



## DEBATE PACK

Number CDP-0116 (2019), 14 May 2019

# Local Bus Drivers' Working Hours

Westminster Hall

Thursday 16 May 2019, 3pm

Debate initiated by Matt Western MP

By Fintan Codd  
(Compiler)

Andrew Haylen  
(Subject specialist)

### Contents

<b>1.</b>	<b>Background</b>	<b>2</b>
<b>2.</b>	<b>Press articles/Blogs</b>	<b>5</b>
<b>3.</b>	<b>PQs</b>	<b>6</b>
<b>4.</b>	<b>Other Parliamentary material</b>	<b>9</b>
4.1	Debates	9
4.2	Early Day Motions	13
<b>5.</b>	<b>Further reading</b>	<b>14</b>

The House of Commons Library prepares a briefing in hard copy and/or online for most non-legislative debates in the Chamber and Westminster Hall other than half-hour debates. Debate Packs are produced quickly after the announcement of parliamentary business. They are intended to provide a summary or overview of the issue being debated and identify relevant briefings and useful documents, including press and parliamentary material. More detailed briefing can be prepared for Members on request to the Library.

# 1. Background

Drivers' hours rules apply to goods vehicles (HGVs) and passenger carrying vehicles (PCVs i.e. buses/coaches), the nature of which depend on the type of vehicle you're driving and which country you're driving in. For example, the rules that apply to PCVs depend on:

- the number of passenger seats;
- how far you're driving (the distance of your route);
- if you're driving to or from another country; and
- if you're driving on a regular<sup>1</sup> or a non-regular service.

There are 3 sets of rules that could apply to a PCV journey: [EU rules](#); [AETR rules](#); and [GB domestic rules](#).

## Rules for local bus services

Drivers of domestic bus services of less than 50km (i.e. local buses) must abide by the GB's domestic drivers' hours rules, which can be summarised as follows:

- *Daily driving limit* – you must not drive for more than 10 hours in any working day.
- *Breaks and continuous driving* – after 5 hours 30 minutes of driving you must take a break of at least 30 minutes for rest and refreshment. Or, within any period of 8 hours 30 minutes, you must take at least 45 minutes in breaks. You must also have a break of at least 30 minutes at the end of this period, unless it's the end of the working day.
- *Length of working day* – you must not work more than 16 hours between the times of starting and finishing work, including non-driving work and any times when you're off.
- *Daily rest periods* – you must take a rest of 10 hours before the first duty and immediately after the last duty in a working week.<sup>2</sup> You must take a rest of at least 10 hours between 2 working days; this can be reduced to 8.5 hours up to 3 times a week.
- *Fortnightly rest periods* – every 2 weeks you must take at least one period of 24 hours off duty.<sup>3</sup>

There are no record keeping requirements under GB domestic rules for passenger carrying vehicles.

The GB Domestic rules do not apply if you:

- drive for less than 4 hours in any day;
- drive off-road or on private roads during duty time;

---

<sup>1</sup> A regular service follows a specified route, with stopping points for passengers to get on or off.

<sup>2</sup> A fixed week is from 00:00 hours on Monday to 24:00 hours the next Sunday.

<sup>3</sup> Gov.uk, [Drivers' hours - GB domestic rules](#) [accessed 10 May 2019]

- drive a vehicle used by the armed forces, police or fire brigade; or
- are dealing with an emergency, eg major disruption to public services or danger to life.

GB domestic rules are legislated for under the *Transport Act 1968 (Part VI as amended)*; *Drivers' Hours (Passenger Vehicles) (Exemptions) Regulations 1970 (SI 1970/145)*; *Drivers' Hours (Passenger and Goods Vehicles) (Modifications) Order 1971 (SI 1971/818)*; and *Drivers' Hours (Harmonisation with Community Rules) Regulations 1986 (SI 1986/1458)*.

More detailed guidance on the rules applicable for passenger carrying vehicles is available on the [Driver and Vehicle Standards Agency \(DVSA\) website](#).

