

# PARLIAMENTARY DEBATES

HOUSE OF COMMONS  
OFFICIAL REPORT

Third Delegated Legislation Committee

DRAFT MOTOR VEHICLES (DRIVING LICENCES)  
(AMENDMENT) (NO. 5) REGULATIONS 2021

*Monday 13 December 2021*

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**Friday 17 December 2021**

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**The Committee consisted of the following Members:**

*Chair:* PETER DOWD

Bacon, Mr Richard ( <i>South Norfolk</i> ) (Con)	† Leadbeater, Kim ( <i>Batley and Spen</i> ) (Lab)
† Baillie, Siobhan ( <i>Stroud</i> ) (Con)	† Poulter, Dr Dan ( <i>Central Suffolk and North Ipswich</i> ) (Con)
Bryant, Chris ( <i>Rhondda</i> ) (Lab)	† Solloway, Amanda ( <i>Lord Commissioner of Her Majesty's Treasury</i> )
† Cox, Sir Geoffrey ( <i>Torridge and West Devon</i> ) (Con)	† Tarry, Sam ( <i>Ilford South</i> ) (Lab)
† Doogan, Dave ( <i>Angus</i> ) (SNP)	† Trott, Laura ( <i>Sevenoaks</i> ) (Con)
† Duguid, David ( <i>Banff and Buchan</i> ) (Con)	Winter, Beth ( <i>Cynon Valley</i> ) (Lab)
† Dunne, Philip ( <i>Ludlow</i> ) (Con)	
† Greenwood, Lilian ( <i>Nottingham South</i> ) (Lab)	
† Harrison, Trudy ( <i>Parliamentary Under-Secretary of State for Transport</i> )	
† Holloway, Adam ( <i>Gravesham</i> ) (Con)	Ian Bradshaw, <i>Committee Clerk</i>
Johnson, Dame Diana ( <i>Kingston upon Hull North</i> ) (Lab)	† <b>attended the Committee</b>

The following also attended, pursuant to Standing Order No. 118(2):

Smyth, Karin (*Bristol South*) (Lab)

## Third Delegated Legislation Committee

Monday 13 December 2021

[PETER DOWD *in the Chair*]

### Draft Motor Vehicles (Driving Licences) (Amendment) (No. 5) Regulations 2021

6 pm

**The Chair:** I can confirm that we are quorate. Before we begin, I remind Members that they are expected to wear face coverings and to maintain distancing as far as possible, in line with current Government guidance and that of the House of Commons Commission. Please give one another and members of staff space when seated and when entering and leaving the room. I also remind Members that they are asked to have a covid lateral flow test twice a week if they come on to the estate, either at the testing centre in the House or at home. Members should send their speaking notes by email to [handardnotes@parliament.uk](mailto:handardnotes@parliament.uk). Officials in the Gallery should communicate electronically with Ministers.

6.1 pm

**The Parliamentary Under-Secretary of State for Transport (Trudy Harrison):** I beg to move,

That the Committee has considered the draft Motor Vehicles (Driving Licences) (Amendment) (No. 5) Regulations 2021.

It is a pleasure to serve under your chairmanship, Mr Dowd. This statutory instrument, together with the Motor Vehicles (Driving Licences) (Amendment) (No. 4) Regulations 2021, and the Motor Vehicles (Driving Licences) (Amendment) (No. 3) Regulations 2021, which follows the negative procedure, are part of several measures through which the Government are seeking to address a heavy goods vehicle driver shortage.

The regulations were originally laid before Parliament on 16 September 2021 as the Motor Vehicles (Driving Licences) (Amendment) (No. 2) Regulations 2021. However, the No. 2 regulations were not approved in both Houses in time to come into force on 15 November 2021 as intended. Since such affirmative statutory instruments cannot be amended once laid before Parliament in draft, we have taken action to lay the regulations afresh, as the draft Motor Vehicles (Driving Licences) (Amendment) (No. 5) Regulations 2021. The No. 5 regulations are a replication of the No. 2 regulations, save for an updated title and coming-into-force provision.

The haulage sector has for some time been experiencing an acute shortage of heavy goods vehicle drivers worldwide. The coronavirus pandemic suspended driver testing for much of last year, which increased the shortage further. The shortage affects the supply chains of not only fresh food but fuel, medicines and medical equipment across Great Britain.

