

HOUSE OF LORDS

Secondary Legislation Scrutiny Committee

18th Report of Session 2021–22

Drawn to the special attention of the House:

**Goods Vehicles (Licensing of Operators)
(Temporary Use in Great Britain) (Amendment)
Regulations 2021**

**Drivers' Hours and Tachographs (Temporary
Exceptions) (No. 4) Regulations 2021**

Correspondence: Provision of impact assessments

Includes information paragraphs on:

1 instrument relating to COVID-19

Electric Vehicles (Smart Charge Points)
Regulations 2021

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Secondary Legislation Scrutiny Committee

The Committee's terms of reference, as amended on 13 May 2021, are set out on the website but are, broadly:

To report on draft instruments published under paragraph 14 of Schedule 8 to the European Union (Withdrawal) Act 2018; to report on draft instruments and memoranda laid before Parliament under sections 8 and 23(1) of the European Union (Withdrawal) Act 2018 and section 31 of the European Union (Future Relationship) Act 2020.

And, to scrutinise –

- (a) every instrument (whether or not a statutory instrument), or draft of an instrument, which is laid before each House of Parliament and upon which proceedings may be, or might have been, taken in either House of Parliament under an Act of Parliament;
- (b) every proposal which is in the form of a draft of such an instrument and is laid before each House of Parliament under an Act of Parliament,

with a view to determining whether or not the special attention of the House should be drawn to it on any of the grounds specified in the terms of reference.

The Committee may also consider such other general matters relating to the effective scrutiny of secondary legislation as the Committee considers appropriate, except matters within the orders of reference of the Joint Committee on Statutory Instruments.

Members

<u>Baroness Bakewell of Hardington Mandeville</u>	<u>Viscount Hanworth</u>	<u>The Earl of Lindsay</u>
<u>Rt Hon. Lord Chartres</u>	<u>Lord Hodgson of Astley Abbotts</u>	<u>Lord Lisvane</u>
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<u>Lord German</u>	<u>Rt Hon. Lord Hutton of Furness</u>	<u>Baroness Watkins of Tavistock</u>

Registered interests

Information about interests of Committee Members can be found in the last Appendix to this report.

Publications

The Committee's Reports are published on the internet at <https://committees.parliament.uk/committee/255/secondary-legislation-scrutiny-committee/publications/>

Committee Staff

The staff of the Committee are Christine Salmon Percival (Clerk), Philipp Mende (Adviser), Jane White (Adviser) and Emily Pughe (Committee Operations Officer).

Further Information

Further information about the Committee is available at <https://committees.parliament.uk/committee/255/secondary-legislation-scrutiny-committee/>

The progress of statutory instruments can be followed at <https://statutoryinstruments.parliament.uk/>

The National Archives publish statutory instruments with a plain English explanatory memorandum on the internet at <http://www.legislation.gov.uk/uksi>

Contacts

Any query about the Committee or its work, or opinions on any new item of secondary legislation, should be directed to the Clerk to the Secondary Legislation Scrutiny Committee, Legislation Office, House of Lords, London SW1A 0PW. The telephone number is 020 7219 8821 and the email address is hlseclegscrutiny@parliament.uk.

Eighteenth Report

INSTRUMENTS DRAWN TO THE SPECIAL ATTENTION OF THE HOUSE:

Department for Transport's interventions to increase HGV capacity

1. We have received a number of instruments from the Department for Transport (DfT) in recent weeks which all aim to increase Heavy Goods Vehicle (HGV) capacity in various ways. Two more instruments are described below: another extension of lorry drivers' hours and an amendment to cabotage rules to allow foreign firms to operate in Great Britain for up to 14 days.
2. One of our problems in trying to scrutinise these instruments has been that we have only been seeing pieces of the programme, and so we have been unclear about the Department's overarching strategy. To address this, DfT has provided a list of the 28 short, medium and long-term interventions it is making to resolve the lorry driver shortage. (This is published in Appendix 1 of this Report.)
3. We are grateful to the Department, and the list does provide new detail about expenditure on individual interventions and take-up, which will be of interest to the House. However, while this list shows the various strands of the Department's current activity, we still lack a strategic statement of the programme's objectives, milestones and costs, against which its effectiveness and value for money can be assessed.

