

PARLIAMENTARY DEBATES

HOUSE OF COMMONS
OFFICIAL REPORT
GENERAL COMMITTEES

Public Bill Committee

DRIVING INSTRUCTORS (REGISTRATION) BILL

Tuesday 1 March 2016

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CLAUSES 1 TO 7 agreed to.
Bill to be reported, without amendment.

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IN GENERAL COMMITTEES

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The Committee consisted of the following Members:

Chair: MR DAVID CRAUSBY

† Amess, Sir David (*Southend West*) (Con)
 † Andrew, Stuart (*Pudsey*) (Con)
 † Cleverly, James (*Braintree*) (Con)
 Cooper, Rosie (*West Lancashire*) (Lab)
 † Day, Martyn (*Linlithgow and East Falkirk*) (SNP)
 † Evans, Chris (*Islwyn*) (Lab/Co-op)
 Godsiff, Mr Roger (*Birmingham, Hall Green*) (Lab)
 † Hollinrake, Kevin (*Thirsk and Malton*) (Con)
 Howlett, Ben (*Bath*) (Con)
 † Jones, Andrew (*Parliamentary Under-Secretary of State for Transport*)

McCabe, Steve (*Birmingham, Selly Oak*) (Lab)
 Morton, Wendy (*Aldridge-Brownhills*) (Con)
 Redwood, John (*Wokingham*) (Con)
 † Vaz, Valerie (*Walsall South*) (Lab)
 † Watkinson, Dame Angela (*Hornchurch and Upminster*) (Con)
 † Williams, Mr Mark (*Ceredigion*) (LD)

Fergus Reid, *Committee Clerk*

† **attended the Committee**

Public Bill Committee

Tuesday 1 March 2016

[MR DAVID CRAUSBY *in the Chair*]

Driving Instructors (Registration) Bill

9.25 am

The Chair: I remind the Committee that electronic devices should be turned to silent mode and that refreshments are not allowed during sittings. This is a private Member's Bill, so we have no programme motion. In this case, we have no amendments either. We must finish our proceedings by 11.25 am.

Clause 1

RE-ENTRY IN THE REGISTER FOLLOWING EXPIRY OF
REGISTRATION

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

The Chair: With this it will be convenient to discuss clauses 2 to 4 stand part.

Sir David Amess (Southend West) (Con): It is a pleasure to serve under your chairmanship, Mr Crausby. The Bill provides for two deregulatory measures to simplify the registration of driving instructors, which I am sure will be welcomed by all members of the Committee. The first simplifies the process for re-entry in the register of approved driving instructors if a driving instructor's registration has expired, and the second allows them to request voluntary removal from the register and to return at a later date under the simplified process. The provisions update existing legislation to make it more appropriate for ADIs working in the industry today. They introduce changes to make things more family-friendly by removing barriers that have impeded instructors returning to the profession after they have left, perhaps to raise a family, to deal with health problems or for other reasons. The requirements for individuals to become registered ADIs are set out in part 5 of the Road Traffic Act 1988.

Clause 1 deals with re-entry in the register of approved driving instructors following expiry of registration. Amendments are being made to part 5 of the 1988 Act to allow instructors who apply under that Act to have their names re-entered in the register if they have been off the register for between one and four years. The purpose of the amendments is to introduce a simpler, alternative provision into legislation for instructors wanting to return to the register, so that they do not have to requalify by taking the full three-part examination again, as happens currently.

The simplified provision is for re-entry in the register via a standards check, so the process for ADIs who wish to return will be quicker and much more straightforward. The time and effort of preparing for and taking repeat examinations can be used more effectively in earning a living and providing a service for learner drivers, with

subsequent benefits for the ADIs concerned, learner drivers and road safety. In the main, ADIs operate as sole traders and therefore fall under the microbusiness definition, so any cost savings would definitely be beneficial. As systems are already in place to book and manage standards checks, there will be no increased burden on the public sector, which all members of the Committee will welcome.

I am delighted to say that the amendments do not lower standards to make it easier to be re-entered in the register; they merely simplify the route. The standards check is the same as the one that all registered ADIs must take and pass during their registration period to continue delivering driving instruction. The standards check is to ensure that those wishing to be re-entered in the register can still deliver driving instruction to a suitable standard. It is for this reason that instructors can apply via this route only if they are within four years of their name being removed from the register. This period is comparable to the four-year registration period.

For re-entry in the register via the simplified route, ADIs will be allowed up to three attempts at the standards check. Three times is the most that current ADIs are allowed to attempt a standards check during their four-year registration period. If they have not passed the standards check at the final attempt, they will have to requalify via the existing route. The simplified route is not open to those who have been removed from the register due to disciplinary reasons. The clause provides provisions to safeguard against any lowering of standards and to prevent misuse of the simplified route by instructors who have been removed for disciplinary reasons; for refusing to undergo a periodic check of their continued ability to deliver competent driving instruction. Those instructors, who would have been removed from the register to protect public safety, will have to apply for re-entry via the existing route by undertaking the full three-part examination.

