

## **EXPLANATORY MEMORANDUM**

### **The Motor Vehicles (Driving Licences) (Amendment)(No.2) Regulations 2004 No.1519**

**This explanatory memorandum is laid before Parliament by Command of Her Majesty. These Regulations and this memorandum have been prepared by the Department for Transport.**

#### **Description**

1. These Regulations amend the Motor Vehicles (Driving Licences) Regulations 1999, notably regulation 54(5), to reflect a change of management of the Young LGV Driver Training Scheme ("Scheme") and the approval by the Secretary of State of a new framework document for the Scheme.

#### **Legislative background**

2. Section 101 of the Road Traffic Act 1988 ("the Act") provides that a person may not obtain a licence to drive a large goods vehicle before reaching the age of 21, unless the Secretary of State specifies otherwise by regulations. Where an exception is made to the minimum age requirement on the basis that a person is participating in an approved training scheme, the terms and conditions of the scheme may be contained in a document that is referred to in regulations. The power to make regulations under section 101 is contained in section 105 of the Act.

3. Section 114 of that Act allows a licence to drive a large goods vehicle to be subject to conditions. The power to make regulations under section 114 is contained in section 120 of the Act.

4. Regulation 9(8) of the Motor Vehicles (Driving Licences) Regulations 1999 allows a participant in the Scheme to obtain a licence to drive a large goods vehicle after reaching the age of 18. Regulation 54 imposes conditions on a licence granted under this exception and contains the necessary reference to the Scheme's framework document.

#### **Extent**

4. These Regulations extend only to Great Britain. They do not apply in Northern Ireland.

#### **European Convention on Human Rights**

5. It is the Minister's view that the provisions of the Order are compatible with the Convention on Human Rights.

#### **Policy background**

6. A person cannot generally obtain a licence to drive a large goods vehicle before reaching the age of 21. Participation in the Young LGV Driver

Training Scheme allows persons to obtain a licence to drive large goods vehicles and work as professional lorry drivers from the age of 18 years.

7. The Road Haulage and Distribution Training Council (RHDTTC) was the National Training Organisation for the Road Haulage sector and managed the Young LGV Driver Scheme on behalf of the Department for Transport. The RHDTTC was dissolved following recommendations in a report issued by the Department for Education and Skills. A Sector Skills Council covering a much wider remit, the Skills for Logistics Council, was established last year in its place.

8. Management of the Scheme passed to the Skills for Logistics Council on 1 October 2003. This arrangement has the agreement of the road haulage sector. A change in management of the Scheme requires amendments to Regulations in which the RHDTTC is named as the management body for the Scheme.

9. The Secretary of State approved a new framework document for the Scheme on 24 February 2004. The new document recognises the change of management of the Scheme and clarifies the situation with regard to drivers who leave the Scheme before finishing the program. These changes were made with the agreement of the road haulage sector.

#### **Financial impact**

10. A regulatory impact assessment has not been produced for the Statutory Instrument, as it has no impact on the costs of business.

#### **Contact**

11. The official within the Department for Transport who can be contacted with any queries in relation to this Statutory Instrument is Mandy Lynch, Driving Standards Agency, Policy Branch, Stanley House, 56 Talbot Street, Nottingham, NG1 5EJ. Telephone: 0115 901 5915; e-mail [mandy.lynch@dsa.gsi.gov.uk](mailto:mandy.lynch@dsa.gsi.gov.uk)

10 June 2004

Department for Transport