

PARLIAMENTARY DEBATES

HOUSE OF COMMONS
OFFICIAL REPORT

Second Delegated Legislation Committee

DRIVERS' HOURS AND TACHOGRAPHS
(AMENDMENT) REGULATIONS 2020

Monday 25 January 2021

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Friday 29 January 2021

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The Committee consisted of the following Members:

Chair: DAVID MUNDELL

Andrew, Stuart (*Treasurer of Her Majesty's Household*)

Brereton, Jack (*Stoke-on-Trent South*) (Con)

Buchan, Felicity (*Kensington*) (Con)

† Duguid, David (*Lord Commissioner of Her Majesty's Treasury*)

Freer, Mike (*Comptroller of Her Majesty's Household*)

Harris, Rebecca (*Lord Commissioner of Her Majesty's Treasury*)

Keeley, Barbara (*Worsley and Eccles South*) (Lab)

Lewis, Clive (*Norwich South*) (Lab)

† McCarthy, Kerry (*Bristol East*) (Lab)

† Maclean, Rachel (*Parliamentary Under-Secretary of State for Transport*)

McDonnell, John (*Hayes and Harlington*) (Lab)

Mahmood, Shabana (*Birmingham, Ladywood*) (Lab)

Mohindra, Mr Gagan (*South West Hertfordshire*) (Con)

† Morris, James (*Lord Commissioner of Her Majesty's Treasury*)

† Tami, Mark (*Alyn and Deeside*) (Lab)

Thompson, Owen (*Midlothian*) (SNP)

Throup, Maggie (*Lord Commissioner of Her Majesty's Treasury*)

Seb Newman, *Committee Clerk*

† **attended the Committee**

Second Delegated Legislation Committee

Monday 25 January 2021

[DAVID MUNDELL *in the Chair*]

Drivers' Hours and Tachographs (Amendment) Regulations 2020

5 pm

The Chair: Before we begin, I remind Members to observe social distancing and to sit only in the places that are clearly marked. I also remind Members that Mr Speaker has stated that masks should be worn in Committee, except when Members are speaking. *Hansard* colleagues would be most grateful if Members could send their speaking notes to hansardnotes@parliament.uk. I call the Minister to move the motion.

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

That the Committee has considered the Drivers' Hours and Tachographs (Amendment) Regulations 2020 (S.I., 2020, No. 1658) (S.I., 2020, No. 1658).

It is a pleasure to serve under your chairmanship, Mr Mundell. Following the UK's decision to leave the EU in the 2016 referendum, the Government have worked hard to develop a positive future relationship with the EU, and we continue to build on that relationship. As part of this effort, the Department for Transport prepared for a range of potential outcomes of the negotiations. That included making a number of EU exit statutory instruments during the last few years, in order to prepare for a no-deal outcome.

On 24 December 2020, an agreement was successfully reached with the European Union in the form of the EU-UK trade and co-operation agreement. The European Union (Withdrawal) Act 2018 retained directly applicable EU legislation as UK law on implementation period completion day, which was 31 December 2020. That included the EU drivers' hours and tachograph regulations, providing continuity and certainty to industry and consumers. Some amendments to those regulations were required, to ensure that the legislation continued to function effectively on 31 December 2020, which was the implementation period completion day. That was done via an EU exit statutory instrument: the Drivers' Hours and Tachographs (Amendment etc.) (EU Exit) Regulations 2019, which amended the retained EU drivers' hours and tachograph regulations to correct inoperabilities on the implementation period completion day. It also amended domestic legislation to make the retained drivers' hours and tachograph regulations enforceable.

For the benefit of Members who might not be aware of the detail, I shall make a few remarks about the EU drivers' hours rules, which have been retained by the European Union (Withdrawal) Act 2018. The rules are central to keeping our roads safe and ensuring driver safety. The rules set maximum driving times, and minimum break and rest times, for most commercial drivers of

both lorries and coaches. For example, the rules mean that a driver must take a 45-minute break after 4.5 hours of driving, and daily driving time is normally limited to nine hours.

The consequences of driving any vehicle when fatigued can be catastrophic, and the potential risks associated with heavy commercial vehicles are particularly severe. Drivers' hours rules are enforced by the Driver and Vehicle Standards Agency and the police at targeted roadside checks, and by visiting operators' premises. The principal tool used by enforcement officers is the record generated by the tachograph, a device installed in relevant vehicles that records the driving, rest and break times of individual vehicles and their drivers. The retained EU tachograph regulation mandates the use of tachographs by relevant drivers.