Goods Vehicles (Licensing of Operators) (Temporary Use in Great Britain) (Amendment) Regulations 2021 (SI 2021/1187)

Date laid: 27 October 2021

Parliamentary procedure: negative

*As a further measure to increase the number of HGV movements, this instrument relaxes existing restrictions on cabotage for six months. The House may wish to note that nearly three quarters of those consulted were against the proposal. **The Explanatory Memorandum provides no information on how many additional HGV journeys might be added by this instrument, or what the take-up by foreign operators may be. We therefore have no means to assess whether the number of operators involved will constitute a threat to the UK workforce, or to measure whether the legislation is likely to be effective.***

4. **These Regulations are drawn to the special attention of the House on the ground that they are politically or legally important and give rise to issues of public policy likely to be of interest to the House.**
5. As a further measure to deal with the current risks to supply chains related to acute lorry driver shortages and to the COVID-19 pandemic, this instrument aims to increase HGV driver capacity by lifting some of the restrictions on cabotage by foreign firms.

6. Cabotage is the transport of goods (or passengers) between two places in the same country by a transport operator from another country for the purposes of hire and reward. It is heavily restricted both in the UK and abroad.
7. Currently, in accordance with the EU-UK Trade and Cooperation Agreement, the UK allows goods vehicle operators established in the EU the right to undertake up to two laden transports within seven days of a laden entry into the UK. Unladen movements are also permitted. These rights are unaffected by the additional relaxation allowed by these Regulations.
8. These Regulations exempt non-UK goods vehicle operators from the requirement to hold an operator licence when their vehicles operate within Great Britain. The Regulations set a limit for such cabotage of 14 days from the date of the laden vehicle arriving in the UK. It is a temporary measure that is due to expire on 30 April 2022. In practice very few non-EU/European Economic Area operators reach the UK.
9. The Government had planned to extinguish other, lesser access rights for EU operators with effect from 1 January 2022.¹ These allowed one cabotage movement within three days of an unladen entry and access associated with combined transport.² Those changes will now be deferred until the extension to cabotage permitted by this instrument is withdrawn.

Consultation

10. A week-long consultation was held between 14 and 21 October 2021. It attracted 150 responses, of which 38 were for and 108 (72%) were against the proposal (including the Road Hauliers Association and Unite the Union). According to the Explanatory Memorandum (EM), issues of concern included the relaxation's effect on the pay and conditions of the UK workforce, effects on haulage rates, pressure on lorry parking facilities and inconsistency with developing the UK workforce. The full analysis of consultation responses, however, is not yet available. We also note the difficulties the restrictions on cabotage are causing to orchestras and other touring musicians.

Impact

11. Because this measure is planned to last for only six months, no formal impact assessment has been prepared, and the EM provides no information on how many additional HGV journeys might be added by this instrument or what the take-up by foreign operators may be. **We therefore have no means to assess whether the number of operators involved will constitute a threat to the UK workforce, or to measure whether the legislation is likely to be effective.**

1 DfT, *Notification of changes of access to the UK for EU Road Transport Operators* (24 September 2021): https://www.itf-oecd.org/sites/default/files/uk_27_september_2021_1.pdf [accessed 10 November 2021].

2 Combined transport involves the movement of goods in the same loading unit or vehicle, using two or more modes of transport, without handling the goods themselves when the mode of transport is changed.

