EXPLANATORY MEMORANDUM TO

THE TRAIN DRIVING LICENCES AND CERTIFICATES (AMENDMENT) REGULATIONS 2026

[2026] No. [XXXX]

1. Introduction

1.1 This Explanatory Memorandum has been prepared by the Department for Transport and is laid before Parliament by Command of His Majesty.

1.2 This memorandum contains information for the Joint Committee on Statutory Instruments and Secondary Legislation Scrutiny Committee.

2. Declaration

2.1 Lord Peter Hendy, the Minister of State for Transport at the Department for Transport, confirms that this Explanatory Memorandum meets the required standard.

2.2 Mr Jeremy Hotchkiss, Deputy Director of Rail Regulation, Sponsorship and Innovation at the Department for Transport, confirms that this Explanatory Memorandum meets the required standard.

3. Contact

3.1 Mr Bertie Bricusse, Head of Train Driving Reform at the Department for Transport can be contacted with any queries regarding the instrument via the following email address: rail.safety@dft.gov.uk.

Part One: Explanation, and context, of the Instrument

4. Overview of the Instrument

What does the legislation do?

4.1 The Train Driving Licences and Certificates (Amendment) Regulations 2026 (the "2026 Regulations") amends the Train Driving Licences and Certificates Regulations 2010 (S.I. 2010/724) (the "2010 Regulations") to lower the age at which a person is eligible to be issued a train driving licence to drive trains on the domestic railway in Great Britain from 20 to 18 years old.

Where does the legislation extend to, and apply?

4.2 The extent of this instrument (that is, the jurisdiction(s) which the instrument forms part of the law of) is England, Wales, and Scotland.

4.3 The territorial application of this instrument (that is, where the instrument produces a practical effect) is England, Wales, and Scotland.

5. Policy Context

What is being done and why?

5.1 The Government is lowering the age that a person is eligible to be issued a train driving licence from 20 to 18 years old. This will enable persons from the age of 18 to obtain a train driving licence. Subject to obtaining an appropriate train driving

certificate this will enable 18 and 19 year olds to drive trains of all types (including passenger and freight services) on domestic mainlines in Great Britain.

5.2 Currently, to be eligible for a train driving licence in Great Britain you must be at least 20 years of age. This requirement is established by the 2010 Regulations, which sets out the requirements for a train driving licence in Great Britain (excluding tramways, metros and heritage railways). This requirement aligns with the general minimum age requirement that applies in the European Union (EU) under Directive 2007/59/EC concerning the certification of train drivers operating locomotives and trains on the railway system in the European Union ("the Train Driving Directive") (see paragraph 5.16 for further information).

5.3 Train drivers operating international cross-border services, including in the Channel Tunnel rail system and cross-border area, must also be 20 years of age. As well as the 2010 Regulations (for GB licence holders) and the Train Driving Directive (for EU licence holders), this is also reflected in specific arrangements between the Governments of the United Kingdom and the French Republic for these areas, consistent with an international treaty between the UK and France concerning the mutual recognition of train driving licences and certificates in the Channel Tunnel cross-border area signed on 22 December 2021 ("The Train Driver Licensing Bilateral Agreement")[1]. The Channel Tunnel cross-border area includes the Channel Tunnel Fixed Link and the British Channel Tunnel zone (BCTZ), which means the rail network from the Channel Tunnel Fixed Link up to, and including, Ashford International Station for passenger services and Dollands Moor freight yard for freight services.

5.4 The changes made by this instrument will enable the Office of Rail and Road (ORR), the independent railway safety regulator and licensing authority for train driving in Great Britain, to issue train driving licences from the age of 18 to people who meet the licence conditions set out in the 2010 Regulations to drive trains on the mainline railway in Great Britain, meaning all parts of the network except the Channel Tunnel Fixed Link and BCTZ. These conditions include: completion of at least nine years of primary and secondary education, completion of basic vocational training equivalent to Level 3 qualifications (this is met by virtue of completing the general professional competence examinations, which are level 3 qualifications), and proof of passing medical, occupational psychological fitness, and general professional competence examinations (see the ORR's website for more information on licence conditions)[2]. Licences are valid for 10 years provided train drivers continue to meet the licence conditions after which an application for renewal must be made.

