Dear Richard,

I am writing to follow up the debate on 7 October on the Heavy Commercial Vehicles in Kent (Nos 1 and 2) Orders 2019 when I said I would write to you about the extension of drivers' hours during traffic disruption in Kent.

It is important to note that the Orders we debated on 7 October did not grant any new powers in relation to the extension of drivers' hours. They are limited to powers to traffic officers to regulate any queues that develop and to the conduct of border readiness checks during deployment of Operation Brock. More generally, however, as I highlighted during the debate, there is the issue that we might get to during any deployment of Brock whereby industry request a relaxation of the drivers' hours rules.

In addition to industry's own contingency planning, there is an established procedure to enable the Department to respond rapidly to urgent situations by temporarily relaxing the enforcement of the drivers' hours rules where it is in the public interest to do so. The details including the scope of the relaxation are determined on a case-by-case basis as a last resort in the light of the specifics of the situation, and following close engagement with affected industry sectors.

The number of relaxations granted in the past has been minimal with only 11 since 2010. This included a relaxation granted in 2015 for drivers of vehicles affected by the prolonged traffic disruption in Kent as a result of the Port of Calais industrial action, which led to the use of Operation Stack.

It is of course foreseeable that in the event of Brexit related severe traffic disruption in Kent (or more widely), there would be requests from the haulage industry for a drivers' hours relaxation. We have indicated in preparatory discussions with industry that we will as always consider this on a case-by-case basis in response to the facts on the ground.
The drivers' hours rules are an important road safety measure, so the additional risks that a relaxation might create sets a high threshold for the use of it. It should be noted that a drivers' hours relaxation would not be expected to address the underlying traffic disruption or do more than marginally assist industry parties in coping with it.

The Government is very willing to engage with unions in the freight and haulage industry on any issues relating to Operation Brock. As I said during the debate, we will ensure that the guidance we are developing on the Orders is disseminated to the unions and more widely in the freight and haulage industry.

I am copying this letter to Baroness Randerson and will place a copy in the library.

Yours,

Charlotte

BARONESS VERE OF NORBITON