Drivers' Hours and Tachographs (Temporary Exceptions) (No. 4) Regulations 2021 (SI 2021/1207)

Date laid: 29 October 2021

Parliamentary procedure: negative

*These Regulations further extend the relaxation of limits to HGV drivers' hours until 10 January 2022—at which point this “temporary exception” will have been in place continuously for six months. **We repeat our concerns that cumulative tiredness may constitute a road safety hazard. We also note industry concerns about other consequences of this policy for the sector which were raised during consultation.***

12. **These Regulations are drawn to the special attention of the House on the ground that they are politically or legally important and give rise to issues of public policy likely to be of interest to the House.**
13. These Regulations further extend the relaxation of limits to HGV drivers' hours until 10 January 2022—at which point this “temporary exception” will have been in place continuously for six months. The instrument:
 - extends the normal daily limit of nine hours driving a day to 10 hours, up to four times a week, with an overarching limit of 56 hours driving in a week and 90 hours in a fortnight; or, as an alternative,
 - introduces an amended weekly rest pattern that allows an additional day of driving in a fortnight (providing an equivalent period of rest is taken before the end of the third week). This exception increases the maximum permitted driving time in a fortnight to 99 hours from the standard 90 hours.
14. We have drawn attention to all the previous instruments that have incrementally extended this provision since 12 July 2021 on the grounds that cumulative tiredness in HGV drivers may constitute a road safety risk.³ The responses to the consultation exercise quoted in the Explanatory Memorandum (EM) also take that view and add that these Regulations make HGV drivers' working conditions worse, which is having a negative effect on recruitment.
15. Our concern is bolstered by figures (included in our previous reports) that indicate that **a significant proportion (27%) of the drivers stopped in roadside checks are breaching the Drivers' Hours legislation.** We have repeatedly asked the Department for Transport to provide evidence that would allay our concerns, but the responses have indicated that the Department does not have information either way.
16. The EM to the current instrument does make a more concerted effort to address the concerns we have expressed, but the simple statement that “The Department has not been made aware of any increase in accidents involving HGVs since the temporary exceptions to the drivers' hours rules were first introduced in July 2021” is not sufficient to allay them.

³ See for example Drivers' Hours and Tachographs (Temporary Exceptions) (No. 3) Regulations 2021 (SI 2021/1106), *15th Report* (Session 2021–22, HL Paper 79) and Drivers' Hours and Tachographs (Temporary Exceptions) (No. 2) Regulations 2021 (SI 2021/921), *12th Report* (Session 2021–22, HL Paper 63).

CORRESPONDENCE

Correspondence: Provision of impact assessments

17. In our 14th Report⁴ we published correspondence with Paul Scully MP, Minister for Small Business, Consumers and Labour Markets at the Department for Business, Energy and Industrial Strategy, expressing concern about departments' inconsistent provision of Impact Assessments. We explained how effective parliamentary scrutiny is undermined by departments' failure to provide adequate information at the time that an instrument is laid before Parliament. In this latest exchange, we asked the Minister what sanctions, if any, the Government can impose on departments that fail to comply with the requirements. The Minister's letter sets out collectively-agreed requirements, and notes that meeting these requirements is an individual department's responsibility. We shall monitor carefully whether the Government's performance in this area improves. (The full correspondence is published in Appendix 2.)

INSTRUMENTS RELATING TO COVID-19

Delayed or revoked legislation

Draft Coronavirus Act 2020 (Early Expiry) (No. 2) Regulations 2021

18. As part of the third six-month review of the Coronavirus Act 2020 (the 2020 Act), the Government, in consultation with the Devolved Administrations, have assessed that some of the provisions of the 2020 Act are no longer necessary. Most provisions in the 2020 Act were given a two-year duration, so this instrument proposes to terminate several redundant provisions, some of which have never been used:
- Variable time limits in relation to urgent warrants etc under the Investigatory Powers Act 2016.
 - Up-rating of Working Tax Credits and disregard corresponding to the Universal Credit £20 uplift.
 - Powers in relation to transportation, storage and disposal of dead bodies etc in Northern Ireland only.
 - Powers relating to potentially infectious persons in England and Northern Ireland.
 - Powers relating to events, gatherings and premises in England and Northern Ireland. (To date, most legal restrictions relating to COVID-19 have been implemented through the Public Health (Control of Diseases) Act 1984, and therefore these powers have not been used.)
 - Live links in magistrates' court appeals against requirements or restrictions imposed on a potentially infectious person. (Not used.)
 - Local authority meetings before 7 May 2021 could be held remotely, including allowing remote access by members of the public, and local authorities were not required to hold a 2020 annual meeting. (Time limited provision that has expired.)
 - Temporary powers to close educational institutions and childcare premises where the tests in the 2020 Act are met. (The Secretary of State for Education has not used these powers and, instead, has relied on guidance to limit attendance at education settings.)
 - Having reviewed the use of the notices and the requirements needed for the Department for Education's Contingency Framework, this SI will remove 19 of the possible 29 provisions which could be modified or disapplied by means of a notice.

