

PARLIAMENTARY DEBATES

HOUSE OF COMMONS
OFFICIAL REPORT

Fifth Delegated Legislation Committee

DRAFT CARRIAGE OF DANGEROUS GOODS AND USE OF TRANSPORTABLE PRESSURE EQUIPMENT (AMENDMENT) (EU EXIT) REGULATIONS 2020

Tuesday 15 September 2020

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The Committee consisted of the following Members:

Chair: MR PHILIP HOLLOBONE

Abbott, Ms Diane (*Hackney North and Stoke Newington*) (Lab)

Ali, Rushanara (*Bethnal Green and Bow*) (Lab)

† Cartlidge, James (*South Suffolk*) (Con)

† Davies-Jones, Alex (*Pontypridd*) (Lab)

† Green, Chris (*Bolton West*) (Con)

Greenwood, Lilian (*Nottingham South*) (Lab)

† Harper, Mr Mark (*Forest of Dean*) (Con)

† Latham, Mrs Pauline (*Mid Derbyshire*) (Con)

† Logan, Mark (*Bolton North East*) (Con)

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

† Pawsey, Mark (*Rugby*) (Con)

† Rimmer, Ms Marie (*St Helens South and Whiston*) (Lab)

† Rodda, Matt (*Reading East*) (Lab)

† Rowley, Lee (*North East Derbyshire*) (Con)

† Saxby, Selaine (*North Devon*) (Con)

Thompson, Owen (*Midlothian*) (SNP)

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

Nina Foster, *Committee Clerk*

† **attended the Committee**

Fifth Delegated Legislation Committee

Tuesday 15 September 2020

[MR PHILIP HOLLOBONE *in the Chair*]

Draft Carriage of Dangerous Goods and Use of Transportable Pressure Equipment (Amendment) (EU Exit) Regulations 2020

9.25 am

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

That the Committee has considered the draft Carriage of Dangerous Goods and Use of Transportable Pressure Equipment (Amendment) (EU Exit) Regulations 2020.

This draft statutory instrument is made under powers conferred by the European Union (Withdrawal) Act 2018 and will be needed at the end of the transition period. As hon. Members are aware, we have conducted intensive work to ensure that a well-functioning legislative and regulatory regime for transport continues. In this case, the regime covers the transport of dangerous goods by road and rail.

This instrument uses powers under the 2018 Act. It is subject to the affirmative procedure, because it transfers an European Union legislative function to a public authority in Great Britain in that it gives the Secretary of State power to derogate from the standards set in three international agreements concerning the carriage of dangerous goods by road, rail and, to a lesser extent, inland waterways through the issuing of domestic exceptions to those agreements. This instrument also ensures that bodies that inspect transportable pressure equipment in Great Britain continue to be able to perform inspection activities for such equipment on the non-EU market through the introduction of a new, optional, UK-only compliance mark.

The regime for the transport of dangerous goods in the UK derives from the United Nations Economic Commission for Europe model regulations on the carriage of dangerous goods. For road transport, since 1968 that has been implemented in the UK through our being a signatory to the European agreement concerning the international carriage of dangerous goods by road, known as ADR. Thus, the UK is committed to the ongoing implementation of the requirements of that agreement, which predates our EU membership. ADR does not automatically have legal force and is now implemented in the EU by the dangerous goods directive of 2008.

The EU also introduced the related directive on transportable pressure equipment in 2010, which mandates the requirement for such equipment to have access to and free movement within the European market. Those directives are applied domestically through the Carriage of Dangerous Goods and Use of Transportable Pressure Equipment Regulations 2009, as amended.

For the rail transport of dangerous goods, the UK is also a signatory to the convention concerning international carriage by rail—COTIF—and predecessor conventions

since 1980. The convention falls under the auspices of the Intergovernmental Organisation for International Carriage by Rail. The regulations concerning the international carriage of dangerous goods by rail, or RID, form part of COTIF. As with ADR, the dangerous goods directive implements RID in the EU, and the Carriage of Dangerous Goods and Use of Transportable Pressure Equipment Regulations, as amended, implement its requirements domestically.

A number of powers and requirements in the directives are predicated on the UK being a member state of the EU. This draft instrument will ensure that Great Britain continues to work to the same requirements and standards in the carriage of dangerous goods at the end of the transition period, providing legal certainty for the participants.

The carriage of dangerous goods is devolved to Northern Ireland, so this instrument will ensure that transportable pressure equipment assessed in Northern Ireland in accordance with the transportable pressure equipment directive continues to be recognised in Great Britain through acceptance of the UK's NI mark. That implements the requirement of the Northern Ireland protocol relating to unfettered access of goods between Northern Ireland and Great Britain.

9.29 am

Matt Rodda (Reading East) (Lab): I thank the Minister for setting out the Government's position on this important draft statutory instrument.