5.5 The instrument will also enable employers to issue train driving certificates (sometimes also called 'complementary certificates') to train drivers operating services on the mainline railway in Great Britain from the same age, which train drivers must hold alongside their train driving licences. These train driving certificates are issued and owned by the driver's employer, typically train and freight operators, or infrastructure managers (for example, Network Rail). These confirm a train driver is qualified to operate specific rolling stock on designated routes, with the necessary route knowledge and understanding of operational rules. The train driving certificate also confirms a train driver has been trained according to the safety arrangements operators and infrastructure managers have in place to drive services safely on the network. These arrangements are mandatory and are maintained by operators in a

[1] https://www.gov.uk/government/publications/ukfrance-agreement-concerning-train-driving-licences-and-complementary-certificates-in-respect-of-rail-transport-through-channel-fixed-link-cs-fran
[2] https://www.orr.gov.uk/rail-guidance-compliance/train-driving-licences-and-certificates

safety management system, which is approved by the ORR under the Railways and Other Guided Transport System Regulations 2006 (S.I. 2006/599). Train drivers may hold multiple train driving certificates, reflecting their competence to drive across different routes and rolling stock types, but only one train driving licence.

5.6 Together, the changes made by this instrument will enable a person to hold a train driving licence (and, consequently, train driving certificates) allowing them to drive trains on the mainline railway in Great Britain, excluding the line within the BCTZ from the age of 18. The law enables train driving licences to be issued to people who meet the eligibility criteria and have passed the requirements established in the 2010 Regulations. While it remains open to employers to set selection criteria for employment as a train driver, the provisions of the Equality Act 2010 continue to apply to decisions around recruitment.

5.7 This instrument will not change any of the other conditions required to obtain a train driving licence, which will remain in place.

5.8 This instrument is not changing the minimum age requirement for international rail services in the Channel Tunnel cross-border area. This covers the Channel Tunnel Fixed Link and the GB rail network up to and including Ashford International Station (for passenger services) and Dollands Moor freight yard (for freight services). As mentioned in paragraph 5.3, train drivers operating international rail services in the UK must be 20 years of age, which is required under Article 3(4) of the Train Driving Licensing Bilateral Agreement. This instrument maintains this requirement for the Channel Tunnel cross-border area. In turn, the policy changes made by this instrument are consistent with the UK's international obligations and the Department has informed the French Government about this policy change accordingly. The Department has also informed the devolved assemblies, including the Northern Irish, Welsh and Scottish Governments.

5.9 The change in policy for the domestic railway in Great Britain follows the findings of the second statutory post-implementation review of the 2010 Regulations, published on 19 May 2023[3]. The purpose of this review, which was required under Regulation 40 of the 2010 Regulations, was to evaluate whether the 2010 Regulations were meeting their original policy objectives and identify opportunities for reform. This review identified strong support from the rail industry to lower the minimum age requirement to be a train driver from 20 to 18, recognising that there is a body of evidence supporting the case that lowering the age is feasible and could be effectively implemented. This is based on international examples where a lower age limit of 18 has already been adopted in some countries, including France, Germany, the Netherlands and Australia. In 2019, the Rail Delivery Group Train Driver Academy commissioned the Rail Safety and Standards Board (RSSB) to undertake a review of the evidence and consider the feasibility of lowering the minimum age of train drivers in Great Britain from 20 to 18[4].