INSTRUMENTS OF INTEREST

Draft Electric Vehicles (Smart Charge Points) Regulations 2021

19. These draft Regulations propose a requirement for all domestic and workplace charge points (CPs) for electric vehicles (EVs) to include smart functionality. Following the announcement to end the sale of new petrol and diesel cars in the UK by 2030,⁵ the Department for Transport (DfT) says that the transition to EVs is central to the Government's commitment to achieve net zero greenhouse gas emissions by 2050, but that to enable this transition, the electricity system will have to meet the increased demand.
20. The Department expects that most EVs will be charged at home, and says that without intervention, EV charging is likely to happen during electricity system peak times when people arrive home from work. This would require significant additional investment in the electricity networks and electricity generation capacity. According to DfT, smart charging will enable EV charging to be optimised at times when there is lower demand on the electricity system, or when renewable electricity generation is high.
21. In addition to introducing a requirement for all domestic and workplace CPs to include smart functionality, these draft Regulations also specify certain requirements and standards that smart CPs must meet, covering issues such as safety; interoperability (allowing consumers to switch energy suppliers without losing smart functionality); loss of connectivity (requiring that when the network connection is lost, a CP must still be able to charge); randomised delay (to avoid CPs all turning on or off simultaneously, for example after a power cut); and cybersecurity (to protect against cyber attacks and to protect the stability of the electricity system). The draft Regulations also require a statement of compliance to be provided with every smart CP sold and set out the enforcement powers and penalties, including a penalty of up to £10,000 for selling a non-compliant CP. BEIS estimates that around 87% of private CPs sold or installed in Great Britain currently have smart functionality. The installation of CPs with smart functionality is to be welcomed. We note, however, the need to also consider the accessibility of CPs for those who are unable to install a private CP, especially those who do not have their own dedicated parking place at home.

5 HM Government, 'Government takes historic step towards net-zero with end of sale of new petrol and diesel cars by 2030': <https://www.gov.uk/government/news/government-takes-historic-step-towards-net-zero-with-end-of-sale-of-new-petrol-and-diesel-cars-by-2030> [accessed 4 November 2021].

INSTRUMENTS NOT DRAWN TO THE SPECIAL ATTENTION OF THE HOUSE

Made instruments subject to affirmative approval

Draft	Coronavirus Act 2020 (Early Expiry) (No. 2) Regulations 2021
Draft	Electric Vehicles (Smart Charge Points) Regulations 2021
Draft	Financial Services Act 2021 (Prudential Regulation of Credit Institutions and Investment Firms) (Consequential Amendments and Miscellaneous Provisions) Regulations 2021
Draft	Network and Information Systems (EU Exit) (Amendment) Regulations 2021

Draft instruments subject to annulment

Draft	London Borough of Barking and Dagenham (Electoral Changes) Order 2021
Draft	Royal Borough of Greenwich (Electoral Changes) Order 2021
Draft	St Helens (Electoral Changes) Order 2021

Instruments subject to annulment

SI 2021/1183	Tribunal Procedure (Amendment No. 2) Rules 2021
SI 2021/1188	Social Security (Scotland) Act 2018 (Information-Sharing and Disability Assistance) (Consequential Provision and Modifications) Order 2021
SI 2021/1190	Channel Tunnel (Arrangements with the Kingdom of the Netherlands) (Amendment) Order 2021
SI 2021/1196	Channel Tunnel (International Arrangements and Miscellaneous Provisions) (Amendment) Order 2021
SI 2021/1198	Birmingham Commonwealth Games (Advertising and Trading) Regulations 2021
SI 2021/1203	Aviation Safety (Amendment) (No. 3) Regulations 2021

