

RSA



Guide to Tachographs in Minibuses

REGULATION (EC) NO. 561/2006

Údarás Um Shábháilteacht Ar Bhóithre
Road Safety Authority

DRUNK WITH TIREDNESSZZZZ?

**Fighting sleep at the wheel
is as dangerous as driving
over the legal alcohol limit**

***TO KEEP DRIVING
FOR ANOTHER HOUR:***

- 1. Find a safe place to park*
- 2. Take 2 cups of strong coffee*
- 3. Take a nap for no more than
15 mins - then stretch your legs*



DRIVER FATIGUE
WAKE UP TO IT!

Guide to Tachographs in Minibuses



What do the regulations cover?

EU Regulation 561/2006 covers the use of tachographs and deals with drivers' hours, breaks and rest periods. Most of the provisions of the Regulation came into force across the EU from 11 April 2007 while certain provisions came into effect from 1 May 2006.

What type of passenger vehicles does the regulation apply to?

The Regulation covers most vehicles built or adapted to carry more than nine people, including the driver, and used to carry passengers within the State and in other EU countries.

Buses with 10 or more seats are subject to the tachograph and drivers' hours rules unless an exemption applies.

Does this include minibuses?

Yes. Buses with 10 to 17 seats are now covered by the regulation on tachographs and drivers' hours. Drivers and bus operators must comply with these rules unless an exemption applies.

Are there any exemptions for minibuses?

There are two categories of exemptions for buses:

- exemptions that apply to buses regardless of where they are driven in the EU (see Table 1);
- exemptions that apply to buses that are operated only within the State (see Table 2).

If you are a bus operator, you should check both tables to see if you qualify for one of these exemptions.

Table 1 – EU-wide exemptions

Exemption <i>(as described in the EU text)</i>	Guidance notes
<p>Vehicles used for the carriage of passengers on regular services where the route covered by the service does not exceed 50 kilometres (30 miles approx)</p>	<p>A regular service is one where passengers are picked up and set down at predetermined stopping points at specified intervals along a specified route. It does not have to be a service for the general public. For example, it could be a school-bus service or a service taking workers to and from work.</p> <p>It is the length of the route that determines whether the exemption applies. If the route is more than 50 kilometres, the rules on tachographs and drivers' hours apply. In computing the route length, do not include the distance going to and from the depot from the start or end of the route.</p>
<p>Vehicles with a maximum authorised speed not exceeding 40 kilometres per hour</p>	<p>This type of vehicle is extremely rare.</p>
<p>Vehicles owned or hired without a driver by the armed services, Civil Defence Services, Fire Services and forces responsible for maintaining public order when the carriage is undertaken as a consequence of the tasks assigned to these services and is under their control</p>	

Exemption <i>(as described in the EU text)</i>	Guidance notes
Vehicles, including those used in the non-commercial transport of humanitarian aid, used in emergencies or rescue operations	This exemption would apply where there is a danger to the life or health of the public, serious interruption to public services or serious damage to property.
Commercial vehicles, which have a historic status according to the legislation of the Member State in which they are being driven and are used for the non-commercial carriage of passengers or goods	Steam-powered passenger vehicles, for example, would qualify for an exemption, but only if passengers are not being carried for profit. Only a small number of operators are likely to seek this exemption.

Table 2 – Exemptions within the State

Exemption	Guidance notes
<p>Vehicles with between 10 and 17 seats used exclusively for the non-commercial carriage of passengers</p>	<p>Minibuses used by the voluntary and community sector where there is no intent to make a profit would qualify for this exemption. The voluntary and community sector includes groups concerned with education, social welfare, religion, recreation, charity or other activities of benefit to the community or particular sections of the community.</p>
<p>A vehicle that is owned or hired without a driver by a public authority to undertake carriage by road, but only if the vehicle does not compete with private transport undertakings</p>	<p>Examples would be minibuses used as ambulances or to transport organs or blood. Vehicles used to provide ambulance services by a public body or at its request would also qualify for this exemption. The vehicle must not be competing with private transport operators for the particular service. A vehicle that is hired must be without a driver.</p>
<p>A vehicle that operates exclusively on islands that do not exceed 2,300 square kilometres in total area and are not linked to the rest of the State by a bridge, ford or tunnel that is open for use by motor vehicles</p>	<p>This exemption is for minibuses used exclusively on islands that are not linked by road to the mainland.</p>

Exemption	Guidance notes
<p>A vehicle that is used for driving instruction and examination leading to the issue of a driving licence or a certificate of competence, but not if it is also being used for the commercial carriage of goods or passengers</p>	<p>This applies to minibuses used by recognised institutions for driving instruction and examination, provided they are not also used to carry goods or passengers for profit.</p>
<p>A specially fitted mobile project vehicle, the primary purpose of which is use as an educational facility while stationary</p>	<p>Mobile libraries, for example, would qualify for this exemption. The key requirement is that the vehicle is specially fitted for use as an educational facility when stationary.</p>
<p>Vehicles used exclusively on roads inside hub facilities such as ports, airports and railway terminals</p>	<p>The bus must remain inside the perimeter fence and may not travel on a public road. If it does, it must be fitted with a tachograph and comply with the rules on tachographs and drivers' hours.</p>

Do I need a tachograph if I use a minibus with between 10 and 17 seats to carry passengers for profit?

