

Advice and Information

Equipment

Tachographs

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Introduction

Since the introduction of EC legislation on driver's hours (Regulation (EC) 561/2006), the main requirements of which came into force on 11 April 2007, there has been speculation as to whether the operation of section 19 / 22 permit vehicles were within the scope of the Regulations.

The Regulations clarifies the following:

- Weekly driving limits
- Requires more frequent and evenly spread breaks
- Increases daily rest requirements
- Updates exemptions and national derogations.

The Regulations for digital tachographs mean that new technology can be used to ensure the security of recording drivers' hours. Commercially operated vehicles with between 10 and 17 seats that have been first used or operated after 1 May 2006 are now legally required to have a digital tachograph fitted. Commercially operated vehicles registered prior to 1 May 2006 are also legally required to have a functioning tachograph, either analogue or digital fitted whichever is appropriate. Those commercially operated vehicles which were not required to be fitted with tachographs but will be as of 11 April 2007 will have until 31 December 2007 to ensure they are fitted.

When a tachograph is not used or seldom used at all before the vehicle is used within the scope of EU rules operators need to ensure that the tachograph:

- Has been issued with a valid inspection plaque
- Has been satisfactorily inspected within the last two years with an appropriate, valid plaque
- Is properly sealed, and
- Is in good working order.

A tachograph fitted to a vehicle, which is never used under the EU rules, must, if it is acting as the sole speedometer on the vehicle, still have an installation inspection, be issued with an installation plaque and be properly sealed. Provided the seals remain intact and the vehicle is not subsequently used for an operation falling within the scope of the EU rules, it is not necessary to have the tachograph inspected or re-calibrated again.

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GB domestic Rules

Some types of vehicle are exempt from EU rules. This means they come under GB domestic rules in the UK, more information can be found on the gov.uk website. This includes vehicles with between 10 to 17 seats used exclusively for non-commercial passengers, eg minibuses used by voluntary and community groups

The derogation exemptions allow vehicles with between 10 and 17 seats used exclusively for the non-commercial carriage of passengers to be exempt from having to fit and use tachographs.

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Volunteer Drivers

Volunteer drivers of section 19 standard permit minibuses do not fall into any drivers' hours regulations. CTA suggests that volunteers follow best practice. MiDAS (Minibus Driver Awareness Scheme) states:

When there is not legal limit to the number of hours a driver can be on duty or indeed the amount of time a driver can be at the wheel, then a common-sense approach must be adopted.

Drivers should not be driving for any significant length of time after a day's work or during the normal hours of sleep. It is also important to remember that drivers should not drive when they are feeling tired or unwell or on any medication which may affect their driving.

Adequate rest periods of 15 minutes or more after every two hours of driving should be included on longer journeys and use made of a second driver where possible.

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Employee Drivers

Employee drivers of section 19 standard permit minibuses fall into GB rules; these apply to journeys within Great Britain and do not require the use of a tachograph.

GB Domestic Rules

The GB rules apply to most passenger-carrying vehicles and goods vehicles that don't have to follow the EU rules.

Duty time

If you work as a driver for an organisation, duty time is any working time. If you're self-employed, duty time is only time you spend driving the vehicle or doing other work related to the vehicle or its load.

Breaks and continuous driving

After 5 hours 30 minutes of driving you must take a break of at least 30 minutes for rest and refreshment. Or, within any period of 8 hours 30 minutes, you must take at least 45 minutes in breaks. You must also have a break of at least 30 minutes at the end of this period, unless it's the end of the working day.

Length of working day ('spreadover')

You must not work more than 16 hours between the times of starting and finishing work - including non-driving work and any times when you're off.

Daily rest periods

You must take a rest of 10 hours before the first duty and immediately after the last duty in a working week. You must take a rest of at least 10 hours between 2 working days (or spreadovers) - this can be reduced to 8.5 hours up to 3 times a week.

All duties must start and finish within a 24-hour period.

Fortnightly rest periods

Every 2 weeks you must take at least one period of 24 hours off duty.

A fixed week is from 00:00 hours on Monday to 24:00 hours the next Sunday.

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Section 19 or 22 Large Buses

A section 19 or section 22 large bus permit allows a bus with 17 or more passenger seats to be operated for hire or reward by organisations concerned with education, religion, social welfare or other activities of benefit to the community on a non-profit making basis.

Drivers of vehicles with 17 or more passenger seats, whether they are employees or volunteers, are always subject to EU drivers' hours and therefore the vehicle should have a tachograph fitted.

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PSV Operator Licensed Vehicles

Commercially operated PSV passenger carrying vehicles must have a digital tachograph fitted if the vehicle was first used or operated after 1 May 2006. Vehicles that were first used or operated before that date need either an analogue or digital tachograph.

For PSV regular services on routes not exceeding 50km and including home to school contracts, drivers need to follow the GB rules as outlined above, operating only this type of service does not require the vehicle to be fitted with a tachograph.

For PSV non-regular services on national operations drivers need to follow EU rules these services include excursions, tours and private hire operations and because drivers need to follow EU rules the vehicle will need to be fitted with a tachograph.

When drivers are required to comply with EU rules, all their time spent in the course of work must be recorded. This includes driving exempt vehicles; those subject to domestic regulations as well as off road driving and time spent travelling to or from a vehicle subject to EC regulations where that vehicle is away from base. This time should be recorded as other work.

If driving duties are subject to EU and GB rules the driver must comply with EU rules whilst driving 'in scope' vehicles and may comply with either set of rules when driving a vehicle subject to domestic

rules. At all times drivers comply with GB domestic duty and daily driving limits (i.e. 10 hours' driving and 11 hours on duty).

