

DEREGULATION ACT 2015

EXPLANATORY NOTES

COMMENTARY ON SECTIONS

Schedule 10: Regulation of the use of roads and railways

Part 1: Duration of driving licences to be granted to drivers with relevant or prospective disabilities

683. Under section 99(1)(b) of the Road Traffic Act 1988, the Secretary of State may issue a driving licence to a person appearing to him to be suffering from a relevant or prospective disability for a period of not more than three years and not less than one year. A relevant or prospective disability for the purposes of the Road Traffic Act means a medical condition that could now, or may in the future, affect the ability of a person to drive safely.
684. *Paragraph 2* increases the period for which a driving licence for drivers suffering from a relevant or prospective disability can be granted from a maximum of three years to a maximum of ten years. The maximum reduces to three years once a person has reached the age of 67.
685. Licences issued to bus or lorry drivers suffering from a relevant or prospective disability will continue to be subject to a maximum of three years.
686. Under section 100(1)(b) of the Road Traffic Act 1988, an individual may appeal against a decision of the Secretary of State under section 99(1)(b) to grant a licence for three years or less. A consequential amendment to that section in *paragraph 3* enables an individual to appeal against a decision of the Secretary of State to grant a licence for ten years or less (or three years or less in the case of those over 67).
687. These amendments form part of the law of England and Wales and Scotland and come into force at the end of the period of 2 months beginning with the day on which the Act is passed.

Part 2: Permit schemes: removal of requirement for Secretary of State approval

688. In the Traffic Management Act 2004, Chapter 18 of Part 3 introduced the ability for local highway authorities to develop permit schemes. Local highway authorities do not have to introduce permit schemes, but schemes provide greater control over works in their area, and enable the authorities to promote better working practices, for example, working outside peak hours where appropriate. A permit scheme also enables improved co-ordination of works, so minimising inconvenience and disruption to all road users.
689. Currently, the Act requires, in relation to a permit scheme designed and developed by a local highway authority in either England or Wales, that before the permit scheme can be brought into operation it must be submitted to the relevant national authority for approval.
690. Following the examination of several permit schemes operating in the areas of both urban and rural local transport authorities in England, which had been subject to

*These notes refer to the Deregulation Act 2015 (c.20)
which received Royal Assent on 26 March 2015*

approval by the Secretary of State, the government has decided that there is no longer a need for the Secretary of State to approve future permit schemes. Instead permit schemes, developed by English local highway authorities for their communities, are to be approved by that council's own order.

691. The approval process for permit schemes developed by local authorities in Wales is to remain unchanged. Therefore the amendments in Part 2 of Schedule 9 relate only to England and leave the existing position unchanged as regards Wales.
692. The government consulted on the proposal to remove the requirement for local highway authority permit schemes in England to be approved by the Secretary of State for twelve weeks between January and April 2012. The results of that consultation were placed on the Department for Transport's website. On 23rd January 2013 the government announced, in the House of Commons by written ministerial statement, that the requirement for the Secretary of State to approve permit schemes prepared by English local highway authorities would cease by 2015.
693. Section 37 of the Traffic Management Act 2003 (permit regulations) is amended to reflect the changes made to Part 3 of the Act to remove the Secretary of State's approval for future permit schemes. However, the Secretary of State will retain powers to make regulations with respect to permit schemes, including the power to make regulations covering the fee structure for permits. Consequential changes will be made to regulations made under section 37.
694. [Part 2](#) forms part of the law of England and Wales. However, the amendments will only affect permit schemes in England. Part 2 comes into force on the day on which the Act is passed so far as is necessary for enabling subordinate legislation to be made. It comes into force for remaining purposes on a day to be appointed by the Secretary of State in a commencement order.

Part 3: Road humps

695. [Paragraph 15](#) relates to the removal of the Secretary of State's additional powers under section 90B of the Highways Act 1980 (the "HA 1980") to construct road humps. In view of the fact that in practice the construction of road humps is undertaken by local authorities, this power is no longer required. Paragraph 15(2) removes the Secretary of State's powers. Powers of the Welsh Ministers to construct road humps under this section are retained but the changes do not affect the two parts of roads in Wales (parts of the two Severn crossings) for which the Secretary of State is the highway authority. [Paragraph 16](#) includes consequential amendments to section 90C of the HA 1980.
696. Section 90C of the HA 1980 currently makes provision in relation to consultation requirements where it is proposed to construct road humps. In doing so, it sets out requirements about such matters as publication of notices and procedures for dealing with objections. Paragraph 16 amends section 90C to enable the consultation requirements to be dealt with in regulations rather than by section 90C. This is intended to provide flexibility to simplify the requirements, in particular by making them less prescriptive.
697. [Part 3](#) of the Schedule includes amendments to sections 90A to 90F of the HA 1980 to deal with transferred functions on the face of the Act, changing references to the Secretary of State to references to the appropriate national authority (as defined in section 90F) where appropriate. New section 90FA is inserted by [paragraph 20](#) to deal with parliamentary procedure for regulations under section 90C or 90D.
698. The repeal and amendments made in this Part of the Schedule form part of the law of England and Wales and will come into force on a day to be appointed by the Secretary of State in a commencement order.