5.10 On 16 February 2024, the RSSB published its findings, which concluded that there was no clear evidence that younger train drivers aged 18 or 19 pose a higher safety risk than older drivers[5]. This is on the premise, drawn from international case studies, that younger train drivers are given the same level of training, assessment and supervision as older drivers, to enable them to meet the required competence and

[3] uksiod_20100724_en_001.pdf
[4] https://www.rssb.co.uk/-/media/Project/RSSB/RssbWebsite/Documents/Public/Public-content/Improving-Safety-and-Health/Minmium-Driver-Age-Final-Report-v3_221119.pdf
[5] https://www.rssb.co.uk/safety-and-health/improving-safety-health-and-wellbeing/understanding-human-factors/minimum-age-of-train-drivers

fitness standards. The research also confirmed that the skills and experience needed to drive trains competently and safely can be provided to younger people through structured training, mentoring and supervision procedures, consistent with the systems that apply to train drivers of all ages. Based on the evidence collected from other countries, RSSB concluded that experience, not age, was more important in determining performance. The report recommended that lowering the minimum age to become a train driver could also support the industry's goal of building a younger, more diverse workforce that is more representative of the communities they serve, whilst creating new career pathways from school into entry level train driving roles and apprenticeships.

5.11 RSSB's report also highlighted a case for lowering the minimum age to address wider workforce challenges facing the rail industry, a point also made by several stakeholders in the post implementation review. According to the National Skills Academy for Rail's 2025 Annual Workforce Survey[6], the train driving workforce is an ageing demographic and the industry projects that 25% of train drivers will reach retirement age by 2030 (using 62 as the assumed retirement age for train drivers). Currently, the average age of a train driver in Great Britain is 47 years old, and only 3.1% of train drivers are under the age of 30. Meanwhile, women make up less than 11% of the workforce and 12.4% are ethnic minorities. The rail industry is concerned that unless action is taken, there will be significant shortages in the number of qualified train drivers in the future. By providing opportunities to younger people and attracting applicants from underrepresented groups, this could form part of the solution to expand and diversify the workforce.

5.12 The current minimum age threshold of 20 limits the rail industry's ability to offer train driving as a career opportunity to school leavers, since most will have chosen alternative educational or employment opportunities by the age of 20. This recognises that the school leaving age is 16 and that people must be in education, training or employment until they are 18. By lowering the minimum age from 20 to 18, this will allow the industry to recruit school leavers, those in education, training or employment directly, opening the profession to a broader and more diverse talent pool. This could help increase the number of qualified train drivers and improve the representation of women and underrepresented groups within the profession, when combined with investment by the industry in training opportunities, recruitment and infrastructure.

5.13 In response to the RSSB's report and widespread support from industry for changes to the minimum age limit, the previous Conservative government launched a public consultation in May 2024 on a proposal to reduce the minimum age limit from 20 to 18[7]. The consultation received strong support from the rail industry, including train and freight operating companies, industry bodies, and trade unions. On 7 May 2025, the Government published the outcome of the consultation and confirmed that it would be proceeding with plans to change the law[8].

5.14 In parallel, Rail Minister Lord Peter Hendy commissioned the rail industry to prepare a coordinated plan, outlining a set of specific measures and a timetable for implementation, to ensure that it was ready to introduce 18 and 19 year olds into train

[6] https://www.nsar.co.uk/projects/rail-workforce-survey/

[7] https://www.gov.uk/government/consultations/lowering-the-minimum-age-requirement-for-train-drivers-from-20-to-18

[8] https://www.gov.uk/government/consultations/lowering-the-minimum-age-requirement-for-train-drivers-from-20-to-18/outcome/lowering-the-minimum-age-requirement-for-train-drivers-from-20-to-18-outcome

driving roles on the railway. This plan would be reviewed by the Department and ORR to inform a timetable for changing the law. A final version of the industry plan, incorporating feedback from Department and ORR, was approved by Ministers in November 2025. On 10 February 2026, the Department announced its intention to take forward changes to the legislation, with the new regulations scheduled to come into force on 30 June 2026 before the end of the academic school year.

What was the previous policy, how is this different?

5.15 The 2010 Regulations implemented the Train Driving Directive, which became assimilated law following the UK's withdrawal from the EU.

