



Driver *Factsheet 013*

Rules On Tachographs (Goods Vehicles)

Introduction To Tachograph Rules

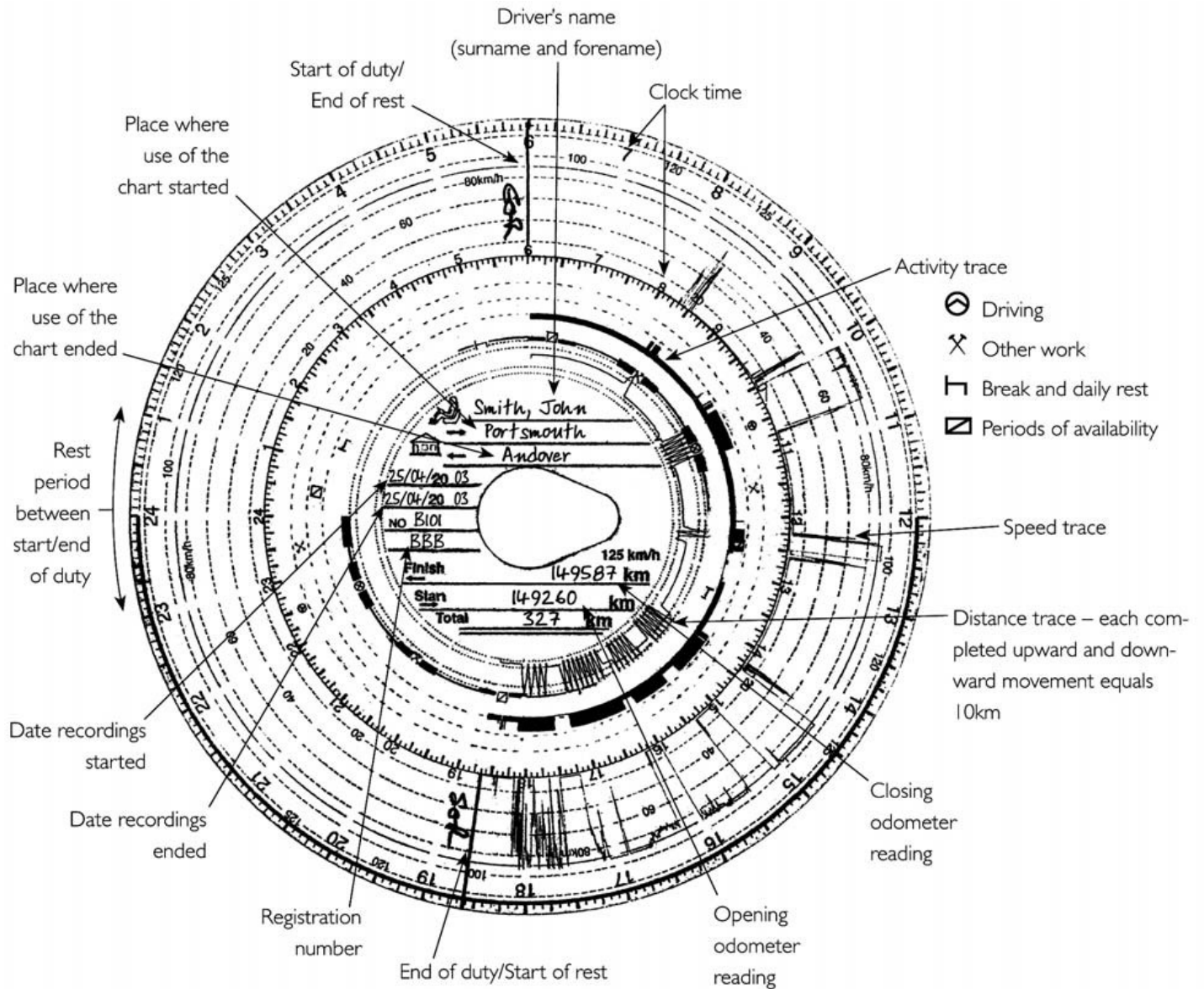
An approved tachograph is the required instrument by which the activities of drivers subject to EU drivers' hours rules, vehicles speed, distance and time are recorded. There are two main types of tachograph, digital or analogue.

