

PARLIAMENTARY DEBATES

HOUSE OF COMMONS
OFFICIAL REPORT

Fifth Delegated Legislation Committee

DRAFT MOTOR VEHICLES (DRIVING LICENCES)
(AMENDMENT) REGULATIONS 2022

Wednesday 19 January 2022

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The Committee consisted of the following Members:

Chair: † MR PHILIP HOLLOBONE

† Anderson, Stuart (*Wolverhampton South West*) (Con)
 † Ansell, Caroline (*Eastbourne*) (Con)
 † Brine, Steve (*Winchester*) (Con)
 † Burgon, Richard (*Leeds East*) (Lab)
 † Clarke-Smith, Brendan (*Bassetlaw*) (Con)
 † Crosbie, Virginia (*Ynys Môn*) (Con)
 † Edwards, Ruth (*Rushcliffe*) (Con)
 † Fletcher, Colleen (*Coventry North East*) (Lab)
 † Furniss, Gill (*Sheffield, Brightside and Hillsborough*) (Lab)
 † Grant, Peter (*Glenrothes*) (SNP)

† Harrison, Trudy (*Parliamentary Under-Secretary of State for Transport*)
 Johnson, Kim (*Liverpool, Riverside*) (Lab)
 McDonnell, John (*Hayes and Harlington*) (Lab)
 † Richards, Nicola (*West Bromwich East*) (Con)
 † Solloway, Amanda (*Lord Commissioner of Her Majesty's Treasury*)
 Timms, Stephen (*East Ham*) (Lab)
 † Tomlinson, Justin (*North Swindon*) (Con)
 Guy Mathers, Rebecca Lees, *Committee Clerks*
 † **attended the Committee**

Fifth Delegated Legislation Committee

Wednesday 19 January 2022

[MR PHILIP HOLLOBONE *in the Chair*]

Draft Motor Vehicles (Driving Licences) (Amendment) Regulations 2022

9.25 am

The Chair: Before we begin there are some notices that I am required by Mr Speaker to read out. May I remind Members that they are expected to wear face coverings and to maintain distancing as far as possible? That is in line with current Government guidance and that of the House of Commons Commission. Please give each other and members of staff space when seated, and when entering and leaving the room. I remind Members that they are asked by the House to have a covid lateral flow test twice a week if coming on to the parliamentary estate. That can be done either at the testing centre in the House or at home. *Hansard* colleagues would be grateful if Members emailed their speaking notes to hansardnotes@parliament.uk. Similarly, officials in the Gallery should communicate electronically with Ministers.

9.26 am

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) Regulations 2022.

It is a pleasure to serve under your chairmanship once again, Mr Hollobone.

The draft regulations will be made under the powers contained in the Road Traffic Act 1988. The proposed regulations amend the Motor Vehicles (Driving Licences) Regulations 1999. They extend provisions made in 2014 regarding the way that driving licences are upgraded to other sub-categories, and give greater choice to candidates about the motorcycle that they use to take the A2 category motorcycle test. The aim of the measures is to update the regulations in the light of developments in vehicle engine technologies and use.

Although the proposed regulations are derived from directive 2006/126/EC, they make changes that the Government support and wish to make under their own sovereignty.

Changes were made in 2014 to allow candidates who passed a lorry or bus test, with or without a trailer attached, in a vehicle with automatic transmission to be granted manual entitlement if they already held a manual entitlement in another specified category, such as a car. The statutory instrument extends that provision to medium-sized lorries and minibuses, with or without a trailer.

The second proposal is to reduce the minimal test vehicle—MTV—requirement for the A2 standard motorcycle category test. That will permit candidates to use a broader range of motorcycles when taking a test for that category, addressing an issue in the legislation

that has tended to result in candidates using a larger motorcycle that has been modified to restrict the engine size so that it meets the current MTV requirement. The proposal will allow candidates to take their test on motorcycles that are more representative of the A2 licence category.

The draft regulations make two changes to existing legislative provisions. The first proposal concerns the entitlements that are granted when a candidate who holds a full manual entitlement passes a test for another specified category. Prior to 2014, a driver would have to pass a test for a manual lorry or bus if they wished to drive one with a manual gearbox. That was because gearboxes varied between vehicle types, and different techniques were employed to change gear. By 2014, most of the largest vehicles had automatic or semi-automatic gearboxes, so it was decided that if a driver already held a manual entitlement, and then passed a test for a lorry or bus using a vehicle with automatic transmission, they would also be granted the equivalent manual entitlement.

