PARLIAMENTARY DEBATES

HOUSE OF COMMONS
OFFICIAL REPORT
GENERAL COMMITTEES

Public Bill Committee

VEHICLE TECHNOLOGY AND AVIATION BILL

Sixth Sitting

Tuesday 21 March 2017

(Afternoon)

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Saturday 25 March 2017

The Committee consisted of the following Members:

Chairs: James Gray, † Joan Ryan

† Baker, Mr Steve *(Wycombe)* (Con)
† Brown, Alan *(Kilmarnock and Loudoun)* (SNP)
† Burden, Richard *(Birmingham, Northfield)* (Lab)
† Doyle-Price, Jackie *(Thurrock)* (Con)
† Foxcroft, Vicky *(Lewisham, Deptford)* (Lab)
† Fuller, Richard *(Bedford)* (Con)
† Hayes, Mr John *(Minister of State, Department for Transport)*
† Hendry, Drew *(Inverness, Nairn, Badenoch and Strathspey)* (SNP)
Knight, Sir Greg *(East Yorkshire)* (Con)
† McDonald, Andy *(Middlesbrough)* (Lab)
† Malthouse, Kit *(North West Hampshire)* (Con)
† Marris, Rob *(Wolverhampton South West)* (Lab)
† Matheson, Christian *(City of Chester)* (Lab)
† Prentis, Victoria *(Banbury)* (Con)
† Selous, Andrew *(South West Bedfordshire)* (Con)
† Snell, Gareth *(Stoke-on-Trent Central)* (Lab/Co-op)
† Stewart, Iain *(Milton Keynes South)* (Con)
† Tugendhat, Tom *(Tonbridge and Malling)* (Con)

Ben Williams, Farrah Bhatti, *Committee Clerks*

† attended the Committee

Public Bill Committee

Tuesday 21 March 2017

(Afternoon)

[Joan Ryan *in the Chair*]

Vehicle Technology and Aviation Bill

Clause 18

Air travel organisers' licences

Amendment proposed (this day): 22, in clause 18, page 13, line 20, at end insert—

"(4) The Government must publish a review within one year of this Act receiving Royal Assent the impact on UK consumers using EU-based companies affected by changes to consumer protection introduced by this section."

This amendment requires the Government to regularly review the impact of the new regulation to ensure that it is working and not adversely affecting UK consumers using EU-based companies.—(Richard Burden.)

2 pm

Question again proposed, That the amendment be made.

Richard Burden (Birmingham, Northfield) (Lab): Welcome back to the Chair, Ms Ryan. When we adjourned for lunch this morning, we were concluding discussion about the possible impact of Brexit on the clause relating to ATOL—air travel organisers' licence—and its relationship with the package travel directive 2015. The simple fact is that we do not know how Brexit will affect the issues covered by the clause. We do know that ATOL will still be here and that ATOL protection will be extended wherever holidays from companies established in the UK are sold abroad. We do not know how sales into the UK to UK holidaymakers by companies that are established in other EU member states will work.

We do not know precisely how that is going to work before Brexit, because they will be covered by the insolvency and other equivalent ATOL regulations that apply in that member state, but at least there will be the overarching framework of the package travel directive that we will be part of. After Brexit, who knows what will be the case? It may not be a problem, but we simply do not know.

That is why it is really important that, as part of the Brexit discussion, the UK Government look at this issue and try to look forward to what will happen to our relationship with the package travel directive. That could affect many thousands of UK holidaymakers. That is why it is important that the whole operation of ATOL and parallel protection regimes, with which we may or may not have a relationship such as the package travel directive, are reviewed properly at an appropriate time after the Bill is enacted.

Our amendment was inferior in some of the timescales it envisaged to that, so I am prepared to withdraw the amendment, but I am grateful to the Minister for his assurance that there will be a proper review of these regulations. With that, I beg to ask leave to withdraw the amendment.

Amendment, by leave, withdrawn.

Clause 18 ordered to stand part of the Bill.

Clause 19

Air Travel Trust

Richard Burden: I beg to move amendment 23, in clause 19, page 14, line 5, after "unless" insert "a full impact assessment and consultation is published and a"

This amendment requires the Government to undertake a full impact assessment and consultation before bringing forward regulations to create any new air travel trusts through an affirmative resolution.

The clause relates to the Air Travel Trust, which is the legal vehicle that holds the money that is then used to refund consumers under ATOL protection. It would give the Secretary of State the power to define separate trust arrangements to reflect different market models, prefiguring some of the changes in the holiday package market, referred to by the Minister.

Amendment 23, following a theme, would require the Government to undertake a full and proper review and public consultation before bringing in any of the changes that would be enabled under the powers in clause 19.

Unlike clause 18, as discussed with the previous amendment, clause 19 does not seem directly relevant to harmonising EU and UK regulations. Instead, it is a dormant power that the Government will hold in order to make considerable changes to ATOL, in particular to the Air Travel Trust. That is where Brexit perhaps does come in, because were such changes to happen, they would most likely be in the event of leaving the European Union.

During one of our evidence sessions, we heard from Richard Moriarty of the CAA, a trustee of the current Air Travel Trust. He recognised the possible merit of separating up the trust to reflect variations of products and changes in the market, so I do not rule out further reforms having potential merit. The point is that we are simply not there yet, and I think it would be wrong of the Government to use this Bill as a way of giving themselves the power to make wholesale changes without due consultation. Granted, the Minister has made it clear in a letter to the shadow Secretary of State for Transport, my hon. Friend the Member for Middlesbrough, that changes will be made only by affirmative resolution—I welcome that—but the Bill still does not allow for any further consultation as part of the measure.

The impact assessment that the Government have undertaken for the Bill explicitly states that it

"does not consider proposals for ATOL reform, beyond what is required in"

the package travel directive. It would therefore be rather inappropriate for Ministers to go beyond that without providing assurances at this stage that proper consultation and scrutiny will take place if they are minded to go beyond the changes currently envisaged.

During the evidence session, Mr Moriarty of the CAA said that he hoped that the Government would

"follow the practice that they have followed today"—

I think he meant through the Bill—

"consult with" regulators,

"consult the industry, do the impact assessment, and so on."—[*Official Report, Vehicle Technology and Aviation Public Bill Committee,* 14 March 2017; c. 65, Q150.]

This amendment is purely saying that. It is fair and reasonable and guarantees scrutiny of further changes that may come down the track in relation to ATOL protection.

The Chair: Before I call the Minister, I point out—to save people's blushes, I will not mention any names—that it has been suggested a number of times that phones should be switched off. Even text messages and emails should not be making what I would describe as a pinging noise. That is not acceptable and is unfair to other hon. Members.

The Minister of State, Department for Transport (Mr John Hayes): Quite right, Ms Ryan. I am going to ensure that I do not ping, and that my Parliamentary Private Secretary does not ping on my behalf.

This morning we had a long discussion as well as a debate about the areas that the hon. Member for Birmingham, Northfield has once again this afternoon articulated: consultation, continuing consideration, dialogue and a willingness to listen and to change where necessary. Those themes have percolated throughout our consideration so far and seem to me to be part of the critique, led by the hon. Gentleman, that the Committee has offered of the Bill.

As with the preceding amendment, I start by saying that I fully endorse, and indeed support, this amendment's purpose. It is absolutely right that the Bill, throughout its content, requires detailed further consideration as its measures find their effect. When we introduce reforms of this kind, of course it is important that they are reviewed, but I agree that although that might be regarded as axiomatic by some, it can never be said too often. The hon. Gentleman is right to emphasise it in articulating the amendment's purpose.

We need carefully to craft our policies and regulatory framework. Doing so is the key to good governance. With respect to this clause, I can explain that I have no plans to change the current air travel deed. The system works well. The changes that we are introducing in the Bill are very much built on those elements of the system that we know are effective, time honoured and well tested. I feel that as Mr Gray has benefited from the wisdom of Edmund Burke, you should be able to also, Ms Ryan. Burke said:

"A disposition to preserve, and an ability to improve, taken together, would be my standard of a statesman."

Even I would not claim to be a statesman, but I am more than happy to pay tribute to the statesmanlike way in which the hon. Gentleman has debated the Bill so far, and to his additional emphasis on those elements that I set out as necessary to ensure that we continue consultation and review the effects of what we do.

In the light of responses to our consultation last year, however, the Government propose to take the power to establish trusts, with the flexibility to make separate provision for different types of risks and different business models. That is very much in tune with what I said earlier about the evolving character of the market. It is an important change that needs to be reflected in an amended though not radically different regulatory regime. That regime should build on, in Burke's terms, what we should preserve, but equally be fit for purpose in that it responds to changing conditions. An example would be the new, looser type of package arrangements called linked travel arrangements. We do not know how the industry will react to the innovation, or whether riskier products will result, requiring us to separate the trust arrangements. At our evidence session, Richard Moriarty from the Civil Aviation Authority said:

"it would be prudent and sensible for Government to have the flexibility to respond to that"—[*Official Report, Vehicle Technology and Aviation Public Bill Committee,* 14 March 2017; c. 65, Q150]

By "that" he meant those kinds of emerging trend changes.

With regard to consultation, I am content—indeed, more than that, I am enthusiastic—to give the hon. Gentleman a commitment that the Government will conduct a thorough impact assessment and consultation before implementing the powers. That is a binding assurance, and I am more than happy to support that in writing. It seems absolutely right to consider those matters in that way.

We have a good track record—I would never want to say that it speaks for itself, because then I would have no need to speak to it—and we can be proud of the fact that we have gone about the review thoroughly and diligently. I have already drawn attention to the workshops, the roundtable discussions, the extensive consultation and the response to it. By way of amplification of what I said earlier, we have also, against the background of the changes made in 2012 and as part of the consultation, asked again how the changes made affected business and changed practice, and whether they were right. It is important for the Government to ask such questions, to be self-analytical and, where necessary, self-critical. Moreover, the Civil Aviation Act 1982 places a requirement on the Government and the Civil Aviation Authority to consult under section 71A, so as well as my commitment there is a good legislative foundation on which it is built.

We also want to discover whether what we changed in 2012 better reflects market practice. Therefore, in our call for evidence on our long-term review of the ATOL scheme, when we consulted on the changes to be given life by the Bill, we were prepared to learn from any criticisms or suggested further changes that resulted. Each stage of the work has been subject to impact assessments and consultations, and the Civil Aviation Authority and the Association of British Travel Agents have commended the Government's approach to reform, highlighting the diligence to which I have drawn the Committee's attention.

At last week's evidence session, Richard Moriarty said that he hoped the Government would

"follow the practice that they have followed today: consult with us, consult the industry, do the impact assessment, and so on."—[*Official Report, Vehicle Technology and Aviation Public Bill Committee,* 14 March 2017; c. 65, Q150.]

The hon. Gentleman also mentioned that in his speech.

2.15 pm

For those reasons, I am confident that the current process works and I do not intend to deviate from it. Given the need to react quickly to reflect consumers' interests, it is unnecessary to bind the Government's hands as described, potentially fettering our ability to act rapidly in the light of the circumstances of a dynamic market. That is particularly so when we are midway through an extensive process of consultation and engagement, which has been commended by those involved, such as Richard Moriarty and others.

The hon. Gentleman is absolutely right to raise the issue again. It is vital for me to give those assurances, which I am prepared to support further should he wish me to. Let me put the Opposition's critique of the

Bill—indeed, that of the whole Committee—in a three-pronged way: first, that we need to continue dialogue; secondly, that we need to maintain parliamentary involvement in that process as appropriate through the scrutiny of regulation and so on; and thirdly, that we need to review progress. The three prongs of the Opposition's case all seem to make sense, so I am as one with him on those. We can always have discussions about how things are done, but the principles are entirely sound. On that basis, I hope he will withdraw his amendment.

Richard Burden: I thank the Minister for that response and for his kind words. He has responded to our debates in a thoroughly statesmanlike and quick-witted way—rarely have I seen such a well-timed point of order as I saw this morning, when I managed to get myself stuck in an electric vehicle when I should have been piloting an aircraft. He has also approached the Bill with a great degree of confidence in his position, which has allowed him to compromise. That is an important sign of confidence and strength. He knows that compromising and giving assurances when they are requested, and when they are appropriate, do not weaken his position, and I thank him for that.

He is absolutely right about our three-pronged approach to the Bill: seeking dialogue and consultation, the right kind of scrutiny and a willingness to review. Given what he said about the amendment, he has demonstrated that he is prepared to apply those three prongs in future.

Rob Marris (Wolverhampton South West) (Lab): On the three-pronged approach, can I say that on the Labour Benches we do support Trident?

The Chair: I think that may be out of scope.

Richard Burden: I am waiting for an intervention from the Scottish National party. The Minister has made some good points. I hope he will put that assurance in writing. It is easy for us to hear that and to read it in *Hansard*, but if he puts it in a letter to members of the Committee, it will be in the public domain, which would be helpful. I beg to ask leave to withdraw the amendment.

Amendment, by leave, withdrawn.

Clause 19 ordered to stand part of the Bill.

Clause 20

PROVISION OF INFORMATION

Question proposed, That the clause stand part of the Bill.

