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Dear Earl Attlee,

POLICE, CRIME, SENTENCING AND COURTS BILL: POLICE DRIVING STANDARDS

During the Committee debate on the 20th October, I committed to writing to you to outline the regulatory framework for ambulance and fire appliance drivers which allows them to qualify for exemptions from certain speed limits and traffic regulations in the UK (Official Report, column 227). I would like to thank you for your close scrutiny and contribution to this important piece of legislation. I have also taken this opportunity to touch upon the amendments that were tabled at the Committee Stage in relation to the police driver standards clauses of the Bill.

Traffic Law – ambulance and fire appliance drivers

Turning first to the specifics of your question about the exemptions and specialised provisions that ambulance and fire engine drivers have in relation to traffic regulations in Great Britain. The police, fire and rescue services, and ambulance services all have the same road traffic exemptions. The main three exemptions are as follows:

- 1) Exemption to Speed Limits (section 87 of the Road Traffic Regulation Act 1984);
- 2) Exemption to Red Traffic Lights (Paragraph 5 of Part 1 of Schedule 14 to the Traffic Signs, Regulations and General Directions 2016); and
- 3) Exemption to Sign 610 (keep left / right signs) (Paragraph 3 of Part 4 of Schedule 3 to the Traffic Signs, Regulations and General Directions 2016)

The exemption to a provision may only be exercised when observing the provision would hinder the purpose to which the vehicle is being put at the relevant time (i.e. a 'necessity test' is applied).

The Government is currently working to commence section 19 of the Road Safety Act 2006, which will allow, for some additional purposes, access to the speed and other exemptions and will set a regulated mandatory minimum training package to

be completed before any driver can claim the speed limit exemption. That training package has been developed by the Government in cooperation with the national driver training advisory groups of the police, fire, and NHS ambulance services. The relevant secondary legislation is currently being developed for consultation.

Amendments tabled

As I mentioned during the debate in Committee on the 20 October, the Government does not consider it appropriate to extend the new driver standards to include other emergency services at present. While the police, fire and rescue services, and ambulance services all respond to incidents, the training and scrutiny of police driving is very different compared to that of other emergency services. The role of police drivers is also more varied; in addition to emergency response, police engage in vehicle pursuits, surveillance, escorts, armed vehicle interventions and traffic enforcement. These roles can be more complex than response driving and officers will receive additional training.

Much of the Committee stage debate focused on whether the new standards should be limited to police pursuit and emergency response driving. Almost three-quarters (74.4%) of respondents to the Government's consultation in May 2018 on the law, guidance and practice surrounding police driving in England, Wales and Scotland were in favour of applying the new driver standards beyond police pursuits.

A fairer and simpler comparator is for all police drivers who have advanced driving skills to be compared with a peer who has undertaken the same prescribed training. However, if a police officer were to drive in a manner that was inappropriate under the circumstances they would be held to account.

Turning to Lord Paddick's suggested amendment to introduce a "reasonableness" statutory defence for police officers, the Government's view is that the proposed introduction of a "reasonableness" defence for police drivers is unnecessary and that the existing proposed legislation is sufficient to provide police drivers with the protection they need. Police driver training includes decision making in line with the National Decision Model. This allows for a degree of flexibility, and therefore will enable the new test to account for the varied and complex nature of police driving.

Limiting the applicability of the new measures to pursuits and emergency response driving on one hand and introducing a statutory "reasonableness" defence on the other would, I suggest, be contradictory in effect. The result would be that some police drivers who despite having undertaken the prescribed training would have no additional protection, while others would benefit from a very broad protection which may not allow for sufficient scrutiny. All police drivers should be protected if they are carrying out their police duties in a way that someone with the same level of training as them would do.

I am copying this letter to Lord Rosser, Lord Coaker, Baroness Randerson, Lord Paddick, Lord Beith and Baroness Jones of Moulsecoombe. I am also placing a copy in the library of the House.

Sharpe of Epsom

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The Earl Attlee
House of Lords