The draft regulations sensibly extend that arrangement to smaller sub-categories, which include mid-sized lorries and minibuses, and their trailer-towing equivalents. Manual gearboxes on those vehicles are similar to the manual gearboxes on modern cars. Therefore, specific techniques are not required to learn how to change gear. It follows that if a candidate has already demonstrated their competence in using a manual gearbox, it is not necessary to require them to take yet another test simply to re-prove their skill with that transmission type.

The second proposal reduces the engine size specified in the MTV requirement for the A2 category test. Current law says that the motorcycle must have an engine with a cylinder capacity of at least 395cc—cubic centimetres. The proposed change is to reduce that to 245cc. Developments in motorcycle engines have led to smaller engines producing more power. Some motorcycles with 250cc engines that are at the smaller end of the medium-sized motorcycle range now produce sufficient power to require the rider to hold an A2 category licence. Despite being representative of the A2 category, those 250cc motorcycles cannot be used for the A2 test. That is because of the current MTV requirement. This SI will rectify that situation. It will allow test candidates to use a broader, and more appropriate, range of motorcycles for their A2 test.

This SI implements small, but important, changes that modernise the regulations and prepare them for further developments in engine technology. For example, most electric vehicles have automatic transmission and so, as has happened with lorries and buses, in future it may become hard to find a manual vehicle in those sub-categories that is not considered to be vintage. The change in the MTV requirement for A2 motorcycles, while driven by increased engine powers, may encourage more riders to take further training and ultimately to acquire a full licence for this increasingly popular category of motorcycle. I commend the regulations to the Committee.

The Chair: Members will be thrilled to know that we can debate this until 10.55.

9.31 am

Gill Furniss (Sheffield, Brightside and Hillsborough) (Lab): Thank you, Mr Hollobone, and it is a pleasure to serve under your chairpersonship.

We understand the Minister's rationale for this decision. All of us want the HGV shortage to be addressed, but let us be very clear that that shortage was a decade in the making. Successive Conservative Governments have had the opportunity to address it and have utterly failed.

The changes made in 2014 established the principle that it was not necessary to re-examine a driver on their use of the gearbox in order to grant an upgraded entitlement. However, they did not apply to the sub-categories, including medium-sized lorries in category C1 and minibuses in category D1, or for those vehicles with a trailer in categories C1+E and D1+E respectively. It is clear that the exemption was made for those sub-categories in 2014 for a reason, so can the Minister outline why medium-sized lorries, minibuses and vehicles with a trailer, and other vehicles, were exempted? Is it because it was felt that drivers for those sub-categories were less likely to be adequately trained?

It is important for Parliament and the public to understand what the basis was for the original decision to exclude those categories, as it has implications for the decision now. Once again we are concerned that Parliament is being asked to approve changes without a proper impact assessment. The explanatory memorandum seems to suggest the Department made a cursory assessment of the changes, rather than a full impact assessment. Could the Minister confirm that? If so, the ability of this place to scrutinise the Government has been compromised as a result.

In the absence of an impact assessment, can the Minister explain some of the thinking that underpins the safety assessment? Is there currently any statistical evidence to suggest that competence and skills will worsen if drivers do take a test to ensure they can drive those categories of vehicle manually? Is the Department conducting an assessment on whether there will be a change in the trend in the age distribution of drivers if they do not need to retake a test? Were there particular concerns with the manual test for those categories that led to those categories of vehicle being excluded? Will that be published?

While we will not oppose the SI, we would welcome, either here or in writing, answers to the questions I have asked the Minister.

9.34 am

Peter Grant (Glenrothes) (SNP): It is a pleasure to see you in the Chair this morning, Mr Hollobone.

Like the official Opposition, we will not oppose the draft regulations, but I have a few comments to make. First, it has to be accepted by the Government that the critical shortage of HGV drivers has not suddenly happened. They can blame covid to an extent, but not for the whole extent. Even before covid, the United Kingdom had an estimated shortage of 60,000 qualified HGV drivers. A significant reason for that was the hostile environment that the Government deliberately created for drivers who had previously come from other European countries to work here.

