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for Transport

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Dear Tom,

## **Regulation 28 Report – Driver Hours' for Goods Vehicles under 3.5 tonnes.**

Thank you for providing a copy of your Regulation 28 report dated 19 May 2022, following the Inquest into the death of Mr Sangeerth Girirathan.

Firstly, I would like to place on record my sincere condolences for the death of Mr Girirathan. It is a tragedy when any person dies on our roads and despite Great Britain having some of the safest roads in the world I remain concerned about the 1460 who were killed on our roads in 2020<sup>1</sup>.

Drivers of commercial goods vehicles weighing 3.5 tonnes or less fall in-scope of the GB domestic drivers' hours rules (contained in the Transport Act 1968). According to these domestic rules, in any 24-hour period the maximum driving time is 10 hours and the maximum duty time is 11 hours. Duty includes all periods of work and driving but does not include rest or breaks. If someone is self-employed, duty time is only time spent driving the vehicle or doing other work related to the vehicle or its load. There are no specific break or rest requirements for goods vehicles under these rules.

However, four provisions of the Working Time Regulations 1998 (as amended) apply to drivers operating under these domestic rules. These are an entitlement to 5.6 weeks' paid annual leave, a weekly working limit of 48 hours ('opt out' available), health checks for night workers, and **an entitlement to adequate rest**. Adequate rest is defined as being long and continuous enough to ensure that a driver does not harm themselves, fellow

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<sup>1</sup> <https://www.gov.uk/government/statistics/reported-road-casualties-great-britain-annual-report-2020/reported-road-casualties-great-britain-annual-report-2020> accessed 24 May 2022

workers or others and that they do not damage their health in the long or short term.

The Health and Safety Act 1974 states that businesses are required to provide a safe working environment for drivers and all road users.

The Driver and Vehicle Standards Agency (DVSA) is responsible for the enforcement of the GB Drivers' Hours rules and last year made 15,464 traffic checks on light goods vehicles and 67 different people were fined for Drivers' Hours related offences.

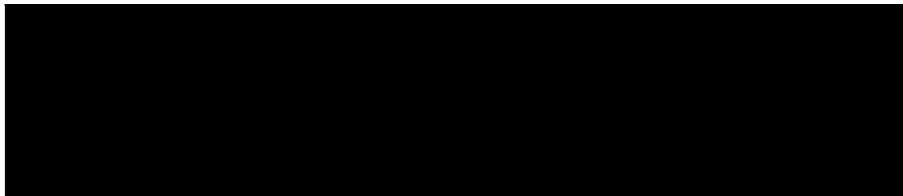
With the information provided in the Regulation 28 report, it is not clear whether Mr Girirathan was working for a company or was self-employed and providing a delivery service.

As I hope you will appreciate, I must point out that the Department is unable to give a definitive interpretation of the meaning and scope of any legislation as this is ultimately a matter for the courts to determine. We can, however, provide the Department's view.

If Mr Girirathan did fall asleep whilst driving then it is the Department's view that he may not have received the required adequate rest and therefore did not have a safe working environment. If you are able to provide us with the details of his employer, we will coordinate with the DVSA and ask them to investigate this case.

Thank you for the Regulation 28 report. I hope I have assured you that there are relevant regulations for the driving of light goods vehicles. I hope you find this information helpful and are assured that the Department are taking appropriate action to respond to your concerns.

Yours ever,



**Rt Hon Grant Shapps MP**

**SECRETARY OF STATE FOR TRANSPORT**