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STATUTORY INSTRUMENTS

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## 2022 No. 1260

### The Drivers' Hours, Tachographs, International Road Haulage and Licensing of Operators (Amendment) Regulations 2022

#### Amendment of Regulation (EC) No 561/2006

2.—(1) Regulation (EC) No 561/2006<sup>(1)</sup> of the European Parliament and of the Council of 15 March 2006 on the harmonisation of certain social legislation relating to road transport and amending Council Regulations (EEC) No 3821/85 and (EC) No 2135/98 and repealing Council Regulation (EEC) No 3820/85 is amended as follows.

(2) In Article 2(1), after point (a)—

(a) omit “or”; and

(b) insert—

“(aa) from 1st July 2026, of goods in international transport operations or in cabotage operations, where the maximum permissible mass of the vehicle, including any trailer or semi-trailer, exceeds 2,5 tonnes, or”.

(3) In Article 3 after point (h) insert—

“(ha) vehicles with a maximum permissible mass, including any trailer or semi-trailer, exceeding 2,5 tonnes but not exceeding 3,5 tonnes that are used for the transport of goods, where the transport is not effected for hire or reward, but on the own account of the company or the driver, and where driving does not constitute the main activity of the person driving the vehicle;”.

(4) In Article 4 after point (n) insert—

“(na) “special regular passenger services” means services by whomsoever organised, which provide for the transport of specified categories of passengers to the exclusion of other passengers;

(nb) “occasional passenger services” means services which are not regular passenger services or special regular passenger services, and which are characterised above all by the fact that they carry groups of passengers assembled at the initiative of the customer or the carrier themselves;”.

(5) In Article 8(6), after the second subparagraph insert—

“By way of derogation from the first subparagraph, a driver engaged in international transport of goods may, outside the United Kingdom or the member State of the employer’s establishment, take two consecutive reduced weekly rest periods provided that the driver in any four consecutive weeks takes at least four weekly rest periods, of which at least two shall be regular weekly rest periods.

For the purpose of this paragraph, a driver shall be considered to be engaged in international transport where the driver starts the two consecutive reduced weekly rest periods outside the United Kingdom or the member State of the employer’s establishment and the country of the drivers’ place of residence.”.

(6) After Article 8(6) insert—

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(1) EUR 2006/561, amended by S.I. 2019/453, 2020/1658 and 2021/135.

“**6a.** By way of derogation from paragraph 6, a driver engaged in a single occasional passenger service of international carriage of passengers, may postpone the weekly rest period for up to 12 consecutive 24 hour periods following a previous regular weekly rest period provided that—

- (a) the service lasts at least 24 consecutive hours in the United Kingdom, a member State or another country or territory to which this Regulation applies, other than the one in which the service started;
- (b) after the use of the derogation, the driver takes—
  - (i) either two consecutive regular weekly rest periods; or
  - (ii) one regular weekly rest period followed immediately by one reduced weekly rest period of at least 24 hours. However, any reduction in that weekly rest period shall be compensated by an equivalent period of rest taken en bloc before the end of the third week following the end of the derogation period;
- (c) after 1st January 2014 the vehicle is equipped with recording equipment in accordance with the requirements of Annex IB to Regulation (EEC) No 3821/85(2); and
- (d) after 1st January 2014, if driving during the period from 22,00 to 06,00, the vehicle is multi-manned or the driving period referred to in Article 7 is reduced to three hours.”.

(7) After Article 8(6b) insert the following subparagraph—

“Where two reduced weekly rest periods have been taken consecutively in accordance with the third subparagraph of paragraph 6, the next weekly rest period shall be preceded by an equivalent rest period taken as compensation for those two reduced weekly rest periods.”.

(8) After Article 8(8a) insert the following subparagraph—

“However, where the driver has taken two consecutive reduced weekly rest periods in accordance with paragraph 6, the transport undertaking shall organise the work of the driver in such a way that the driver is able to return before the start of the regular weekly rest period of more than 45 hours taken in compensation.

The undertaking shall document how it fulfils that obligation and shall keep the documentation at its premises in order to present it at the request of control authorities.”.

(9) In Article 10, after paragraph (2) insert—

“**3.** A transport undertaking, whether established in the United Kingdom, a member State, or another country or territory, shall be liable for infringements committed by drivers of the undertaking, even if the infringement was committed on a territory other than the territory in which it is established. Liability is conditional on the transport undertaking’s infringement of paragraphs 1 and 2. Evidence that the transport undertaking cannot reasonably be held responsible for the infringement committed can be considered.”.