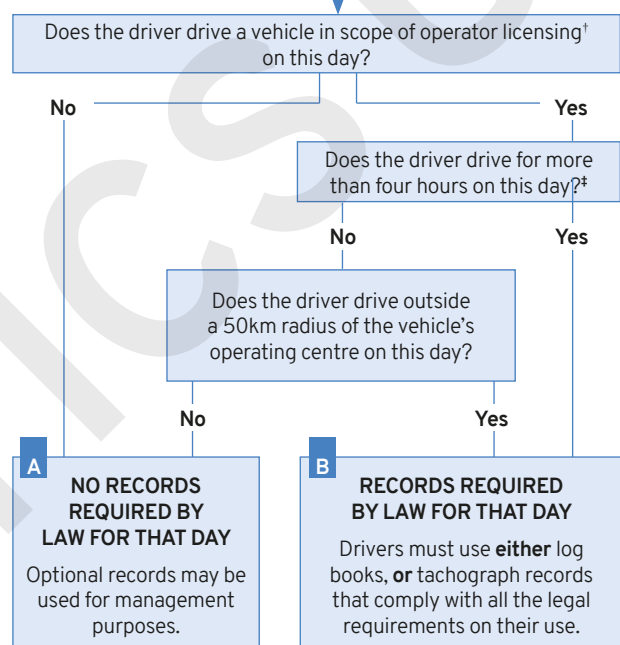
For clarity, in GB legislation, Section 103(3) of the 1968 Transport Act defines driving as where 'a person is at the driving controls of the vehicle for the purpose of controlling its movement, whether it is in motion or is stationary with the engine running.' The flowchart opposite will help to determine if operations are required to keep records.

Operations that fall into box A could choose not to keep any records. This Fact Sheet however, relates to those who are likely to choose to keep optional records for management purposes utilising the tachograph.

Those whose operations fall within Box B are legally required to keep records. If operators choose to use a tachograph rather than a log book to make legally required records, they must comply with ALL of the rules in relation to the tachograph's fitment and use, including driver card use, downloading (driver cards within 28 days and the vehicle unit (VU) within 90 days) and production of records at the roadside.

Record keeping options

For domestic hours operations, there are several options in relation to the use of vehicles fitted with digital tachograph recording equipment.



† This exemption does not apply to drivers of Crown vehicles which would have needed an operator's licence if the vehicles had not been Crown property. If this is the case answer 'yes' to this question in the flowchart.

‡ Any off-road driving carried out for agriculture, forestry, quarrying, building work, civil engineering or road maintenance does not count towards this total.

Ignore the tachograph

This may be the preferred option for operations or vehicles that are entirely out of scope of EU rules. Records would need to be kept in a log book.

Use a log book with the tachograph set to out of scope

This may be the preferred option for those operations or vehicles that are mostly, but not entirely, out of scope of the EU rules. Where analysis for EU rules compliance must be carried out for drivers using the vehicle, the out of scope flag on the tachograph recording will help to qualify periods where vehicles have been driven without a drivers' card.

Use the digital tachograph to record domestic drivers' hours rules

This may be the preferred option for regular mixed driving operations or vehicles, or for those managers who wish to standardise record keeping across a mixed fleet.

Out of scope flag

This can be activated with or without driver/company cards being inserted using the digital tachograph's menu. The flag remains until either; a driver card is inserted or withdrawn, or someone changes it back using the menu.

There is no specific legal requirement to record out of scope in this way, but it will indicate to analysts, managers and enforcement officers interrogating the equipment the periods of time for which the vehicle is being used on an out of scope activity.

Recording other work

When taking over the vehicle, the driver should insert their card and use the tachograph to record their activities in accordance with the manufacturers' instructions. At the beginning of periods where the driver is out of scope of the EU rules, the driver should put the out of scope flag on the recordings.

Under the EU drivers' hours rules, drivers are required to record all other work and rest, including work for other employers, within a fixed week (00:00 Monday – 24:00 Sunday) where in-scope driving has been undertaken. 'Other work' also includes driving an out of scope vehicle.

These records should cover all periods of activity such as driving and periods of inactivity such as breaks, rest periods, sickness and leave, for **each and every** day including weekends.

Operators will need to consider which method(s) of recording information on non-driving days will suit their operations and existing record keeping arrangements. When driving an in-scope vehicle the driver must be able to produce these records at the roadside.

Mixed driving days and tachographs

A driver is driving an out of scope vehicle, fitted with a digital tachograph, in scope of the domestic hours regulations. During the same day their operation means they come into scope of the EU rules whilst using the same vehicle, they must follow one of the following procedures.

When ignoring the tachograph

When the driver comes in scope of the rules they should insert their driver's card. Using the prompts and menus they must enter their details as per manual entry requirements.

When using a log book with the tachograph set to out of scope

As above, when coming into scope they should insert their card (automatically removing the out of scope flag) and complete any required manual entries. Remember, any driving under the domestic rules is classed as other work under the EU rules.

When using the digital tachograph to record domestic drivers' hours rules

The driver will already have their card in the equipment. Using the menu on the tachograph, remove the out of scope flag at the moment they become in scope.

Company cards and downloading

If the tachograph is used to replace a legally required domestic hours record, you will need a 'company card' to download data. It's also important to know that the VU will record vehicle activity even without a driver card inserted, so it's worth considering using a 'company card' even if you don't use the tachograph as it will 'lock-in' your data and ensure it is protected. This means that only your company card will be able to access the data and ensure you are able to access the data, should you choose later to download it for management purposes. Data cannot be locked in retrospectively and therefore this should be done immediately on receipt of any vehicle prior to its first use.

Calibration of digital equipment

The Department for Transport has confirmed that vehicles fitted with a digital tachograph, regardless of use, must be activated, calibrated, and sealed with a plaque fitted. Provided the seals remain intact and the vehicle remains out of scope of the EU drivers' hours rules, the tachograph will not have to be recalibrated every two years. Operators would however need to ensure that the calibration was in date before any in-scope EU driving took place, so it may be beneficial to keep the calibration up to date.

Drivers must...

- Ensure that the tachograph is calibrated.
- Ensure that their driver card is inserted into the correct slot.
- Carry sufficient supplies of type-approved print roll on board the vehicle so that a printout can be produced at an enforcement officer's request.
- Ensure that the tachograph is working properly and use the correct modes.
- Ensure that the card is not removed from the tachograph during the working day unless otherwise authorised.
- Make their cards available for downloading by their employer.
- Be able to produce at the roadside:
 - Charts and any legally required manual records for the current day and the previous 28 calendar days.
 - The driver's card if they hold one.
- Sign a hard copy of data when required to do so by a DVSA examiner or a police officer.

References

Article 4(j) of retained Regulation (EC) 561/2006 (EU drivers' hours rules)

1968 Transport Act

Regulation 12 of the Drivers' Hours (Goods Vehicles) (Keeping of Records) Regulations 1987



mac@logistics.org.uk
0370 605 0000*