

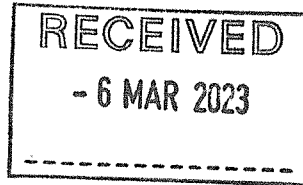


Department  
for Transport

From the Secretary of State  
Rt Hon Mark Harper MP

Great Minster House  
33 Horseferry Road  
London  
SW1P 4DR

Penelope Schofield  
Acting Senior Coroner for  
Brighton and Hove  
The Coroner's Office  
Lewes Road, Brighton  
BN2 3QB



3 March 2022

Dear Penelope,

Thank you for your letter of 5 September to the previous Secretary of State, Grant Shapps, enclosing a copy of your Regulation 28 report dated 30 August 2022, following the Inquest into the death of Jennifer Lilian Davies. I am responding as the new Secretary of State and apologise for the delay in sending you this response and missing your 56-day deadline.

Firstly, I would like to say how sorry I was to hear about the tragic death of Mrs Davies and my sincere condolences go out to her family. 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 any deaths on our roads.

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, an average weekly working limit of 48 hours calculated over a specific reference period of normally 17 weeks (although individuals can 'opt out' of this requirement), 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 workers or others and that they do not damage their health in the long or short term.

The current drivers' hours and working time rules are vital in ensuring the safety of drivers and others on the road and it is important that these rules are adhered to by delivery companies. Any perceived breaches of the rules can be reported to Driver and Vehicle Standards Agency (DVSA), who are responsible for enforcement, via DVSA's confidential hotline on 0300 123 9000 or by email to the DVSA intelligence team at [intelligenceunit@dvsa.gov.uk](mailto:intelligenceunit@dvsa.gov.uk). All calls/emails will be treated in confidence.

In addition to the drivers' hours and working time rules, delivery companies, as employers, have legal obligations under Health and Safety at Work legislation. For example, they 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, they have a legal duty as an employer to manage risks from fatigue, irrespective of any individual's willingness to work extra hours. Therefore, delivery companies should have policies and practices in place to manage the risks of fatigue to ensure their employees do not drive whilst tired, putting themselves and other road users at risk. Any issues can be reported to the Health and Safety Executive on 0300 003 1647 or on-line at: [www.hse.gov.uk/contact/tell-us-about-a-health-and-safety-issue.htm](http://www.hse.gov.uk/contact/tell-us-about-a-health-and-safety-issue.htm).

From the information in Regulation 28 report, it states that the driver had admitted to causing death by driving without due care and attention, it does not make it clear if a contributing factor was the driver being tired or having inadequate rest.

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 the driver of the vehicle did not receive the required adequate rest, then it is the Department's view that the delivery company may not have been adhering to the requirements in both the working time and health and safety legislation. 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 sincerely,

A solid black rectangular box used to redact the signature of the Secretary of State for Transport.

**Rt Hon Mark Harper MP**  
**SECRETARY OF STATE FOR TRANSPORT**