As hon. Members will be aware, we are working at pace to deliver Government interventions, including regulatory changes that could alleviate the HGV driver shortage. I recognise the Committee's concern that evidence could not be provided; I reassure hon. Members that

the Department for Transport takes seriously its responsibility with regard to evidence-based policy-making. I am pleased to report that an impact assessment has now been submitted to the Regulatory Policy Committee for scrutiny. I am grateful that these debates could be held at the earliest opportunity, so that we can address this issue as a matter of priority.

This statutory instrument is part of 32 Government interventions to help alleviate the haulier shortage. The overall aim of the SI is to increase the number of heavy goods vehicle drivers in Great Britain by increasing the number of test slots available to drivers wishing to pass the HGV driver test, while maintaining road safety standards following any changes made to the driving licence testing regime.

The intention of the No. 5 regulations is to remove the need for driving licence categories B and E—that is, car and trailer tests—which are currently required by car drivers who wish to tow a heavy trailer. Driving examiners have limited test availability, and this legislation would free up driver examiner time that could be reallocated to conducting HGV tests. That should provide additional availability of tests for potential HGV and bus drivers, to help lessen the driver shortage. For car drivers, the change in legislation will mean that they will be able to tow a heavier trailer—up to 3.5 tonnes or 3,500 kg—automatically once they hold a category B licence, without needing to take an additional B+E test.

Theory and practical training will continue to be recommended to help maintain driver safety on the roads. An accreditation scheme is being developed, with help from the trailer industry and training providers. The scheme will provide voluntary training opportunities for car drivers wishing to tow a trailer of any size for either recreational or business use. My officials have met with the all-party parliamentary group on trailer and towing safety to develop the outline of the scheme, and to consider core modules that would be applicable to all drivers who tow, as well as sector-specific modules. These might cover activities such as safely managing livestock and breakdown recovery towing.

We are already working with trainers and those in leisure and business to develop the trainer package. Together with these groups and the police, we will identify the additional data needed to monitor towing standards effectively. The scheme is planned to launch early next year and will focus, through the provision of specialised modules, on specific driver needs when towing different types of trailers. We will continue to recommend car drivers to undertake training on safely towing and managing trailers. We will encourage drivers through our existing campaigns, and we will work with leisure and towing groups to reach out with offers of training through their communications.

Road safety is, of course, of the utmost importance. That is why we have committed to reviewing this legislation at regular intervals—initially after three years have passed, and thereafter at five-year intervals. An impact assessment will be published early in the new year. Owing to road safety concerns, we decided to hold an additional review three years after legislative change, rather than after the standard five years. It is worth noting that around 6 million<sup>1</sup> drivers who passed their test before 1 January 1997 can already drive a car with a trailer without having to take a separate test. This change affords that same entitlement to drivers who passed the test after 1997.

1. [Official Report, 15 December 2021, Vol. 705, c. 4MC.]

We should be proud that the UK has some of the safest roads in the world. I reassure the Committee that our support for the “Tow Safe 4 Freddie” campaign will continue.

**Philip Dunne** (Ludlow) (Con): The Minister is making important points about this proposed legislation. Will she reassure me that the impact assessment that her officials will produce in January, after this instrument has come into effect, will include an assessment of how many training establishments that were established to provide training to drivers on towing vehicles, rather than offering more advanced heavy goods vehicle courses, will have gone out of business? A constituent of mine has set up a business and is of the opinion that none of his trainers will go on to train HGV drivers, because that is not what they want to do. The objective of this provision is right: we should try to increase the capacity for HGV driver training. However, I am concerned that we may inadvertently shut down viable businesses across the country.

**Trudy Harrison:** I thank my right hon. Friend for his intervention. I will endeavour to ensure that the impact assessment takes that figure into consideration. We are working with training providers, and we are also looking at potential compensation schemes. My right hon. Friend should, in the first instance, suggest that his constituent accesses the helpline via the Government website.