GB domestic rules apply in Great Britain, there are separate rules in [Northern Ireland](#).

### Enforcement

The DVSA enforces the regulations. If you break the rules you can be given:

- an improvement notice – setting out the changes you need to make by a certain date; or
- a prohibition notice – this requires you to stop a dangerous activity or start complying with the regulations.

DVSA takes a 'proportionate' approach to enforcement. Formal action is usually taken only against persistent or serious offenders.<sup>4</sup>

More detail on the enforcement of the regulations is available on the [DVSA website](#).

### Comparison with EU rules

GB rules are slightly different to the EU drivers' hours rule. Under the **UK rules**, after **5.5 hours** of driving, a break of at least 30 minutes must be taken in which the driver is able to obtain rest and refreshment. Under the equivalent **EU rules**, after a driving period of no more than **4.5 hours**, a driver must immediately take a break of at least 45 minutes unless they take a rest period.

A more detailed explanation of EU rules for PCVs is available on the [DVSA website](#).

### Policy concerns

Some have been calling for the UK PCV domestic rules to be tougher and to apply the EU standards. From a parliamentary perspective, the debate has been led recently by Matt Western MP, who believes that "the dangerously long working hours that local bus drivers face are not

---

<sup>4</sup> Ibid

Only putting the drivers themselves at risk but also the passengers and the wider public.”<sup>5</sup>

Debate around this issue was triggered by the tragic death of Rowan Fitzgerald – a seven-year-old boy – in Coventry in October 2015.<sup>6</sup> Long driving hours were one of the key causes of death in this incident, with Midland Red (a subsidiary of Stagecoach) fined £2.3m over breaches of the Health and Safety at Work Act. In the four weeks between the 11th September and the 2nd October 2015 – the driver in question worked an average of 72 hours per week.<sup>7</sup>

At present, a local bus driver can drive up to 130 hours over two weeks. Mr Western’s proposal is “to align local drivers’ working hours with long-distance bus and HGV drivers – whereby a driver cannot drive more than 56 hours a week, or more than 90 hours over any two consecutive weeks.”<sup>8</sup>

Mr Western introduced his Private Members’ Bill ([Bus Drivers \(Working Hours on Local Routes\) Bill 2017-19](#)) to Parliament on Wednesday 13 February 2019 under the Ten Minute Rule.

**This information is provided to Members of Parliament in support of their parliamentary duties and is not intended to address the specific circumstances of any particular individual. It should not be relied upon as legal or professional advice, or as a substitute for it. A suitably qualified professional should be consulted if specific advice or information is required.**

---

<sup>5</sup> [‘The laws on bus driver working hours are putting lives at risk’](#), *Left Foot Forward*, 9 May 2019

<sup>6</sup> [‘Coventry bus crash: Kailash Chander was driving dangerously’](#), *BBC News*, 18 September 2018

<sup>7</sup> [‘The laws on bus driver working hours are putting lives at risk’](#), *Left Foot Forward*, 9 May 2019

<sup>8</sup> *Ibid*

## 2. Press articles/Blogs

The following is a selection of news and media articles relevant to this debate.

Please note: the Library is not responsible for either the views or the accuracy of external content.

### [\*\*The laws on bus driver working hours are putting lives at risk: Bus drivers should not be driving when fatigued\*\*](#)

Left Foot Forward  
Matt Western MP  
9 May 2019

### [\*\*Driving School: not just for TV \[Intranet only\]\*\*](#)

Tolley's Health and Safety at Work  
John Greenhough  
February 2019

### [\*\*Bus firm calls for age discrimination law change after crash involving 77 year old driver which killed two\*\*](#)

Daily Telegraph  
Helena Horton  
27 November 2018

### [\*\*Sainsbury's bus crash: Jury rules OAP driver caused deaths\*\*](#)

Coventry Evening Telegraph  
Ben Eccleston  
19 September 2018

### 3. PQs

[Bus Services: Working Hours](#)

**02 Apr 2019 | HL14671**

**Asked by: Baroness Randerson**

To ask Her Majesty's Government what plans they have to tighten the regulations governing driving hours and rest periods for bus drivers on local routes to bring them into line with the regulations for long-distance bus drivers.

