

EXPLANATORY MEMORANDUM

The Motor Vehicles (International Circulation) (Amendment) Order 2004 (the “Order”)

This explanatory memorandum has been laid before Parliament by Command of Her Majesty. It contains information for the Joint Committee on Statutory Instruments. Both the memorandum and the Order have been prepared by the Department for Transport.

Enabling powers and governing procedures

1. This Order is intended to be made in exercise of powers conferred by section 1 of the Motor Vehicles (International Circulation) Act 1952 (“the 1952 Act”) and will amend the Motor Vehicle (International Circulation) Order 1975 (S.I. 1975/1208; the “1975 Order”). Before it can be made, this Order requires approval in draft by resolution of each House of Parliament (in accordance with section 1(5) of the 1952 Act).

Effect of the Order

2. This Order has three main effects-
 - to raise the fee for the issue of an International Driving Permit (an IDP) or of an International Certificate for Motor Vehicles (an ICMV) from £4 to £5.50;
 - to restrict the right to drive medium-sized vehicles¹ in respect of holders of non-U.K. licences who are resident outside the European Economic Area (the “EEA”); and
 - to allow Guernsey residents who possess the appropriate non-U.K. entitlement to drive British-registered large goods vehicles (LGVs) and passenger carrying vehicles (PCVs) while visiting Great Britain.

Background - Fee changes for the issue of IDPs and ICMVs

3. IDPs and ICMVs are documents that may be issued to U.K. drivers and vehicle owners who intend to visit a country outside the EEA. An IDP translates the details of a driving licence into several languages, so enabling foreign authorities to learn the age, identity and entitlements of the licence holder. Similarly, an ICMV translates the details of U.K. registered vehicles which are intended to be taken temporarily to another country. Acquisition of these documents is optional, but they are useful in assisting with administration processes abroad.
4. The powers to issue IDPs and ICMVs (now found in the 1975 Order) were introduced to comply with international obligations under the Paris Convention of 1926 and the Geneva Convention of 1949, both of which concerned road traffic. Article 1(8) of the 1975 Order gives the Secretary of State the powers to delegate functions arising under that Order. Consequently, the Automobile Association, the Royal Automobile Club Motoring Services and Green Flag have been delegated powers to issue IDPs and ICMVs to U.K. residents (who need not be members of any of those organisations).
5. These motoring organisations have asked the Secretary of State to review the fees payable for IDPs and ICMVs so as to cover increased administrative costs of issuing the documents. Further to this Order, the motoring organisations will make a profit on the issue of IDPs and ICMVs of £1.91 (or 35% of the fee charged), thereby making the

¹ I.e. goods vehicles from 3.5 to 7.5 tonnes, or vehicles with between 9 and 16 passenger seats - but not when driven for hire or reward.

provision of these services financially viable for those organisations. The previous rise in fees was from £3 to £4 in 1996.

Background - Restriction of the driving entitlements of non-EEA licence holders

6. Non-EEA licence holders who become resident here are restricted to driving small vehicles² (and not medium-sized vehicles) on the strength of their licences - a right given to them for their first 12 months of U.K. residence by regulations made under the Road Traffic Act 1988³. However, the 1975 Order currently provides that visitors to Great Britain may drive both small and medium-sized vehicles for a period of 12 months from the date they last entered the U.K. on the strength of valid domestic driving permits (additional authorisations operate in favour of EEA licence holders). Obviously, these rights are conditional on the drivers concerned having the relevant foreign driving entitlements.
7. It is proposed to correct this anomalous concession in favour of visitors to drive medium-sized vehicles - which is inappropriate on road safety grounds - so that non-EEA licence holders who visit Great Britain are also restricted to driving small vehicles.

Background - Guernsey PCV and LGV licence holders

8. Guernsey resident licence holders, when visiting Great Britain, are currently in the same position as residents of non-EEA States in that they may drive a larger vehicle to which their licence applies, but only if they have brought such a vehicle into Great Britain; i.e. they cannot drive British-registered LGVs or PCVs.
9. An assessment of Guernsey's LGV and PCV driver testing arrangements, undertaken in 2001, considered that Guernsey's standards are comparable to those in the U.K. Hence, following a public consultation exercise, it was considered that visiting LGV or PCV licence holders from Guernsey should be allowed to drive British-registered large vehicles in accordance with their licences during visits to Great Britain. This places them in the same position as visitors from Jersey or the Isle of Man.

To note: British Forces (BFG) driving licences

10. This type of licence is no longer issued (nor in issue) and the Order therefore removes reference to it from the 1975 Order. This has been done in preference to making consequential, but ineffectual, amendments to redundant provisions.

Financial impact of the Order

11. Obtaining an IDP is considered to be a personal matter for individual drivers, and obtaining either an IDP or an ICMV is a voluntary act. As such, it is not expected that there would be significant compliance costs to industry and commerce caused by these proposals. A regulatory impact assessment accompanies this memorandum.
12. An individual to whom an IDP or ICMV is issued will have to pay an additional £1.50 (or 37.5%) by virtue of this Order. There are no other cost implications either in relation to the other changes in the Order, or to the Exchequer.

² I.e. motorcycles and cars up to 3.5 tonnes and with no more than 8 passenger seats.

³ Specifically, by virtue of Regulation 80(1) of the Motor Vehicles (Driving Licences) Regulations 1999 (S.I. 1999/2864) made under section 87(5) of the Road Traffic Act 1988.

Consultation

13. The three substantive changes to be made by this Order were subject to public consultation in 2003. There were only four responses to this consultation and no objections to the proposed changes.

Extent

14. This Order extends to the United Kingdom as a whole.

Compatibility with convention rights

15. In the view of the Minister, the provisions of the Order are compatible with the European Convention on Human Rights.

Contact

16. The official within the Department for Transport who can be contacted with any queries in respect of the Order is Jemma Hamilton of the Drivers Policy Group, Driver and Vehicle Licensing Agency (DVLA), Swansea, SA7 0EP - telephone 01792 765218.

Approved by David Jamieson MP

Parliamentary Under Secretary of State

9th June 2004