The resulting record is to be used to monitor compliance with rules on drivers' hours. The rules on using the tachograph are contained in regulation EU 3281/85 and these depend on whether the vehicle is fitted with an analogue or digital tachograph. These rules **MUST** be observed by drivers.

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Analogue Tachograph

Analogue tachographs mark recordings of speed, distance travelled and the driver's activity (known as the 'mode'). The inner part is used by the driver to write details of his name, location of start of journey, end location, date and odometer readings. The reverse of a tachograph chart normally contains an area for recording manual entries and details of other vehicles driven during the period covered.



Charts and records

Drivers are responsible for correctly operating the instrument in order to accurately and fully record their activities. Specifically, drivers must:

- verify, before using an instrument, that it is correctly calibrated via the attached plaques and ensure that the time displayed is set to the official time of the country in which the vehicle is registered;
- carry enough charts for the whole journey, including spare charts in case any become damaged or dirty;
- use a second chart if a chart is damaged while in use and attach this one to the first chart on completion. There are other occasions when use of a second chart in a 24-hour period is unavoidable, namely when a driver changes to a vehicle with an incompatible tachograph to the chart in use, or he changes vehicle so many times that all the details cannot be accommodated on one chart.
- ensure that the correct type of chart is being used for the specific model of tachograph in use and that enough spare charts are carried;
- not use the charts to cover longer than 24 hours;

- enter centrefield details at the first use of the chart, when changing vehicles and when completing the use of the chart (see 'Centrefield entries' section);
- correctly operate the mode switch in order to accurately record their activities .
- make manual entries on the chart in respect of their activities away from the vehicle, where the rules have been exceeded in an emergency, or to correct a recording;
- make manual entries when the equipment malfunctions and report any such malfunctions to the operator or employer;
- return used charts to the operator within 42 days. This requirement must be complied with even when a driver changes employer;
- permit an Authorised Examiner or police officer to examine the tachograph instrument;
- not remove the chart from the instrument before the end of their duty period unless authorised to do so. The rules are not specific on who can authorise removal of the chart, but cases where charts can be removed include:
 - a change of vehicle;
 - to make manual entries in the event of an emergency, equipment malfunction etc; and
- be able to produce at the roadside:
 - charts and any legally required manual records for the current 'fixed' week and the previous 28 calendar days;
 - the driver's digital smart card if they hold one

Centrefield entries

A driver is required to enter the following information on the centrefield of a tachograph chart that he is using to record his activities:

- surname and first name (the law does not stipulate which order the names are put – but your employer may have a policy on this);
- the date and place where the use of the record sheet begins and ends. The year may be written in full or abbreviated – so both '2007' and '07' are acceptable. If the start and finish places are the same, both must be written on the chart – ditto marks are not acceptable;
- the registration numbers(s) of vehicle(s) driven (which should be entered before departing on a new vehicle);
- the time at which any change of vehicle takes place; and
- the odometer readings:
 - at the start of the first journey;
 - at the end of the last journey; and
 - at the time of any change of vehicle, recording the readings from both vehicles.

Note that the 'total kms' field does not have to be completed.

It is not acceptable for written entries to extend outside the centrefield area if they might interfere with chart recordings. If, for example, the driver's name or a place name is so long it must be abbreviated in order to avoid any possible interference with the recordings, the full name should be noted on the reverse of the chart.

Tachograph charts are required to provide space on their reverse side to record the additional information required in connection with changes of vehicles.

