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Dear Chief Officer

DEAR CHIEF OFFICER (SCOTLAND) LETTER 8/2010:

The EC Drivers' Hours and Tachograph Rules for Goods Vehicles (Regulation 561/2006); Analysis of Fire and Rescue Service Survey and Advice

1. Your attention is brought to the report of a survey of Fire and Rescue Services recently published by Communities and Local Government (CLG) in respect of drivers' hours. CLG and the Chief Fire Officers' Association have surveyed the Fire and Rescue Services to identify the potential impact of the EC Drivers' Hours and Tachograph Rules for Goods Vehicles, particularly on the Retained Duty System. The report reflects the findings of the survey returns for England and provides advice on meeting the provisions of the Rules. Although the survey results relate principally to England, some of the information in the report will be equally valid in Scotland.

Background

2. The EC Drivers' Hours and Tachograph Rules for Goods Vehicles (Regulation 561/2006) came into effect on 11th April 2007. These replaced Council Regulation 3820/85 on drivers' hours and aimed to clarify the rules on driving.
3. The purpose of the Rules is to limit driving time and ensure that proper break and rest periods are taken. The Rules do not provide an exemption from the daily and weekly rest requirements for firefighters who drive vehicles that fall within the scope of the legislation, whether in their primary employment (mainly applicable to the Retained Duty System) or their secondary employment (for example, wholetime duty system firefighters who may have a second job involving driving in-scope vehicles).
4. In response to concerns from within the Fire and Rescue Service that the Rules (i.e. mainly the daily and weekly rest requirements) could have the potential to impact on the recruitment and retention of firefighters employed on the Retained Duty System who drive in-scope vehicles, CLG and the Chief Fire Officers' Association surveyed all Fire and Rescue Services.

Summary of Findings

5. An analysis of the questionnaire returns from 42 Fire and Rescue Services in England that employ Retained Duty System firefighters has been carried out. The summary of the survey findings, together with advice on meeting the provisions of the Rules (drawn up in consultation with the Department for Transport and CFA) can be found on the CLG website at: <http://www.communities.gov.uk/publications/fire/drivershoursrules>
6. If you have any questions regarding this please contact me in the first instance.

Yours faithfully



Graeme Fraser