Part 4: Pedestrian crossings: removal of requirement to inform Secretary of State

699. *Paragraph 23* removes a requirement in section 23 of the Road Traffic Regulation Act 1984 that the Secretary of State or, in relation to Wales, the Welsh Ministers are informed in writing before certain pedestrian crossings are established or removed.
700. This repeal will mean local traffic authorities (“LTAs”) will no longer need to notify the Secretary of State or the Welsh Ministers if they wish to install or remove a zebra, pelican or puffin crossing. In practice few of them do; repealing it will remove an outdated and unnecessary requirement. LTAs do not have to notify when installing other facilities such as traffic signal junctions or toucan crossings. It does not fit with the current climate where responsibility for provision of traffic management measures rests with local authorities.
701. This repeal forms part of the law of England and Wales (as does the provision repealed). It comes into force at the end of the period of 2 months beginning with the day on which the Act is passed.

Part 5: Off-road motoring events

702. Section 13A of the Road Traffic Act 1988 (the “RTA”) provides that a person shall not be guilty of an offence under section 1, 1A, 2 or 3 of the RTA if he shows that he was driving in accordance with an authorisation for a motoring event given under regulations made by the Secretary of State. *Paragraph 24* amends section 13A of the RTA by also disapplying section 2B of the RTA (causing death by careless driving) in the case of participants in authorised off-road motor events.
703. The amendment to section 13A of the RTA by Part 5 forms part of the law of England and Wales and Scotland and comes into force at the end of the period of 2 months beginning with the day on which the Act is passed.

Part 6: Testing of vehicles

704. *Part 6* amends sections 46, 51 and 52 of the Road Traffic Act 1988 (the “RTA”) to alter the current provision for the charging of fees by the Secretary of State in connection with the annual roadworthiness testing of lorries, buses and coaches. Where such testing is carried out other than at the Secretary of State’s premises (operated by the Vehicle and Operator Services Agency) the amendment provides for the Secretary of State to charge the occupier of premises at which testing is carried out for testing services provided or to charge in respect of the issue of test certificates.
705. *Paragraph 25* amends section 52 of the RTA to extend the Secretary of State’s power to designate premises as testing stations for the purposes of roadworthiness testing to the testing of lorries.
706. *Paragraphs 26 and 27* amend sections 46 and 51 respectively of the RTA to allow the Secretary of State to make regulations to charge those occupying testing stations for lorries or for buses and coaches in respect of the provision of testing services or in connection with the issue or correction of test certificates. In relation to occupiers of lorry testing stations, the regulations may provide for payment of charges on account or for the supply of test certificates. Regulations may also provide for the keeping by testing station occupiers of test certificate registers and other records.
707. *Part 6* of the Schedule forms part of the law of England and Wales and Scotland (like the RTA). It comes into force on the day on which the Act is passed so far as is necessary for enabling subordinate legislation to be made. It comes into force for remaining purposes on a day to be appointed by the Secretary of State in a commencement order.

708. **Part 6** reduces a burden in allowing simplification of the regulatory environment for the testing of lorries, buses and coaches by enabling an alternative to the current administratively complex charging structure.

Part 7: Rail vehicle accessibility regulations: exemption orders

709. Rail vehicle accessibility regulations (“RVAR”) ensure that new and refurbished rail vehicles have features that make them more accessible to disabled people. The current regulations are the Rail Vehicle Accessibility (Non-Interoperable Rail System) Regulations 2010. The Secretary of State may by order grant, under a power in section 183 of the Equality Act 2010, exemptions from parts of RVAR on a case by case basis, if the Secretary of State considers this is warranted and following consultation with groups representing disabled people.
710. Since 2008, RVAR has only applied to a minority of rail vehicles – those used on tramways, metros and underground, for example. Rail vehicles used on mainline services (“heavy rail” or “trains”) have, since that time, been subject to an equivalent European accessibility regime instead.
711. Section 207(2) of the Equality Act 2010 requires that exemptions from RVAR be made by statutory instrument. This is unlike the similar accessibility regime in place for buses and coaches, where the Equality Act 2010 allows exemptions to be made administratively. Exemptions for stations and trains from their equivalent European accessibility requirements are also granted administratively. Part 7 of the Schedule amends section 183 of the Equality Act 2010 so that exemptions from RVAR can be made and amended by administrative order rather than by statutory instrument. It also removes provisions of that Act dealing with the parliamentary procedure for exemption orders, as these will no longer be necessary.
712. Section 183 of the Equality Act 2010 also contains a power for the Secretary of State to make regulations as to exemption orders, for example as to the information to be supplied with an application for an exemption order. Part 7 of the Schedule removes that power to make regulations.
713. **Part 7** of the Schedule forms part of the law of England and Wales and Scotland. It comes into force on a day to be appointed by the Secretary of State in a commencement order.