

PARLIAMENTARY DEBATES

HOUSE OF COMMONS
OFFICIAL REPORT

Third Delegated Legislation Committee

DRAFT DRIVERS' HOURS, TACHOGRAPHS, INTERNATIONAL ROAD HAULAGE AND LICENSING OF OPERATORS (AMENDMENT) REGULATIONS 2022

Tuesday 1 November 2022

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The Committee consisted of the following Members:

Chair: †ESTHER McVEY

Allan, Lucy (<i>Telford</i>) (Con)	† Jones, Andrew (<i>Harrogate and Knaresborough</i>) (Con)
Bradshaw, Mr Ben (<i>Exeter</i>) (Lab)	† Loder, Chris (<i>West Dorset</i>) (Con)
Byrne, Ian (<i>Liverpool, West Derby</i>) (Lab)	† Longhi, Marco (<i>Dudley North</i>) (Con)
Cryer, John (<i>Leyton and Wanstead</i>) (Lab)	† Norman, Jesse (<i>Minister of State, Department for Transport</i>)
De Cordova, Marsha (<i>Battersea</i>) (Lab)	† Thomas, Derek (<i>St Ives</i>) (Con)
† Fabricant, Michael (<i>Lichfield</i>) (Con)	† Young, Jacob (<i>Redcar</i>) (Con)
† Firth, Anna (<i>Southend West</i>) (Con)	
† Fletcher, Colleen (<i>Coventry North East</i>) (Lab)	
† Furniss, Gill (<i>Sheffield, Brightside and Hillsborough</i>) (Lab)	
† Henry, Darren (<i>Broxtowe</i>) (Con)	
Hillier, Dame Meg (<i>Hackney South and Shoreditch</i>) (Lab/Co-op)	
	Ian Cruse, Yohanna Sallberg, <i>Committee Clerks</i>
	† attended the Committee

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Tuesday 1 November 2022

[ESTHER McVEY *in the Chair*]

Draft Drivers' Hours, Tachographs, International Road Haulage and Licensing of Operators (Amendment) Regulations 2022

9.25 am

The Minister of State, Department for Transport (Jesse Norman): I beg to move,

That the Committee has considered the draft Drivers' Hours, Tachographs, International Road Haulage and Licensing of Operators (Amendment) Regulations 2022.

It is a delight to see you in the Chair, Ms McVey.

The draft regulations will be made under the powers conferred by section 31 of the European Union (Future Relationship) Act 2020. They are to implement fully some of the international road transport provisions in the trade and cooperation agreement between the European Union and United Kingdom, which was entered into on 30 December 2020 and is known as the TCA. The regulations are mainly about drivers' hours and tachograph rules for most commercial drivers of lorries and coaches, but also involve international haulage access to the UK.

Section 29 of the European Union (Future Relationship) Act 2020 provides a general implementation clause under which domestic law, including EU regulations retained as UK law, is, where necessary, interpreted in order to implement the TCA. On top of that, the changes being proposed by the statutory instrument will formalise the relevant TCA provisions into UK domestic law to provide legal clarity. That will also enable UK enforcement officers to enforce against EU commercial drivers in the scope of lorries and coaches operating in the UK.

The regulations amend in the first place the retained EU regulation (EC) 561/2006, which sets out driving time rules for commercial drivers. Secondly, they amend the retained EU regulation (EU) 165/2014, which sets out rules on the installation and use of the tachograph device, a recording device used for the enforcement of the driving time rules. Thirdly, the regulations amend the retained EU regulation (EC) 1072/2009, which sets out rules on cabotage movements. They also amend the domestic Goods Vehicles (Licensing of Operators) (Temporary Use in Great Britain) Regulations 1996, which set out the rules for non-GB operators' access to GB roads.

Michael Fabricant (Lichfield) (Con): I notice that the explanatory memorandum states that the SI

“also removes some access rights for EU operators to reflect the market access in the TCA”

Can my right hon. Friend say what sort of rights are being removed from EU operators?

Jesse Norman: I thank my hon. Friend for his question, and I will come on to that further in my speech. He brilliantly anticipates.

The drivers' hours and tachograph regulations are essential to keeping our roads safe, and are retained as UK law by the European Union (Withdrawal) Act 2018. The retained EU drivers' hours regulations 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 after four and half hours of driving, a driver must take a 45-minute break. Additionally, daily driving time is normally limited to nine hours. The consequences of driving any vehicle when fatigued can of course be catastrophic and the potential risks associated with heavy commercial vehicles are particularly severe. The rules are enforced by both the Driver and Vehicle Standards Agency and the police. They do that through targeted roadside checks and by visiting operators' premises. The principal tool used by enforcement officers is the record generated by the tachograph. As I have said, that device records the driving, rest and break times of individual vehicles and their drivers.

The EU cabotage regulation was also retained as UK law by the European Union (Withdrawal) Act 2018. To explain for those unfamiliar with cabotage operations, it means the transport of goods between two places—the loading and unloading of goods—within a single country by a haulier registered in another country. Since 1 January 2021, international market access for hauliers operating between the UK and EU has been governed by the TCA—that returns to the point raised by my hon. Friend the Member for Lichfield.

