

**Public Consultation
on Proposals Related
to
Downloading Timescales
for
Digital Tachograph Data**



25 September 2014



Department of the
Environment

www.doeni.gov.uk

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Date: 25 September 2014

Dear Consultee

Public Consultation on Proposals Related to Downloading Timescales for Digital Tachograph Data

This consultation paper seeks your views on proposals to introduce a maximum period of 90 days for the downloading of data from digital tachographs.

Background and details of the proposals are set out at **Appendix A**.

Who is the consultation likely to be of interest to?

This consultation will be of interest to:

- Drivers and operators of commercial goods vehicles and passenger carrying vehicles;
- Trade Unions representing drivers; and
- Trade Associations representing drivers and operators.

A list of those consulted is attached at **Appendix C**. If you have any suggestions of others who may wish to be involved in the consultation process, please contact Jo Campbell (address below).

Accessing the Consultation Paper and Response Form

Electronic copies of the consultation paper are available on the DOE's website at <http://www.doeni.gov.uk/>. Click the link to 'Consultations'.

If you would like a **hard copy**, please contact Jo Campbell (address below) and she will be happy to arrange this.

If the consultation paper is not in a format that suits your needs, she can arrange for it to be provided in a suitable format. The Department's text phone number has been included to assist the hearing impaired.

How to respond

Responses should be received **no later than 18 December 2014** and should be sent in any of the following ways:-

Form: A response form, which includes all the pertinent questions, is available at **Appendix B**, for your completion.

Write to: **Jo Campbell
Driver Policy Branch
Road Safety and Vehicle Regulation Division
Room G43
Department of the Environment
Clarence Court
10-18 Adelaide Street
Town Parks
Belfast
BT2 8GB**

or

E-mail: **jo.campbell@doeni.gov.uk**

or

Textphone: **028 9054 0642**

When responding, please indicate whether you are responding as an individual or representing the views of an organisation. If responding on behalf of an organisation, please make it clear who the organisation represents and, where applicable, how the views of members were assembled.

If you have any questions on the consultation paper, please contact Jo Campbell on 028 9054 1167.

Freedom of Information Act 2000 – Confidentiality of Consultations

The Department will publish a summary of responses following completion of the consultation process. Your response, and all other responses to the consultation, may be disclosed on request. The Department can refuse to disclose information only in exceptional circumstances. Before you submit your response, please read the paragraphs below on the confidentiality of consultations and they will give you guidance on the legal position about any information given by you in response to this consultation.

The Freedom of Information Act gives the public a right of access to any information held by a public authority, namely the Department in this case. This right of access to information includes information provided in response to a consultation. The Department cannot automatically consider as confidential information supplied to it in response to a consultation. However, it does have the responsibility to decide whether any information provided by you in response to this consultation, including information about your identity, should be made public or treated as confidential.

This means that information provided by you in response to the consultation is unlikely to be treated as confidential, except in very particular circumstances.

The Lord Chancellor's Code of Practice on the Freedom of information Act provides that:

- the Department should only accept information from third parties in confidence if it is necessary to obtain that information in connection with the exercise of any of the Department's functions and it would not otherwise be provided;
- the Department should not agree to hold information received from third parties 'in confidence' which is not confidential in nature;
- acceptance by the Department of confidentiality provisions must be for good reasons, capable of being justified to the Information Commissioner.

For further information about confidentiality of responses, please contact the Information Commissioner's Office at:

Information Commissioner's Office – Northern Ireland

Room 101

Regus House

33 Clarendon Dock

Laganside

Belfast

BT1 3BG

Tel.: (028) 9051 1270

Email: ni@ico.gsi.gov.uk

Website: www.informationcommissioner.gov.uk

Yours sincerely



Nicola McEvoy

Road Safety and Vehicle Regulation Division

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Appendix A:

Background

Drivers' Hours Rules

Within Northern Ireland (NI), either NI domestic or EU rules may apply, depending on the type of driving and the vehicle being used.

The EU drivers' hours rules (Regulation (EC) No 561/2006) apply to goods vehicles over 3.5 tonnes and passenger vehicles with 10 or more seats unless covered by a range of specific EU-wide exemptions and national derogations.

The NI domestic drivers' hours rules apply to most goods and passenger vehicles that are not within scope of the EU drivers' hours rules.

Tachographs

Drivers and operators of vehicles that are in scope of the EU drivers' hours rules are required to fit and use a tachograph – a device which records, in real time, each driver's driving time.

The rules on using the tachograph are contained in Regulation (EC) 3821/85 (as amended). The digital tachograph was first required in new vehicles from 2006 and the previous paper-based analogue tachograph is still used in older vehicles.

Analogue tachograph recordings are made by a stylus cutting traces into a wax-coated chart. Digital tachographs work by storing digital data on the driver and vehicle in their own memory and separately on a driver's smart card. Each driver has a unique card issued to them which must be used with the digital tachograph for each daily working period to store the driver's activity.

Transport operators must periodically download this data from the digital tachograph (known as the vehicle unit or VU) and from driver cards and analyse the information to ensure that the rules have been complied with.

Detailed guidance on drivers' hours and tachographs can be found on the NI Direct website at <http://www.nidirect.gov.uk/index/information-and-services/motoring/driving-for-a-living/tachographs/tachograph-and-drivers-hours.htm>

Proposal

Adopt the European timescales for downloading digital data

Under the EU drivers' hours rules, Member States are required to ensure transport undertakings that use vehicles fitted with a tachograph download all relevant data from the vehicle unit and driver card regularly. To meet this requirement the Passenger and Goods Vehicles (Recording Equipment) (Downloading and Retention of Data) Regulations (Northern Ireland) 2010 were made following a UK-wide public consultation in 2007.