Rob Marris: I have just a brief question for the Minister. The explanatory notes say that the provisions relate to

"European airlines that have an air service operator's licence from another EU Member State".

That is in paragraph 66 at the bottom of page 12. It comes back to the issue I raised earlier about Brexit. The context for part of clause 20 seems to be the relationship we currently have with the European Union, but which we are unlikely to have in another 105 weeks. I am seeking reassurance that, under clause 20, we are not constitutionally locking ourselves into something that will not be part of our constitution in 105 weeks' time.

Mr Hayes: I never want to be locked in anywhere—I do not know how the hon. Gentleman feels about that—but he is right. As he implies, there is a balance to be struck between getting the absolute protections that we want for our consumers who travel overseas, and allowing our businesses to move forward with certainty in planning their growth and development. To clarify, when I described my occasional visits to the Co-op travel agents in Spalding, I rather suggested that I journeyed abroad recreationally a great deal, but most of my family holidays are actually spent on the east coast of England. I do not really like moving far from the east coast—from Northumberland down to Kent. That is quite sufficient for me. I am a man of simple tastes. None the less, there are those who travel widely and regularly, and it is important that they are protected by the Government supporting the industry by underpinning an already strong system. The hon. Gentleman knows that that is our intention.

The Civil Aviation Act 1982 already confers a power on the Civil Aviation Authority to obtain information from persons, businesses and practice to determine whether there is a need to hold an ATOL licence. This is based around the existing scope of the scheme, which focuses on holidays offered to consumers in the UK. Clause 20 will extend the scope of the information powers to bring in the new scope of the ATOL scheme introduced through clause 18. Essentially, clause 20 reflects clause 18 in those terms, and is certainly consequential to it. In effect, the Civil Aviation Authority will have the power to obtain information from all businesses that are selling flight holidays in the UK, which is the existing scope, and UK-based operators selling to consumers in Europe, which is the extended scope. The practical effect of the clause is to make it easier for the Civil Aviation Authority, as the regulatory authority, to ensure that businesses selling holiday packages have the required consumer protection in place.

The hon. Member for Wolverhampton South West is right to say that, as we go through Brexit process, it is important that the improvements that we believe will come from the new European approach to these matters are not compromised. In a way, the improvements bring other countries in Europe up to a standard that we have enjoyed without any diminution of the protection offered here. That will probably be the net effect of that new regulatory environment. It is important that our departure from the European Union does not compromise that.

It would be well beyond my pay grade and outside my orbit to anticipate what the negotiations we are about to enjoy with the European Union will mean in respect of Brexit, and the hon. Member for Birmingham, Northfield and others on this Committee would not expect me to do so. However, it is clear to me that there is strong mutual interest across the European Union in maintaining a system that is consistent, reliable and comprehensible. Those seem to me to be the things that underpin the regime that Europe has been working to try to bring about and that Britain has long had. While I cannot anticipate the outcome of those negotiations, as the hon. Member for Birmingham, Northfield mentioned in his opening remarks, I can stress our determination to ensure that, for us and others, those protections will remain in place. Certainly

we would not want to be in a circumstance where any holidaymaker from the United Kingdom was worse off than they are now.

Question put and agreed to.

Clause 20 accordingly ordered to stand part of the Bill.

Clause 21

Powers to designate premises for vehicle testing and to cap testing station fees

Andy McDonald (Middlesbrough) (Lab): I beg to move amendment 24, in clause 21, page 16, line 5, at end insert—

"(c) must be accompanied by an assessment of how the designation would affect existing DVSA testing facilities and staff."

This amendment requires the Government to review and report how any new designated premises may adversely impact existing DVSA testing facilities and staff.

It is a pleasure to serve under your chairmanship again, Ms Ryan. We move seamlessly to the issue of vehicle testing, and in particular the testing of lorries, buses, coaches and heavy goods vehicles, and the proposed move from centres under the control and ownership of the Driver and Vehicle Standards Agency to authorised testing facilities, with independent examiners remaining in the employ of the DVSA. That is the context, and I am assisted in that regard by the explanatory notes. I noted during the debate on the previous clause that, at the bottom of page 12, we have a paragraph 66 and then another paragraph 66—too many sixes. I wonder whether the devil is in the detail.

The Labour party does not have an issue in principle with the contents of the clause. However, we have concerns about the effects on existing DVSA testing facilities and staff of the increased movement from Government-owned testing facilities to privately owned sites. Our amendment therefore would ensure that the Government reviewed and reported on how any new designated premises or authorised testing facilities may adversely impact existing DVSA testing facilities and staff.

I am grateful to the Minister for writing to me specifically about this and for providing a reassurance that the Government will not close any DVSA sites unless other suitable local testing sites are available; that tests will continue to be conducted by DVSA examiners; and that the DVSA will still employ the examiners who deliver vehicle tests at private sector sites. However, that is not the entire story. We have been in contact with Prospect, the union that represents DVSA vehicle testing staff. Prospect supports our amendment, and it shared with us its members' concerns about the Bill. It is clear that industrial relations have been far from perfect. Matters came to a head at the end of 2015 when industrial action was taken in a dispute about terms and conditions. Prospect states that the way in which the DVSA has conducted negotiations with staff working in vehicle testing centres has had

"an impact on existing staff and the attractiveness to potential new entrants".

In the light of the Government's intention in the Bill to migrate towards a new system, I urge the Minister to take those issues on board, because they have depleted staff numbers and resulted in the DVSA's technically qualified staff being diverted from their roadside enforcement work to cover annual testing of heavy vehicles.

Peter Hearn, the DVSA's group service manager for vehicle and testing services, explained to the Transport Committee in November 2015 that DVSA staff members working in vehicle testing had been forced to work overtime to manage workload while maintaining standards. Since the agency ended the practice of diverting roadside technical enforcement staff away from their work at the beginning of this year, the staff shortage has reached what Prospect calls a "critical point", which has resulted in staff in northern areas of Great Britain being redirected to undertake annual testing activities in the south.

It is Prospect's belief that, despite its members' extraordinary efforts, the DVSA is paying authorised testing facilities compensation on account of failing to meet its contractual obligations to provide them with the staff to carry out testing. Accordingly, there is some concern that, in order to deal with the shortfall in staff numbers for ATFs, the DVSA is considering allowing delegated testing. There is a concern as to where that might lead. As was stated in the Transport Committee report into the work of the Vehicle and Operators Service Agency, the DVSA's predecessor:

"The UK's HGVs and PSV road safety record is testament to the high standards of VOSA's testing staff and we would not like to see this undermined in any way".

2.30 pm

In tabling the amendment, we are attempting to establish a statutory mechanism to bring transparency and reassurance to the anticipated preparation of authorised testing facilities and thereby prevent measures in clause 21 from having a damaging impact on existing DVSA testing facilities and staff. I have tabled this probing amendment in the hope that the Minister will be able to provide further reassurances in addition to those which he kindly delivered in his recent letter.

Rob Marris: The amendment is designed to foster consultation and more information. Paragraph 72 on page 13 of the explanatory notes refers to authorised testing facilities—ATFs—which are privately owned sites where most but not all of the testing goes on. As the Minister may know, I have a personal interest in this, having worked for three years as a bus driver, driving these sorts of vehicles. Paragraph 72 says:

"To complete the move from Secretary of State owned vehicle testing sites (i.e. DVSA sites) to private sector owned sites, the other specialist testing schemes conducted by the DVSA will be moved into an ATF type arrangement".

The provision relocates site testing from DVSA facilities to ATF facilities, and refers to "other specialist testing schemes". Will the Minister say what those schemes are?

Secondly, the amendment would amend proposed new section 65B(5) which deals with designation and says:

"(5) A designation under this section—

(a) is made by giving notice in writing to the person in charge of the premises designated;"

Will the Secretary of State be giving notice to himself under that provision on DVSA sites?

Mr Hayes: I am grateful to hon. Members for their comments during this short debate. This is an important change. It is not in any sense designed to alter those things to which the Select Committee referred and to which the hon. Member for Birmingham, Northfield drew our attention. I, too, have read that report. He is right in saying that the Select Committee was supportive of the quality of what is offered. That is something we value too and certainly would not do anything to dilute.

The other thing to say at the outset, before I move to the substance of my remarks, is that we have consulted on these matters, before introducing the Bill, as the hon. Member for Wolverhampton South West will know. We consulted in the motoring services strategy in 2012 and again in 2016 as part of the DVSA business plan. Many private sector premises such as haulage firms or bus depots have facilities from which they carry out vehicle maintenance. Some have invested in premises to provide these facilities.

To date, we have 581 private sector sites and around 96 DVSA sites. To deliver vehicle testing services from those premises could save the DVSA a great deal of money in reservation costs, because some of the DVSA sites are quite old and require further work. To give an illustration for the sake of clarity, the cost of renovating DVSA properties in 2007-08 was £25 million. That was 10 years ago, and many of them are due a refit. This measure would mean that they would not have to have one, so there are good reasons for doing it, and we have consulted on it before doing so. However, the hon. Member for Middlesbrough posed important questions, which I want to deal with one by one.

First, delegated testing would require primary legislation, and we do not intend to bring it in—the hon. Gentleman can be confident about that. Secondly, as he said—and it deserves repeating—all tests will continue to be carried out by authorised examiners. The number of examiners has increased slightly over the past few years—there were 27 new posts in 2016-17—to reflect demand. I know, because I asked many of these questions when we were considering the Bill, that it is true that we sometimes move people around to deal with local demand. As demand percolates through different parts of the country there is some peripatetic use of inspectors, because the supply of tests has to meet local demand.

I take what the hon. Gentleman said about recruitment and staff terms and conditions very seriously. As a result of what he said—this is not pre-planned—I will meet representatives of staff such as trade unions and others, to discuss those queries. As he well knows, I am an enthusiastic trade unionist and a strong supporter of the trade unions. If there are concerns, it is right that they are aired and that the Minister hears them personally and directly; I will do that as a result of what he said today.

Let me now go through this matter in greater detail, and address the amendment in particular. All Governments set out their ambitions at the outset, and establish strategies for the Departments that comprise their whole. The agencies of the Department for Transport, including the DVSA, were missioned to make savings as part of that future strategy. The whole Government took a view that the Department might benefit from being examined and reviewed, with a view to making savings where we could do so without compromising the quality of what is provided to the public in the Government's name. That clearly involved opportunities to work in partnership with the private sector and to utilise local facilities; the use of local facilities for the delivery of vehicle tests is a good example of that.

As I said, this approach was considered and consulted on in 2012, and more recently in 2016, so planning has been under way for some time. The partnership approach, where the DVSA provides vehicle examiners to deliver tests but the private sector provides facilities, has worked well. It is now well established and popular, with some 581 private-sector premises delivering local vehicle-testing services across the country. Many more sites than the original 96 DVSA ones allow for quicker, more convenient and easier access for those who need to get vehicles tested; however, the hon. Gentleman is right that that needs to be married with the availability of people to do the tests. It is all right, but we need the people to carry out the inspections. I think I have assured him that we are aware that demand can sometimes be patchy. It is stronger in some places than in others, with seasonal variations to cope with, too. However, he can be certain that the measures in place to ensure that vehicles are tested properly, reasonably speedily and conveniently will continue to underpin our approach, notwithstanding what I said about agreeing to speak to staff and their representatives.

My ambition for this part of the Bill is to build on existing, well-established good practice, to reflect the advice we have had from the consultations, to maintain the standards necessary to guarantee proper safety and so on. It is therefore not clear that we need to include in the clause the requirement set out in the amendment. It might be too restrictive for the Government and might duplicate work that has already taken place on the future planning and strategy of the direction of the DVSA, given, as I have said, that it has been planned for a long time, strategised and consulted on.

Again, not for the first time, I repeat that I understand why the amendment has been tabled and I appreciate the spirit of the arguments. As previously, I am in accord with the objectives the hon. Gentleman set out. I am happy to consider any further steps that need to be made as a result of discussions with staff. I want to make it categorically clear that there are certainly no plans for compulsory redundancies or reductions in staff numbers of the kind that it was perfectly reasonable for him to ask about. I think the change can therefore be said to be reasonable, sensible, measured, properly planned for, and in the end, efficacious.

Drew Hendry (Inverness, Nairn, Badenoch and Strathspey) (SNP): I have a few short thoughts for the Minister. I heard about the ambition to maintain standards, but we are concerned about the selling off of state-owned facilities if the primary aim is to save costs—particularly when looking at the acknowledged high standard of the work carried out by the existing facilities. I am seeking further assurances from the Minister that, when it comes to the work done by DVSA examiners and the very high standard applied by the Vehicle and Operator Services Agency, those standards will be maintained in future, and we will see some evidence that that will be regulated and maintained.

Mr Hayes: I will happily give that assurance. We will absolutely maintain those standards; there is no intention or suggestion that we will drop them. There is a regulatory mechanism for ensuring that the standards are as they

ought to be. I am happy to include that in my next missive, which will be dispatched to the Committee without delay.