**Answering member: Baroness Sugg | Department for Transport**

The Government has no current plans to change the GB domestic drivers' hours legislation applicable to drivers of local bus services. The existing legislation is both important and appropriate in ensuring the safety of drivers and others on the road. However, any further restrictions could risk imposing unreasonable burdens on industry, particularly as fatal accidents involving bus or coaches have been falling over time, from 120 in 2007 to 55 in 2017. It is worth noting that reported involvement in a fatal accident does not necessarily indicate fault or causation.

[Bus Services: Working Hours](#)

**22 Feb 2019 | 221723**

**Asked by: Daniel Zeichner**

To ask the Secretary of State for Transport, what assessment his Department has made of the effect of bus drivers working over 50 hours a week on bus service safety.

**Answering member: Ms Nusrat Ghani | Department for Transport**

Bus drivers are generally subject to the domestic drivers' hours rules, which amongst other things limit daily driving time to 10 hours and require a daily rest of 10 hours (which can be reduced to 8.5 hours three times per week), and to the general working time rules. The Department reviewed the domestic drivers' hours rules in 2010 and found no compelling case for change. The Department will continue to consider evidence related to the application of working time and drivers' hours rules in this sector. Statistics show that on average bus drivers worked 45 hours a week in 2018, within the 48 hours limit allowed in the general working time rules.

[Bus Services: Working Hours](#)**22 Feb 2019| 221722****Asked by: Daniel Zeichner**

To ask the Secretary of State for Transport, what assessment he has made of the adequacy of current legislation on the number of hours that bus drivers are permitted to safely work.

**Answering member: Ms Nusrat Ghani| Department for Transport**

Most bus drivers are subject to general working time rules and domestic drivers' hours rules, which among other things limit daily driving time to 10 hours and require a daily rest of 10 hours (which can be reduced to 8.5 hours three times per week). Some (generally coach) drivers are subject to different or additional EU rules. Operators and drivers must also discharge their wider legal obligations, including health and safety requirements and avoiding driving whilst ill or tired. This regulatory regime enables operators and drivers to work safely. Statistics show that fatal accidents involving bus or coaches have been falling over time, from 120 in 2007 to 55 in 2017.

[Bus Services: Working Hours](#)**03 December 2018| 196304****Asked by: Andy McDonald**

To ask the Secretary of State for Transport, if he will make an assessment of the additional potential cost to industry of introducing domestic regulations on (a) maximum driving hours of nine hours a day and (b) rest periods for bus drivers of 45 minutes every 4.5 hours.

**Answering member: Jesse Norman | Department for Transport**

The Department for Transport conducted an extensive review of the effectiveness of the GB domestic drivers' hours rules, which covers most bus drivers, in 2009/10. This included looking at whether these vehicles should fall under any of the provisions in the EU drivers' hours rules, such as introducing the same maximum driving time and break requirements.

Following this review, the Government decided not to make any changes, concluding that the existing rules are both important and appropriate in ensuring the safety of drivers and others on the road, AND that any further restrictions would risk imposing unreasonable burdens on industry. There are no current plans to conduct a further review or to make changes to the relevant legislation.

[Bus Services: Working Hours](#)

**20 July 2015| 7460**

**Asked by: Dan Jarvis**

To ask the Secretary of State for Transport, what his policy is on implementation of EU rules on domestic bus driving hours.

**Answering member: Andrew Jones| Department for Transport**

The EU drivers' hours rules (Regulation (EC) 561/2006) requires Member States to lay down their own rules for vehicles used for the carriage of passengers on regular routes where the route covered does not exceed 50km. In GB, the domestic drivers' hours rules (contained in the Transport Act 1968) meet this requirement.