Clause 2 deals with voluntary removal from the register and subsequent re-entry. It allows those ADIs who wish to take a break from the profession to voluntarily request that their name be removed from the register without their registration having expired or it being treated as a removal for disciplinary reasons. That this was not included in the original Act beggars belief, but the Committee will be pleased that we are tidying up the anomaly. The clause also allows the same ADIs to request re-entry in the register within the specified time period, via the simplified route provided for under clause 1. Currently, there is no provision in legislation for ADIs who do not wish to remain on the register to have their name voluntarily removed—extraordinary. This is a problem, because a person taking a break from delivering driving instruction can end up missing a standards check, resulting in disciplinary proceedings for non-compliance being recorded against their file, which is pretty unfair. That could cause complications if they wish to return.

Today, given 21st century working practices, a person is much more likely to take a career break, perhaps for educational, family or other commitments, than they would have been when the registration system was originally introduced in the 1960s. Updating the legislation

to allow for voluntary removal from the ADI register in order to take a career break acknowledges modern working practices.

The amendments are also made in recognition of the fact that instructors who suffer from serious health issues may need to take a break from the profession. Instructors in such circumstances will be able to request voluntary removal from the register, secure in the knowledge that their removal was not for refusal to undergo a standards check and, therefore, was not treated as a disciplinary reason. We hope that this, and the introduction of simplified procedures for a return to the register, albeit within a certain timeframe, will provide sufficient opportunities for ADIs to return to the profession.

The registrar is required to acknowledge to the applicant the request and the subsequent removal of their name from the register. That will provide applicants with a known cut-off date for applying for re-entry in the register. Accordingly, a safety provision is also introduced for a person's name to be restored to the register with no penalty if it was removed by mistake or if someone acted maliciously to have it removed.

Clauses 3 and 4 replicate the amendments provided for in clauses 1 and 2 as if schedule 6 to the Road Safety Act 2006, which amends part 5 of the 1988 Act, was commenced—I hope that is as clear as mud. Part 5 of the 1988 Act, which contains the primary legislative provisions on driving instruction, has a number of uncommenced amendments contained in the 2006 Act. These amendments would allow the driving instruction regime, which currently applies to cars, to be extended to regulate instruction in other classes of motor vehicle. The Government are not currently pursuing the extension of the regulation of driving instruction, so that is not part of the Bill. On that basis, I commend the clause to the Committee.

Question put and agreed to.

Clause 1 accordingly ordered to stand part of the Bill.

Clauses 2 to 4 ordered to stand part of the Bill.

Clause 5

CONSEQUENTIAL AMENDMENTS, REPEALS AND REVOCATIONS

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

The Chair: With this it will be convenient to discuss clauses 6 and 7 stand part.

The Parliamentary Under-Secretary of State for Transport (Andrew Jones): It is a pleasure to serve under your chairmanship for the first time in this capacity, Mr Crausby. I congratulate my hon. Friend the Member for Southend West on introducing this Bill to simplify the arrangements

for driving instructors. As he has pointed out, some of the legislation and rules for the industry are simply out of date and due for a change, and some do not reflect current working practices and are unfair on ADIs.

There are two big ideas in the Bill. The first is to help people back into the industry through the removal of the requirement to redo the three-part qualification. Last year, 2,500 ADIs allowed their registration to lapse but only 1%—just 25 ADIs—applied to requalify. I suspect that number would increase if we removed the barrier to re-entry that they currently face. It would save time, taking the requalification process down from 34 to six weeks. That significant change would allow ADIs to recommence their careers much more easily, and the time saved could be spent earning a living and helping more people to achieve their driving licence.

The second idea is voluntary removal from the register and the updating of procedures to help ADIs. Last year, 610 ADIs asked to be removed from the register as they had other commitments, but legally the registrar cannot do that; they can be removed only for reasons of conduct, competence or discipline. That is utterly unfair and does not reflect what is happening in people's lives and careers. The change to the rules is therefore very positive. The Government support the Bill and will continue to do so as it progresses through this House and the other place.

Question put and agreed to.

Clause 5 accordingly ordered to stand part of the Bill.

Clauses 6 and 7 ordered to stand part of the Bill.

Question proposed, That the Chair do report the Bill to the House.

Sir David Amess: Thank you, Mr Crausby, for your patient chairmanship of the Committee, even though it has not lasted long. I thank the Doorkeepers and the *Hansard* reporters for the support they have given to the Committee. I thank all colleagues who have made the effort to be here in very large numbers this morning to celebrate and put a smile back on the faces of driving instructors. I also thank the Clerk, without whose guidance we would not have been able to function so well as a Committee.

Andrew Jones: I would like to build upon the point made by my hon. Friend the Member for Southend West by thanking you, Mr Crausby, the Committee as a whole and all the staff for their help. I should also put on the record my congratulations to my hon. Friend for getting the Bill this far. I look forward to seeing it on the statute book in the near future.

Question put and agreed to.

Bill accordingly to be reported, without amendment.

9.39 am

Committee rose.