To offer the hon. Gentleman further reassurance on his first point, and to repeat what I said in my letter to him, the DVSA will not close any of its own sites until suitable local private sector provision is found; there will be no obligatory closure of sites. I know what he might be thinking—I do not want to put words in his mouth—but we certainly would not want to find parts of the country where people currently enjoy the ability to have their vehicles tested bereft because of the absence of an appropriate site. That will not happen. The use of private sites has so far enabled us to find a better spread. I imagine that is important for areas like his; it certainly is for areas like mine.

2.45 pm

Andy McDonald: I am grateful to the Minister for his comments and reassurances. I am curious about the capital receipts that may flow from the disposal of 96 DVSA sites; they will be considerable. There will also be a saving on renovation costs, which seems eminently sensible. I am reassured by what he said about delegated testing requiring primary legislation and, furthermore, about the Government having no intention of bringing that forward.

The Minister commented on the peripatetic use of inspectors; that underpins my remarks about the good will that has been deployed, in terms of the staff's willingness and ability to go the extra mile—literally, because they have been deployed around the country. I am not entirely enthusiastic about seeking leave to withdraw my amendment, but I have heard a great deal from the Minister. He has reassured me that the issue has been properly considered in DVSA's future planning and strategy, and perhaps more importantly, he has given his undertaking to meet with staff, and if they and he jointly conclude—or one or other concludes—that this sort of mechanism is worthy of reconsideration, we could revisit this, if it were thought necessary.

Mr Hayes: Having sent a minor shockwave through my officials—they did not know that I was going to offer to meet the staff—maybe they need another one: I think we should do that before the passage of this Bill is concluded, as it is absolutely right that the hon. Gentleman and the staff should be aware that the engagement we have with them on these changes is meaningful. I happily commit to that, too. I do not want to meet them at some distant future point; we want to do so in the context of these changes.

Andy McDonald: I am extremely grateful, and that tips it: with those reassurances and remarks, I beg to ask leave to withdraw the amendment.

Amendment, by leave, withdrawn.

Clause 21 ordered to stand part of the Bill.

Clause 22

Offence of shining or directing a laser at a vehicle

Andy McDonald: I beg to move amendment 25, in clause 22, page 16, line 39, leave out from "and" to end of the subsection and insert

"or

(b) he or she shines or directs a laser beam at a fixed installation involved in traffic control."

This amendment would ensure the act of shining a laser itself is the offence without the need for explicitly proving persons with control of a vehicle were dazzled. The replacement lines also ensure that it is an offence for persons shining a laser at traffic control towers.

The Chair: With this it will be convenient to discuss the following:

Amendment 10, in clause 22, page 17, line 9, leave out "five" and insert "ten".

This amendment would increase the maximum term of imprisonment from five years to 10 years for conviction on indictment for the offence of shining or directing a laser at a vehicle.

Amendment 26, in clause 22, page 17, line 17, after "take-off," insert "including during taxiing".

This amendment clarifies that shining a laser at a plane while it is being taxied around an airport is covered under the offence.

Amendment 27, in clause 22, page 17, leave out lines 19 to 23.

Consequential amendment following amendment 25 to Clause 22.

New clause 15—*Power of constable to stop and search: lasers—*

In section 1 of the Police and Criminal Evidence Act 1984, after subsection 8C insert—

"(8D) This subsection applies to any article in relation to which a person has committed, or is committing or is going to commit an offence under section 22 of the Vehicle Technology and Aviation Bill."

This new clause would give the police the power to stop and search persons who they believed were carrying lasers that have been, or are intended to be, used to commit an offence of shining or directing a light at a vehicle.

Andy McDonald: Labour is fully supportive of the aims of this clause and welcomes Government action to tackle laser attacks—a crime that could have absolutely catastrophic consequences, and that has unfortunately become increasingly prevalent in recent years as access to lasers has become easier. We have tabled a number of amendments, which would clarify certain definitions, increase the scope of the offence, and grant enforcement officers powers to enable them to tackle effectively the perpetrators of laser attacks.

In amendment 25, we seek to delete subsection 1(b) and in its place insert a new subsection concerning the shining of laser beams at fixed installations involving traffic control. As has been seen in the written evidence provided by the British Airline Pilots' Association, and as we heard last week in oral evidence from BALPA's Captain Martin Drake, it is not only drivers of vehicles but those working to control vehicular traffic in fixed installations who are vulnerable to laser attacks. As BALPA's written evidence puts it,

"a laser attack on an Air Traffic Control Tower could cause substantial disruption and could even result in a major airfield being closed for the duration of an attack. The financial and commercial implications of this type of event would be significant."

I thought it was important to widen the provision, given the evidence that we heard, because such an installation is of course a ready-made target for any mischievous individual.

It should be noted that the amendment does not restrict the offence to laser attacks on air traffic control towers; fixed installations involving traffic control of modes of transport other than aviation could be subject to a laser attack. Clear examples are the port of London's

[Andy McDonald]

vessel traffic service control centres on the River Thames and in the estuary. These two centres—the Thames Barrier navigation centre in Woolwich and the port control at Gravesend—oversee maritime navigation in one of the largest and most diverse vessel traffic service areas in the UK, covering some 600 square miles of waterway, spanning 95 miles, from Teddington to the North sea. A laser attack on one of those fixed installations could have catastrophic consequences for safe navigation on the Thames.

The new paragraph that would replace subsection (1)(b) would ensure that the act of shining a laser at a vehicle in the course of a journey, or at a traffic control installation, was itself an offence, regardless of whether the driver or drivers of the vehicle, or the person or people controlling traffic in the fixed installation, were dazzled by the laser, whereas under the Bill it is a requirement that they be dazzled; Opposition Members think that is restrictive and could cause difficulties. We believe that an attempted laser attack in which a perpetrator shines a laser at a vehicle or traffic control installation but is not successful in dazzling a potential victim should be considered an offence in any event, and that the offence of committing a laser attack ought not to be restricted to those occurrences in which the perpetrator is successful in dazzling a victim.

On amendment 10, tabled by the hon. Member for Wycombe, Labour is satisfied with the current maximum term of imprisonment of five years following conviction for the offence of perpetrating an attack, so we do not agree with the amendment. We do not believe that doubling the maximum term of imprisonment is the correct approach, and I hope that the hon. Gentleman will bear with me as I explain why. In our interpretation—unless we are guided otherwise—the perpetrator of any laser attack that can be proven to be attempted murder or manslaughter will receive a sentence appropriate to the crime. As we set out in new clause 15, which I will speak to shortly, the emphasis should be placed on enforcement and the policing of laser attacks, but I look forward to hearing what the hon. Gentleman has to say.

Through amendment 26, we seek clarification of what constitutes an aircraft's first movement. It will not have escaped your attention, Ms Ryan, that a person

"commits an offence if…he or she shines or directs a laser beam at a vehicle which is in the course of a journey".

That is causing us—well, not concern, but we would like clarification. What constitutes the first movement for the purpose of take-off? We want to ensure that a laser attack on an aircraft that is taxiing to take off, or indeed to its position for passenger disembarkation, is covered by the legislation. This is our anxiety. The Bill as it stands could be construed as stating that a laser attack on an aircraft would be an offence only if the laser aimed at an aircraft in the air, or on a runway in the process of taking off, but not if it was taxiing towards a runway or on its post-landing journey to its parked position.

We believe that aircrafts taxiing—that is, in the stage between being in a position of rest and take-off—should be explicitly included in the definition of aircraft that are in flight, as should those on the post-landing journey to the parking position. The amendment was tabled to include that in the definition, and to avoid any confusion or ambiguity, which could be exploited by a defendant; we can imagine a scenario in which they, interpreting the Bill to the letter, say, "I don't fall within that description." The amendment would cover a scenario in which someone outwith the airport perimeter, for mischief and mayhem, seeks to cause disruption in this way, because they consider a taxiing aircraft to be the easiest of targets, as it travels at a much slower speed than one in the air.

Amendment 27 is a tidying-up exercise; if amendment 25 is accepted, lines 19 to 23 become superfluous. Finally, new clause 15 would give the police the power to stop and search persons who they believed were carrying lasers that had been, or were intended to be, used to commit an offence of shining or directing a light at a vehicle or fixed installation involved in traffic control. BALPA's written evidence stated:

"We strongly believe that this new offence"

of laser attacks

"must be accompanied with appropriate stop and search powers for the police. Without it we doubt the deterrent effect will be enough to deter attacks."

BALPA went on:

"This is the one area that we believe must be addressed to enable law enforcement officers to bring the perpetrators of laser illumination offences before the courts. We would strongly urge the committee to amend the Bill to cover this point."

Without the insertion of this new clause, a police officer who responds to a report of a laser attack but does not catch an offender in the act of shining a laser will not be in a position to carry out stop and search and, accordingly, will not be able to arrest the offender. We therefore think it is critical that this new clause makes its way into the Bill, so that the police are given these stop and search powers and, crucially, the offence of shining a laser at a vehicle or fixed installation involved in traffic control can be properly enforced.

Mr Steve Baker (Wycombe) (Con): In tabling amendment 10, my intention was to probe the Government's position on the seriousness of this offence, and to ensure that the Committee had an opportunity to discuss the same. Very simply, the amendment doubles the sentence from five to 10 years. In oral evidence, I picked up the issue of the seriousness of the offence, and in replying to me, Richard Goodwin talked about the difficulty of proving a person's intent:

"if somebody shines a laser and a plane crashes, there is a lot of injury to a lot of people; the consequences at that end are obviously catastrophic."

I picked that theme up and asked BALPA whether it is possible that an attack with a laser could cause the loss of an aeroplane. Martin Drake replied, "Oh yes, absolutely." He went on to explain that laser attacks happen during finals for aeroplanes, when pilots are carrying out essential and, in some cases, obvious checks, such as checking whether the wheels are down. He said:

"The vast majority of these strikes happen at night, and you are using all lights. Your instruments are lit up. We have mostly cathode ray tube or LED instrumentation on the flight deck; there are very few aircraft still flying around with the old-fashioned dial-type instruments. The potential for a pilot to confuse whether he is looking at the centre line or a side set of lights—particularly in a crosswind, when you are canted over to deal with that—is huge. It is quite conceivable that if both pilots were affected by

the dazzle effect at a critical stage of flight, they could attempt to land down the side of the runway, rather than down the centre of it."

I asked him to remind us of the maximum capacity of the largest aeroplanes, and he said:

"You could end up with about 520 on an A380."—[*Official Report, Vehicle Technology and Aviation Public Bill Committee,* 14 March 2017; c. 74, Q171-173.]

3 pm

I mention that evidence to the Committee because we need to recognise that this offence could potentially have the most serious of consequences. God forbid that anything like this should ever happen, but we have heard expert evidence that an aircraft could be lost in extremis as a result of a laser attack. I hear what the Labour Front-Bencher says; I tabled this amendment to probe the seriousness of the offence, and am well aware that on the dread occasion of an aircraft being lost, a range of other offences would be available. However, I put the amendment to the Government, and although I do not intend to press it to a Division, I hope that the Minister will say something that others can later rely on about the extreme gravity of the offence.

Christian Matheson (City of Chester) (Lab): I have sympathy with the hon. Gentleman, not least because my attitude has always been to be tough on crime, tough on the causes of crime. There is absolutely no reason whatsoever that anybody would wish to shine a laser at a plane, save for mischief, devilment and malfeasance. A thief might claim financial improvement and recompense from stealing cash, but lasers are simply about damaging equipment and putting people in harm's way. I have a lot of sympathy for the hon. Gentleman, but my hon. Friend the Member for Middlesbrough made a good case about other offences on the statute book, so I will go with that.

I also want to speak in support of amendment 26. Clause 22(6) mentions when the aircraft

"first moves for the purposes of take-off".

That sounds as though it means the beginning of take-off, rather than at the start of the runway. As my hon. Friend has said, that precludes taxiing and the aircraft being moved around an airfield or airport, when it might be being taken to a maintenance-hangar, for example, but is still moving along and in a dangerous position. I hope that the Government will take those suggestions on board.

I want to look at clause 22(1) and float a scenario for the Minister to consider. It is not a likely scenario, but as we know there are Mr Loopholes out there who might wish to exploit the law. If I am speeding along and a police officer directs a speed camera at me, there is a fair chance that the camera might be laser operated. The laser itself might not be in the visible spectrum, but the camera may be laser operated. Seeing a police officer shining a laser gun at me to check my speed—I would, of course, be within the speed limit, as always—might distract me and cause me to drive inappropriately or perhaps to crash the car. I hope that the Minister will consider the wording of subsections (1) and (2) and ensure that the measure does not provide scope for malfeasance in directing it at police officers doing their duty using laser equipment to assess the speed of a vehicle. The duty of such officers might be undermined by the wording of the clause.

Rob Marris: I take my hon. Friend's point: it is a bit far-fetched, but far-fetched things do happen. When I annotated the Bill for myself, in clause 22(1)(a) after "he or she" I put "without good reason". I think that would cover the kind of scenario my hon. Friend is talking about.

Christian Matheson: My hon. Friend is a parliamentary Mr Loophole, not in the sense that he exploits loopholes, but in that he spots them for the rest of us. It may sound like a far-fetched scenario, but the purpose of the Committee is to go through the Bill in detail and to establish scenarios that might happen. Perhaps the Minister will take up my hon. Friend's suggestion. I am worried because I do not want our police, whose important job might involve using laser equipment, to be undermined.