**APPENDIX 1: GOODS VEHICLES (LICENSING OF OPERATORS)
(TEMPORARY USE IN GREAT BRITAIN) (AMENDMENT)
REGULATIONS 2021 AND DRIVERS' HOURS AND TACHOGRAPHS
(TEMPORARY EXCEPTIONS) (NO. 4) REGULATIONS 2021**

Additional information from the Department for Transport

Lorry Driver Shortage: Government Interventions (at 29.10.2021)

There have been 28 short, medium and long-term interventions put in place to date to alleviate the existing HGV driver shortages.

These interventions are focussed on: increasing efficiency in existing supply chains; support and training for new HGV drivers; expanding HGV driver testing capacity and improving licencing processes; attracting drivers back to the sector and improving conditions; and fuel supply

Increasing efficiency in existing supply chains:

1. Temporary extension of drivers' hours to allow short-term extra flexibility to the industry.
 - **Status:** The extension is in force until 9 January 2022, subject to review.
 - **Impact:** This provides greater operational flexibility for haulage firms in how they utilise their driver workforce.
2. Relaxation of late-night delivery restrictions to supermarkets, food retailers, and distribution centres in England.
 - **Status:** The current relaxation is in place until January 2022.
 - **Impact:** This provides greater operational flexibility for haulage firms in how they coordinate deliveries.
3. Extending the existing visa scheme to help food industries with driver shortages during exceptional circumstances this year. Enabling fuel drivers to come to the UK immediately through an existing scheme.
 - **Status:** 4,700 HGV drivers were added to the existing visa scheme in September, alongside up to 300 fuel drivers' visas. Applications for the two schemes are being assessed by Home Office and Defra, with many expressions of interest to date.
 - **Impact:** This will help in reduce the acute shortage in the short term while the testing capacity and throughput of newly qualified drivers ramps up.
4. Increasing cabotage for foreign hauliers in the UK to make their trips more efficient.
 - **Status:** In operation from 28 October 2021 until the end of April 2022.
 - **Impact:** This will allow foreign transport operators to make unlimited journeys for two weeks before returning home, improving supply chain resilience.

Support and training for new HGV drivers

5. Department for Education investing up to £17 million to create new skills bootcamps to train up to 5,000 more people to become HGV drivers.

- **Status:** Announced 25 September and being implemented
 - **Impact:** We anticipate the first wave of applicants to begin training from early December for a 16-week placement with a guaranteed interview at the end, so could begin working in the industry by the end of March 2022.
6. New £7,000 Large Goods Vehicle Driver apprenticeships.
- **Status:** The revised standard was launched in August 2021. It is anticipated this could lead to an increase to 4,000 apprentice starts per year.
 - **Impact:** This will ensure there is a pipeline of new entrants through the training and testing process through to operating in the industry.
7. Expansion of DWP (Department for Work and Pensions) driver training pilot delivered through Jobcentre Plus to bring job-seekers into the industry.
- **Status:** Pilots under way. Evaluation will be built into the pilots to capture lessons learned for national rollout.
 - **Impact:** This will ensure there is a pipeline of new entrants into the industry, maintaining demand for extended testing capacity.
8. Temporary incentive payment of £3,000 for employers taking on a new apprentice—extended to January 2022 as part of the Government’s #PlanforJobs.
- **Status:** Extended beyond the original expiry of September 2021 to continue to offer additional support to operators to lower the barriers of entry into industry to capture more drivers.
 - **Impact:** The £3,000 incentive payment can be used at the employer’s discretion and is intended to help cover additional training/onboarding costs that would otherwise be prohibitive.
9. Accelerated development of new Urban Driver Apprenticeship for Category C driving.
- **Status:** The apprenticeship has been approved for development with a recommended funding band of £4,500.
 - **Impact:** We are working with industry groups who proposed the standard to promote the scheme to training providers.
10. DfT provided grant funding to Road to Logistics (RtL, a national, not for profit, logistics training organisation) who are working with the Welsh Government and HM Prison Service to train ex-offenders to drive lorries as well as supporting the Jobcentre Plus pilot.
- **Status:** RtL are currently assisting DWP/Jobcentre Plus with the HGV driver training pilot scheme and working with the Welsh Government and HMPS to train ex-offenders. RtL are seeking venues to establish a permanent training base.
 - **Impact:** To provide an additional throughput of drivers, with associated benefits in reducing reoffending, and the potential to scale up in future years.
11. Additional Government funding for both medical and HGV licences for any adult who completes an HGV driving qualification accessed through the Adult Education Budget (AEB) in academic year 2021/22.

