

PARLIAMENTARY DEBATES

HOUSE OF COMMONS
OFFICIAL REPORT

Third Delegated Legislation Committee

DRAFT SPECIFIED AGREEMENT ON DRIVING
DISQUALIFICATIONS REGULATIONS 2017

Monday 24 April 2017

No proofs can be supplied. Corrections that Members suggest for the final version of the report should be clearly marked in a copy of the report—not telephoned—and must be received in the Editor's Room, House of Commons,

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Friday 28 April 2017

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The Committee consisted of the following Members:

Chair: SIR DAVID CRAUSBY

† Bebb, Guto (*Lord Commissioner of Her Majesty's Treasury*)
 Beckett, Margaret (*Derby South*) (Lab)
 † Blackman, Bob (*Harrow East*) (Con)
 Brown, Alan (*Kilmarnock and Loudoun*) (SNP)
 † Foxcroft, Vicky (*Lewisham, Deptford*) (Lab)
 † Freer, Mike (*Finchley and Golders Green*) (Con)
 † Gove, Michael (*Surrey Heath*) (Con)
 † Harper, Mr Mark (*Forest of Dean*) (Con)
 † Jones, Andrew (*Parliamentary Under-Secretary of State for Transport*)

† Knight, Julian (*Solihull*) (Con)
 † McDonald, Andy (*Middlesbrough*) (Lab)
 † Metcalfe, Stephen (*South Basildon and East Thurrock*) (Con)
 † Shuker, Mr Gavin (*Luton South*) (Lab/Co-op)
 Smith, Angela (*Penistone and Stocksbridge*) (Lab)
 † Sturdy, Julian (*York Outer*) (Con)
 † Sunak, Rishi (*Richmond (Yorks)*) (Con)

Jonathan Whiffing, *Committee Clerk*

† **attended the Committee**

Third Delegated Legislation Committee

Monday 24 April 2017

[SIR DAVID CRAUSBY *in the Chair*]

Draft Specified Agreement on Driving Disqualifications Regulations 2017

4.30 pm

The Parliamentary Under-Secretary of State for Transport (Andrew Jones): I beg to move,

That the Committee has considered the draft Specified Agreement on Driving Disqualifications Regulations 2017.

It is a pleasure, as always, to serve under your chairmanship, Sir David. This draft statutory instrument is being made to reintroduce an agreement to allow for the mutual recognition of driving disqualifications between the United Kingdom and the Republic of Ireland. I am sure that colleagues recall the previous arrangement under the 1998 European convention on driving disqualifications, which ceased to apply in the UK on 1 December 2014 when the UK exercised its right to opt out of various EU police and criminal justice matters under the Lisbon treaty.

I am sure that we all know that the UK has one of the best road safety records in the world, and this co-operation among the Administrations in Great Britain, Northern Ireland and the Republic of Ireland will improve it further. This measure is particularly important for the people of Northern Ireland, which shares a 310-mile border with the Republic that about 15,000 people cross daily at 300 crossing points. Last year, traffic accidents caused 68 people needlessly to lose their lives in Northern Ireland. If a British or Northern Irish driver receives an instant disqualification from driving while travelling in the Republic—for drink-driving or causing a serious injury to another road user, for example—that disqualification can follow the individual back home. The same is true for Irish drivers disqualified here in Britain or in Northern Ireland.

The treaty that our Governments have negotiated is almost identical to the now defunct European convention on driving disqualifications, but there is one important difference. There was a loophole in that convention's wording that allowed some drivers to escape a ban following them home by falsely claiming normal residence in the country where the offence occurred. We have amended the wording to close that loophole, thus ensuring that those unscrupulous individuals who seek to escape punishment can no longer do so.

The mutual recognition process is straightforward. When a British or Northern Irish court determines that a driver is to be disqualified and that driver is normally resident in Ireland—the driver can hold any driving licence; it can be an Irish or EU licence or another licence—the driver will be able to appeal the decision. If the appeal is either heard and rejected or not filed, the Driver and Vehicle Licensing Agency will write to the Road Safety Authority in Ireland and inform it that a driver resident in Ireland has been disqualified. The case

will then be referred to the Irish courts, and the judges there will decide whether to uphold the ban. The same will be true of British and Northern Irish drivers disqualified in Ireland.