Alan Brown (Kilmarnock and Loudoun) (SNP): I think we are all agreed. I support clause 22, notwithstanding the hon. Gentleman's comments about a possible loophole regarding the police.

I will quickly talk to amendments 25, 26 and 27, which are very sensible. Amendment 25 confirms that the offence is the intent or actual action of pointing a laser at a vehicle. That is important because we do not want the argument to get hung up on proving whether someone has dazzled somebody or caused a distraction. The offence should be the attempt to point a laser at somebody, and that should be made much clearer in the Bill. For that reason, I support the amendment.

Clause 22(2) states that a person has a defence if they show that they pointed a laser completely accidentally and without intent. The clause also includes a defence for somebody acting in a reasonable manner.

The amendments confirm the offence of pointing a laser at traffic control and, as we have heard, planes. Planes get moved about, not just on take-off but when they are taxiing around the runway. That is also sensible and I would like to hear the Minister's response.

In Scotland, there have been 150 incidents in 18 months, with 24 at Glasgow airport in February alone. That shows how serious and prevalent the issue is, which is why I welcome the Government's action in clause 22, but I think it would be strengthened by the amendments.

Andrew Selous (South West Bedfordshire) (Con): I live about 15 minutes' drive from London Luton airport. Indeed, the planes come in to land one side of my house and take off on the other, so I can picture the scenario on a regular basis.

I absolutely support clause 22 and I understand what members on both sides of the Committee are trying to do with the amendments. Indeed, I have some sympathy for the creation of a new offence. However, I worry about the practicality of hard-stretched police forces being able to deploy officers at night around airports in order to apprehend people who are up to no good with lasers. Has the Minister had any discussions with other Government colleagues about whether it is practical or possible to restrict the supply of these powerful lasers for illegitimate uses?

Such lasers are put to proper use in eye surgery, as we heard during oral evidence. On restriction, however, there is precedent. The Government restrict the supply of dangerous knives. We limit our freedom as citizens to buy what we want in order to provide for the safety of

[Andrew Selous]

our fellow citizens. A knife attack is terrible. In a knife attack, one person could be killed or grievously injured. As my hon. Friend the Member for Wycombe has said, if someone takes down a whole airliner, possibly hundreds of our fellow citizens would lose their lives. This issue has crept up on us and I therefore understand that the Government's thinking on it is developing, but it is much better that we proceed on a precautionary principle rather than some terrible tragedy happens.

The Chair: The discussion of these amendments has been quite broad, so I do not intend to take a separate clause stand part debate. If any Members wish to speak on stand part, they should say so now.

Rob Marris: I want to make a minor point to the Minister about the wording. Line 41 in clause 22(2) states:

"It is a defence for a person charged with an offence under this section".

Why do we need the words "charged with an offence"? Surely one often gives the defence before one is charged. It might happen afterwards, but it could also happen before they are charged, so it is kind of circular. We do not need that wording. It does not add anything but it subtracts, so I suggest to the Minister—I know he likes his wording to be exact—that the words "charged with an offence" be removed.

I repeat what I said in my intervention on my hon. Friend the Member for City of Chester. I think that clause 22(1)(a) should read, "he or she without good reason", to give flexibility. Scenarios that we cannot yet envisage could develop. Besides the scenario mentioned by my hon. Friend, there might be another good reason, such as traffic control technology, so we should have that flexibility.

Mr Hayes: This has been an interesting, short debate on an important subject. The Government are responding to a threat by legislating. It is not yet clear how extensive the threat is, but it is certainly serious and probably growing. A small number of people have been convicted thus far under existing legislation.

I draw the Committee's attention to the existing powers, which deal in part with the concern of my hon. Friend the Member for Wycombe about aircraft. It is already illegal to cause risk or endanger safety or life in respect of aircraft. The existing legislation allows the forces of law to apprehend anyone who does that by whatever means, including through the use of the technology under discussion. However, the Government clearly feel that we need to go further, which is why we are introducing the new provisions.

Before I move to the substance, the semantics matter and I will consider the points made by the hon. Member for Wolverhampton South West. Those would be small, technical drafting changes, and I will make further inquiries about whether they are necessary. My inclination is that his second suggestion is probably not necessary, but I will look at both of them. He is always diligent and assiduous in concentrating on such matters, and that deserves a reasoned and reasonable response.

On the business of taxiing, I want to be clear that the wording of the proposed legislation mirrors that in the Air Navigation Order 2016, which includes taxiing. The reference to

"a vehicle being in the course of a journey"

includes taxiing aircraft because that is part of the course of its journey. We are advised that the application of the provisions would not be in doubt.

Andy McDonald: I hear what the Minister says, but will he turn his attention to clause 22(6)? It states:

"For the purposes of subsection (5)(a) an aircraft is in flight for the period…ending with the moment when it next comes to rest after landing."

As we heard in evidence—right hon. and hon. Members will correct me if I am wrong—there are various moments in the aircraft's journey when it has landed that it can come to rest. Many of us will have experienced sitting on an aircraft when it has first landed, waiting for a gate to be made available. We need to be precise about that. I want to ensure that when it comes to rest after landing, the aircraft gets safely to its berth at the point of disembarkation, and that it does not just sit on a landing strip or, having taxied so far, still have a journey to make. If that is the existing definition, I respectfully suggest that it requires some thought and attention, because it is not clear to me. We are here to try to make things crystal clear.

3.15 pm

Mr Hayes: That is an interesting intervention. I will discuss the matter with draftsmen, of course, but I incline towards the view that "finally comes to rest" might be clearer. That would deal with the exact circumstances described by the hon. Gentleman.

Kit Malthouse (North West Hampshire) (Con): Presumably the Minister could make clear that the Government intend the word "rest" to imply that the engines are turned off and that the entirety of the journey is, therefore, complete.

Mr Hayes: That is also a good point. I want to reflect on those semantics. It does not seem unreasonable to be absolutely clear about that. I need to speak to parliamentary draftsmen and others about it, because we need to get it right. I can see why hon. Members are raising the issue. It is not a matter of substance or policy, but one of the application of the detail of something that we all agree needs to be done.

Christian Matheson: I do not wish to detain the Committee much longer. In support of the position of my hon. Friend the Member for Middlesbrough, my concern is that primary legislation trumps secondary legislation so, irrespective of what might be said in the Air Navigation Order, even if the language of the Bill is a bit woollier, that will take precedence. I am grateful for the Minister's commitment to speak to his draftsmen.

Mr Hayes: I will now give way to the hon. Member for Wolverhampton South West.

Rob Marris: I am grateful because my point marries with his. May I suggest that at the end of subsection 5(a), the final word "flight" is replaced with "movement"? Then we would not need the other stuff. The subsection

would cover not only passengers disembarking after waiting on the apron and being moved on but the aircraft being moved into a hangar.

If someone shone a laser at a pilot driving an aircraft on the tarmac, that very big vehicle could do a lot of damage to other people, even if all the passengers had disembarked and there was only one pilot on board. It is not simply a matter of the passengers getting off; aircraft taxi into hangars and so on. If the Minister changed "flight" to "movement" and junked the rest, I think he would be all right.

Mr Hayes: Yes. I do not want to examine this matter exhaustively. Those are all well-made points. Our desire is to ensure that, whatever we do, the provision works in concert with existing law, is fit for purpose, does what it is supposed to and takes account of a range of eventualities in which mischievous or, more worryingly, seriously malevolent activity may take place. I will think about the exact semantics and speak to parliamentary draftsmen. I hope hon. Members will bear with me while I do so.

This is a new area of work, though it builds on good existing practice. I have mentioned the legislation, the navigation orders and so on, and the Aviation Security Act 1982, to which I referred when I spoke about the existing offence of any person unlawfully or intentionally endangering the safety of an aircraft in flight. By the way, I remind my hon. Friend the Member for Wycombe that the penalty under that Act is life imprisonment. It is, of course, a very serious offence, for the very reasons that several hon. Members have offered. Its consequences could be dire. All crime is serious and violent crime more so, but this could be a crime of catastrophic proportions. It is important, therefore, that we give it serious attention and concentrated and diligent scrutiny, which this Committee has.

Let me now speak about the amendments. I can tell by the way they are written and have been spoken to that they are designed to improve the legislation. I do not think there is any doubt about that. We all understand that this matter requires the Government's and Parliament's attention.

Amendment 25 creates two freestanding offences. First, it would make the act of shining or pointing a laser at a vehicle an offence in itself. Secondly, its subsection 1(b) would bring into the scope of the clause a new offence of shining a laser at fixed installations, such as traffic control towers. The effect of amendment 25 would be that prosecutors did not need to prove that the person in control of the vehicle had been dazzled or distracted; it would make the act of pointing or shining a laser at a vehicle an offence in itself.

I offer this not to be excessively critical but to be analytical about the amendment. The amendment might inadvertently capture the directing of lasers at driverless vehicles, such as with automated light meter systems. In such a circumstance, it would be difficult to prove harm because the person would not physically be at the controls of the vehicle. A further effect would be that the amendment captured those who did not seek to cause harm. I qualify that by echoing what the hon. Member for City of Chester said—I have rarely known him contribute to a Committee of this House without doing so sensibly. It is hard to imagine a circumstance in which someone would shine a laser at a vehicle without at least mischievous intent. That is why I chose the word that he used. Whether they would be intending to do harm is, from a legal perspective, a slightly different matter but, as he suggested, it is certainly fair to say that they would not be there to do good.

I can understand why the amendment has been tabled, but I want to emphasise that, in introducing this provision, we are mindful of the need for clarity in terms of enforcement. To some degree, we are breaking new ground—albeit on a base of good legislative foundations—and I want to be confident that we could enforce the measure. There can be no room for anything that is not tightly drawn or carefully directed.

Andy McDonald: The Minister describes a circumstance in which the amendment would inadvertently draw people into this offence. Is the answer to his query not in subsection (2), which states that it is a defence for a person charged under this section to show that they did not intend to commit the offence?

Mr Hayes: If we imagine that someone is using a laser to attract attention in a way that is not designed to be malevolent, it is not inconceivable that, if we drew up the legislation in a broad way, they might be captured by its scope. There has to be proof of malevolence at the heart of what we do. That is why the proposals are—

Rob Marris: Will the Minister give way?

Mr Hayes: I want to make progress, but I will give way briefly.

Rob Marris: The Minister is overlooking the concept of recklessness. It is not simply malevolence; it can be recklessness—reckless endangerment. One has to take that into account.

Mr Hayes: That is true, but the example I gave of someone trying to attract attention in distress would be neither malevolent nor reckless. One thinks of laser flares, for example, which could be used for both reckless and malevolent purposes but are not designed for that, any more than a handheld laser is. We are not in the business of creating legislation that could be misapplied, or the enforcement of which was compromised by the breadth of definition.

Alan Brown: Will the Minister give way?

Mr Hayes: I am happy to give way, but then I do want to move to the substance of my remarks. These were my exciting and relatively pithy introductory remarks.

Alan Brown: I thank the Minister for giving way. He says that he wants the regulations to be enforceable and practical, but in clause 22(1)(b) we read the phrase:

"the laser beam dazzles or distracts a person with control of the vehicle".

I would suggest that that is going to be hard to enforce. It is a question of proving that the owner or the person in charge of the vehicle was dazzled or distracted. To me, taking that out makes the regulations more practicable and more likely to be enforceable.

Mr Hayes: As we were enjoying this interesting debate, I wrote that to learn to speak takes a couple of years for most of us, and to learn to listen takes a lifetime for almost all of us. I am inclined to share this with the Committee. Listening to other people's perspective on this will help me to frame my own. That is how Committees

[Mr John Hayes]

should be. I have always taken the view that in this House, the purpose of democratic exchange is to help shape the thinking of Ministers and governments. Governments who fail to know that fail to learn it over lifetimes, and one might say that their lifetimes are the worse for it so I am, of course, mindful of the sense of what has been said.

Andy McDonald: Will the Minister give way?

Mr Hayes: I will, but I do want to move on to the substance, otherwise my hon. Friend the Member for Thurrock will think I am not being pithy, and then I will get into all kinds of trouble.

Andy McDonald: I will be as pithy as I can possibly be. I am trying to help the Minister here. With the reintroduction of the concept of dazzling, we are back in the conundrum that existed in previous legislation, with the concept of endangerment. That was the difficulty; commentators were saying that the offence is committed by simply doing it. To have to establish endangerment is a bar too high, and it removes the very scenario that I am trying to describe. Hence my suggestion of the removal of the concept of dazzling.

Mr Hayes: Yes, but there are two things to say about that. I will move to the substance. By the way, the dividing line here can be shortened as a result of the length of my own introductory remarks. The dividing line is where there is a real potential for harm. We do not want to capture instances in which harm is not likely to arise, whether as a result of malevolence or recklessness. We have not heard evidence that police find it difficult to show that someone has been dazzled or distracted. Indeed, the opposite is true. The police are clear that they can identify when someone has been dazzled or distracted, almost ipso facto.