- **Status:** Open for applications via Further Education/training providers. AEB funding will cover 1,000 applications.
 - **Impact:** This will ensure there is a pipeline of new entrants into the industry, maintaining demand for extended testing capacity.
12. DfT provided grant funding to Think Logistics who, with Career Ready, are working to attract young people to the profession.
- **Status:** Think Logistics has launched a series of short films to promote a career in the logistics sector to young people. The videos, which are available free of charge to logistics companies, showcase the benefits of working within the sector through a series of bite-sized case studies.
 - **Impact:** This helps to improve the image of the industry, which is one of the biggest barriers to employment and increasing diversity.

Expanding HGV driver testing capacity and improving licencing processes

13. DVSA has increased the number of HGV vocational driving tests by 90% compared to pre-pandemic levels through measures including overtime and allocating additional employees into testing, re-directing capacity from car & trailer tests to HGV tests and the recently introduced capacity from Defence Driving Examiners.
- **Status:** Defence Driving Examiners continue to work alongside DVSA examiners. Latest stats for week commencing 18/10 were 2,275 HGV driver tests taken (3% up from last week), including 315 tests conducted by DDEs. This compares to 1,500 weekly HGV test capacity pre mitigations. Currently at 28 October there are 16% of slots available to be booked within the 10 week booking window. Discussions with industry stakeholder organisations on how best to ensure they have the confidence to upscale their training capacity continue.
 - **Impact:** Some non-regulatory changes are in force now, with the remainder taking effect from December. This will further expand testing capacity.
14. We have streamlined testing to increase the number of HGV tests taking place following consultation on regulatory changes on BE test requirements, staging of HGV tests and reversing manoeuvres.
- **Status:** The changes are coming on stream and enable an extra 50,000 lorry tests per year.
 - **Impact:** This will allow time for an increase in daily testing capacity, enabling more drivers to access and complete a test and to enter the workforce.
15. Recruitment campaign for 40 new vocational examiners.
- **Status:** The recruitment launched on 16 August 2021, with 34 interviewed to date. They will then need to be trained to the required standard. New examiners are anticipated to be in post from January 2022.
 - **Impact:** This will increase testing capacity further by 200 tests per week.
16. The Ministry of Defence (MOD) is providing Defence Driving Examiners (DDEs) to be trained and redeployed to conduct civilian tests with the DVSA until the end of the year.
- **Status:** DVSA have trained and deployed 24 DDEs from MOD to work alongside our examiners conducting vocational tests.

- **Impact:** MOD are providing between 5,500 and 6,000 extra HGV driving tests over throughout October, November and December.
17. New legislation to allow delegated driving examiners at the three emergency services and the MOD to be able to conduct driving tests for one another.
- **Status:** The change was consulted on over the summer. The Statutory Instrument (SI) was laid on 11 October 2021 and comes into force on 1 November 2021. DVSA will then look more closely at how this works for bus companies.
 - **Impact:** The change will help increase the number of lorry tests that we can carry out and will give the emergency services greater flexibility. It will also allow NHS Ambulance Services and Foundation Trusts to carry out ambulance driving tests for their own employees.
18. DVLA operational prioritisation to process provisional HGV driving licences.
- **Status:** Provisional HGV licences are being processed within five days, reduced from ten days. The DVLA has put processes in place to speed up the processing of renewing HGV licences and expects to be back within normal turnaround times by early November. Most drivers applying to renew their HGV licence can continue driving while their application is being processed
 - **Impact:** New drivers will be able to enter the profession more quickly.

