

For more information

For full details of the legislation, see Regulation (EC) No. 561/ 2006 on harmonisation of certain social legislation relating to road transport.
<http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2006:102:0001:0013:EN:PDF>
or
<http://tinyurl.com/2utwxny>

See also the Irish Government's Statutory Instrument No. 62 of 2008.
<http://www.attorneygeneral.ie/esi/2008/B25863.pdf>

Disclaimer

The contents of this guidance note are expressed in broad terms and they are not intended to be a detailed analysis of Regulation (EC) No. 561/2006 or the European Communities (Road Transport)(Working Conditions and Road Safety) Regulations 2008 (the "Regulations"). They do not, and are not intended to, constitute legal advice or represent a legal interpretation of the Regulations. Whilst every effort has been made to ensure the accuracy of the information contained in this guidance note, the Road Safety Authority, its servants and agents assume no responsibility for and give no guarantee in respect of the accuracy, completeness or up to date nature of the information and do not accept any liability whatsoever arising from any error or omission.

Working to save lives

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RSA



CHAIN OF RESPONSIBILITY

For owners, operators,
drivers and all users of
road transport services

Údarás Um Shábháilteacht Ar Bhóithre
Road Safety Authority

You can be held **legally responsible** if you cause or contribute to breaches of the rules on driving times, breaks and rest periods

Who can be held legally responsible if they cause or contribute to breaches of the rules on driving times, breaks and rest periods?

The answer is **everyone in the transport chain**.

The chain of responsibility in relation to driving time schedules and road safety includes people who have varying levels of involvement with road transport businesses, such as:

- Consignors
- Freight forwarders
- Drivers
- Principal transport contractors
- Other road transport users
- Bus or truck operators
- Tour operators
- Transport subcontractors
- Driver employment agencies

Each of the above can have an effect on how a journey is planned and can influence conduct on the road.



What are the rules relating to drivers' working time?

For professional drivers of buses and trucks, EU and national legislation sets out detailed rules relating to drivers' hours, breaks and rest periods.

The purpose of these rules is to improve drivers' working conditions and to contribute to road safety by reducing the risk of drivers becoming fatigued.

Who is responsible for implementing the rules?

The rules relating to drivers' hours are not just the responsibility of drivers. They are also the responsibility of anyone who, as part of their business, manages, operates, schedules or uses road transport services involving:

- **Goods-carrying vehicles** where the permissible mass of the vehicle, including any trailer or semi-trailer, is greater than 3.5 tonnes; or
- **Passenger-carrying vehicles** that are built or adapted to carry more than nine people, including the driver.



How can you meet your responsibilities?

If you are the transport manager or operator, or if you form **any part of the chain of responsibility** for road transport services, there are a number of steps that you must take to meet your responsibilities:

- You must ensure that all journeys undertaken on your behalf are **properly planned** and allow sufficient time for the driver to take account of reasonably foreseeable traffic congestion, roadworks and bad weather conditions. In planning the journey, you must also ensure that consideration is given to any places where delays generally occur and to how well the driver knows the route.

Any contractually agreed time schedule with a transport undertaking must comply with the EU and national rules on driving times, breaks and rest periods.

You must ensure that drivers are not encouraged to disregard the drivers' hours rules and that no incentive is provided to drivers to breach these rules.

- In planning journey times, you must ensure that the **driver's requirements for daily living** are taken into account – for example eating, breaks, rest and so on. The drivers' hours rules specify maximum daily driving periods and minimum daily and weekly rest periods for drivers.

Time schedules you specify must allow the driver to take the required daily and weekly breaks and rest periods.

RSA booklet

For more information on driving times, rest periods and breaks, see the RSA's *Guide to EU Rules*. This is available for download on the RSA website – see under **Professional Drivers**.