I will now move to the amendments. If there is time at the end then I shall be more than happy to take further interventions, but my generosity has been proven by the number that I have taken so far. I do not need to re-prove it. This group of amendments relates to the offence covering the misuse of lasers, as we have said. I will now speak directly to amendment 25 because it speaks to the principal focus of the clause, which is to protect transport operators and the public. The Government's priority is, I have made clear, to ensure that we maintain high levels of transport safety across all modes of transport in the UK, and that is what we propose to do. Clause 22 addresses an important gap in legislation, and seeks to improve the ability of police and prosecuting authorities to investigate and prosecute the misuse of lasers. That much is clear.

Article 225 of the Air Navigation Order 2016 makes it an offence to

"shine any light…so as to dazzle or distract the pilot".

The police are concerned that this provision does not provide the necessary power to tackle and adequately investigate an offence. I will explain further. As a summary offence that is triable in a magistrates court, it provides the police with powers of arrest only. It does not provide the powers to search a person or property after arrest, nor enter a property for the purposes of an arrest. Together with the fact that there is no specific offence covering the use of lasers against other modes of transport, those are the gaps that we are seeking to address here. This both extends the police's powers in a measured but what seems to me apposite way, and covers other modes of transport. We have heard about some of those. They can be almost as wide as there are modes of transport.

The offence that we are creating gives police the powers needed to investigate an offence, enabling them to use powers to enter a property for the purposes of arrest and to search a person or property after arrest. The Government believe that, while amendment 25 seeks to address the problem, it goes further than is appropriate. The offence we are creating would specifically address the risk of harm—that is the point I made a few moments ago—as a result of shining a laser that dazzles or distracts the person physically operating a vehicle. The British Airline Pilots' Association, which we heard from in evidence, said that in the case of aviation, the illumination of a cockpit from the act of pointing or shining a device, and by dazzling or distracting a pilot, creates the risk of an accident.

3.30 pm

A further problem in introducing a new layer to the legislation is that it could penalise those who have legitimate use for lasers. I gave examples earlier, so I will not repeat them, but it would be legitimate to use a flare or light to attract attention and so on. The proposal would also capture the shining of lasers at remotely controlled vehicles—I mentioned that earlier too—where there is no real risk of harm. There may be devilment or mischief, but no risk of harm, and it might not be reckless by a legal definition. It is worth noting that control towers are usually found in controlled areas, so there is less scope to shine a laser at them.

However, I think I can probably provide some reassurance to Members in that I am prepared to continue to look at that. If there is sufficient evidence that those static potential targets for the malevolent use of lasers are a problem, and if that is reported to us as a problem, we will revisit the issue. The case that has been made today is, if not yet persuasive, certainly one that requires further consideration.

Before turning to the detail of the point made by my hon. Friend the Member for Wycombe on amendment 10, I should emphasise the purpose of the clause that the amendment seeks to alter. For the first time, we are agreeing consistency across all modes of transport in respect of the improper use of lasers. I assure my hon. Friend the Member for Wycombe that the proposed penalties under the Bill are appropriate to deal with the misuse of lasers. As the vast majority of instances are tried in respect of aircraft, we have decided to reflect the penalties that apply to the offence under the order I mentioned—the air navigation order.

Specific provisions prohibiting the use of lasers against aircraft exist under that order. These provisions make it an offence to shine a light so as to dazzle or distract the pilot. A person found guilty of this offence is liable on summary conviction to a maximum fine of £2,500, which we recognise is insufficient and does not reflect the seriousness of the offence. Where a case can be made that the action of the misuse of a laser is endangering an aircraft, police tend to use the more serious offence

under article 240 which, as I described, carries stiffer penalties. The penalty for this offence on conviction or indictment is five years in prison, a fine or both.

However, the problem with relying on the endangerment offence is that, as my hon. Friend the Member for Wycombe made clear, it was not designed specifically to deal with lasers—it predates the malevolent use of lasers. While the provision provides stiffer penalties, the police and Crown Prosecution Service find that it is difficult to investigate and prove that the endangerment offence has been committed as a result of the misuse of lasers. For example, in the case of aviation, it is difficult to prove that an aircraft is in danger as there is generally a co-pilot available to assume control of the aircraft if one pilot is incapacitated or temporarily blinded or dazzled. Another problem is that the provision of the air navigation order does not extend beyond aviation. As I said earlier, there is a need to think more broadly about other transport modes.

The new offence we are creating will address these gaps and bring together under one umbrella a single provision covering misuse of lasers against any mode of transport with penalties akin to those set out for endangering aircraft, so as to reflect the more serious offences.

Turning to the specific amendment tabled by my hon. Friend, I can assure him and others that the penalties we are introducing are proportionate. Clearly, where an offence results in catastrophic consequences such as an accident, the loss of life and so on, the Crown Prosecution Service could seek to bring forward more serious charges such as destroying, damaging or endangering the safety of aircraft under section 2 of the Aviation Security Act 1982, grievous bodily harm, manslaughter or even murder. The hon. Member for Wolverhampton South West referred to this in his opening remarks.

The primary focus of creating a laser-specific offence, which reflects the penalties for endangerment, is that we are bringing consistency to how the police and the Crown Prosecution Service deal with laser offences. An offence against a bus, train or vessel will be commensurate with endangering an aircraft. We are sending a strong signal to would-be offenders that transport safety is critical. The Government clearly take this seriously in defence of the public interest and we will be and have continued to be unremitting in our determination to ensure that people do not do this and that if they do they suffer the consequences. Against this backdrop, the proposed maximum penalties for the new offence would be appropriate and for that reason, I hope my hon. Friend the Member for Wycombe will not press his amendment.

With respect to amendment 26—I will try and be brief—subsection 6 of the new offence mirrors wording used in the air navigation order in such a way as to include the taxiing of aircraft. I caveat that by saying on the matter of the semantics that, as I have said, I will speak to parliamentary draftsmen, but I understand the point made by several hon. Members.

The aim is to capture the circumstance where an aircraft is taxiing before and after it takes off. As the hon. Member for Middlesbrough said, we know from travelling on aeroplanes that they can be on the tarmac for a considerable time and could be vulnerable to a person who wanted to do harm during that period. It is important the legislation reflects that risk and we will make sure it does. Adding the wording proposed in the amendment would make what we do here different, casting doubt on the wording used in the air navigation order, so I think we can probably do better.

I have explained that we are creating a new offence to fill the gap in legislation, so I move on to new clause 15. Its content has been discussed extensively and, as with all new offences, we must be confident the police have the powers to investigate the offence effectively. This is the point I made about making sure whatever we put in place can be enforced and used to the best effect. The police already have the power to stop and search for laser pointers where they have reasonable grounds to suspect the pointer was intended to be used to cause injury. This is because, in these circumstances, the pointer will meet the definition of an offensive weapon. This covers the more serious instances of laser pointer misuse. However, the police do not currently have the power to stop and search in instances where they have no reason to believe the user intends to cause injury.

It is worth noting that my Department, the Home Office and the Metropolitan police are working together to consider whether further police powers may be required. I was asked in the course of the debate whether I was having discussions with other Government Departments. The answer is yes. We are, as I say, in discussion with the Home Office.

I am going on what I hope will be a delightful journey tomorrow with my good friend the Secretary of State for Business, Energy and Industrial Strategy and I will have a discussion with him then about the sale of lasers. It is a difficult and challenging matter for obvious reasons. These lasers are sold for all kinds of good reasons and purposes, but I think it is worth our having that conversation and I will have it tomorrow. I may even be able to report back to the Committee when we meet again. I may be asked questions on Thursday. Who knows? Certainly, it is a conversation that we need to have across Government, as was suggested by various people who have contributed to this short debate.

An extension of stop-and-search powers is one of several options. We would need to go about that in a way that was fully considered, leaving no doubt that the new stop-and-search powers are necessary, proportionate and likely to be effective in practice. Any changes to the powers would of course be subject to consultation.

I suppose that the best way to summarise the matter is to say that the area is new for Government, because it concerns a new kind of device being used in different and unhappy ways. It requires us to fill what I have described as a legislative gap in a way that allows proper enforcement across a range of transport modes, with the right powers in the hands of the police. It needs to reflect existing legislation inasmuch as it marries with it so that the police, CPS and others can choose what to apply in what circumstance. However, I am happy to look at the semantics to make sure they are pinpoint right, without compromising that legislative marriage.

I do not mean to be patronising when I say I understand the Opposition's dutiful and diligent way of approaching the matter. I hope that that will be reflected in the Government's determination to get the matter right. With that summary—some would say it was lengthy, but others would say it was not long enough—I hope that hon. Members will decide not to press their amendments.

3.45 pm

Andy McDonald: I am grateful to the Minister. We have made some progress and we might simply have a different approach in amendment 25, because, as I said at the outset, we are not talking simply about shining a laser and dazzling pilots and other people. This is principally a strict liability offence. Paragraph 76 of the explanatory notes says that it will be a strict liability offence, and that is repeated in paragraph 77. I am in difficulties in that regard in seeking leave to withdraw the amendment. Amendment 27 ties in with amendment 25; one follows inevitably on the other.

On amendment 26 and definitions of taxiing, I am greatly reassured by what the Minister had to say. He has given an undertaking to look at the exact wording and very sensible observations have been made by a number of Members on both sides of the Committee. I recognise that there must be consistency between what we say here and what is in the air navigation order.

As for new clause 15, the Minister has explained that powers are currently available to police in pursuit of those in possession of offensive weapons, but I think he entirely understands the point and the representations that were made in evidence and has given an assurance that the consideration of the matter will include Home Office colleagues and the police. I shall not press new clause 15 or amendment 26 to a vote, for the reasons I have outlined, but in the circumstances I do want to proceed to a vote on amendment 25.

Question put, That the amendment be made.

The Committee divided: Ayes 8, Noes 9.

Division No. 1]

AYES

Brown, Alan	McDonald, Andy
Burden, Richard	Marris, Rob
Foxcroft, Vicky	Matheson, Christian
Hendry, Drew	Snell, Gareth

NOES

Baker, Mr Steve	Prentis, Victoria
Doyle-Price, Jackie	Selous, Andrew
Fuller, Richard	Stewart, Iain
Hayes, rh Mr John	Tugendhat, Tom
Malthouse, Kit	

Question accordingly negatived.

The Chair: Amendment 27 accordingly falls.

Clause 22 ordered to stand part of the Bill.

Mr Baker: On a point of order, Ms Ryan. I am sorry to trouble the Committee, but I do not think I sought leave to withdraw amendment 10, which I would of course like to do.

The Chair: There is no need, Mr Baker, because there is only one question before the Committee at a time.

Clause 23

COURSES OFFERED AS ALTERNATIVE TO PROSECUTION: FEES ETC

Richard Burden: I beg to move amendment 28, in clause 23, page 18, line 22, at end insert—

"(6A) The Secretary of State must collect and publish quarterly statistics relating to fixed penalty notices and diversionary courses, including—

(a) the number of persons issued with a fixed penalty notice after attending a diversionary course,

(b) a breakdown of the number of persons under subsection 6A(a) by police and crime commissioner geographical area.

(6B) The Secretary of State must publish a review into the diversionary courses in place of the issuance of fixed penalty notices, which includes—

(a) effectiveness in improving driver education,

(b) impact on road safety and incidents."

This amendment requires the Government to collect and publish statistics about reoffending rates for persons issued with fixed penalty notices after a diversionary course and to review the impact and effectiveness of diversionary courses in place of fixed penalty notices.

We now come to yet another subject area in the Bill, which is that of courses offered as an alternative to prosecution. The clause makes a change to the Road Traffic Offenders Act 1988 that would provide the legal basis for policing bodies to charge a fee to a person who enrols on a course offered in England and Wales in relation to a fixed penalty notice.

The amendment seeks to achieve two reasonable things. First, it would require the Government to collect and publish statistics about reoffending rates for persons issued with fixed penalty notices after a diversionary course. The second purpose is to review the impact and effectiveness of diversionary courses in place of fixed penalty notices.

I start from the premise that all members of the Committee, the Government, the police, the crime commissioners and all chief constables want our roads to be as safe as possible. We have some of the safest roads in the world, but as the Transport Committee and road safety campaigners—unanimously—and the Labour party will recognise, progress has stalled rather worryingly since 2010. The latest rolling figures show that there has been no reduction in total road deaths and a 2% increase in serious casualties in the past 12 months alone.

Clause 23 is simply a technical change that will clarify existing practices of policing bodies charging a fee to a person who enrols on a course offered in England and Wales as an alternative to a fixed penalty notice. The amendment does not waste the opportunity critically to consider the effectiveness of diversionary courses and fixed penalty notices within the context of our stalled progress on road safety. By publishing reoffending rates statistics by police and crime commissioner area, we will be able to see for ourselves the effectiveness of different practices across different regions. That would in no way encroach on the operational independence of any police force but would allow a route to finding best practice. It would also go some way to help the second aspect of our amendment, which would require the Government to review the effectiveness of diversionary courses.

It is imperative that there is some founded basis on which to establish whether these courses are worth while and, if so, how much. I recall that at a recent Westminster Hall debate on road traffic law enforcement, the Minister's transport colleague, the Under-Secretary of State for Transport, the hon. Member for Harrogate and Knaresborough (Andrew Jones) assured us that fixed penalty notices are

"an effective way to proceed."—[*Official Report,* 23 February 2017; Vol. 621, c. 493WH.]

