

## **Rules applicable in emergencies whether or not a relaxation is in place**

There is an exemption in Article 3(d) of the EU drivers' hours regulations for "vehicles used in emergencies or rescue operations". Although the EU rules do not define an emergency, we consider that this would include any of the events mentioned in the domestic rules. Details of this can be found on the below guidance document:

<https://www.gov.uk/government/publications/emergency-exemption-and-temporary-relaxation-of-drivers-hours-and-working-time-rules/emergency-exemption-and-temporary-relaxation-of-drivers-hours-and-working-time-rules>

Moreover, neither the EU rules nor the domestic legislation define a "rescue" operation. The dictionary definition of 'rescue' is:

Save from a dangerous or difficult situation

('Save' = keep safe or rescue (someone or something) from harm or danger)

The DfT's view is that vehicles engaged in work closely associated with the immediate response to a specific emergency or rescue operation will benefit from this exemption where they are:

- working on alleviating either the immediate impact or effects of the emergency
- rescuing someone/something

Some examples of when the emergency exemption has been used in the past are when:

- heavy snow has blocked roads and operators need to deliver sand to grit roads
- heavy rain has caused flooding and operators need to deliver sand or other materials urgently needed to shore up flood defences
- heavy snow has made it difficult to use the roads and operators need to deliver domestic fuel to people whose health would be at risk from the cold
- heavy snow has made it difficult to use the roads and operators need to deliver fuel/feed to animals in isolated areas whose health would be at risk from cold and starvation

The application of the emergency exemption under Article 3(d) will only be temporary, and will last until the situation is under control and there is no longer a need for immediate preventative action.

The use of the emergency exemption is at the discretion of the driver and transport operator, and does not require authorisation from the DfT; however, drivers should not be expected or asked to drive while tired.

Under health and safety legislation, employers (including transport operators) are required, so far as is reasonably practicable, to ensure the health and safety of their employees while at work and others who may be put at risk by their work activities.

In addition, individuals (including drivers) are required to take reasonable care of their own health and safety, and that of others who may be affected by their actions. Further information can be found on the Health and Safety Executive website.

Therefore, the DfT would not normally expect drivers to:

- drive for more than 11 hours in one day
- have less than 9 hours of daily rest
- work for more than 7 days before the start of the regular or reduced weekly rest (if operating under the EU rules)
- have less than 24 hours weekly rest
- In addition, the DfT would expect drivers to still ensure they take a 45-minute break after 4.5 hours driving.

If an operator believes they are or are about to be engaged in any work that would prevent or alleviate any emergency as described above (or believe they are engaged or are about to be engaged in a rescue operation) – although an authorisation from DfT to apply the exemption under Article 3(d) is not required – it would be good practice for operators to contact DfT immediately, via their lead government department.

This will provide operators with reassurance that they have applied the exemption correctly and ensure enforcement officers are aware of its application in their area.