## 4. Other Parliamentary material

### 4.1 Debates

#### [Bus Drivers \(Working Hours on Local Routes\)](#)

13 February 2019 654 cc917-920

Motion for leave to bring in a Bill (Standing Order No. 23)

Matt Western (Warwick and Leamington) (Lab)

I beg to move,

That leave be given to bring in a Bill to limit bus drivers on local routes to driving for no more than 56 hours in any one week and 90 hours in any two consecutive weeks; and for connected purposes.

The Bill seeks to harmonise UK legislation on bus driving and working hours. It is supported by the road safety pressure group, Brake, and the National Union of Rail, Maritime and Transport Workers, as well as by many Members in this place. Its origins are to be found in the terrible tragedy that was the bus crash in Coventry in 2015, in which two members of the public lost their lives: seven-year-old Rowan Fitzgerald and 76-year-old Dora Hancox. Such a tragedy is unimaginable for any family. May I start by welcoming Rowan's mother, Natasha, and his grandmother, Barbara, who are here with us today? I thank them for their courage and encouragement, as I know this will be hard for them. The Bill has their absolute support.

I am not a specialist in transport legislation, nor on the working time directive, but avoidable tragedies such as the one that occurred on that fateful day in October 2015 must lead to the review of and changes to legislation. On that day, the bus driver was incapable of stopping his vehicle. His foot was pressed on the accelerator. Ultimately, it was the front of the Sainsbury's store in Coventry city centre that brought the bus to a standstill. Rowan Fitzgerald, who was a pupil at St Antony's school in Sydenham, Leamington, and 76-year-old Dora Hancox of Nuneaton were killed. Rowan was on his way home from watching his beloved Sky Blues—Coventry City. Dora was walking through the city centre on a shopping visit from Nuneaton. Several others, including Rowan's cousin Paige Wilson, were seriously injured.

It was a busy Saturday afternoon in Coventry city centre. A video that was shown at the inquest revealed that the tragedy could have claimed even more lives. In it, the bus careers across the main road, striking another bus and lamp posts, before hurtling down a pavement and ploughing into a bus stop and then the supermarket. Were it not for the

brave actions of Teil Portlock, who managed to disperse the pedestrians outside the Sainsbury's, many others would have been killed or seriously injured.

What is most concerning is that it was an absolute inevitability that such a tragedy would happen. The driver that day was Mr Chander and the bus operator was Midland Red, which is part of Stagecoach Group. Mr Chander had been driving for the companies for several years and was retained as a relief driver on a casual contract. However, his hours were anything but casual. Although aged 77 years at the time, Mr Chander worked most days and had worked every day in the seven days leading to the accident. In the evidence given in court, it was confirmed that the company did not place any restriction on the number of hours he could work. As one of the controllers based at the Leamington depot put it:

"If there was a shift available and he wanted it, then he was given it."

In consequence, he worked long hours and often worked five or six days a week. In addition, in the year leading up to the fatal accident, Mr Chander worked an average of 47 hours a week. That statistic disguises the number of hours worked during busy periods, namely school term-time. At those times, he would frequently work an excess of 56 hours a week and could drive school specials.

In the four weeks leading up to the crash he had driven 62 hours, 76 hours, 76 hours and 72 hours respectively, an average of 72 hours a week over that period—this, despite his shocking driving record. Between 2012 and 2014, the company received 16 written complaints from passengers about his erratic behaviour and the innumerable incidents. By Stagecoach's own measures he should have been banned. The judge's report provides more insight into those failings and the level of corporate ignorance stating:

"On Saturday 3 October, Mr Chander agree to swap shifts with another driver, meaning that he was now due to work an 11-hour shift"—what is termed a spreadover.