However, a subsequent written answer, which I received from the same hon. Gentleman, made two very interesting points. First, he clarified that the Department for Transport has

"no record of how many participants have since reoffended".

That is, since taking such a course. Secondly, the answer went on to say that the Department is commissioning research with the Road Safety Trust to

"look at a number of aspects of the speed awareness course, including the impact of the courses on reoffending rates".

Can we assume from that written answer that collection of such statistics will start promptly? Does the Minister know whether the collection of those data has started? Otherwise, what is the value for taxpayers of commissioning research when we simply do not know the reoffending rates for people who have been on diversionary courses, nor whether the rate at which drivers involved in serious road incidents attended a course?

I will end my argument by accepting that collecting such data would by no means be a silver bullet to kick-start the stalled progress that has been made towards safer roads. The Government could take on board our call to reinstate national road safety targets, which coincidentally were scrapped at the same time as road safety stagnation. Perhaps that could be considered at a later stage of the Bill.

The Government might also want to heed the warnings about the capacity we have these days to enforce our laws effectively. According to the response to my written question on 1 February, official figures show that since 2010 the number of police officers outside the Met who have road policing functions has fallen from 5,337 to 3,436. That is a cut of around a third. If forces do not have the resources to do their job effectively, all too often it is the road traffic policing that falls off the end of the list of priorities. As the Institute of Advanced Motorists has summarised perfectly, falling levels of enforcement risk developing a culture in which being caught is seen as a matter of bad luck rather than of bad driving.

If we want to return year-on-year falls in road casualties, it would be worth while approving the amendment today, so that we can have a clearer evidence base on which to make decisions about how far fixed penalty notices or diversionary courses should be used. We also need to consider what more can be done on the enforcement of our existing laws, so that we can ensure that the Bill exploits the opportunities it has to improve the situation, rather than waste them.

Mr Hayes: It will come as no surprise to the Committee to hear that I have always believed that what we imagine is more important than what we know, for it is in our dreams that we create. For those reasons, I am inclined to a largely emotional view of the world, but there are matters that require an evidential approach of the kind the hon. Gentleman recommends, and this is one of them. It is important that we evaluate the effectiveness of these courses. The case was made by the hon. Member for Middlesbrough on Second Reading, and the hon. Member for Birmingham, Northfield has repeated that case today. I have exciting news for them both and for the whole Committee. I will refer to my notes in a moment, but I do not want to be constrained by them too much.

The Department, in conjunction with the Road Safety Trust, has commissioned an evaluation of national speed awareness courses. As the hon. Gentleman will know, this is only one of several courses offered, but it covers about 85% of those who offend. The evaluation methodology will be suitable for the future evaluation of other schemes. Because the hon. Gentleman will ask me, I will tell him in advance that the research is examining course impact, including reoffending and reconviction rates and collisions. That will therefore provide analysis of the data requested in new subsection (6A) of the amendment. In fact, the amendment suggests a one-off basis, but I want to do this on a continuing basis. I expect the final report to be presented to the project board no later than the end of this year.

The project board overseeing the work includes representatives from the Department for Transport, the Driver and Vehicle Licensing Agency, the Road Safety Trust, the National Police Chiefs' Council, the Parliamentary Advisory Council for Transport Safety and the RAC Foundation. The project team has worked hard to ensure that appropriate and rigorous data processing arrangements are in place to enable data transfer between the police, the DVLA and Ipsos MORI, which is the organisation we have commissioned to do the work with those organisations.

So the data reflect the proper enquiries of members of the Committee, including Opposition Members, about how we test the effectiveness of these approaches, and, as a result, negate the need for proposed subsection (6B). On proposed subsection (6A), I agree with the underlying premise that we should be as open as possible in publishing statistics about public sector activity. There is always a balance to be struck between the publication of such material and the administrative and bureaucratic burden placed on agencies, including the police and associated bodies, because the task of recording the issue of a fixed penalty notice to someone who has previously attended a diversionary course will fall to the police.

Although figures on fixed penalty notices are already collected and published by the Home Office, data on diversionary course attendance are not. Precisely because forces divert people away from the criminal justice system, data on course attendance are compiled and published by UKROEd Ltd, the organisation that approves and co-ordinates course delivery. It is thus not clear how we will be able to satisfy the requirements of the proposed amendment without increasing the burden of data collection.

We have also at the present time not considered whether the police's current IT systems will be able to capture and record the information being requested. Further work will need to be done to determine whether that can be done and how much it would cost. I further note that the Home Office currently publishes police powers and procedures statistics that include data on fixed penalty notices annually. Proposed subsection (6A) calls for quarterly statistics, which would place us in the odd position of publishing quarterly details on a subset of offenders who had previously taken a course and only publishing annually the overarching group of those issued with a fixed penalty notice. I know that is not the intention of the amendment, but that would be its effect.

[Mr John Hayes]

So the addition of subsection (6A) would, as explained, have an unspecified and so far uncalculated cost effect on the police. It would require recording a great deal more information, and its publication in the form proposed in the amendment would create—I accept that this is not its intent—an anomaly. Therefore, given that we have committed to evaluating the effectiveness of courses, and that we are concerned about the detail of subsection (6A), I do not think that it would be unreasonable to ask the hon. Gentleman to withdraw the amendment.

I want to go further than that, however, because I have some doubt anyway about the business of maintaining in perpetuity a database of people who have been on the courses. Many people who receive a fixed penalty notice go on a course, and there would be questions to be asked about whether those data should then remain on record in perpetuity. That would be a very significant step to take and not one that I think would be universally welcomed. There are some data protection issues that we would need to explore at some length were we to go down that road.

4 pm

I understand why the amendment has been tabled, and I am not unsympathetic to its intent, but it has consequences that might be unhelpful rather than helpful. I am determined to make sure that the courses work, and to ensure that we have the evidential base—notwithstanding my commitment to emotion at all times—that allows us to evaluate and move forward accordingly. On that basis, I hope that the hon. Gentleman will withdraw his amendment.

Drew Hendry: It is very important to remind people of road safety and the consequences of driving behaviour, so we welcome the approach to alternatives. I am delighted by the fact that the Minister has confirmed that he will bring forward assessments and reviews of the effectiveness of those alternative measures. It is important to have evidence to prove their effectiveness or otherwise so that everyone can learn from the process and benefit from improved road safety in order to save lives. In that context, will the Minister consider existing evidence that road safety would be increased and lives would be saved by lowering the drink-driving limit, as has happened in Scotland? As part of his further discussions on road safety, will he consider introducing that revised limit in England?

Richard Burden: I hope that I can set the Minister's mind at rest about the collection and holding of data. The data that I am referring to is anonymised; it is not data that will identify individuals. I am grateful for his comments about proposed subsection (6B) and the commissioning of research in conjunction with a number of road safety bodies. That is not new, because his colleague the Under-Secretary of State for Transport, the hon. Member for Harrogate and Knaresborough (Andrew Jones), confirmed in an answer to me that research would be done on the effectiveness of diversionary courses, including reoffending rates.

The nagging question for me is: how do we reach any conclusion on the effectiveness of diversionary courses on reoffending rates unless we collect the data on those rates? I simply do not see how that research can be done to achieve any results unless those data are collected. If the proposal created an administrative burden on police forces, and I do not believe that it would be hugely onerous, it would be in terms of the collection of the data rather than their publication. We need to know how good those courses are at stopping people from reoffending and thereby getting fixed penalty notices. To me, that is a basic requirement of the information required to assess the effectiveness of diversionary courses. That is the purpose of the amendment. It is a simple request, and for that reason I want to press the amendment to a vote.

Mr Hayes: Let me make one final attempt to persuade the hon. Gentleman that we are in the same place on this matter. I am grateful for his assurance about anonymised data, but it is hard to know how we could analyse data until course and penalty data had been married up, and of course the fixed penalty will precede the course. I entirely agree with him about the measure of effectiveness, which is why we have commissioned the work. Of course that is right, and I am very surprised that it was not done before, because such diversion courses have been going for a very long time, as he will know. It seems absolutely sensible that we should check whether they are having an effect; it would be odd not to do so. We will therefore do that, and people can tell from what I said earlier that it is a thorough and studious piece of work, engaging organisations of a range of types, all of which have both expertise to bring to bear and an interest in these matters.

I do not think that there is much difference between us here. It may well be that the research necessarily samples data in the way that research into this kind of thing does. That is quite different from routinely collecting the data, in a way that proposed subsection (6A) would necessitate. I understand the principle and the intent, but the collection of these data on a routine basis with systems that may not yet be capable of marrying all the material together, and at an uncertain cost, is not something that I could commit to now, and I am not sure that the hon. Gentleman would do so if he was standing in my shoes.

Question put, That the amendment be made.

The Committee divided: Ayes 6, Noes 9.

Division No. 2]

AYES

Burden, Richard	Marris, Rob
Foxcroft, Vicky	Matheson, Christian
McDonald, Andy	Snell, Gareth

NOES

Baker, Mr Steve	Prentis, Victoria
Doyle-Price, Jackie	Selous, Andrew
Fuller, Richard	Stewart, Iain
Hayes, rh Mr John	Tugendhat, Tom
Malthouse, Kit	

Question accordingly negatived.

Clause 23 ordered to stand part of the Bill.

Clause 24 ordered to stand part of the Bill.

Schedule 5

MINOR AND CONSEQUENTIAL AMENDMENTS

Question proposed, That the schedule be the Fifth schedule to the Bill.

Rob Marris: May I ask the Minister briefly to give us a bit of an explanation of schedule 5, because I cannot see it in the explanatory notes—maybe I have overlooked it—and it runs to nine pages, covering various things such as limitation periods, which are rather important? Can he briefly talk through the nine pages of schedule 5, which of course come under clause 24?

Mr Hayes: Why be brief? The Bill introduces a new framework for the Transport Act 2000 governing the new licensing regime for regulation of the provision of air traffic services. Without making the "minor and consequential amendments" detailed in part 2 of the schedule, we would not have a coherent new licensing regime.

With one exception, all the consequential and minor amendments are made to provisions of the Transport Act 2000. Most of the amendments amend the Act to ensure that the nomenclature is aligned and compatible with the new legislative framework. A couple of the amendments introduce specific aspects of parallel modern licensing frameworks, for example to ensure that the regulations can make anti-avoidance provision in the event that there are attempts by a regulating entity to avoid proper oversight. Part 2 of schedule 5 also amends a single provision in the Enterprise and Regulatory Reform Act 2013, to ensure that the Competition and Markets Authority can properly determine appeals against civil aviation authorities' licence modification decisions.

Without making these minor and consequential amendments, we would not have a coherent limitation regime in effect across Great Britain, for example, regarding automated vehicle accidents. Inserting provisions into the Limitation Act 1980 provide a clear new time limit on actions regarding automated vehicle accidents. Automated vehicles bring together two existing limitation regimes: product liability and personal injury. Although the measures do nothing to change those regimes, they could potentially conflict with each other or cause confusion where automated vehicle accidents are concerned. The amendments will avoid uncertainty arising from the difference between the existing limitation periods relating to product liability and personal injury.

Rob Marris: The Minister is much more expert than me, but the way I read it, it seems that the wording of schedule 5 means that the existing personal injury limitation periods take precedence over the consumer product liability limitation periods. There is a clash and it has to be resolved one way or the other. My understanding is that schedule 5 resolves it in favour of the personal injury limitation period, rather than product liability. Will the Minister confirm that, or perhaps tell me that I am misunderstanding it?

Mr Hayes: I think that that is right. If it is not, I will correct that in writing. That is how I read it too. I will double-check and if that is not the case, I will correct that point subsequently.

Similar changes are being made to the Prescription and Limitation (Scotland) Act 1973 to take account of specific limitation powers in Scottish law, calibrating the measures across Great Britain. Schedule 5 will also insert provisions into the Road Traffic Act 1988, which extends the compulsory motor insurance requirements for third party risk to cover automated vehicles. That will include the disengaged driver, where the accident takes place when the vehicle is in automated mode. Without that change, our new liability framework could not function properly.

With that brief, but I hope sufficient, explanation of the first and second parts of schedule 5, I hope we can move on with alacrity and in the spirit that has prevailed so far.

Question put and agreed to.

Schedule 5 accordingly agreed to.

Clause 25 to 27 ordered to stand part of the Bill.

The Chair: We now come to new clause 1. As neither of the signatories to the new clause is present, that new clause falls.

We now come to new clause 2, with which it will be convenient to consider new clause 8. However, the signatories to new clause 2 are not in the room, so that falls, and we will take new clause 8 in order after new clause 7, as that has been tabled by the Opposition Front-Bench team, who are present. We now move on to new clause 3.

New Clause 3

STRATEGY FOR ENCOURAGING UPTAKE OF ELECTRIC VEHICLES

The Secretary of State must, within 12 months, lay a report before Parliament setting out a strategy to further encourage the uptake of electric vehicles in the United Kingdom.

This new clause would require the Secretary of State to bring forward a broader Government strategy to address the issue of encouraging the uptake of electric vehicles in the United Kingdom.—(Richard Burden.)