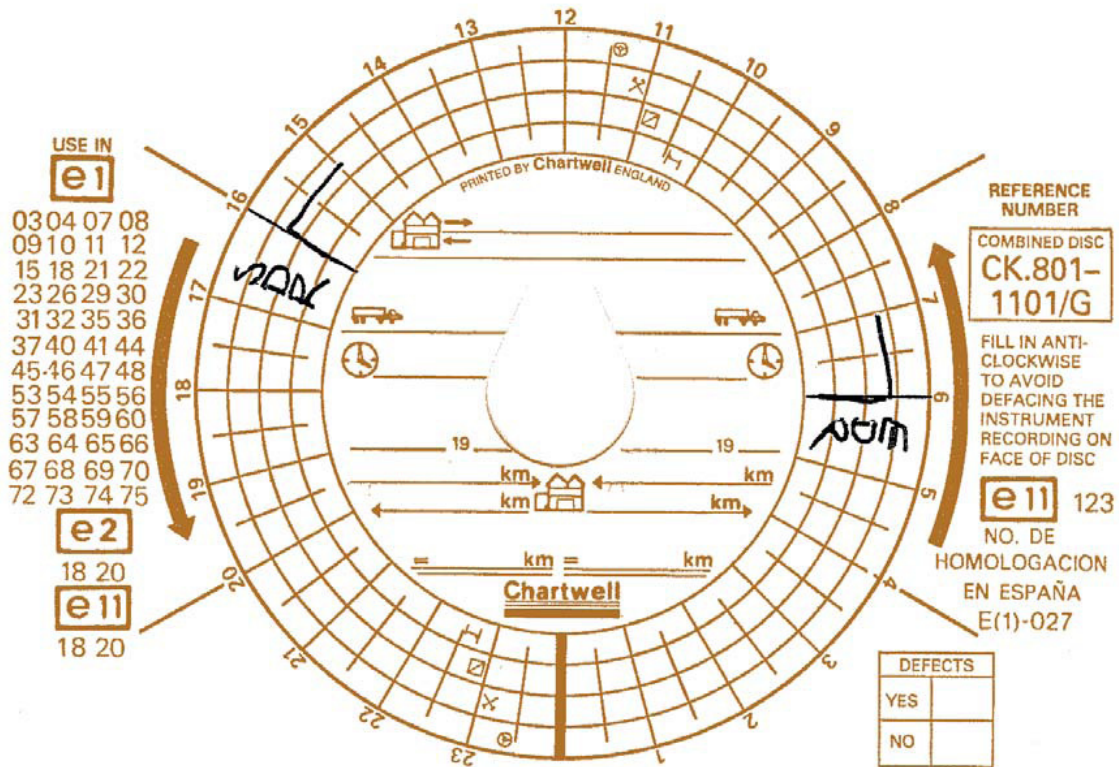
Manual entries

Drivers must produce a record of their whole daily working period. So when drivers are unable to operate the instrument, have not been allocated a vehicle, or are working away from the vehicle and have had to remove their tachograph chart, they must manually record their activities on the chart.

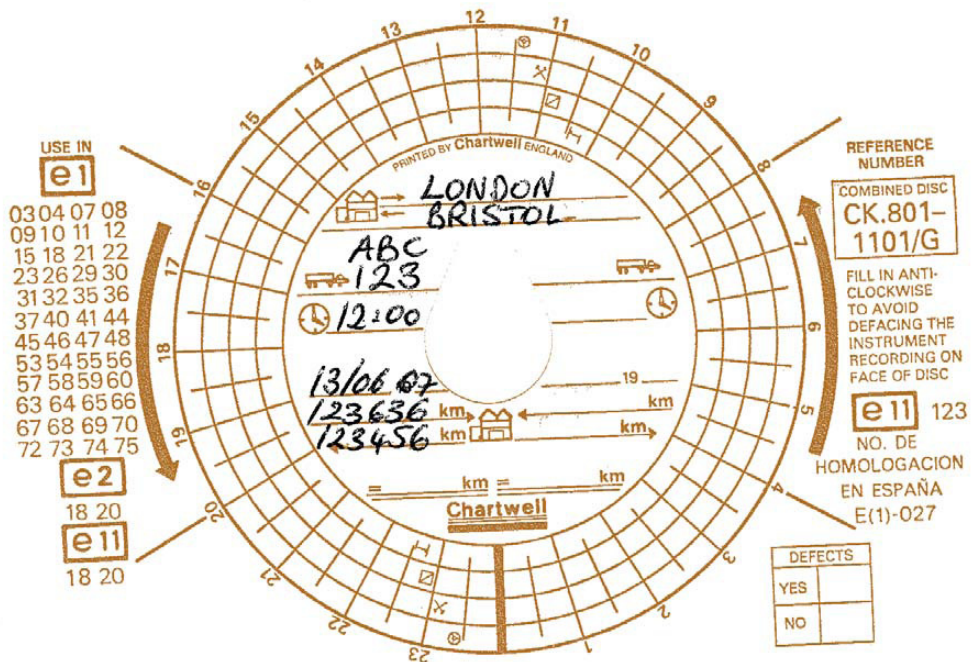
Manual entries may also be needed at other times – for example, if the tachograph develops a fault, or in the event of an emergency (see 'Unforeseen events'). Employers may also ask drivers to indicate on a chart where their duty (or rest) begins and ends, so that they can ensure that a full record has been submitted.