The regulations were urgently laid before the House on 31 December under the European Union (Future Relationship) Act 2020. They ensure that rules relating to drivers' hours and tachographs can continue to be enforced in Great Britain and Northern Ireland in respect of vehicles that are engaged in commercial road transport under the terms of the EU-UK trade and co-operation agreement. The regulations amended domestic legislation to ensure that the roads chapter in the trade and co-operation agreement, which covers the drivers' hours and tachograph rules that are applicable to journeys between the UK and EU from 1 January 2021, can be enforced. It does so by providing that the EU drivers' hours regulation and the EU tachographs regulation, which are retained in domestic legislation, will apply to journeys between the UK and EU. The drivers' hours and tachograph rules are important for public and driver safety, and the statutory instrument is required to ensure that such rules can continue to be enforced effectively. The policy area of drivers' hours is devolved with respect to Northern Ireland. While, for the sake of efficiency, this SI makes amendments to the retained EU regulations on a UK-wide basis, that does not affect the devolved nature of the policy.

In summary, the regulations are essential to ensuring that the drivers' hours and tachograph rules applicable to journeys between the UK and EU member states under the trade and co-operation agreement are enforceable. The rules are at the heart of the road safety regime for commercial vehicles. I am sure hon. Members share my desire to avoid any disruption to the proper enforcement of those rules, and I hope they will join me in supporting the regulations, which I commend to the Committee.

5.5 pm

Kerry McCarthy (Bristol East) (Lab): Let me say at the outset that we will not oppose the regulations. The Opposition's priority has always been to ensure that the rights and welfare of drivers are protected, and this amendment to legislation for the UK's future outside the European Union is an important part of that.

I am pleased that the Government are applying rules regarding the monitoring and enforcement of the hours driven by haulage drivers to domestic journeys in the UK as well as international journeys. It is important to recognise that hauliers have kept this country going during the difficult times of the past year, ensuring that essential supplies of food and medicine have got through—sometimes in difficult circumstances. It is too easy to forget the contribution they make. It is vital for the

safety of all of us using UK roads that those driving heavy goods vehicles are rested and can remain vigilant and drive safely. We know how terrible—I think the Minister said “catastrophic”—the consequences can be otherwise: we have all witnessed the accidents that occur sometimes because of driver error or other incidents. Limits on maximum hours driven and requiring rest breaks are the best way to keep us all safe, and it is right that they should continue to be protected in law now that the transition period is over. The regulations will help UK officials properly to enforce any breaches of the rules, so it is important that they are transferred into UK law.

However, the timing of the regulations is somewhat unfortunate, given recent developments. On 22 January, the Government extended the relaxation of enforcement for the retained EU drivers’ hours rules until 31 March. We agree that such measures may be necessary in the short term to avoid immediate chaos at our borders, but to extend the relaxations for more than two months is not exactly an expression of confidence from the Government in their own ability to address the chaotic situation.

Such emergency measures may not have been necessary had the Government negotiated a trade agreement with the EU in a timely manner rather than at the very last minute, or had they taken adequate steps to prepare, such as hiring and training the necessary number of customs agents. That reckless brinkmanship meant hauliers, importers and exporters had little time to prepare for the new customs regime, and the Government have had precious little time to communicate the new rules to them. As the Minister and I have discussed previously, that involves translation into many different languages through the haulier handbook—it is not a simple task to get the information out. As a result, we have seen regular reports of goods rotting in border facilities, UK hauliers facing a significant drop in demand for their services and predictions of shortages of goods in the coming months. In fact, the situation is predicted to get worse before it gets better, as many companies stockpiled before the end of the transition period to avoid being caught up in the chaos we now see.

The general post-Brexit watering down of workers’ rights is also relevant. Contrary to what the Government would like people to believe, being part of the EU never prevented the UK Government from raising their standards and going higher than the level playing field. The freedom we have now, about which many Government Members are so enthusiastic, is a freedom to lower standards and remove workers’ protections. That is why Labour has called an Opposition day debate today on that very topic. I hope the Minister will give the Committee some assurances that she appreciates the importance of legislative protections for drivers in the haulage sector that go above and beyond the regulations under discussion and that she will seek to uphold and, indeed, strengthen them whenever such issues cross her desk.

5.9 pm

Rachel Maclean: May I join the hon. Lady in her comments about the importance of hauliers and the road haulage sector? We have all relied on them throughout the pandemic to move goods around the country, and we are all incredibly grateful to them. I further thank her for her support for the regulations which, as she clearly set out, are vital.

The hon. Lady made some broader comments—I am sure they will be well rehearsed in the Opposition day debate that I think is under way in the Chamber right now—and I will merely say that these are temporary measures that absolutely do not represent any watering down or any plans to reduce workers’ rights or protections now that we have left the EU. On the broader picture of the border and how it is operating, it is operating well at the moment, but we continue to work closely with the sector to resolve any issues as they come up. I hope the Committee has found the debate informative and will join me in supporting the regulations.

Question put and agreed to.

5.10 pm

Committee rose.

