

EXPLANATORY MEMORANDUM TO
THE ROAD SAFETY ACT 2006 (CONSEQUENTIAL AMENDMENTS) ORDER 2015

2015 No. [XXXX]

1. This explanatory memorandum has been prepared by the Department for Transport and is laid before Parliament by Command of Her Majesty.
2. **Purpose of the instrument**
 - 2.1 This Order makes consequential amendments to a number of enactments in connection with the commencement of section 10 of, and Schedule 3 to, the Road Safety Act 2006 (“the Act”).
3. **Matters of special interest to the Joint Committee on Statutory Instruments**
 - 3.1 None
4. **Legislative Context**
 - 4.1 This order amends primary and secondary legislation in consequence of the commencement of section 10 and Schedule 3 of the Act which are to be brought into force on the same day as this Order by the Road Safety Act 2006 (Commencement No. 11 and Transitional Provisions) Order 2015.
 - 4.2 Section 10 of, and Schedule 3 to, the Act provide for the abolition of the driving licence counterpart in Great Britain. The Act provides that counterparts are no longer to be issued with driving licences, that drivers will not be required to produce their counterpart and that endorsements are no longer to be recorded on the counterpart but will instead be placed on an individual’s electronic driving record. The Act also abolishes the “Community counterparts” (that had been issued to Community licence holders) and the counterparts that had been issued under section 109A of the Road Traffic Act 1988 to Northern Irish licence holders for use and endorsement in Great Britain.
 - 4.4 The Act only abolishes the driving licence counterpart in Great Britain. Separate legislation on issue and endorsement of driving licence counterparts applies in Northern Ireland where the counterpart is not, at present, being abolished.
5. **Territorial Extent and Application**
 - 5.1 This Order applies to the United Kingdom. The amendments and repeals in the Order have the same extent as the enactment amended or repealed.
6. **European Convention on Human Rights**

6.1 The Parliamentary Under Secretary of State for Transport, Claire Perry MP, has made the following statement regarding Human Rights:

In my view the provisions of the Road Safety Act 2006 (Consequential Amendments) Order 2015 are compatible with the Convention rights.

7. Policy background

7.1 The existence of a paper counterpart to the driving licence was a recurring item identified within the transport theme of the Red Tape Challenge. Responses indicated that for some people and organisations the paper counterpart was seen as a burden as it is not a convenient document for drivers to carry and is frequently lost or even destroyed by mistake. In response to this the Government committed to abolishing the counterpart.

7.2 Since they were first introduced in 1998 all drivers issued with a GB photocard driving licence have also been issued with an A4 paper counterpart. This is because the EUs Second Driving Licence Directive 91/439/EEC did not allow provisional entitlement or endorsement details to be displayed on the photocard. Introducing a counterpart was at the time the only way the Driver and Vehicle Licensing Agency (“DVLA”) could continue to provide that information to members of the public and stakeholders who require those details for entitlement validation or enforcement purposes.

7.3 The counterpart has proven unpopular with drivers since it was first issued. This is mainly because it must be kept safe and in a decent condition for the duration of their licence. If the document is lost, defaced, stolen or destroyed, drivers must apply for a complete new driving licence at a cost of £20.

7.4 A public consultation carried out in 2004 demonstrated that 82% of respondents supported it being abolished. The overall preference was to obtain the information currently on the paper counterpart by secure electronic links to the DVLA’s database but at that time the required electronic enquiry services were not available. Further customer insight research was carried out in 2014 which indicated that 60% of those that responded would prefer to conduct business with DVLA electronically provided that online services are reliable, easy to access and simple to use.

7.5 Drivers rely on information contained on the counterpart to give details of any current convictions, disqualifications and penalties. Also, drivers who hold a substantive driving licence may use the counterpart to verify additional provisional driving entitlement.

7.6 Instead of having to keep and produce a counterpart, customers and stakeholders will be able to securely check information held on the document via a new electronic enquiry database, including driving entitlements and endorsements. This service will also have the ability for the driver to print their information, this function will also generate a verification code for a third party to verify the authenticity of the document.

Consolidation

7.7 The Order makes amendments to a large number of different enactments and cannot consolidate them. Informal consolidated versions of some of the enactments as amended may be available at <http://www.legislation.gov.uk>.

8. Consultation outcome

8.1 No formal consultation was undertaken on these consequential amendments as they make technical and relatively minor amendments or repeals that are consequential on provisions of the Act which were scrutinised by Parliament. The Department has however, consulted with other relevant government departments and with the devolved administrations that have responsibility for the devolved legislation being amended by the Order.

8.2 A full consultation exercise was undertaken on abolition of the counterpart in 2004 which received a positive response. The Government then made a commitment, in December 2011, as part of the Red Tape Challenge to abolish the counterpart and this was reiterated in the Department for Transport's Motoring Services Strategy Consultation which was launched in December 2012. As this decision had already been taken, rather than consulting on whether or not the counterpart should be removed it was determined that the DVLA would collaborate with stakeholders and customers as the work progressed.

8.3 An initial stakeholder event was held at DVLA on 9th July 2013. Following on from this the DVLA launched an on-line survey asking customers how abolition of the counterpart would be dealt with by their organisations. As work on the online enquiry system has been developed, there have been further meetings held with stakeholders to discuss the changes we want to make to our systems and ensure we have clear customer insight; these have been smaller meetings with sector specific groups.

9. Guidance

9.1 No guidance is required in respect of this Order. However the DVLA has published guidance on the changes to driver licensing resulting from the abolition of the driving licence counterpart at www.gov.uk/government/news/driving-licence-changes.

10. Impact

10.1 No specific impact assessment has been prepared concerning these minor and technical amendments that are consequential on the provisions of the Act. However an impact assessment has been conducted for the abolition of the counterpart policy as a whole.

10.2 The impact on, charities or voluntary bodies of the abolition of the counterpart is expected to be minimal. To ensure that organisations that currently need to check the driving licence counterpart will continue to have access to the information contained on it

the DVLA will develop a service that will enable the individual driver to generate a PDF document. This will provide the information held on the counterpart along with an authentication code. This code will allow a third party to view the up to date driver record digitally. The new service will be reliable, easy to access and simple to use. It is assumed that most organisations already have access to the internet and will be able to make the move to using a digital enquiry service without too much difficulty or cost.

10.3 The Impact Assessment for the abolition of the counterpart estimates a positive Net Present Value of £38.8m over 10 years to the UK. However, there are indications that this measure will result in additional costs for some businesses. This is due to a slight increase in the time it will take to check driving entitlement online and the possibility of an increase in the number of telephone calls being made to the DVLA's contact centre. This measure will also lead to an increase in costs for the DVLA which will be absorbed and not passed on to customers.

10.4 The Impact Assessment is attached to this memorandum and is published alongside the Explanatory Memorandum on the legislation.gov.uk website.

11. Regulating small business

11.1 The legislation applies to small business but the impact on businesses is expected to be minimal for the reasons discussed above.

11.2 To minimise the impact of the requirements on firms employing up to 20 people, the DVLA has developed a free service to enable individuals to share their driver details with their employer.

12. Monitoring & review

12.1 No monitoring is required – the Order makes consequential amendments only. The legislation amended by this instrument will be monitored and reviewed as appropriate within the relevant wider legislative schemes.

13. Contact

13.1 Darren Trollope at the Driver and Vehicle Licensing Agency Tel: 01792 783971 or email: Darren.Trollope@dvla.gsi.gov.uk can answer any queries regarding the instrument.