

## WE'VE BEEN THERE BEFORE

New proposals to raise the minimum age for driving a car echoes the proposals for a minimum period for driver training of twelve months contained in the Select Committee on Transport eleventh special report 2006/7. This effectively raised the age for a full licence to eighteen: a move now suggested more explicitly.

These suggested changes have a precedent in raising the motorcycle minimum age. MPs should consider the history of that legislation and learn not to trust the instrument often used in these cases: delegated legislation.

Older motorcyclists may remember the minimum age for riding a motorcycle being raised from sixteen to seventeen in 1972 but the story starts much earlier. Interest in raising the motorcycle age prompted what was then the Ministry of Transport to consider the matter in its Committee on Road Safety in 1955. In the meantime, the Road Traffic Act of 1956 gave the minister the power to raise the age should the committee so recommend. This qualification was verbal and, although recorded in Hansard, was not in the Act. In practice, such powers remain in place for any future minister to use at any time regardless of evidential justification. The Committee on Road Safety, chaired by Richard Nugent the Transport Minister at the time, did not give the expected response.

As accident rates were related more to lack of experience than age as such, the report recommended that the age for riding a light motorcycle should be left at sixteen, moped reduced to fifteen and the age for motorcycles over 250cc raised to seventeen. It was believed that, as the moped had such an exceptional safety record, early experience on powered two wheels would be beneficial when upgrading to a motorcycle. Similarly, the experience of riding on two wheels would produce safer car drivers. Thus the age progression was recommended. An independent study was commissioned to prove whether or not there was statistical evidence to support the contention that experience, rather than age, was relevant to accident rates.

Having cleared that up, Vice-Admiral John Hughes-Hallett MP tabled his Private Members Bill *Road Traffic (Driving of Motor Cycles and Mopeds) Bill* which was to limit learners to 250cc and empower the minister to lower the moped age to fifteen. The Scott and Jackson report was published by the Central Office of Information during the passage of this Bill and confirmed the Nugent committee's conclusion that it was experience that was relevant and found no evidence that age had any significance. Having been passed with the blessing of the government, it gathered dust until the publication of a White Paper, *Road Safety – A Fresh Approach* in 1967

This document, in one paragraph, ignored all that went before it and claimed that, rather than age progression producing safer drivers, young people should be discouraged from riding. With it came the assertion that 2,000 fatal and serious casualties would be saved every year if the age for riding motorcycles was raised from sixteen to seventeen to match that of cars. There was absolutely no evidence to support this assertion but in 1971, Roads Minister John Peyton imposed an age limit of seventeen for all motorcycles by statutory instrument granted by the primary legislation of 1956. This was intended to be used only if evidence supported it but Peyton had none. The moped age remained at sixteen and was not lowered.

Retrospectively there is no evidence to support Peyton's predictions. Motorcycle fatalities were falling from 1960 to 1972 when the minimum age was raised. Afterwards they increased dramatically until the 1980 Transport Act took inexperienced riders off the road by insisting on a maximum term of two years in

which to pass the driving test. This is strangely inconsistent with the 2007 and 2013 proposal that car learners should be subjected to a minimum period.

So why did Peyton introduce a measure against evidential advice and arguably dramatically increased the number of motorcyclists killed on our roads? Those that have studied this period have a common response – ROSLA. The raising of the school leaving age would have presented the public with something that was not politically acceptable: a motorcycle ridden by a kid in school uniform. It was this, and not the increasing road carnage that was behind the push to raise the riding age. Could this latest push be connected with the current changes where pupils in England are required to remain in education or training until eighteen? In Scotland, Wales and Northern Ireland the adult world may still be open to entry at sixteen.

Delegated legislation or statutory instruments are powers granted to the relevant minister during the passage of a Bill in order – for perfectly good reasons – to introduce regulations at a later date. It enables MPs to vote for a measure they may have doubts about due to insufficient information that will be forthcoming. It is presented as a power that the minister – this minister: the one before you now – will use should a specialist committee recommend. However, that power is sometimes used over a decade later by a different minister entirely against the view of the specialist advice.

MPs should be aware that delegating legislation on the basis of emotive argument for introduction under expected evidence might result in later implementation against inconvenient results. This may cost lives when it produces the opposite as occurred in the motorcycle case.