There has also been a longer-term failure to workforce plan for the entire haulage industry. The Road Haulage Association estimates that as many as a third of remaining drivers in the UK may retire in the next five years. Like a lot of other occupations, trades and professions, the population of lorry drivers is older, on average, than the rest of the population, so if we do not start to recruit,

train and qualify substantial numbers of lorry drivers very soon, the crisis will continue to get worse, even with the draft regulations.

I understand the Government's view that the draft regulations do not adversely affect the safety of HGVs, which is clearly a primary concern. One of my worries is that we are seeing a piecemeal salami slicing of licensing, testing and qualification requirements, and I am not sure that we have looked at the overall effect of the changes. Those being proposed today are fairly minor, but a number of others have been proposed over the last year or two, and I am not sure that the Government have properly looked at the likely consequences of all the changes taken together.

I note from the explanatory memorandum that effectively the Government have simply repeated a lot of the consideration that they gave in 2014, and have said that they still take the same view. One of the mitigations that has been relied on in the past is that even if a driver finds it difficult to use a new lorry that they have been assigned to, they should be able to rely on their employer to get them trained in order to keep them safe. The Government have said that a company would not allow a driver on to the road if they were unsafe. Most companies will not, but some will. There was a court case not long before Christmas concerning a horrific accident. It was shown that the main contributing factor was that the driver should not have been allowed on to the road by their employer, and nobody should have been allowed into the vehicle that the driver was using.

There are hauliers who will pack people like sardines into a refrigerated lorry on the continent and bring them over here, sometimes tragically leaving them to die in that lorry. Such people will not hesitate to put an unfit lorry with an unfit driver on the road if there is money to be made from it. The vast majority of hauliers would never do that, but some would, and we need to recognise and stop that. It is significant that the Road Haulage Association has had concerns about some of the changes. Indeed, the chief executive of the Malcolm Group, one of the biggest hauliers in these islands, was also sceptical about them. These are people who want to see a substantial increase in the number of drivers getting trained. We might think that some of them have a vested interest in making it easier for drivers to be trained, yet they are saying, "Let's stop and think about this. Are we taking things too far?"

As I said, I will not oppose today's regulations, but I ask the Government to step back and look at all the changes that have been made to the licensing regime over a fairly short period to ensure that, collectively and cumulatively, we are not doing something that we could all regret later on. Finally, if the Government were really serious about having a quick increase in the number of HGV drivers in these islands, they would scrap the hostile environment. If they insist on asking for work visas for HGV drivers, three months is ridiculous; allow visas for at least a year, ideally two. Our preference, of course, would be that we should be thanking anybody from the European Union who wants to work here as an HGV driver, not saying that they cannot get in.

9.38 am

Trudy Harrison: I thank hon. Members for their consideration of the instrument. I point out that it is less about HGVs and far more about motorcycles or

[Trudy Harrison]

small type C and D vehicles. It removes the need to take a test to demonstrate a competence that has already been proven. It also permits a broader range of motorcycles to be used for the A2 category. I hope that that encourages a bit more gender diversity in motorcycle driving, because when I was considering taking my motorbike test, it was the fact that I had to take it on a large 395cc motorbike that put me off. That will no longer be the case.

The first change removes the requirement to record a restriction on a driving licence when a person passes a test in a vehicle with automatic transmission but already holds a manual licence in another relevant category. The second change reduces the MTV requirement for A2 motorcycles. Both changes will update the existing legislation in ways that will benefit test candidates, training organisations and businesses. The hon. Member

for Sheffield, Brightside and Hillsborough correctly referred to the anomaly from 2014. My understanding is that there was a requirement at the time to tackle the HGV aspect, so it was felt that there was a more urgent need to address larger vehicles.

An impact assessment has indeed been produced. The completed impact of both measures resulted in de minimis values. The evaluation of the driving licence upgrades produced a value of £4.3 million, and that of the change to the minimum test vehicle requirement for A2 motorcycles produced a value of £1.4 million. The draft regulations will remain meaningful and relevant, and I hope that the Committee has found the debate informative and will join me in supporting them.

Question put and agreed to.

9.40 am

Committee rose.