Yes, a driver must use a tachograph unless an exemption applies.

Do I need a tachograph if I use a minibus only for non-commercial activities, but the minibus travels outside the State?

Yes, you do because the exemption for non-commercial carriage only applies within the State. An agreement between Ireland and the United Kingdom to recognise the other's exemption from the rules on tachographs and drivers hours is due to be finalised in 2008 or early 2009. Please contact the Road Safety Authority for more information on this agreement.

What rules apply if the minibus is owned by a hotel and used for shuttle services?

As the minibus is part of a commercial operation, it must be fitted with a tachograph and the driver must comply with the rules on tachographs and drivers' hours.

What rules apply if a minibus is used for both school bus services and other services such as bingo runs?

The bus must be fitted with a tachograph. Services such as bingo runs are subject to the rules on tachographs and drivers' hours, breaks and rest periods.

My vehicle is used on a regular national and international services, but is not fitted with a tachograph. Can I avail of a service timetable and duty roster for regular national passenger services and regular international passengers services as in the past?

No. The vehicle must be fitted with a tachograph.

Do I have to use a tachograph if I am only using my minibus on the exempted services?

No, even if a tachograph is fitted, it does not need to be used when a vehicle is used only for the exempted services listed in tables 1 and 2 (see pages 2 - 6 of this guide).

Where can I get a tachograph fitted to a bus?

Contact the bus distributor for information on fitting a tachograph. The tachograph must be fitted and calibrated by an approved workshop.

My minibus does not have a tachograph fitted. What type of tachograph must I fit to the vehicle?

Passenger vehicles first registered on or after 1 May 2006 must be fitted with a digital tachograph. Those vehicles registered before that date can be fitted with either analogue or digital tachograph equipment.

What are my obligations as an operator in relation to tachograph equipment?

As an operator, you must make sure that:

- tachographs are installed in buses that are subject to the tachograph rules;
- tachographs are installed by an authorised tachograph installer;
- the tachograph complies fully with the law;
- the tachograph bears an installation plaque confirming that it has been calibrated and the seals are intact;
- the tachograph is checked every two years by an authorised tachograph installer; and
- the tachograph is recalibrated every six years.

What are my obligations as an employer or operator in relation to managing tachographs?

As an employer or operator, you must:

- organise drivers' work so that drivers are able to comply with the drivers' hours rules;
- inspect drivers' activities to make sure they are conforming with the rules and, if infringements are detected, take steps to prevent any repetition;
- make sure the driver has enough record sheets if he or she is using an analogue tachograph or printer paper for a digital tachograph and that the mode switches are used correctly;
- make sure that the driver uses his or her driver card if the bus is fitted with a digital tachograph;
- keep the record sheets and any downloaded data in good order for at least a year and give copies to the driver if requested;
- give the downloaded data or record sheets to an authorised inspecting officer; and
- if the tachograph is faulty or breaks down, have it repaired by an approved fitter or workshop as soon as circumstances permit. If the bus is unable to return to base within one week of the breakdown or discovery of the defective operation, the repair must be carried out somewhere on the journey back to base.

What are my obligations as an employer in relation to producing tachograph records?

As an employer, you must:

- keep record sheets in chronological order for each driver for one year; and
- make sure that data downloaded from digital cards and the vehicle unit is secure and that they retain their digital signature.

If you fail to obey the rules on tachographs and drivers' hours, you will face legal action.

Who enforces the law relating to tachographs and drivers hours, breaks and rest periods?

The Garda Síochána and RSA Transport Officers enforce the law dealing with tachographs and drivers' hours. The European Communities (Road Transport) (Working Conditions and Road Safety) Regulations 2008 (SI. No. 62 of 2008) authorise Gardaí and Transport Officers to:

- inspect vehicles;
- prohibit the use of vehicles;
- investigate breaches of the law; and
- start prosecutions and take a bus owner or driver to court for breaking the law relating to tachographs and drivers' hours.

The maximum fine for each offence of the EU and national regulations dealing with tachographs and drivers hours is €5,000.

The EU and national legislation also make undertakings such as tour operators, principal contractors, sub-contractors and employment agencies responsible for ensuring that agreed transport schedules respect the rules on driver's hours.

Further information

If you need more information about the rules on tachographs and drivers' hours, please contact the Road Safety Authority on 091 872 600 or e-mail enforcement@rsa.ie.

Disclaimer

This leaflet is intended as a guide only and is not an interpretation of the law.

GET IT ON!



NO SEATBELT NO EXCUSE



Working To Save Lives



Plain English
Approved by NALA

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