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Tachographs

Analogue Tachographs

A tachograph is the required method of record keeping for vehicles subject to EU rules. The tachograph has a long history, it was first used in the 1920s and although today's analogue tachographs are more sophisticated they still rely on simple styluses to engrave traces onto specially treated paper charts.

Digital Tachographs

Digital tachographs are similar in appearance to a modular analogue tachograph. They come in separate parts, a vehicle unit and a speedometer - but that is where similarities end. In all other aspects this is a totally different animal.

The Vehicle Unit (VU) is located within the driver's area of the vehicle cab. It sends a signal to the speedometer / odometer unit that is located where the driver has a clear view of it. The vehicle unit still receives a signal from the vehicle (usually from the gearbox) as the analogue units do, via a cable.

The VU is able to hold data on drivers of the vehicle and their periods of driving and duty for about a 12-month period. It will also hold data relating to faults, attempts to tamper with the system, over speeding, calibration details, and when data has been accessed, for example, by Driver and Vehicle Standards Agency (DVSA) staff or Police.

Drivers, companies (operators), workshops (tachograph calibration centres) and enforcement officers (DVSA staff or Police) will each have smart cards according to their specific needs. These enable them to use and / or give access to the data in the VU.

Driver Cards

The Driver smart card is a plastic card similar in size to a photo driving licence / credit card, with a microchip in it. Before commencing a journey drivers are required to insert their driver card(s) into the 1st or 2nd slot (driver or co-driver) on the front of the Vehicle Unit (VU). Other details will be recorded automatically by the tachograph - driver name, vehicle registration number, start and finish odometer readings and place code.

Drivers will still need to record their different activities - driving, other work, breaks and rest by changing the mode switch, and swap the cards between driver and co-driver slots when double manned.

Details of time spent working away from the vehicle are input manually into the tachograph. The system also records details of any faults, interference, errors and over speeding that occur. This information will be stored for at least 28 days on their personal driver card and for at least a year in the VU.

Company Card

The company card is a plastic card similar in size to a photo driving licence / credit card, with a microchip in it. It allows organisations to 'lock' data recorded in the VU (tachograph) to prevent another operator looking at the data. Operators will need to do this in order to ensure they protect the personal information of themselves and their driver(s), and details of work patterns and times from competitors.

The card also allows operators to download the information from the VU in order that they can carry out checks on drivers' hours and rostering etc as required by the legislation, and to maintain records described in the undertakings of their PSV operator licence issued by the Traffic Commissioner.

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Exemptions

Vehicles used for driving instruction and examination with a view to obtaining a driving licence or a certificate of professional competence, provided that they are not being used for the commercial carriage of goods or passengers are exempt from EC Drivers' Hours.

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At a glance

| Type of operation | 8 or fewer passenger seats | 9 to 12 passenger seats | 13 to 16 passenger seats | 17 or more passenger seats |
|---|---|--------------------------------|---------------------------------|-----------------------------------|
| UK journeys - Permit 19 and Permit 22 vehicles driven by volunteer or private use | Drivers' hours rules don't apply | GB domestic rules | GB domestic rules | EU rules |
| UK journeys - Permit 19 and Permit 22 vehicles driven by employee | Drivers' hours rules don't apply | GB domestic rules | GB domestic rules | EU rules |
| PSV - Regular service on route not exceeding 50km | GB domestic rules | GB domestic rules | GB domestic rules | GB domestic rules |
| PSV - National or international regular service on route exceeding 50km | The local rules of the countries you drive in (GB domestic rules in UK) | EU rules | EU rules | EU rules |
| PSV - National or international non-regular service eg commercial excursions, tours or private hire | The local rules of the countries you drive in (GB domestic rules in UK) | EU rules | EU rules | EU rules |

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Further guidance

For further information, see Tachographs: rules for drivers and operators available on [gov.uk](https://www.gov.uk).

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About the Community Transport Association

The Community Transport Association is a national charity that represents and supports providers of community transport: thousands of other local charities and community groups across the UK that all provide transport services that fulfil a social purpose and community benefit. We are for, and about, accessible and inclusive transport.

We help our members remain relevant and responsive to key areas of public policy and to make a big difference for the people and families in the communities in which they work. Our vision is of a world where people can shape and create their own accessible and inclusive transport solutions and our mission is to achieve this through championing accessible and inclusive transport, connecting people and ideas and by strengthening our members and raising standards.

Keep up to date with CTA via our website or by signing up to our monthly [News Brief](#).

About CTA's Advice Service

The CTA's Advice Service is available to CTA members, community and other voluntary groups, local authorities and other statutory bodies. It offers information and support on any aspect of non-profit transport operations. The CTA's Advice Service covers the whole of the UK and is supported by national governments. We will only ever explain the most accurate and commonly accepted interpretation of regulations and best practice. We do this by providing support and information on a wide range of community transport related topics such as permits and licensing regulations and by signposting to other agencies. The Advice Service does not exist to provide legal advice on any topics. If you are still unsure you will need to seek [legal advice](#).

For more information, contact

advice@ctauk.org | 0345 130 6195 | www.ctauk.org

This leaflet has been primarily produced for members of the CTA. If your organisation has benefited from using it but isn't a member please consider joining us, for more details please see: <https://ctauk.org/why-become-a-cta-member>.

Disclaimer:

The Community Transport Association has made every effort to ensure the accuracy of the information contained in this leaflet, but it should be noted that this is only a guide, and should be treated as such.