
STATUTORY INSTRUMENTS

1998 No. 1917

AGRICULTURE

The Deregulation (Exchangeable Driving Licences) Order 1998

Made - - - - *3rd August 1998*
This Order will come
into force 28 days
after the day on
Coming into force - - *which it is made*

Whereas:

- (a) the Secretary of State is of the opinion that certain provisions of the Road Traffic Act 1998(1) which are the subject of this Order constitute a burden affecting persons in the carrying on of a trade, business, profession or otherwise and that by amending or repealing the provisions and by making certain other provision it is possible to remove or reduce the burden without removing any necessary protection;
- (b) he has consulted such organisations as appear to him to be representative of interests substantially affected by his proposals and such other persons as he considers appropriate;
- (c) it appears to the Secretary of State that it is appropriate, following that consultation, to proceed with the making of this Order;
- (d) a document setting out the Secretary of State's proposals has been laid before Parliament as required by section 3 of the Deregulation and Contracting Out Act 1994(2) and the period for Parliamentary consideration under section 4 of that Act has expired;
- (e) the Secretary of State has had regard to the representations made during that period;
- (f) a draft of this Order has been laid before Parliament with a statement giving details of those representations; and
- (g) a draft of this Order has been approved by resolution of each House of Parliament.

Now therefore the Secretary of State, in exercise of the powers conferred by on him by section 1 of the Deregulation and Contracting Out Act 1994, hereby makes the following Order:

1.—(1) This order may be cited as the Deregulation (Exchangeable Driving Licences) Order 1998 and shall come into force 28 days after the day on which it is made.

(2) This Order does not extend to Northern Ireland.

(1) 1988 c. 52. The relevant provisions of section 108(1) and (2) were substituted by the Driving Licences (Community Driving Licence) Regulations 1996 (S.I.1996/1974).
(2) 1994. c. 40.

- 2.—(1) Section 108 of the Road Traffic Act 1988 (interpretation) shall be amended as follows:
- (2) In subsection (1), for the definition of “exchangeable licence” there shall be substituted—
- ““exchangeable licence” means a document authorising a person to drive a motor vehicle (not being a document mentioned in paragraph (b) of the definition of “Community licence”)—
- (a) issued in respect of Gibraltar by an authority of Gibraltar,
 - (b) issued in respect of a country or territory which is designed without restriction by an order under subsection (2)(a) below by an authority of that country or territory, or
 - (c) issued in respect of a country or territory which is designated by a restricted order under subsection (2)(b) below by an authority of that country or territory, being a document which is a licence of a description specified in that order,
- and a licence of a description so specified as to which provision is made as mentioned in subsection (2B) below is only an exchangeable licence to the extent that it authorises its holder to drive vehicles of a class specified in the order.”
- (3) For subsection (2) there shall be substituted—
- “(2) The Secretary of State may by order made by statutory instrument designate a country or territory which neither is nor forms part of an EEA State for the purposes of the definition of “exchangeable licence” in subsection (1) above—
- (a) as respects all licences authorising the driving of motor vehicles granted under the law of that country or territory, where the Secretary of State is satisfied that satisfactory provision is made by that law for the granting of licences to drive motor vehicles;
 - (b) as respects only licences authorising the driving of motor vehicles granted under the law of that country or territory of a description specified in the order, where the Secretary of State is satisfied that satisfactory provision is made by that law for the granting of licences of that description.
- (2A) An order under subsection (2)(b) above may specify a description of licence by reference to any feature of the licences concerned (including in particular the circumstances in which they are granted, any conditions to which they are subject or the classes of vehicle which they authorise the holders to drive).
- (2B) An order under subsection (2)(b) above may provide that a licence of a specified description shall only be an exchangeable licence in so far as it authorises its holder to drive vehicles of a class specified in the order.”
3. For section 36(11A) of the Road Traffic Offenders Act 1988 (expiration of disqualification until test passed)(3) there shall be substituted—
- “(11A) For the purposes of subsection (11) above, “designated country or territory” means a country or territory designated by order under section 108(2) of the Road Traffic Act 1988 but a test conducted under the law of such a country or territory shall not be regarded as a corresponding test unless a person passing such a test would be entitled to an exchangeable licence as defined in section 108(1) of that Act.”

(3) 1988 c. 53. Section 36 was substituted by section 32 of the Road Traffic Act 1991 (c. 40), the relevant amendments being made by the Driving Licences (Community Driving Licence) Regulations 1996.

Signed by authority of the Secretary of State for the Environment, Transport and the Regions

3rd August 1998

Larry Whitty
Parliamentary Under Secretary,
Department of the Environment, Transport and
the Regions

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

EXPLANATORY NOTE

(This note is not part of the Order)

This Order reduces the burden upon persons holding driving licences issued by countries or territories outside the European Economic Area and wishing to acquire a British licence.

It amends the Road Traffic Act 1988 to enable the Secretary of State to designate a country or territory for the purposes of licence exchange in specified cases instead of in the case of all classes of licence or none at all. For the protection of the general public, the Secretary of State is required to be satisfied that the country or territory makes satisfactory provision for the grant of driving licences either in all cases or in the cases specified in the order.

The Order further provides for the consequential amendment of section 36 of the Road Traffic Offenders Act 1988 (which empowers a court to disqualify a licence holder until he passes a prescribed driving test).