Most analogue charts have a specified place to make manual entries (usually on the reverse). However, manual entries can be made anywhere on the chart provided that they are clear and do not obliterate other recordings.

The following are examples of manual records.

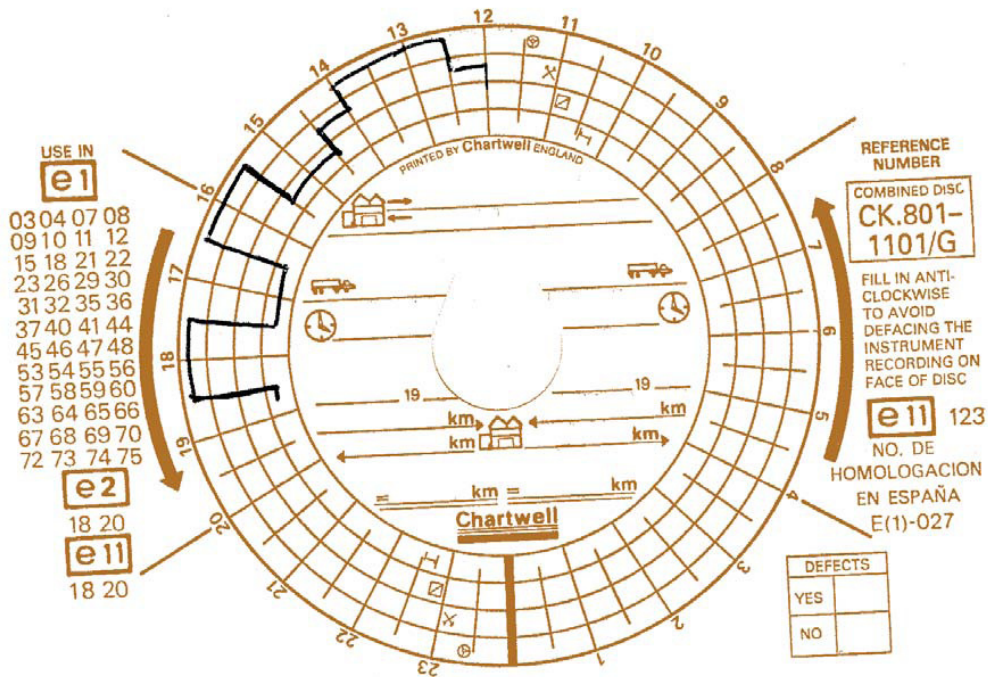


This is an example of manual entries made on the rear of a tachograph chart of a driver who started his day at 06.00 with an hour's work doing other duties away from his vehicle. He also finished his day with an hour of other work away from his vehicle and has indicated both the end and the start of a daily rest period. His activities while with the vehicle are recorded by the instrument on the other side of the chart once it has been inserted.



This is an example of the manual entries that could be made by a driver who changed vehicles at 12.00 in London and continued his duties before finishing in Bristol. All the details of his activities and his name are listed on the other side of the chart

TACHO
 FAULTY
 12:00 *Rou*



This is an example of the manual entries that could have been made by a driver who discovered a tachograph fault at 12.00. He uses the preprinted matrix to indicate his activities for the remainder of his duty until 18.30. He has also noted the reason for his keeping a manual record. All other details are provided on the other side of the chart.

Rules On Tachographs (Goods Vehicles)

Digital Tachograph

Digital tachographs work by storing digital data on the driver and vehicle in their own memory and separately on a driver's smart card. Transport undertakings must periodically download this data from the digital tachograph (known as the Vehicle Unit or VU) and from driver cards and analyse the information to ensure that the rules have been complied with.

Driver cards and records

It is a legal requirement for a digital tachograph-equipped vehicle driven in scope of EU rules that the driver must use a driver card.