5.16 The Train Driving Directive established a framework for licensing and certifying train drivers across EU member states. It stated that the general minimum age requirement would be 20 across the EU and mandatory for international services between countries, but allowed countries to issue licences from the age of 18 on the condition they operate trains exclusively in their own territory.

5.17 When the Department consulted on transposing this directive into domestic law through the 2010 Regulations from 25 June 2009 to 16 September 2009, the consultation did not consider lowering the minimum age from 20 to 18[9]. The Department adopted the minimum age requirement of 20 set by the Train Driving Directive to comply with the law.

5.18 The new policy will enable the ORR to issue train driving licences to people from the age of 18, rather than the current age of 20, provided they meet all of the other requirements established in the 2010 Regulations.

5.19 The change will expand the opportunities available to young people by removing an age-based barrier to training and employment. The instrument does not change any other legal requirements to become a train driver. All other legislative entry requirements and procedures for assessing, training and supervising train drivers will remain the same and will apply to all applicants from the age of 18.

6. Legislative and Legal Context

How has the law changed?

6.1 The 2026 Regulations amend the 2010 Regulations to lower the minimum age that a person can be issued a train driving licence to drive trains on the mainline railway in Great Britain from 20 to 18 years old, provided they meet all other eligibility criteria.

6.2 The Department is using powers in sections 14(3), 14(4)(c) and 14(7) of the Retained EU Law (Revocation and Reform) Act 2023 ('REULA') to revoke and replace provisions originally derived from EU law and replace them with new provisions. The 2026 Regulations amend regulation 4 of the 2010 Regulations (requirements for a train driving licence) to insert a provision that requires a driver operating in the British Channel Tunnel Zone to be at least 20 years old in accordance with the UK's international obligations in the Train Driver Licensing Bilateral Agreement. The 2026 Regulations will also amend regulation 8 of the 2010 Regulations to revoke the requirement that the ORR will not issue a licence to an applicant below the age of 20 and replace it with provision that they will not issue a licence to an applicant below the age of 18.

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9 https://webarchive.nationalarchives.gov.uk/ukgwa/20091003062244/http:/www.dft.gov.uk/consultations/closed/traindrivinglicences/

6.3 The Department is also using the power in section 14(1) of REULA to make minor amendments to the 2010 Regulations, removing references to paragraphs in regulation 4 that were revoked by the Train Driving Licences and Certificates (Amendment) Regulations 2022 (S.I. 2022/85) to implement the Train Driver Licensing Bilateral Agreement.

Why was this approach taken to change the law?

6.4 The minimum age requirements are set out in the 2010 Regulations; therefore, a statutory instrument to amend the 2010 Regulations is needed to change this requirement.

7. Consultation

Summary of consultation outcome and methodology

7.1 A full public consultation was run for four weeks and received 178 responses, including from industry bodies and organisations (6.3%), train drivers (19.2%), other rail industry employees (24.9%) (e.g. signallers, guards, examiners, instructors) and members of the public (45.6%). The consultation could be responded to via an online form, by email or by post.

7.2 Overall, 52% of respondents were opposed to lowering the minimum age versus 48% who were in favour. Most of those who opposed the policy change were individuals, rather than industry bodies or organisations. Respondents who identified as train drivers or being employed by the rail industry in other roles were generally opposed to the policy (85% against versus 15% in favour), although this was a small sample (a total of 89 respondents identified as being a part of this group). This group cited concerns around the maturity, situational awareness and level of experience of younger applicants. A minority of those opposed argued in favour of enhanced supervision for a period of 12 months, if the law were changed. Others stated that the shortage of training places needed to be addressed to tackle the existing backlog of trainees.

