



The Leader of the House of Lords

Baroness Knight of Collingtree  
House of Lords  
London  
SW1A 0PW

20<sup>th</sup> January 2010

Dear Jill,

**Equality Bill: enquiries about disability and health**

During the 19 January Committee debate on the amendments to clause 60 “Enquiries about disability and health” you asked if it would be reasonable or right when recruiting bus drivers to ask whether an applicant for the job had a history of epilepsy. I said I would write.

It might be helpful if I begin by saying that to drive a public service vehicle a person must hold a group 2 licence and to hold a group 2 licence a person with a history of epilepsy must have remained seizure free for 10 years without use of anticonvulsant drugs.

The relevant legislation setting out the requirements for qualifying for and issuing driving licences is the Road Traffic Act 1988 and the Motor Vehicles (Driving Licences) Regulations 1999 (SI 1999 no. 2864).

It might be that an organisation recruiting to fill bus driver vacancies would make it a requirement of the person specification for the job that all applicants should have a group 2 licence. Asking job applicants whether they had a group 2 licence would not constitute a health enquiry.

Or it might be that an organisation recruiting to fill bus driver vacancies would offer successful applicants the necessary training to acquire a group 2 licence and so be able to drive their buses. Under clause 60, as amended in Committee, the organisation would be permitted before offering work to make enquiries to establish whether an applicant would be “able to carry out a function that is intrinsic to the work concerned”.

Driving buses legally in the United Kingdom requires drivers to have a group 2 licence, as described. Being able to drive buses in a legally compliant way is likely to be considered a function that is intrinsic to the work of a bus driver.

So we would expect health questions to ascertain that there would be nothing to prevent a job applicant being able to get a group 2 licence after appropriate training by the prospective employer to be, in all probability, questions which would be permitted by clause 60 as amended.

I hope that this explains the position and allays your concerns.

I am placing a copy of this letter in the House Library and copying it to all peers who spoke in Committee.

A handwritten signature in black ink, appearing to read 'Jan Royall', with a large, stylized flourish below the name.

**JAN ROYALL**