If the vehicle is used without a card being inserted, the system will not prevent the vehicle from being driven, but the VU will record the fact that the vehicle has been used without a card.

Drivers may only be in possession of one driver's smart card, and must never use anyone else's card or allow another driver to use their card.

- When driving a vehicle that is equipped with a digital tachograph, drivers should:
- ensure that the instrument is calibrated by inspecting the calibration plaque or interrogating the instrument;
- ensure that their driver card is inserted into the correct slot (driver in slot 1, second driver in slot 2) from the moment they take over the vehicle, and that it is ready for use, before the vehicle is moved;
- record the country in which they begin and end their daily work period. This must always be carried out at the time of the start or end of the period, even if the card is not to be withdrawn or inserted (for example if the card is left in overnight);
- 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 all duties conducted since the driver card was last removed from a tachograph are manually entered onto the card record, using the manual entry facility on the tachograph;
- ensure that the tachograph is working properly;
- ensure that through the daily working period the mode button is used correctly to record other work, periods of availability, and rest and breaks;
- take reasonable steps to protect their card from dirt and damage;
- use only their own personalised driver card to record driving and other activities they undertake;
- ensure that the card is not removed from the tachograph during the working day unless otherwise authorised. The rules are not specific on who can authorise removal of the card, but cases where cards can be removed include a change of vehicle, or where another driver will be using the vehicle during a break or rest period;
- on multi-manning operations ensure that their driver card is placed in the correct slot (slot 1 when they are acting as driver and slot 2 when co-driver on a double-manned journey), when they take over driving;
- make their cards available for downloading by their employer; and
- be able to produce at the roadside:
 - charts and any legally required manual records for the current 'fixed' week and the previous 28 calendar days; and
 - the driver's digital smart card if they hold one.

Mode switch default: Note that digital tachographs will default to recording 'other work' for driver 1 and 'availability' for driver 2 when the vehicle stops, and drivers must use the mode switch correctly to ensure that rest and break periods are recorded correctly.



Lost, stolen or malfunctioning driver cards

Where it is impossible to use a driver card (e.g. where it has been lost, stolen or damaged or is malfunctioning) a driver may drive without the card for a maximum of 15 calendar days (or longer if this is necessary for the vehicle to be returned to its premises) provided that he produces **two** printouts – one at the start of the journey and another at the end. Both printouts must be marked with:

- the driver's name or driver card or licence number, so the driver can be identified;
- any manual entries needed to show periods of other work, availability, and rest or break; and
- the driver's signature.

The driver must report the problem to DVLA and apply for a new card within 7 calendar days.

UTC – the time set on a digital tachograph

The internal clock of a digital tachograph is set to Universal Time Co-ordinated (UTC). The time displayed on the clock face can be set by the driver either to local time or to UTC. However, all data will be recorded by the VU on the time set by the integral clock, which operates on UTC – this is the same as Greenwich Mean Time (GMT). You will need to remember that UTC is one hour behind British Summer Time (BST). So, between 01.00 on the last Sunday in **March** and 01.00 on the last Sunday in **October** drivers must account for the difference when manually inputting activity details in the digital tachograph.

For example, if drivers carried out other work for two hours between 06.00 and 08.00 in June before taking over the vehicle, they must enter this as between 05.00 and 07.00 in UTC time. As mentioned above, it is possible for drivers to set the display time on the VU to local BST, but this will not prevent the VU recording in UTC. Therefore, it is recommended that drivers leave the display time in UTC as a reminder of the difference.

Manual records

A digital tachograph offers the ability for a driver to enter activities carried out by him away from his vehicle. This is by means of the manual input facility offered by the instrument. A true 'manual' record will only be necessary if:

- an instrument malfunction occurs;
- the driver breaches the rules due to an unforeseen event; or
- a record needs to be corrected.

If this happens, the driver should record his activities or reasons on the reverse of a portion of print roll.

Common rules

- Operation of the mode switch or button

Drivers must ensure that the mode switch on an analogue instrument or the mode button on a digital instrument is correctly set to record their activities.

Driving symbol

This is automatically recorded on most tachographs.