Attracting drivers back to the sector and improving conditions

19. Public messaging and direct letters to existing HGV licence holders not driving professionally (including those who do not hold a Driver CPC card) to encourage them to consider returning to HGV driving.
- **Status:** We have had 11,757 views to the ‘Return to HGV driving’ page of Gov.uk in the past 30 days (to 28/10).
 - **Impact:** This will have an additional impact to employment numbers by re-attracting drivers.
20. Support for industry-led communications efforts to promote and improve the image of sector including industry-led proposal for Year of Logistics, the promotion of good practice in the sector and International Road Transport Union’s driver charter.
- **Status:** Joint work with representative bodies.
 - **Impact:** Communications will drive applications from new and returning drivers to haulage careers.
21. Review of lorry parking and facilities.
- **Status:** The next phase of a reviews of 2020 has been confirmed, with preparatory work being progressed.
 - **Impact:** Poor working conditions, including unsuitable parking facilities, are often cited as an issue in discussions of limited recruitment into the industry (particularly of women), and poor retention rates for existing drivers, with a deficit of approximately 1,500-2,000 available HGV parking spaces
22. Funding support for lorry parking.
- **Status:** £32.5 million of funding announced on 27 October as part of the Budget, to assist this work.

- **Impact:** Improve the quality and security of facilities 28 Measures 29/10/2021
23. Flexible support funding for Job seekers and those on Universal Credit who hold an HGV licence towards the costs of obtaining Driver Certificates of Professional Competence required for most professional lorry or bus driving.
- **Status:** Available to all local Jobcentre managers, who can provide the support at their discretion. We are working with DWP to provide a data feed on usage.
 - **Impact:** This is an additional incentive for drivers to encourage them back into the workforce.

Fuel supply

24. Extension of ADR (Accord relatif au transport international des marchandises Dangereuses par Route) (Dangerous Goods) licence validity for those expiring between 27 September 2021 and 31 December 2021 until 31 January 2022.
- **Status:** 3,500 ADR driver certifications (2,000+ able to deliver fuels in tanks) extended by this authorisation/ 575 newly qualified drivers in the last month/ continuity is in place until 31 January 2022.
 - **Impact:** This provides immediate relief to the shortage of fuel drivers by permitting affected drivers to maximise their available capacity instead of being taken out of circulation for refresher training.
25. Targeted communications to ADR licence holders through the Training Advisory Panel Secretariat to make ADR members aware of the extension to ADR licences validity periods and to encourage their members and all ADR driver training providers to increase their capacity for providing the full initial ADR driver training courses.
- **Status:** 190+ approved training providers/575 candidates passed last month; 72% of exams sat have been online with a pass rate of 96%; continuity is in place until June 2022.
 - **Impact:** This will encourage training providers to deliver to new candidates for ADR driver training
26. Military tanker drivers have been mobilised to assist in fuel deliveries.
- **Status:** Military drivers have been deployed to support fuel deliveries over the course of the fuel crisis
 - **Impact:** In providing this key support to fuel hauliers, fuel stock levels at forecourts have returned to previous average levels. Additionally, it has allowed hauliers to optimise their resource, including freeing up more experienced civilian drivers for multiple deliveries/shifts.

Economic measures to support the haulage industry

27. Freezing Vehicle Excise Duty (VED) for HGVs.
- **Status:** In place. Announced in Budget (27 October 2021).
 - **Impact:** To support the haulage sector and pandemic recovery efforts, the government will freeze HGV VED for 2022–23.
28. Suspending the HGV road user levy for a further twelve months from August 2022.

- **Status:** In place. Announced in Budget (27 October 2021).
- **Impact:** For the highest levy band, the levy was £900 a year for a recent (Euro VI emissions) vehicle, and £1,200 for an older (Euro V emissions or earlier) vehicle. Therefore the extension of the suspension will mean that UK hauliers will benefit from three years of zero rated levy—up to £3,600 per vehicle. UK hauliers pay their Vehicle Excise Duty and HGV levy annually at the same time, as a single transaction. When their renewal date comes up, UK hauliers will automatically benefit from paying levy of zero rate.