We should be proud that the UK has some of the safest roads in the world. I referred to the “Tow Safe 4 Freddie” campaign. This will continue. We will draw attention to the importance of motorists doing safety checks whenever they are towing. The removal of the separate test for car drivers wishing to tow a trailer or caravan frees up some 30,000 vocational test slots annually. That equates to up to 550 extra tests a week, or a 37% increase in weekly tests, relative to pre-pandemic levels. This SI supports the streamlining of testing to increase the number of HGV tests taking place. Thanks to the great efforts of Driver and Vehicle Licensing Agency staff, the backlog of 55,000 driving licence applications for heavy goods vehicle drivers has been eliminated. These are now being processed within the normal turnaround time of five working days.

Keeping our roads safe is of paramount importance, and we will monitor the situation and act if needed, if our roads become less safe. This SI is just one of 32 Government interventions to tackle this issue, to help reduce the strain on our national supply chains, which is affecting every aspect of our daily lives.

6.10 pm

**Sam Tarry** (Ilford South) (Lab): It is an honour to serve under your chairmanship, Mr Dowd, for the first time.

Our views on this legislation are already on record, so I will not reiterate all the points made in previous debates. I note that my hon. Friend the Member for Bristol South is here, and I am sure she will have a few things to say about the regulations. We on the Opposition Benches understand the Minister’s rationale for this decision, as the regulations make a technical amendment, but it would be remiss of me not to ask a few questions. We all want the HGV shortage to be addressed. Let us

be clear: that shortage has been many months, if not years, in the making. Successive Conservative Governments have had the opportunity to address the problem, and have so far failed to get a permanent, workable solution.

As a result of that mismanagement, MPs are today being asked to make a decision that has significant risks. What do we know? Some 30% of drivers fail the B+E test, and since the introduction of the test in 1997, road safety has improved. Ministers simply do not know the risks associated with this decision, and whether a younger cohort more prone to accidents will begin towing as a result of it. These are serious questions that need to be addressed.

It is not acceptable for MPs to be asked to take a decision blindly, when the Department’s impact assessment of the implications for road safety is either not completed or not being shared with Parliament. The ability of this place to scrutinise the Government has been compromised as a result. We did not hear answers when the matter was debated in the Chamber a few weeks ago. Given that implications of the decision are as yet unknown to Parliament, I would like to press the Minister on the review period. A review of the implications of the decision will take place only every three years. That cannot be right. I ask the Minister to consider a shorter period, and to update the House on towing accident figures quarterly; that will give some reassurance that those involved will be in a position to undertake remedial action swiftly if a problem emerges.

In the absence of an impact assessment, can the Minister explain the thinking that underpins the safety assessment? Baroness Vere said in her letter to the Secondary Legislation Scrutiny Committee that there is not currently any statistical evidence to suggest that competence and skills will worsen if drivers do not take a statutory test to tow a trailer. What statistical evidence did Ministers assess to come to that conclusion? Are they conducting an assessment of whether there will be a change in the trend in the age distribution of drivers towing trailers if all current and future car licence holders become automatically eligible to tow, and will that be published?

Although we will not oppose the regulations, we would welcome, either here or in writing, answers to the very serious questions that we have for Ministers, and we would like to put on record our serious concern about the way in which the regulations have been managed.

6.13 pm

**Karin Smyth** (Bristol South) (Lab): I rise to speak on behalf of my constituents, but also as chair of the all-party towing and trailer safety group. I put on record my strong opposition to the regulations on the Floor of the House on 8 November. Since then, the Government have created such chaos, through the announcement in September of this measure, which has still not been brought into law, that I have frankly become less assured, and more concerned, as the weeks have gone on. We are now unleashing thousands of untrained, unsafe and unqualified drivers of trailers on to our roads. It really does beggar belief that we are still doing this.

My hon. Friend the Member for Ilford South mentioned the answers Baroness Vere of Norbiton gave to questions tabled by the noble Baroness Randerson and Lord

[Karin Smyth]

Bassam. I do not know if you have seen answers like this, Mr Dowd, in your time in the House, but the answers we have had to questions asking the Government “what data they hold on the safety impact of the B+E car and trailer test; and what criteria they will use to review the impact on safety of the Motor Vehicles (Driving Licences) (Amendment) (No. 5) Regulations 2021 after three years”

beggar belief. The answer states:

“There is not currently any statistical evidence to categorically say that competence and skills will worsen if drivers do not take a statutory test to tow a trailer.”