Brought up, and read the First time.

4.15 pm

Richard Burden: I beg to move, That the clause be read a second time.

We are back to electric vehicles. I am sure the new clause will find agreement on both sides of the Committee for what it is trying to get at, because we all want to increase the uptake of electric vehicles—and, indeed, zero-carbon and ultra low emission vehicles generally. To me, it is important that the Government have a strategy to encourage that uptake across the board, but it must go further than what is in the Bill. That is important not only to future-proof our economy and society but to assure the industry and consumers that investing in that new generation of vehicles is the right thing to do. We must make electric vehicles and other low-emission vehicles more widely available and affordable to kick-start a shift in thinking about car ownership and, perhaps most importantly, to address the air quality crisis that is choking towns and cities in the UK, with all the public health implications that it involves. I will come on to that issue in the next few minutes.

Kit Malthouse: I am slightly confused. Is the hon. Gentleman attempting to legislate for what is essentially a political decision? *[Interruption.]* It is for the Government to decide to have a strategy, but he is attempting to legislate for that decision, which is surely within the Minister's ambit. I am confused. This is presumably, as far as I can see, a political decision.

Richard Burden: Call me old-fashioned, Ms Ryan, but I do not think it is the job of anyone other than Parliament to make that decision. If a political decision is a decision based on what Members of the legislature, in their judgment, think is the right thing to do, there is nothing wrong with that.

The Chair: May I just say that the new clause would not have been selected if it were not in order for the Committee to be debating it?

Richard Burden: Thank you, Ms Ryan.

If the hon. Member for North West Hampshire is suggesting that we should not encourage the uptake of such vehicles, he is entitled to that view, although it is not one that I share. Throughout our debates on the Bill so far, there has been consensus across the Committee that, whatever else we do, encouraging the uptake of electric vehicles should be part of the picture.

Kit Malthouse: I completely understand what the hon. Gentleman is saying, and I agree. I am a convert to electric vehicles—hydrogen electric vehicles, as it happens. I just think it is for Ministers to put out a strategy, and they take their chances with the House if they do or do not.

On a point of order, Ms Ryan—forgive my legislative inexperience—as I understand it, under the Standing Orders, amendments and new clauses have to satisfy the notion that they are not vague, and I find this very vague. It does not lay out what form the strategy should be in—is it one side of A4? It does not say what the sanction is if the Minister does not do it. There is all sorts of vagueness in it. We are making the law of the land, but it seems to be bound up in the idea that we are legislating for what is essentially a political decision.

The Chair: The Chair's selection is final. If the Chair rules the new clause or amendment in order, it is in order.

Richard Burden: I would certainly defer to your judgment about the fact that the new clause is in order, Ms Ryan.

May I take the hon. Member for North West Hampshire back to something he himself said, which is that he thinks that bringing forward strategies is the job of Ministers? I agree, and that is exactly what the new clause says: it asks Ministers to bring forward a strategy for encouraging the uptake of electric vehicles. The reason we are suggesting that is that the Bill, as it stands, deals with one element of the picture, which is the question of the charging infrastructure. That is important, but it is only one element of a larger picture. As the Government impact assessment says, it is part one of a rolling programme of reform. In future waves, they will need to expand the infrastructure beyond the scope even of what is in the Bill. That is why we have been talking a lot about how we can future-proof it. They will also need to address barriers to uptake and concerns and uncertainties of the kind that we discussed in the evidence session, such as capital cost, residual values and battery ranges; encourage more active procurement of ultra low emission vehicles, including electric vehicles, by public authorities; and introduce an active industrial policy to ensure that the UK is in pole position to develop and make electric vehicles in the future.

I have to say that the Department for Business, Energy and Industrial Strategy's Green Paper, "Building our Industrial Strategy", is a good document. There are some very worthwhile things in it, including proposals for meeting the challenge of increasing our involvement in the research, development, commercialisation and manufacture of these vehicles. I absolutely welcome all that, but the point of the new clause is that the relationship between that industrial strategy and the transport strategy that the Bill is concerned with needs to be much clearer. We also need to assess all the existing and potential incentives for consumers and business. The Government regularly reference those, but—this has come up several times in debates—it is difficult to reconcile what they say about the importance of consumer incentives with their cuts to grants, plug-in vehicles and so on.

Home charging is a logical and important place to start but, as we have heard, in urban areas, which are potentially one of the most fruitful markets for electric vehicles, that is not always simple or practical. We need some innovative thinking and new ideas to encourage and incentivise uptake. I am sure the Minister is brimming with them—we know that it is only a matter of time before the Hayes hook-ups hit our streets. We need to consider the kinds of issues that Quentin Willson urged us to look at when he gave evidence: wireless on-street charging, possibly using street lamps, and exploring other options in urban areas where private parking areas are simply not widely available. It is also important to address how the charging infrastructure can be extended to places such as supermarkets, shopping parks and workplaces, where there is natural dwell time and less inconvenience for electric owners charging their vehicles.

It is important that the Government are seen to be leading the way on electric vehicles. I broadly welcome the actions of the Minister and the Government and the keenness that the Minister has brought to the subject in our deliberations. Like him, we all want to ensure that the UK is one of the world leaders in manufacturing and supporting infrastructure for electric vehicles, but we also want it to be a leader in their uptake, moving towards a new transport system and a different contribution to our economy. That all goes well beyond the Bill, but it is important that the different strands of Government thinking on industrial strategy and transport strategy are brought together.

The new clause would encourage and require the Government to think ahead, and think creatively, about putting a strategy in place to confront the inhibitors of uptake and gear the UK towards a new economy and a new kind of transport system. As I have acknowledged, the Government's aim is to address the inhibitors to widespread uptake of EVs, but the Bill's focus is narrow. It addresses only the charging infrastructure and the information available, not the wider challenges that I referred to—capital cost, wider infrastructure, residual value, battery technology and so on. I think the Minister recognises that—he has said that this is step one on a journey of many steps—but I would like him to assure

us today that the Bill will kick-start an active and innovative Government strategy to make EVs and other ultra low emission and zero-emission vehicles the go-to vehicles for the UK. He is well versed in overcoming the barriers to uptake, but we need to know how he and the Department for Transport will confront them.

Alan Brown: Following on from the comments of the hon. Member for Birmingham, Northfield, I agree that we hope that the Government will set out a strategy to kick-start the roll-out of electric vehicles. Whether a report about the uptake of vehicles is a political decision is, I think, semantics. All Government decisions are political in one way or another. A Government make a political decision and then implement policy, and that is a political decision and then policy making by that Government at that moment in time. Any subsequent Government can change the legislation to suit their politics, their decisions or their changes in policy. So this might be a political decision or it might not be, but it is about implementing policy.

Clearly, the Government support the roll-out of electric vehicles. Part 2 of the Bill is about the electric charging network, so why would they invest in such a network and have provisions in the Bill to extend it if they were not going fully to support the roll-out of electric vehicles? I would, therefore, welcome a report. The Government have a 2020 target of 1.6 million electric vehicles and we are 1.5 million short at this moment. I would welcome, therefore, seeing how the Government think they will achieve that target.

Recently, there have been cuts in the grants available for purchasing electric vehicles, for hybrid vehicles and for home charging, so some of the political or policy decisions have been contrary to increasing the uptake of the vehicles. Therefore, it would be good if the Government came back with a report that clearly outlined how they were going to increase uptake of electric vehicles and meet their 2020 target and the long-term 2050 target. We have heard on Second Reading and in our Committee sittings that other countries are much further ahead in increasing the uptake of electric vehicles, so I would like to think that a Government report could look at what those countries are doing and incorporate that into their strategy as part of a look ahead. Coming back with a report has merits, and would allow everyone to see the clear direction from the Government.

Richard Fuller (Bedford) (Con): I am grateful, Ms Ryan, for your permission to say a few words to encourage the Minister not to be persuaded by the well-meaning nonsense being peddled by Opposition Members, with this re-bubbling commitment to the all-seeing omniscience of Soviet or socialist planning that ascribes to Government powers that, I think experience has shown, are well beyond their ambit: to foresee, invest and direct the resources of the nation in the direction of what might, today, be the most inspired strategy but tomorrow might be ashes around the Minister's feet.

Mr Hayes: Perhaps I can begin where my hon. Friend concluded. My admiration and, I might say, deep affection for him has never allowed me to be persuaded more than I need to be by the argument he makes for unbridled freedom. We have known each other for a long time and he is right that the Government should not go too far, but I think I disagree with him on the margin, in the context of that deep affection. The Government sometimes need to go a little further when change of the kind we are envisaging brings with it an immense opportunity but also risks. Where the Government are mitigating the effect of those risks on the people we represent, they need to get involved. I look, therefore, to form a middle road between the Opposition and my hon. Friend because, as is well known, I am an extremely moderate man.

My dream—at the heart of all men's existence, is a dream, as Chesterton said—translated as my political mission, which began in infancy, is to prevent many things from changing but, when they do, to help to shape them and, when they must, to help to ensure that they have the most efficacious and virtuous possible effect. So it is with this technology.

My hon. Friend is right—I must not flatter him too much—that this market will develop in ways that we can barely now envisage. To have too clearly defined a plan would not be wise; it would be just about possible, but it would certainly not be right. None the less, we would not be bringing this Bill forward if we did not think that Government had a part to play, not only in facilitating beneficial change, but also in ensuring that what we do does not constrain it. For example, the amendments deal with the difference we are trying to make in respect of charging infrastructure for electric vehicles. The Bill is designed to allow the market to be the best it can be, rather than to dictate the future in a way that my hon. Friend and I would not wish to do.

4.30 pm

The good news for the whole Committee is that I think we should offer more explanation of the context for the measures in the Bill, and I will do so between the conclusion of the Committee's consideration and Report. It will be important for me to set out, perhaps in an oration of some kind, the context that has been referred to by the hon. Member for Birmingham, Northfield, my hon. Friend the Member for Bedford and the hon. Member for Kilmarnock and Loudoun.

The behavioural impact of some of this technology needs to be considered in the round. I have asked for greater detail to be made available of the work that I am determined my Department will do on that. The Centre for Connected and Autonomous Vehicles, which we established to co-ordinate that work, will be working with University College London to scope a piece of work on behavioural change. I am determined that the Government should, in anticipation of the arrival of much of this technology—that is not just electric cars and their further roll-out but automated vehicles, which are not in the new clause, but I will mention them with your indulgence, Ms Ryan—have a vision, if not quite a plan. That is important.

I am strong on vision, but I certainly do not want us to have a definitive, constraining, limiting set of objectives. I want us to have an open-minded approach, well informed by the kind of research I have described and contextualised by an understanding of what we hope might be achieved. To that end, I am very much in sympathy with those members of the Committee who feel we should say more and, to some degree, do more, with all the caveats I have made.

It will certainly be necessary to maintain the dialogue we have had with stakeholders, including the insurance industry and others. Obviously, access to appropriate

data is an important part of that conversation. It is likely, as I have said repeatedly during our consideration, that global regulations will develop that underpin the system on those kinds of vehicles. I know that new clause 2 has not been moved.

Mr Baker: I would like to apologise to the Minister and the Committee for not being here to move new clauses 1 and 2. They were only probing new clauses to explore those subjects, and I am grateful to him for referring to them now. If it is at all possible, I would be grateful if he might consider returning to their substance on Report.

Mr Hayes: I think we can go further than that. I try to be helpful to the Committee throughout our proceedings and I, too, am disappointed that we have not had a chance to debate those new clauses in more detail. Perhaps I can drop a line to my hon. Friend and my right hon. Friend the Member for East Yorkshire to offer a summary of what I would have said in Committee, had they been here to move their new clauses. That will both keep me within order and abbreviate my remarks so that I can move quickly to new clause 8.

The Chair: To be helpful to the hon. Member for Wycombe, when we get to new clause 8 it will be in order for him to make the remarks he would have made for new clause 2, as they are on the same topic.

Mr Baker: I am most grateful.

The Chair: So that was helpful.

Mr Hayes: Brilliant. I bow to your judgment on that matter, Ms Ryan. I will probably write to my hon. Friend anyway, because I want to ensure that he is treated with the generosity he deserves.

Rob Marris: On new clause 3, am I right in deducing from what the Minister has said—he will correct me if I am wrong—that, broadly, Her Majesty's Government are keen to encourage the uptake of electric vehicles, whether hydrogen-electric, pure electric, automated electric or whatever, and that they will publish some pointers as to how they anticipate making the market, pushing it in that direction and encouraging market developments in that direction?

Mr Hayes: I spoke about that yesterday at one of the House's all-party groups, and as I said, I am happy to orate further on demand. If there is popular demand for me to perform more regularly, I would be remiss not to rise to that. That seems to have been the message broadcast from the Committee—I see nodding heads around the Committee—so it is important that I set out the context of what the Government intend. In essence, Government can do three things. We can bring legislation forward, and that is what we are doing. We can promote and stimulate the market through spending money, and we have done that—I could consider that at exhaustive length but it would tire the Committee if I did—and we can make the argument. I want to go a bit further than that, which is why I mentioned the further research we intend to do. As I said, steps can be taken without the rather limiting, dictatorial approach that I know is feared, and understandably so, by my hon. Friend the Member for Bedford.