Clearly, safety must come first when goods such as petrol, chemicals and other dangerous materials are transported. Indeed, many tankers and other vehicles pass through densely populated areas. This happens in my constituency, in roads and rail links through Reading, Woodley and Caversham, and in many other parts of this country.

Drivers may also be at risk if there is an accident. Indeed, many drivers spend a great deal of time training how to transport goods such as petrol and chemicals and how to respond to an accident, should one occur. In addition, hazardous goods often pass through environmentally sensitive areas where any spillage could cause significant damage.

As a result, this is clearly an important regulation. As such, it deserves the full attention of parliamentarians, no matter how tempting it may be for the Government to rush through legislation to change laws in the face of the looming Brexit deadline, ongoing negotiation deadlines and political pressure. We must not, as parliamentarians, allow our standards to slip.

As the Government move to transpose EU regulations into UK law, I will use this opportunity to reiterate the importance of maintaining our high standards, and the need to keep workplaces, the environment and our roads and railways safe. On safety at work, we need the full translation of legislation in order to maintain standards and provide clarity for the sectors that urgently need it. I appreciate that that seems to be the intention today. Workers and industry bodies have called for this.

It is paramount that people at work should be safe, and there are some specific protections in this industry. The petroleum driver passport should be safeguarded. This critical standard, which was hard fought for, protects health and safety, and it ensures high quality in fuel

delivery. I urge the Government to work with industry bodies and trade unions to identify similar crucial standards and to move to protect them in UK law. It is not clear from the draft of the SI whether that is the case in this instance.

A number of trade unions have raised concerns with me that regulations covering construction, testing and packaging of intermediate bulk containers, large packaging tanks and bulk containers, which are all currently linked to European standards, are potentially subject to change from 2021. I would ask the Minister, who is very diligent, to take this opportunity to reassure the Committee that future regulations will ensure safety on these matters.

It is also worth pointing out some of the background to this. Surveys of those working in the haulage industry shows that many drivers already work with high levels of tiredness and exhaustion. Given those existing conditions, I believe it is paramount that standards are not allowed to fall, especially when it comes to dangerous goods, which we are discussing today.

In the past, the Government have refused to rule out suspending regulations in order to overcome potential Brexit difficulties, rather like those mentioned in today's press. Some Members may have seen the report in *The Guardian* today about the possibility of 7,000 lorries being held up at the border. Again, I ask the Minister to reassure the Committee that she is willing to continue these sensible regulations.

It is also worth mentioning that the industry does not want to see these important standards reduced either. For example, British Aerosol Manufacturers' Association stresses that current legislation is complex and detailed precisely because this complexity allows for the regulation to guarantee public safety, and the Government should not take shortcuts when it comes to moving these regulations into UK law. Similarly, the Institute of Explosives Engineers also points out that there are currently specific considerations for the transfer of information between the UK and EU bodies. There is a range of similar areas, and I hope the Minister will reassure the Committee that her team and the Department are still considering these matters, and that we will have further reassurance.

More broadly, it is worth noting that EU regulations have played an important role in raising environmental standards in the UK. Friends of the Earth has concluded:

"Through laws, constant pressure and the threat of fines, the EU has been the main force driving the UK government to clean up its act."

That is across a broad sweep of environmental measures, dealing with beaches, various forms of emissions and hazardous goods.

The Government must demonstrate their commitment to protecting the environment by guaranteeing existing rules in UK law, not merely by making promises. I hope the Minister will agree these issues are of great significance, and if we are to make progress on public work and environmental safety in years to come, we must first guarantee the progress we have already made.

9.34 am

Rachel Maclean: I thank the hon. Member for Reading East very much for his comments and will now respond to his points. He highlights the importance of safety in the carriage of dangerous goods in both his constituency and many others. I am sure that every hon. Member here agrees with that and will be glad to see this draft SI pass into law to ensure just that outcome.

It is important that the regulations are passed, because they will achieve the protection of our environment in relation to such matters. As I have laid out, this SI ensures that GB continues to work to the same standards and requirements. I have been very clear throughout that that is the case, and Members are supporting the SI.

The hon. Gentleman raised concerns from some stakeholders, and I want to reassure him that we work closely with stakeholders, including the UK liquefied petroleum gas industry and the fuel tanker working group. In preparation for the SI, we issued a public consultation in 2018, and we received seven responses from industry. They did not raise any concerns about our approach, but they did influence the subsequent drafting. We continue to listen to industry on all matters on which the Government legislate. I hope that this explanation provides the assurance that the hon. Gentleman is looking for that we work with industry and we take its concerns seriously.

In conclusion, this statutory instrument is essential to ensure that we continue to have an effective regulatory framework for the carriage of dangerous goods following the transition period. I hope that the Committee has found this sitting informative and that it will join me in supporting the regulations.

Question put and agreed to.

9.36 am

Committee rose.