These Regulations amended the Passenger and Goods Vehicles (Recording Equipment) Regulations (Northern Ireland) 1996 to require drivers in scope of the EU drivers' hours rules to return records of their activities to their employer from the driver card within a maximum of every 28 days. The Regulations also require operators to ensure tachograph data is not lost, by downloading data from the vehicle unit within a maximum of every 56 days. Drivers and operators must keep the downloaded data safe and make the data accessible to enforcement officers if required.

Commission Regulation (EU) No 581/2010, adopted on 1 July 2010, introduced maximum periods for the downloading of relevant data and specified that digital tachograph data from the vehicle unit should be downloaded at least every 90 days before it is overwritten.

The Department is considering amending the requirement in NI law so that data must be downloaded within 90 days (rather than the current 56).

Following a similar consultation in Britain, the Department for Transport decided to proceed with adoption of the 90 day timescale and aim to have the necessary amending legislation in place by the end of this year.

Appendix B: Response Form

Public Consultation on Proposals Related to Downloading Timescales for Digital Tachograph Data.

Title: Mr/Mrs/Miss/Ms/Other (please state):	
Name:	
Organisation (if applicable)*:	
Address:	
Postcode:	
E-mail address:	
Date:	

*Organisation Details:

If you are replying on behalf of an organisation, please explain who you represent and size of organisation:

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Please note:

The Department will prepare a summary of all the responses to this consultation paper. Copies of individual responses may also be made available to anyone that requests them.

I am/am not[†]	content for a copy of my response to be made available if requested.
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Please note that if you ask for your response to be kept confidential this will only be possible if it is consistent with our obligations under the Freedom of Information Act 2000.

[†]please delete as appropriate

Consultation Questions

Proposal: Adopt the European timescales for downloading digital data.

Q 1. Do you think DOE should adopt the EU maximum 90 day limit for downloading data? Please explain your reason.

Q 2.

If this was adopted what do you believe would be the benefits to industry?

Q 3.

If this was adopted what do you believe would be the risks – including to enforcement?

Q 4. Do you have any relevant data or information to send to the DOE to help inform a regulatory impact assessment? If so, please include details below.

Thank you for taking the time to complete the questionnaire.

Please return this form by 18 December 2014 to:

Jo Campbell
Road Safety and Vehicle Regulation Division
Department of the Environment
Clarence Court
10-18 Adelaide Street
Town Parks
Belfast
BT2 8GB

Or e-mail: jo.campbell@doeni.gov.uk

Appendix C: Consultee List

Association of Chief Officers of Voluntary Organisations
Belfast Education and Library Board
Belfast Harbour Police
Belfast Health and Social Care Trust
Belfast Law Centre
Brake – The Road Safety Charity
British Motorcycle Federation
Christian Motorcyclists Association
Civil Law Reform Division
Community Transport Association
Confederation of British Industry, Northern Ireland Branch
Councils, borough, city and district
Department of the Environment Library
Driving Instructors Association NI
Driving Instructor National Association Council
Equality Commission for Northern Ireland
Federation of Passenger Transport (NI)
Freight Transport Association
Health and Social Services Trusts
House of Commons Library
House of Lords Library
Human Rights Commission
Inn of Court of Northern Ireland
Institute of Advanced Motorists
Institute of Directors (NI)
NIC/ICTU
Laganside Courts, Clerk of Petty Sessions
Law Centre (NI)
Law Reform Advisory Committee (NI)
The Law Society of Northern Ireland
Legal Deposit Libraries
Lord Chief Justice's Office (NI)
MLAs
Motorcycle Action Group (MAG) Ireland and UK
Northern Ireland MEPs
Northern Ireland MPs who are not also MLAs
North South Ministerial Council – NI Secretariat
Northern Ireland Ambulance Service
Northern Ireland Approved Driving Instructors Association
Northern Ireland Assembly, Environment Committee
Northern Ireland Assembly Library
Northern Ireland Association of Citizens' Advice Bureaux

Northern Ireland Chamber of Commerce and Industry
Northern Ireland Chamber of Trade
Northern Ireland Commissioner for Children and Young People
Northern Ireland Council for Voluntary Action
Northern Ireland Court Service
Northern Ireland Fire and Rescue Service
Northern Ireland Government Departments
Northern Ireland Law Commission
Northern Ireland Local Government Association
Northern Ireland Office – Devolution and Legislation Division
Northern Ireland Ombudsman
NIPSA
Northern Ireland Resident Magistrates' Association
Northern Ireland Rural Womens' Network
Northern Ireland Statistics & Research Agency
Office of Law Reform (NI)
Office of the First Minister and Deputy First Minister
 - Machinery of Govt. Division
 - Central Management Unit
Participation and the Practice of Rights Project
Police Service of Northern Ireland, Development Branch
Leaders of political parties in the Assembly
Political parties not represented in the Assembly
Public Prosecution Service
Queen's University Belfast, Institute of Professional Legal Studies
Queen's University Belfast, School of Law
Road Haulage Association
Road Safety Council of Northern Ireland
ROSPA (NI)
Rural Development Council
Section 75 Consultees
Society of Local Authority Chief Executives
South Eastern Education and Library Board
South Eastern Health and Social Care Trust
Speaker of the Northern Ireland Assembly
Translink
Ulster Farmers Union
UNISON
University of Ulster, School of Law
Western Education and Library Board
Write to Ride