Other work	Covers all activities defined as work other than driving in scope of EU/AETR rules. Includes any work for the same or another employer, within or outside the transport sector.
Availability	Covers periods of waiting time, the duration of which is known about in advance. Examples of what might count as a period of availability (POA) are accompanying a vehicle on a ferry crossing or waiting while other workers load/unload your vehicle. For mobile workers driving in a team, a POA would also include time spent sitting next to the driver while the vehicle is in motion (unless taking a break or performing other work, i.e. navigation).
Break or rest	Covers breaks in work and daily or weekly rest periods. Drivers may not carry out any driving or any other work. Break periods are used exclusively for recuperation. During a rest period a driver must be freely able to dispose of his time.

If for any reason the tachograph does not make an accurate record of activities (e.g. if the driver inadvertently makes an incorrect manual entry in a digital tachograph, or fails to correctly operate the mode button or switch), it is strongly recommended that the driver makes a manual tachograph record to this effect. For digital equipment, the driver should make and sign a printout for the relevant period with a note giving details of the error and reason at the time the error is made. For analogue equipment, the record should be made at the back of the chart.

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Additional Info

Multi-manning – second driver record

Some analogue equipment and all digital tachographs will automatically record all time spent as a second driver when the vehicle is in motion as a period of availability and do not allow the mode to be changed to either 'break' or 'other work'. Provided the second driver is not required to carry out any work during this time, enforcement authorities will accept the first 45 minutes of this time as a break from driving. Any periods of other work, however, must be manually recorded on a printout or chart by the driver.

Travelling time

In cases where a vehicle that comes within the scope of EU rules is at a separate location that is neither the driver's home nor the employer's operational centre where the driver is normally based, the time the driver spends travelling to or from that location may not be counted as a rest or break, unless the driver is in a ferry or train and has access to a bunk or couchette.

Mixed records – analogue and digital equipment

It is possible that a driver may during the course of a day drive two or more vehicles where both types of recording equipment are used. Drivers in such a situation must use a driver card to record while driving a vehicle with a digital tachograph and tachograph charts when driving a vehicle equipped with an analogue device.

Note: A driver who is not in possession of a driver card cannot drive a vehicle equipped with a digital tachograph.

Recording other work

Drivers must record all other work and periods of availability – including work for other employers – on all driving and non-driving days within a week where they have undertaken driving that comes within the scope of the EU rules on drivers' hours.

For example, a driver who works in a warehouse on Monday, Tuesday and Wednesday and wishes to drive a vehicle within the scope of the EU rules on Thursday of the same week must complete records for Monday, Tuesday and Wednesday.

The record must be either:

- written manually on a chart;
- written manually on a printout from a digital tachograph;
- made by using the manual input facility of a digital tachograph; or
- for days where a driver has been subject to the domestic drivers' hours rules and a record is legally required, recorded in a domestic log book.

For the non-driving days, the record may simply show the driver's name, the date, and the start and finish of the shift. These records must be carried on the vehicle by the driver to be produced to enforcement officers for the relevant period (see individual sections on how to make manual entries).

Information to operators

A driver who is at the disposal of more than one transport undertaking must provide each undertaking with sufficient information to allow them to make sure the rules are being met.

Rest and other days off

The period of time unaccounted for between successive charts produced by a driver should normally be regarded as (unless there is evidence to the contrary) a rest period when drivers are able to dispose freely of their time. In the UK, drivers are not expected to account for this period, unless enforcement authorities have reason to believe that they were working. Nevertheless, on international journeys it is recommended that letters of attestation from the employer are provided for drivers travelling through other countries to cover any sick leave, annual leave and time spent driving a vehicle which is out of scope of EU/AETR rules during the preceding 28 days. An EU approved attestation form can be downloaded from:

http://ec.europa.eu/transport/road/policy/social_provision/social_form_en.htm

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Enforcements & Penalties

Enforcement powers and sanctions

Powers

Legislation has provided authorised VOSA examiners with powers that include:

- the power to inspect vehicles;
- the power to prohibit and direct vehicles;
- powers relating to the investigation of possible breaches of regulations; and
- the power to instigate, conduct and appear in proceedings at a magistrates' court.

Sanctions

Action taken against drivers' hours and tachograph rules infringements is largely determined by legislation, and includes the following:

- Verbal warnings

Minor infringements that appear to enforcement staff to have been committed either accidentally or due to the inexperience of the driver/operator and are isolated instances may be dealt with by means of a verbal warning. This will include a clarification of the infringement and an explanation of the consequences of continued infringement.