7.3 In contrast, amongst industry bodies and organisations, including train operators, trade unions, and rail industry bodies, these large organisations (those employing or representing more than 250 people) were strongly in favour of the policy change (92% in favour versus 8% against). Those in favour included trade unions (the Associated Society of Locomotive Engineers and Firemen ("ASLEF") and the Transport Salaried Staffs' Association ("TSSA")), Rail Delivery Group, Network Rail, RSSB, logistics bodies and vocational training institutions. These proponents argued that the policy could be implemented effectively, provided that rigorous entry requirements and standards were maintained and applied consistently. They generally opposed enhanced supervision (54% opposed) arguing that existing systems and procedures already ensure a very high level of supervision, which would not be changed. Many in the industry highlighted that lowering the minimum age would benefit young people by increasing access to training pathways for school leavers and improve representation and talent in the sector by having a more diverse pool of candidates. Many argued that the changes could support long-term workforce planning and service resilience if operators could increase the number of train drivers they employ.

7.4 Finally, respondents who identified as members of the public were overall in favour of lowering the minimum age (78% in favour versus 22% against). They cited support for the policy provided the same rigorous requirements would continue to apply to younger train drivers. They also supported the idea of exploring enhanced supervision for younger train drivers (71%).

7.5 The Department has taken into account concerns raised during the consultation and sought to address these directly. Whilst the consultation confirmed a strong desire from industry and the public to lower the minimum age, we recognised the concerns raised by some train drivers and industry employees on the preparedness of young people to meet the demands of train driving roles. We therefore explored these concerns to determine if these could be verified, mitigated and managed within existing legal and operational frameworks, or whether new arrangements should be introduced. This would provide additional reassurance that the policy change would support and maintain operational safety and performance.

7.6 On 7 May 2025, Lord Hendy announced that the Government would be progressing with plans to lower the minimum age to be a train driver from 20 to 18. To inform a timetable for changing the law and provide assurance to address the concerns raised during the consultation, Lord Hendy wrote to industry commissioning them to coordinate an implementation plan to support delivery and set a clear timetable for change management, effective integration of new train drivers and ensuring that levels of safety, competence and performance are maintained. The industry was asked to submit the plan to the Department and ORR on 7 August to be reviewed against the criteria set out in the letter. In response to Lord Hendy's letter, the Rail Delivery Group (RDG) volunteered to lead the industry response and coordinate an implementation plan working across train and freight operators in the industry. This was delegated to the Train Driving Academy (TDA), a specialist programme set up by the RDG in 2019 to lead on.

7.7 The purpose of the plan was to determine what the industry needed to have in place on day one of the change in law. This could be followed by additional long-term aspirations to consolidate learning, monitor progress and refine processes.

7.8 To inform what was needed for day one, the TDA project team launched a hazard identification (HAZID) exercise in May 2025 to consider concerns raised during the consultation, bringing together practitioners and experts from across train operators in recruitment, apprenticeships, training, and operational standards. The HAZID exercise identified several key areas to review, including existing training, assessment and safeguarding policies, drugs and alcohol controls, workplace culture and education, recruitment portal enhancements, procedural guidance, communications and confidence building. The HAZID exercise also considered the benefits of identifying pathfinder operators, meaning operators who adopt the minimum age policy and share their experience and lessons learned to develop good practice to be circulated to the whole industry.

7.9 The RDG implementation plan, informed by the HAZID exercise, concluded that, aside from changing the age in the relevant procedures, no significant changes are required to existing processes for day one to enable train drivers to be recruited from the age of 18 given the rigorous selection, training and management procedures already in place. The plan did identify areas that could be improved, however, to adapt these procedures for younger people, whilst supporting operators attract, integrate and retain younger train drivers. These include:

- Ensuring safeguarding policies cover younger train drivers, including protections against drugs and alcohol misuse and supporting train driver welfare and wellbeing.
- Ensuring line managers are supported with relevant training, material and guidance to bring younger train drivers into their team.
- Ensuring selection, interview and recruitment processes are fair for all applicants.

- Producing guidance for prospective applicants using examples from education, volunteering, or hobbies, so they are not disadvantaged compared to older applicants.
- Producing new materials that raise awareness of generational differences and workplace tolerance, helping staff adapt to younger recruits.
- Raising awareness of the change, particularly its benefits, through a comprehensive communications plan.
- Creating a new recruitment portal as the central hub for attracting younger drivers, with clear resources on essential skills and the realities of the role.
- Ensuring existing studies reviewing psychometric fitness assessments acknowledge younger applicants and their needs.
- Undertaking a longitudinal study to collect data and monitor the experiences of young train driving cohorts to build knowledge and collect lessons to feedback improvements to the system.
- Identifying pathfinder operators to lead on the implementation of the policy and share lessons with the industry through cross-industry working groups and forums.