"He agreed to do that having just completed a working week of 75 hours. In the morning he was driving a single-decker bus and, significantly, the CCTV shows him repeatedly rubbing his eyes as if tired. At approximately 5 pm, Mr Chander was waiting to take charge of a double-decker bus. Another driver told him he looked knackered and that he should say no. Mr Chander ignored that advice and set off, eventually coming to a bus stop on Hales street in Coventry city centre. At no point during the 11-second journey that followed did the driver engage the foot brake, pressing instead only the accelerator."

In passing sentence, the judge concluded that the company was “highly culpable” and fined it £2.3 million.

This was a terrible tragedy, but of course there are many accidents every day. The data shows that there is a fundamental issue here. The fact that the driver had been driving so many long hours leading up to the crash was undoubtedly the critical factor that led to the accident. Currently, however, this is entirely legal under British law, as local bus drivers are not subject to the same working hour regulations as long-distance bus drivers or lorry drivers. Nor do the laws equate to those in the EU. Hours are clearly detrimental to passenger safety. British laws regulate bus drivers' hours on local routes—that is, less than the 50 km limit—to just 10 hours a day, with no weekly or fortnightly limit except that in any two consecutive weeks there must be at least one period of 24 hours off duty. This means that it is entirely legal for a local bus driver to drive 130 hours over a period of two weeks. Under EU law, however, a long-distance bus driver or lorry driver cannot drive more than 56 hours a week or more than 90 hours over two consecutive weeks.

I believe this tragedy could have been avoided if driving hours for local bus drivers were capped at 56 hours a week and no more than 90 hours over any two consecutive weeks, as they are already for long-distance bus drivers and HGV drivers. That is the primary purpose of the Bill. However, the Bill also includes proposals for a move to EU regulations including bus drivers' mandatory breaks, which would ensure a break of no less than 45 minutes be taken after no more than four and a half hours of driving. The break could be divided into two periods, the first at least 15 minutes and the second at least 30 minutes, taken over the four and a half hours. At present, the entitlement to a 30-minute break after five and a half hours behind the wheel often results in drivers taking smaller breaks or none at all due to congestion or other factors beyond their control. Additionally, the changes should be introduced by employers at no detriment to bus drivers' pay.

The culture of long hours among bus drivers is accompanied by low wage rates, which places a dubious incentive on overtime. Over the past two decades, wages have fallen relative to average incomes. This is causing bus drivers to work nearly six hours a week more than average workers to sustain their incomes at a reasonable level. Regulations must prevent that, but must also ensure that bus drivers are paid properly for the essential public service they provide. This is important at a time when operators are cutting unprofitable routes and local councils are cutting funding to bus services.

There is also the need for regular independent health checks, beyond a driver's GP, to ensure fitness for work. I am not the first to propose that. Back in 2015, some months before the Coventry crash, my right hon. Friends the Members for Islington North (Jeremy Corbyn) and for Hayes

and Harlington (John McDonnell) proposed such changes in an early-day motion. Coincidentally, earlier that same year a report was published by the London Assembly Transport Committee, which looked into the reasons for bus crashes in London. It concluded that Transport for London should commission comprehensive and independent research into bus drivers' working conditions. There were reports that bus drivers could be doing 16-hour shifts without adequate breaks. This was followed up in its 2017 report, "Driven to Distraction", which noted high levels of stress reported among bus drivers caused by long shifts, inadequate breaks and irregular shift patterns. There have been up to 25 fatalities a year and thousands injured in bus incidents in London. It is now the time to legislate.

Way back in 2009, the Department for Transport conducted an extensive review of the effectiveness of the British domestic drivers' hours rules. Following that review, it was decided not to make any changes, concluding that any additional restrictions would risk imposing unreasonable burdens on the industry. Ten years on and the burdens now lie with the drivers, not the operators. A reduction in routes served and buses has led to a reduction of 8,000 bus drivers since 2010. At the same time, their wages have fallen behind their peers, resulting in drivers working longer hours and more days to try to maintain their monthly earnings.