- Prohibition

Many drivers' hours and tachograph rules infringements attract a prohibition. A prohibition is not strictly a 'sanction', rather an enforcement tool to remove an immediate threat to road safety. When issued, driving of the vehicle is prohibited for either a specified or an unspecified period until the conditions stated on the prohibition note are satisfied. Where the prohibition is issued for an unspecified period, a note indicating the removal of the prohibition must be issued before use of the vehicle is permitted. In addition to attracting a prohibition, the matter will be considered for prosecution.

- Prosecution

If it is considered to be in the public interest, more serious infringements are considered for prosecution, either against the driver, the operator or other undertakings, or against all of them.

- Referral to the Traffic Commissioner

Where the driver is the holder of a vocational licence and/or the operator is the holder of an operator's licence, enforcement staff may report infringements by either the driver or the operator to the Traffic Commissioner instead of, or as well as, prosecution. This may occur when enforcement staff believe that the matter under consideration brings into doubt the repute of the driver/operator and subsequently call on the Traffic Commissioner to decide whether any administrative action should be taken against their licences.

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Infringements

Infringements of the EU drivers' hours rules

The law protects from conviction in court those drivers who can prove that, because of unforeseen difficulties, they were unavoidably delayed in finishing a journey and breached the rules.

The EU rules make transport undertakings liable for any infringements committed by their drivers. However, transport undertakings will not be held responsible for these offences if they can show that at the time of the infringement the driver's work was being organised in full consideration of the rules, and in particular that:

- no payments were made that encouraged breaches;
- work was properly organised;
- the driver was properly instructed; and
- regular checks were made.

Transport undertakings must also show that they have taken all reasonable steps to avoid the contravention. Employers also have a defence if they can prove that the driver was involved in other driving jobs that the employer could not reasonably have known about. Where it is found that an undertaking has failed in its obligations, prosecution may be considered against the undertaking for a driver's offence.

In the case of infringements concerning records, the law protects an employer from conviction if they can prove that they took all reasonable steps to make sure that the driver kept proper records.

Under the EU rules, enforcement action can be taken against operators and drivers for offences detected in Great Britain but committed in another country, provided that the offender has not already been penalised.

To prevent further penalties being imposed for the same offence, enforcement agencies must provide the driver with evidence of the proceedings or penalties in writing. The driver is required to carry the documentation until such time as the infringement cannot lead to further action. In GB, this is the same period as the driver is required to produce manual and analogue tachograph records at the roadside.

After this time the driver should give the document to the operator, who must keep it for at least 12 months.

Penalties for infringements of the drivers' hours rules in Great Britain

Maximum fines

As contained within Part VI of the Transport Act 1968 (as amended), the maximum fines that can be imposed by a court of law on conviction are as follows:

- failure to observe driving time, break or rest period rules: fine of up to £2,500 (Level 4);
- failure to make or keep records under the GB domestic rules: fine of up to £2,500 (Level 4);
- failure to install a tachograph: fine of up to £5,000 (Level 5);
- failure to use a tachograph: fine of up to £5,000 (Level 5);
- failure to hand over records relating to recording equipment as requested by an enforcement officer: fine of up to £5,000;
- false entry or alteration of a record with the intent to deceive: on summary conviction fine of £5,000, on indictment two years' imprisonment;
- altering or forging the seal on a tachograph with the intent to deceive: on summary conviction fine of £5,000, on indictment two years' imprisonment; and
- failure to take all reasonable steps to ensure contractually agreed transport time schedules respect the EU rules: fine of up to £2,500 (Level 4).

Fixed penalties and deposits

Following the Road Safety Act 2006, fixed penalties and deposits are likely to be introduced during 2008. Infringing drivers with verifiable UK addresses will, in the most routine cases, be dealt with by means of a fixed penalty, which can be considered by the driver for up to 28 days. Drivers without a verifiable address will be asked to pay a deposit equal to the fixed penalty and further driving will be prohibited pending receipt of that payment. This is predicted to result in fewer court prosecutions. More serious and multiple offences will continue to be prosecuted through the courts.