3 November 2021

APPENDIX 2: PROVISION OF IMPACT ASSESSMENTS

Letter from Lord Hodgson of Astley Abbotts, Chair of the Secondary Legislation Scrutiny Committee to Paul Scully MP, Minister for Small Business, Consumers and Labour Markets

The Committee was grateful for the fuller response provided in your letter of 7 October to questions about the Government's policy on the provision of Impact Assessments (IAs). The Committee also welcomes your endorsement of the importance of providing timely, proportionate and good quality information to support policy.

Your letter, however, prompted two more questions:

- First, you say that laying a statutory instrument without an IA when one is required is “impermissible”. How is this enforced in departments and what sanctions exist in the event of the requirement being breached?
- Second, the Committee noted your reference to the consultation on reforming the framework of better regulation and would be grateful to learn more about your proposals for making the IA process more efficient. Members noted in particular the review's expressed intention of easing the burden on departments and would like your reassurance that this will not be at the expense of the quality of the information provided to Parliament which is necessary for effective parliamentary scrutiny.

18 October 2021

Letter from Paul Scully MP, to Lord Hodgson of Astley Abbotts

Thank you for your letter of 18 October which sought to know, on behalf of the Committee, how the provision of Impact Assessments (IAs) is enforced in departments when one is required and what sanctions exist in the event of the requirement being breached, and reassurance that the proposals for making the IA process more efficient to ease the burden on departments as set out in the consultation on reforming the framework for better regulation will not lessen the quality of the information provided to Parliament which is necessary for effective parliamentary scrutiny.

There are collectively agreed rules on the use of IAs for measures in scope of the better regulation framework. These have been agreed by ministers and proposals should only go forward without an IA when this is expressly agreed via the write round process. The provision of IAs is enforced by Cabinet Office application of collective agreement rules which clearly instructs policy makers to attach the regulatory impact assessment and state the outcome of the RPC's scrutiny of the IA. We have not imposed these additional restrictions on those measures which fall outside the scope of the better regulation framework.

As I said in my earlier response, it remains the responsibility of individual departments to lay supporting documents of the impacts of their policy proposals. The Better Regulation Framework Guidance (BRFG) and the Cabinet Office Guide to Making Legislation are clear that the IA must be made available alongside bills published in draft for pre-legislative scrutiny or introduced to Parliament.

Furthermore, the BRFG sets out flexibilities for departments to decide how they comply with the better regulation principles of robust evidence, transparency and proportionality in their policy making cycles.

Finally, please be reassured that any approach agreed on new proposals - including revising the process of scrutinising policy proposals earlier in the policy development cycle, and streamlining the process of producing IAs as set out in the consultation on reforming the framework for better regulation-will not lessen the quality of the information in IAs provided. For example, a more streamlined process could be implemented which requires an alternative, much shorter and less bureaucratic IA focused more narrowly on the essential elements of cost-benefit analysis, where the cost-benefit analysis would continue to be developed following the HMT Green Book methodology (and would be presented at the pre-consultation write-round stage).

2 November 2021

APPENDIX 3: INTERESTS AND ATTENDANCE

Committee Members' registered interests may be examined in the online Register of Lords' Interests at <http://www.parliament.uk/mps-lords-and-offices/standards-and-interests/register-of-lords-interests>. The Register may also be inspected in the Parliamentary Archives.

For the business taken at the meeting on 2 November 2021, Members declared the following interests:

Drivers' Hours and Tachographs (Temporary Exceptions) (No. 4) Regulations 2021 (SI 2021/1207)

The Earl of Lindsay

Wife has an HGV licence

Attendance:

The meeting was attended by Lord Chartres, Lord Cunningham of Felling, Lord German, Viscount Hanworth, Lord Hodgson of Astley Abbotts, the Earl of Lindsay, Lord Lisvane, Lord Sherbourne of Didsbury, and Baroness Watkins of Tavistock.