These measures should not be considered a double punishment; drivers will have a right of appeal against the initial ban and against the ban applying in the country of normal residence, but a driver who commits an offence serious enough to merit instant disqualification needs to be taken off the road for the appropriate duration in both the UK and Ireland. If an Irish court imposes additional punishments, such as forcing a driver to resit their driving test or take an extended driving test, we in Great Britain and Northern Ireland will similarly impose such additional punishments and requirements.

I point out to colleagues that any driving disqualification arising from totting up of penalty points is not covered by these measures, because penalty points are not assessed in the same way in Ireland. Although Northern Ireland and Ireland are engaged in bilateral discussions through the North South Ministerial Council about mutual recognition of penalty points, that is still work in progress.

This agreement between the UK and Ireland about mutual recognition of disqualifications will not be affected by our decision to leave the EU. As the Prime Minister herself stated only earlier this year following a meeting with the Taoiseach, the ability to move freely across the border is an essential part of daily life for the people of Ireland and Northern Ireland. That is why the Taoiseach and the Prime Minister have both been clear that there will be no return to the borders of the past. Maintaining the common travel area and excellent economic links will be important for both countries in the talks ahead.

4.34 pm

Andy McDonald (Middlesbrough) (Lab): It is a pleasure to serve under your chairmanship, Sir David. I shall be mercifully brief. Labour fully supports the regulations. It is of course entirely sensible that there should be mutual recognition of driving disqualification between the Governments of the UK and the Republic of Ireland. The agreement will mean that a driving disqualification imposed in the Republic on a UK resident or the holder of a UK driving licence will be recognised and given effect in the UK. Accordingly, a person disqualified in the Republic will not be able to hop across the border to the north and drive there.

The legal basis for such an agreement was in place between January 2010 and December 2014, until the UK opted out of the European convention on driving disqualifications of 17 June 1998, following the Lisbon treaty; so it is somewhat disconcerting that there has been a legislative black hole for more than two years. No doubt, however, the Minister will explain the length of the gap and expand upon why it has taken the Government from December 2014 to May 2017 to re-establish the legal basis for the mutual agreement with the Irish Government.

Without an acceptable explanation or justification observers would be perfectly entitled to wonder at the Government's sense of priority and urgency, or lack thereof, which sadly characterises their approach to road safety issues. It is worrying that for more than two years there have been no provisions in place to stop

dangerous drivers who have committed road offences in the Republic of Ireland driving in the UK, or vice versa. The regulations are a much-needed measure and will undoubtedly make our roads safer. It is just terribly disappointing that the Government did not seek to correct the position before. It is imperative that every opportunity, legislative or otherwise, should be taken to make our roads the safest they can possibly be.

The Government have failed in their manifesto commitment to reduce road casualties year on year, and have scrapped the road safety targets that were introduced under Labour. I cannot see why Ministers have persistently refused to bring those back, especially when we support international targets at United Nations and European level. The targets focus minds and attention, and a Labour Government would certainly bring them back. As I have said, Labour fully supports the regulations, which will make a small but highly important contribution to making our roads a safer place for all users, against what has been a worrying backward trend in recent years.

4.37 pm

Andrew Jones: There were a couple of questions there, to which I should like to reply. It has taken a little while to make the arrangements, but the Irish constitution forbids the making of agreements of this nature by

memorandum of understanding or a similar more formal instrument. Treaties are therefore required, and it takes time for them to be agreed, signed, ratified and deposited. That, simply, has been the case in this instance; it is not a question of a failure of priority.

I thank the Opposition for their support for the measure. It will make our roads safer, which is something we are all working towards. I do not think that the introduction of targets is critical in doing that. I do not need a target to tell me that road safety is important. We do not need a target to work on producing a road safety statement, which we published in December 2015, or to increase the penalties for mobile phone use while driving, or to seek to tackle the 50 least safe roads on our network with funding from the autumn statement. We are doing an enormous amount on road safety. Targets could be fine in other parts of the world; I have no problem with that. However, they are not needed here, where we are on top of the agenda and doing good work.

I hope that I have answered the questions satisfactorily. I am pleased that the measures have cross-party support, and look forward to their being implemented soon.

Question put and agreed to.

4.39 pm

Committee rose.