7.10 The implementation plan was submitted to the Department on 7 August for review, including by ORR, in line with the deadline specified in Lord Hendy's letter. A revised version of the plan, incorporating feedback from Department and ORR, was received on 7 November and was subsequently approved by Ministers.

7.11 On 10 February 2026, the Department laid legislation in parliament and announced that, subject to resolution in both houses, the law is scheduled to change on 30 June 2026 before the end of the academic calendar year.

8. Applicable Guidance

8.1 The industry will be producing new resources, guidance and material to support operators and young people to become train drivers. This will be published by the Train Driving Academy online before 30 June 2026. Individual train and freight operators will also publish equivalent material.

Part Two: Impact and the Better Regulation Framework

9. Impact Assessment

9.1 A full Impact Assessment has not been prepared for this instrument because the regulatory impact and net cost to business is below the de minimis threshold of +/- £10m per year.

9.2 The de minimis assessment[10] concluded that the impact on the private sector would be minimal, and would primarily affect large rail operators (passenger and freight) given its impact on shaping operators' future recruitment, onboarding and training processes on the mainline railway. Following discussions with industry, the assessment determined that costs would be limited to small administrative adjustments that can be absorbed within existing human resource and operational structures, consistent with standard cycles for updating recruitment procedures. This includes processing additional applications, improving outward communications, refreshing safeguarding measures, and reviewing training for managers working with younger recruits.

[10] https://assets.publishing.service.gov.uk/media/698612adc106cc5501b6e48c/de-minimis-assessment-lowering-the-minimum-age-to-be-train-driver-in-gb-from-20-to-18.pdf

9.3 The impact on the public sector was also determined to be minimal. As the licensing authority, the ORR may experience an increase in licence applications and will need to update their train driving application portal to ensure applications can be made from the age of 18. Again, these costs are expected to be absorbed into existing administrative budgets, which are paid in part by the rail safety levy.

9.4 The assessment identified that the policy could deliver several non-monetised benefits, including expanding opportunities for young people, creating a broader talent pipeline, diversifying the workforce, and creating clearer pathways from education into train driving roles. The assessment indicated that the policy's effectiveness will be strengthened by the industry's ability to coordinate outreach to young people, enhance awareness of emerging opportunities, cultivate an inclusive recruitment environment, and invest in training capacity and recruitment processes. The industry's implementation plan has therefore been developed to align with and advance these priorities.

Impact on businesses, charities and voluntary bodies

9.5 There is no, or no significant, impact on business, charities or voluntary bodies because no significant regulatory or cost burdens are imposed. The changes will only affect the ORR, as the licensing authority, and rail operators (passenger and freight) and infrastructure managers involved in the certification of train drivers. The policy does not affect heritage operators or tramways.

9.6 The legislation does not impact small or micro businesses.

9.7 The de minimis assessment[11] determined there was a limited impact on the public sector. The ORR may experience an increase in licence applications, which may increase the administrative load on ORR, but this is expected to be absorbed within existing administration budgets paid for by the railway safety levy.

9.8 The equality impact assessment[12] concluded that the policy supports wider diversity goals. By removing an age-based barrier to employment, the policy advances the aims of the Public Sector Equality Duty (PSED) and is expected to broaden representation across age, gender, and ethnicity, helping the workforce better reflect the communities it serves.

10. Monitoring and review

What is the approach to monitoring and reviewing this legislation?

10.1 The approach to monitoring this legislation is to review effect of the provision every five years in accordance with Regulation 40 of the 2010 Regulations. The industry will also be undertaking a longitudinal study to monitor the performance, development, and career progression of younger train drivers over time, which will be used to feedback into the system of licensing and certification to optimise processes in the future.