The general implementation clause in the European Union (Future Relationship) Act 2020 means that domestic legislation has effect, so as to implement the commitments in the TCA. However, in order to enable full and effective enforcement, in this case including in relation to visiting EU haulage operations, it is important to align the domestic legislation fully with the TCA's provisions. There are three broad categories of amendments that the draft regulations are making. First, they will amend the retained EU drivers' hours and tachograph regulations to include some specific international road transport aspects that were not required in the context of a no-deal exit from the EU without the TCA.

Secondly, the draft regulations will amend the retained drivers' hours and tachograph regulations to introduce prospective changes agreed in the TCA relating to the introduction of the smart tachograph version 2 from August 2023. That includes bringing some smaller vehicles over 2.5 tonnes, used commercially for international journeys, into the scope of the regulations from July 2026. Thirdly, the draft instrument will amend the retained EU cabotage regulation and the domestic goods vehicles operators' licensing regulations to reflect the international road haulage access rights in the TCA. Currently, the legislation still reflects some of the market access arrangements when the UK was a EU member state. However, the retained regulation, (EC) 1072/2009, has already been amended to reflect the reduced cabotage rights for EU operators in the UK following their usual type of arrival with an inbound international load.

The further changes via the SI will include removing the right of EU operators to undertake cabotage operations when entering the UK without a load. The draft regulations

have the effect and are essential to ensure legal clarity and to implement and enforce fully the commitments in the TCA. They do not increase the substance of regulatory burdens placed on UK drivers and operators, which are subject to drivers' hours and tachograph rules. They will also ensure a level playing field for UK operators, by removing road haulage access rights to EU operators to mirror the access rights given to UK operators in the TCA. UK haulage already faces enforcement action in the EU if it breaches TCA commitments, but in some limited areas UK domestic law to implement the TCA as it applies to EU haulage in the UK needs to be harmonised fully.

I hope that Members will join me in supporting the draft regulations, and I commend them to the Committee.

9.32 am

Gill Furniss (Sheffield, Brightside and Hillsborough) (Lab): It is a pleasure, as usual, to serve under your chairpersonship, Ms McVey. I welcome the new Minister to his rightful place.

I am pleased to say that the Opposition will not oppose the SI, because the regulations are based on existing requirements made under the TCA. However, I must mention a few issues relating to driver welfare in the logistics sector. Lorry drivers play a vital role in keeping our shelves stacked, our medicines stocked and our economy moving, but all too often they are overlooked and made to work in conditions that would be unacceptable in other professions. Facilities to allow drivers to eat and sleep, and to use the toilet with some basic dignity are hard to come by on our roads. The industry has been crying out for action to be taken but that has fallen on deaf ears for far too long. Although limited steps have been taken to address the medium and long-term factors surrounding those issues, there is still no plan in place to tackle the urgent problems.

According to the Government's own figures, lorry parking capacity utilisation has reached 83%, up from 76% five years ago. That is teetering on the edge of the critical utilisation level of 85% set by the Department for Transport. In fact, it is above the 75% level that the industry widely views as full capacity. In some areas, such as the east of England, capacity is as high as 95%. Overall, the Road Haulage Association estimates a shortage of 11,000 lorry parking spaces nationally. Those issues are culminating in an acute lack of recruitment and a shortage of lorry drivers. If we are encourage more people, particularly younger people and women, into this incredibly important profession, those issues must be addressed urgently.

Such basic facilities would be taken as a given in any other vocation, so why have lorry drivers been left behind? I hope that the Minister will look into those

issues as a priority and take action where his predecessors have kicked the can down the road. The Opposition will not oppose the SI, but I hope the Minister will address those issues either now or in writing.

9.34 am

Jesse Norman: I am very grateful to the hon. Lady for her kind words, and for the questions that she has put on important topics. She is absolutely right to focus on the issue of driver welfare. She may be aware that the Government have now topped up to £52 million the investment that we have been making in the industry to support better facilities for drivers.

Current rules grant flexibilities to allow for workflow patterns but within very constrained limits, and therefore with an eye to the preservation of the wellbeing and welfare of drivers. The hon. Lady is absolutely right to pick up the point of a driver shortage. She may be aware that the Government took a lot of actions during and since the recent supply shortage to try to train, encourage and incentivise more people to join the industry and to become heavy goods vehicle drivers. The Department for Education has invested £34 million to create skills bootcamps, and there is also HGV driver training available through apprenticeships and other work through Jobcentre Plus.

Chris Loder (West Dorset) (Con): Does my right hon. Friend agree that it is not just the Government's responsibility but that of employers in the private sector to look after their staff and make sure that they have adequate staff to deliver the service required?

Jesse Norman: My hon. Friend is absolutely right, of course, but the question was put as to Government policy and that was why I responded to it. Of course, we all recognise that the power of the private sector is something considerably larger in many respects than that of Government. There is evidence that wages are going up and that will itself provide an incentive to more drivers. As regards the Government, we have been pressing hard on the issues of driver welfare and driver shortage.

The hon. Member for Sheffield, Brightside and Hillsborough is right to raise the matter of lorry parking, which has been an issue for a long time. Various studies bear on the question of parking availability and freight, as she will be aware, but it, too, is an issue taken extremely seriously by the Government. I expect and hope that further progress will be made in that respect.

Question put and agreed.

9.36 am

Committee rose.