In that case, frankly, I do not know why we are taking a driving test at all. Baroness Vere goes on to say:

“Road safety has significantly improved over recent decades for several reasons”—

we do not dispute that—

“and it is therefore difficult to identify how much the car trailer test...has made a difference since it was introduced in 1997...The number of trailer accidents is low, with the proportion of accidents of cars/vans towing a trailer compared to all car/van accidents, as roughly 0.45% in 2019.”

Over the past four years, the all-party parliamentary group on trailer and towing safety has worked steadfastly with the Department for Transport to gather data and information. The problem with further improving safety is that there has not been any more data and information.

Baroness Vere goes on to say:

“In respect of the demographics of the drivers towing trailers, our statistics show that individuals generally only start getting their car and trailer licence (Category B+E licences) from their late 30s and 40s onwards”.

If this is such a crisis, what is stopping drivers in their 20s from driving these trailers without a test? I have the support of the Association of British Insurers and of the Road Haulage Association, because they know that it is not safe—with all due respect to 22-year-olds—to put a 22-year-old on the roads, untested and unqualified, driving those trailers. I have spoken to very many people in their 20s, 30s, 40s and 50s, including people like me who, as the Minister has said, do not need the test. None of us thinks that we are competent to drive those trailers without training and testing. As my hon. Friend the Member for Ilford South said, we already know that 30% of people who have been trained and tested fail.

As I said in November, this move is reckless and dangerous. We know that 50% of trailers on the roads are already not compliant, as shown by the APPG’s work over the past few years, and that 30% of people fail the test. We know that the Government do not know the impact of their decisions, and that the so-called review after three years is a hollow commitment based on no data. I hope that the Minister will respond to my hon. Friend by explaining what on earth the criteria will be that are used to assess these regulations when they are reviewed in three years’ time. I will be here in three years’ time, and will hold the Government to their

commitments. I promised my constituents Scott and Donna Hussey that I would do all I can to honour the memory of their son through “Tow Safe 4 Freddie”. I am grateful for the fact that the Government will continue their commitment to that campaign, but I am really quite appalled that we are back here again today, and I sincerely hope that, as a result of these regulations, we do not see the sort of reckless and unsafe driving on the roads that I fear we will.

6.17 pm

**Trudy Harrison:** I will try to give Members some reassurance. As I have said, these regulations will free up 36,000 tests per year—550 extra tests per week—for heavy goods vehicle drivers who are bringing medicines, medical supplies and food to every part of our country. We had 9,541 responses to this consultation, which were mostly positive, and we will publish the full response in the impact assessment early next year. We will continually review this issue and take action when needed.

It is also worth pointing out that the Driver and Vehicle Standards Agency works throughout the year to ensure as far as possible that trailers, including caravans and trailers up to 3,500 kg—which I can tow, because I am 45 years old and passed my test before 1 January 1997—are roadworthy. To provide some indication of the work the Driver and Vehicle Standards Agency is doing, 3,219 tests were carried out on those trailers between September 2019 and September 2021, and only 50% passed. Some 732 tests were carried out on caravans, and only 12% passed, so I am setting out the need for further accreditation. Importantly, that can be accreditation that is suitable for the particular trailer that the motorist will be towing. It will also cover the maintenance of that trailer, which the test did not previously do.

I commend the hon. Member for Bristol South on the work she has done, as well as the work of the APPG and, of course, the “Tow Safe 4 Freddie” campaign. Perhaps early in 2022, particularly at the time of year when people are thinking about taking their caravans out or doing a tip run with their trailer for the first time in months, we will be able to work together to raise awareness of the benefits of training for towing and—just as importantly—maintaining trailers. That is what these regulations will achieve: the kind of accreditation that is suitable for the types of trailers and vehicles that are being used on the UK’s roads.

I have set out the reasons why we are doing this, so I will close by saying that if there are further aspects of the detail of the review that I have not been able to cover during today’s debate, I am very happy to respond in writing to the shadow spokesperson, the hon. Member for Ilford South. I commend the regulations, which were laid before the House on 23 November, to the Committee.

*Question put and agreed to.*

6.20 pm

*Committee rose.*