It is clear that this issue affects drivers across the country. I received comments from far and wide about this. By way of example, one convenor reported that about a third of drivers were working more than 50 hours a week. Elsewhere, a bus driver in Cornwall drives on a route which is longer than the 50 km limit, so it should come under strict EU rules for long distance drivers. However, the company splits the route into three, so that the same driver can continue the route and does not have to comply with the EU working hours restrictions. In Liverpool, a driver who used to work for Stagecoach said that they were regularly forced to work 12-hour shifts day after day, which caused fatigue.

The Bill proposes to limit the working hours of bus drivers and seeks simply to harmonise UK legislation by bringing consistency of working hours and restrictions between drivers on local and long distance bus routes and lorry drivers. It cannot be right that we have different regulation for freight vehicles and passenger vehicles. We must harmonise. We must legislate. I commend the Bill to the House.

Question put and agreed to.

Ordered,

That Matt Western, Mr Jim Cunningham, Alan Brown, Grahame Morris, Ian Mearns, Mr Marcus Jones, Mike Amesbury, Jo Platt, Anna McMorrin, Sir Peter Bottomley and Wera Hobhouse present the Bill.

Matt Western accordingly presented the Bill.

Bill read the First time; to be read a Second time on Friday 22 March, and to be printed (Bill 336).

## 4.2 Early Day Motions

### **BUS DRIVERS' HOURS**

EDM 497 2015-15

10 November 2014

That this House notes that bus drivers work four hours more but are paid 14 per cent less a week than the average UK worker; further notes the two different sets of regulations applying to bus drivers, domestic and European, limit driving to 5.5 hours and 4.5 hours respectively before legal entitlement to a break; believes that the current mix of bus drivers' hours regulations prevents effective enforcement and forces bus drivers to work longer than is either safe or healthy; supports the Rail, Maritime and Transport Workers' Union campaign for European regulations on drivers' hours to cover all commercial journeys by passenger carrying vehicles in the UK; and calls on the Government to reform bus drivers' hours regulations to ensure that bus drivers are legally entitled to a break after 4.5 hours of continuous driving, with no reduction in pay, which would be a significant step toward ending the culture of excessive working hours for low pay that has taken root since deregulation of the UK bus industry in 1985 when bus drivers' pay was seven per cent above the average weekly wage.

## 5. Further reading

[Decision of the Traffic Commissioner on Midland Red \(South\) Ltd T/A Stagecoach Midlands](#), Traffic Commissioners for Great Britain, 7 March 2019 [following fatal traffic incident in October 2015]

[Bus drivers' hours:RMT Circular No: NP/033/19](#), RMT union, 20 February 2019

[Driven to distraction: Making London's buses safer](#), London Assembly Transport Committee, July 2017

[The relationship between driver fatigue and rules limiting hours of driving and work](#), Transport Research Laboratory, 2009

### About the Library

The House of Commons Library research service provides MPs and their staff with the impartial briefing and evidence base they need to do their work in scrutinising Government, proposing legislation, and supporting constituents.

As well as providing MPs with a confidential service we publish open briefing papers, which are available on the Parliament website.

Every effort is made to ensure that the information contained in these publicly available research briefings is correct at the time of publication. Readers should be aware however that briefings are not necessarily updated or otherwise amended to reflect subsequent changes.

If you have any comments on our briefings please email [papers@parliament.uk](mailto:papers@parliament.uk). Authors are available to discuss the content of this briefing only with Members and their staff.

If you have any general questions about the work of the House of Commons you can email [hcinfo@parliament.uk](mailto:hcinfo@parliament.uk).

### Disclaimer

This information is provided to Members of Parliament in support of their parliamentary duties. It is a general briefing only and should not be relied on as a substitute for specific advice. The House of Commons or the author(s) shall not be liable for any errors or omissions, or for any loss or damage of any kind arising from its use, and may remove, vary or amend any information at any time without prior notice.

The House of Commons accepts no responsibility for any references or links to, or the content of, information maintained by third parties. This information is provided subject to the [conditions of the Open Parliament Licence](#).