[11] https://assets.publishing.service.gov.uk/media/698612adc106cc5501b6e48c/de-minimis-assessment-lowering-the-minimum-age-to-be-train-driver-in-gb-from-20-to-18.pdf
[12] https://assets.publishing.service.gov.uk/media/6978b768d6ab92f1d3a4d696/equality-impact-assessment-lowering-the-minimum-age-to-be-train-driver-in-gb-from-20-to-18.pdf

Part Three: Statements and Matters of Particular Interest to Parliament

11. Matters of special interest to Parliament

11.1 The explanatory memorandum has been updated following questions raised by the Secondary Legislation Scrutiny Committee. Firstly, paragraph 5.2 has been updated to replace a cross-reference to paragraph 5.8 to paragraph 5.16. Secondly, paragraph 7.1 has been updated to reflect that the full public consultation was conducted for 4-weeks, not 8-weeks, as previously stated. Finally, paragraph 13.2 has been updated to explain in greater detail the corrections made by this instrument to the 2019 Regulations.

12. European Convention on Human Rights

12.1 Lord Peter Hendy, The Minister of State for Transport at the Department, has made the following statement regarding Human Rights:

"In my view the provisions of the Train Driving Licences and Certificates (Amendment) Regulations 2026 are compatible with the Convention rights."

13. The Relevant European Union Acts

13.1 This instrument is made under section 14 of the Retained EU Law (Revocation and Reform) Act 2023 ("REULA") and relates to the reform of secondary assimilated law. The instrument is not subject to the negative procedure and is laid before Parliament under paragraph 5(1) and (5) of Schedule 5 to the REUL Act.

13.2 This instrument corrects errors introduced by the Train Driving Licences and Certificates (Amendment) (EU Exit) Regulations 2019/677[13]. Specifically, the Train Driving Licences and Certificates (Amendment) (EU Exit) Regulations 2019/677 revoked Regulation 4(9) and 4(14) of the 2010 Regulations that set out conditions for being defined as a driver authorised to drive trains, which expired on 29 October 2018. When these provisions were deleted, the instrument did not remove cross-references made in Regulation 4(8) and 4(13) to these revoked provisions. The errors were not reported in the Fifty-first Report of Session 2017-2019[14] when the instrument was laid in draft before Parliament.

13.3 Any use of section 14 of REULA powers requires under section 14(5) of REULA that the overall effect of the use of the powers does not increase the regulatory burden in relation to the subject area, which in this instance is the licensing of train drivers. Relevant factors in considering the burden are set out in section 14(10) of REULA, and one of those is the imposition of a sanction. This instrument will make it an offence for a person under the age of 20 to drive in the BCTZ. However, this is already the case as the current minimum age is 20 throughout Great Britain, so rather than introducing a burden this instrument instead maintains an offence that already exists.

13.4 Other relevant factors that have been considered are obstacles to trade, innovation, productivity, and efficiency. The National Skills Academy for Rail's latest statistics state the current average age of a train driver is 47 and it is expected that 25% of train drivers will reach retirement age by 2030 (using 62 as the assumed retirement age for train drivers). There is a clear need for train operators to be able to recruit more effectively and the current minimum age of 20 is understood as a barrier to the train driving profession. By the age of 20 many young people have chosen alternative

[13] https://www.legislation.gov.uk/uksi/2019/677/made
[14] https://publications.parliament.uk/pa/jt201719/jtselect/jtstatin/307/307.pdf

career paths or gone into higher education. Having a minimum age of 18 will allow school leavers to join the profession immediately, making the career more attractive and allowing train operators to be more efficient in their recruitment.

13.5 Furthermore, by recruiting straight from education, train operators will be able to train new drivers in new and innovative ways and embed them into the culture and processes of the companies to maximise productivity. This age change is widely supported by industry for many of these reasons and, given the benefits to operators of making this change, the Department considers that this usage of section 14 of REULA will in fact reduce the regulatory burden on train driving.