On new clause 8, our transport networks are becoming increasingly digital—

The Chair: Order. I am sorry, Minister, but we are on new clause 3.

Mr Hayes: Sorry. On new clause 3, it is important that the Government take a strategic approach, as has been said, on the take-up of low-emission vehicles. Hon. Members will know that the Government have published a series of documents, including "Driving the Future Today" in 2013, but much has changed since then. For instance, about 10 times as many ultra low emission vehicles were registered in 2016 as in 2013. While the aims of the 2013 strategy remain relevant, we are considering how our approach needs to change in the light of developments in the sector and beyond.

In addition, I am able to announce that we plan to publish an updated strategy for promoting the uptake of ultra low emission vehicles and that we will do so, as the hon. Member for Birmingham, Northfield requests, within 12 months. As I said, I will set out some of our thinking before Report. We will continue to consult the sector and be informed by its thinking, because the investment it is making in this technology is considerable. I will also be informed by the Committee's observations about further changes that can be made to the infrastructure. The Bill does important things in that respect, but relevant comments have been made about on-street charging. We need to think carefully about how we can take the emphasis in the Bill to the next stage of development, and we will continue to do that in policy. As hon. Members know, I am keen to explore the issue of design, but I think I have made that point fairly clearly already.

Rob Marris: Will the publication that the Minister has just generously promised encompass aspects of air pollution?

Mr Hayes: As a separate matter, I am personally associated—"associated" is a rather slight way of putting it, actually—with the production of the Government's new air quality plan. We have committed as a Government to produce that plan by the summer and will present a draft very shortly—this spring. I work with Ministers from the Department for Environment, Food and Rural Affairs alarmingly regularly. Indeed, I said the other day to the Under-Secretary of State for Environment, Food and Rural Affairs, my hon. Friend the Member for Suffolk Coastal (Dr Coffey), that I see her more often than my family. It is important that that plan is consistent with our strategy for promoting ultra low emission vehicles. It must be—they are an important part of achieving what we seek, which is that, by 2050, all vehicles are low-emission vehicles, with a consequent effect on emissions and air quality. New clause 4 deals with air quality anyway, so I have no doubt that we will debate that at greater length.

I do not want to go too much further at this juncture, except to say that the money we are spending on electric vehicles needs to be emphasised. The hon. Member for Birmingham, Northfield raised this, so I want to be crystal clear. During this Parliament, we will invest well over £600 million to support low-emission vehicles.

That includes subsidising the purchase of new vehicles by consumers; £80 million for subsidising the cost of the charging infrastructure, with grants of £500 off the cost of home installation and similar support for charge points on streets and in workplaces; £150 million to support the adoption of the cleanest buses and taxis, and more than £100 million to fund research and development of new zero-emission technologies, building on the UK's well-regarded scientific and automotive sectors. That is on top of the £270 million industrial strategy fund that the hon. Member for Birmingham, Northfield referred to, some of which will support the development, design and manufacture of the batteries that will power the next generation of electric vehicles. That adds up to a comprehensive package of measures—as comprehensive as almost any Government's—but I accept that money alone is not enough, and I do not say that it is. Advocacy and legislation matter, too, which is why we introduced the Bill.

I think that that probably is enough—*[Interruption.]* I think it is. I do not want to disappoint any of my admirers—[Hon. Members: "Name them!"] There are some on this side of the Committee, too; I want to be absolutely clear about that. I think we are on the same page.

Richard Burden: I thank the Minister for his really positive response. He gets what we are talking about. We are dealing with a potential revolution in our relationship with personal mobility—in the way we think about cars and how they connect with one other and with us. Are we moving into an era where we have not so much vehicles with information systems attached, but information systems with vehicles attached? That presents profound challenges for us, but also profound opportunities. That is why we suggest in the new clause—I am really pleased that the Minister said the Government would do this—that there needs to be strategic thinking, not only by the Government, who have responsibility for developing those ideas, but by all of us, about how we rise to those challenges.

4.45 pm

I was surprised, and a little disappointed, that there seems to be some opposition in principle to that kind of strategic thinking by some Conservative Members. I do not know how they responded when the Business, Energy and Industrial Strategy Secretary produced the industrial strategy in January, but they might well have objected to that as well. Strategic thinking is just that—strategic. It is about joining the dots of different areas of Government policy to future-proof it so as to work out what steps are necessary to translate vision into practice.

Christian Matheson: Does my hon. Friend share my view that that might not be about prescribing for the industry what steps it needs to take, but about ensuring that all parts of Government are aware of what their role might be as the sector develops?

Richard Burden: My hon. Friend is absolutely right. We are talking about joining the dots within Government to ensure that those three elements—the Minister got it right about where the three elements of Government crystallise—can be put to best effect. Part of that is legislative, whether that is primary legislation or the regulations that we have debated a great deal in Committee.

Tom Tugendhat (Tonbridge and Malling) (Con): Given that the Minister has conceded that there will be a strategy, may I urge the hon. Gentleman to do as little strategising as possible and perhaps to include corporates as much as possible? My experience of watching Governments strategise, whether in the military or the civilian field, is to see what is charmingly known as a cluster emerge from the ideas of Whitehall and get thrust on corporations and individuals who then have to untangle whatever came out. I urge him as much possible in our process to act simply as a receptacle of ideas, rather than as a preacher of doctrine.

Richard Burden: In many ways, I think that is what we are getting at. Throughout Committee we have emphasised the importance of consulting stakeholders, and listening to and involving them. The corporate sector, particularly in the automotive industry, is central to that. Automotive is one of those areas in which partnership between Government and industry has been at its most successful. The Automotive Council, established by the previous Labour Government—but I am pleased to say continued by the coalition and this Government—has been held up as a beacon for a non-bureaucratic way to bring Government and industry together to lay out where we want to go and the kind of road map needed to get there.

Rob Marris: On where we want to go and a road map to get there, Conservative Governments in the 1950s laid the groundwork for our motorway network in the United Kingdom—built by the state to a plan.

Richard Burden: My hon. Friend is absolutely right. Whether those Conservative Governments got everything right about the motorway network in everyone's point of view, who knows, but his point is well made.

I will not labour the point at this stage, because there is a consensus among most Committee members about what is required. The Minister has said that he will bring forward a strategy, updating the previous one and joining up the dots in Government so that we can know how the legislative road may best be taken, how we can best stimulate the market for electric and other low and zero-emission vehicles and how we can make a case for that step change in personal mobility that we have the chance to achieve in not too many years. I beg to ask leave to withdraw the motion.

Clause, by leave, withdrawn.

New Clause 4

Air pollution and vehicle technology

'The Secretary of State must, within 12 months, lay a report before Parliament setting out a strategy for using vehicle technologies, including electric vehicles, to contribute to meeting Government ambitions relating to air pollution and the UK's climate change obligations.'—*(Richard Burden.)*

This new clause would require the Secretary of State to bring forward a strategy for using vehicle technology to address the issue of air pollution in the UK.

Brought up, and read the First time.

Richard Burden: I beg to move, That the clause be read a Second time.

[Richard Burden]

I am asking for another strategy—I am absolutely on a roll—and it is on the very issue that we began to talk about in relation to the previous new clause. This one goes by a name that is very popular among Opposition Members in that it is new clause 4. It is, however, on a matter that is really serious. Air pollution and air quality have often been perceived as matters for the future, but they are matters for the here and now. While this Bill indirectly addresses the issue of air quality, I would like to press the Minister to be a little more explicit on how it can contribute to tackling the air quality challenge.

I cannot help but feel that the Government have missed an opportunity in this Bill to be more proactive and perhaps a bit more innovative in confronting one of the biggest issues facing our country. Air quality is nothing short of a crisis, and air pollution is choking our towns and cities. It is a widely recognised public health issue; it contributes to approximately 40,000 premature deaths in the UK every year. We also know that it is affecting people's daily lives, particularly the lives of those with lung conditions and other respiratory conditions, and we know that unless we take action things will not get better on their own. Brixton Road in south London breached annual air pollution limits for 2017 just five days into the new year.

The Minister will not need reminding that the Government are under pressure to produce—at the third attempt—a revamped air quality plan next month, after a High Court judge described their previous two plans as wholly inadequate. The Minister has talked about the meetings he has already had with the Department for Environment, Food and Rural Affairs to produce that plan, but at the moment it appears that we are dangerously on course to fail to meet not only the standard that has been set for us on air quality but our own renewable fuels target.

I am not being unreasonable about the difficulties and challenges that exist in confronting these kinds of issues; I am simply stating the facts. Currently, we are failing to meet the air quality challenge that faces us. Clean air should not be a privilege; it is a right. Reducing harmful emissions must be a priority for public health, the environment and for future generations, and the Government have a central role to play in rising to that challenge.

The scale of this issue is great and dealing with it will require ambitious, innovative thinking. Decarbonisation of vehicles is widely seen as a critical component in helping the UK to meet its own obligations and targets. That is why the electrification of transport is vital, in any equation, for achieving the 2050 targets. Electric vehicles themselves, whether they are "conventionally" electrically powered or powered through hydrogen, are obviously an important part of that process.

However, it is not only decarbonisation of vehicles that matters but decarbonisation more generally—of industry, the economy and society. That means not just patting ourselves on the back because we are encouraging the uptake of electric vehicles. If that is not backed up by further change, the switch to electric vehicles could end up shifting emissions elsewhere to power plants, rather than getting rid of the emissions.

This process is not just about cars. Most of our discussions in this Committee, including in our evidence sessions, have focused on private cars, but equal if not more attention needs to be paid to commercial vehicles—HGVs, vans and buses. There are also great opportunities with buses and taxis; we should ensure that public procurement is geared towards stimulating the uptake of zero-emission vehicles.

The transition towards a low-carbon, low-emission and sustainable future is a journey in itself, but the Government can do a lot more on that journey. That is why this new clause would require the Government to place the Bill within a broader strategy for using electric vehicles and other ultra low emission vehicles, in order to address the crisis we face.

The Minister knows, from what we have said so far, that we welcome the Government's action on this Bill and the spirit with which that action has been taken. However, he also knows that the Bill must be about more than that. He says he has talked to his colleagues in other Government Departments about the air quality plan, and we hope within the next month to see an ambitious plan for confronting the air quality crisis. For now, without giving too much away about what that plan will involve, will the Minister at least give us an indication of what further action the Government will be taking to tackle the air quality crisis and how they will seek to use the emerging markets for electric vehicles and for ultra low emission vehicles more generally as part of that strategy?

Drew Hendry: We support the new clause. A lot more needs to be done to encourage the uptake of electric and low-emission vehicles. So far, the contribution that has been made by alternative vehicles to reductions in carbon and CO_2 emissions is inadequate; 1.2% of vehicles are ULEVs at the moment. Any kind of increase in that has to be more substantial than we have seen over recent years. It is essential that there is a proper update and that the Government are required to bring forward a strategy to ensure that these vehicles make a serious contribution to improving air quality.

Andrew Selous: New clause 4 deals with vehicle technologies—not only electric vehicles. What part does the Minister believe liquefied petroleum gas can play in the Government's plans to improve air quality?

While I do not think anyone sees it as a longer-term solution, an LPG-converted taxi—as I am sure the Minister is aware—produces 99% fewer particulates, 80% less nitrogen oxide and 70% less carbon, and an LPG-converted van produces 99% fewer particulates, 12% less carbon and only 5% of Euro 6 nitrogen oxide emissions.

There are two actions that the Government could take to expand the use of LPG as an interim measure to deal with air quality issues. The first is on the fuel duty escalator, and the second is to have conversations with some of the major vehicle manufacturers and van manufacturers such as Ford and General Motors, which already produce right-hand drive LPG vehicles for overseas markets but do not produce a left-hand drive version for the UK. The Minister may not have been briefed on that area by his officials so far. If he wanted to write to the Committee to explain the Government's thoughts

on how LPG might help in this area, I would be amenable to receiving a letter rather than a response from him now.

Alan Brown: I echo the comments of the hon. Member for South West Bedfordshire on looking at the alternative fuels framework altogether, which is now 14 years old, in particular the escalator and the possible benefits of using LPG as a transition to decarbonising transport.

I know that some Government Members are against another strategy or another possible aspect to regulation, but there is merit in this. We need joined-up thinking from the Government on air quality and energy policy in general. The new clause ties that together, which I support. We need to look at the odds of unintended consequences, which strategic thinking helps with. Otherwise, as we have heard, we could have a switch to electric vehicles that causes an increase in electricity demand, which then causes dirty energy to be created, meaning there is no net benefit.

We need a strategy and joined-up thinking across the various Government Departments. That ties in with the fact that the Government have passed the fifth carbon budget. If we are going to achieve that and hit the 2050 emission targets, we need a coherent, joined-up strategy. I will leave my comments there, in support of the measure.

Ordered, That the debate be now adjourned.—*(Jackie Doyle-Price.)*

4.59 pm

Adjourned till Thursday 23 March at half-past Eleven o'clock.

Written evidence reported to the House

VTAB 09 RAC Motoring Services

VTAB 10 UK Hydrogen and Fuel Cell Association

VTAB 11 Autogas Ltd.