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STATUTORY INSTRUMENTS

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**2004 No. 265**

**ROAD TRAFFIC**

**The Motor Vehicles (Driving Licences)  
(Amendment) Regulations 2004**

<i>Made</i>	- - - -	<i>5th February 2004</i>
<i>Laid before Parliament</i>		<i>6th February 2004</i>
<i>Coming into force</i>	- -	<i>1st March 2004</i>

The Secretary of State for Transport, in exercise of the powers conferred upon him by sections 97(1), 105(1), (2), (3) and (4), and 120(1) and (4) of the Road Traffic Act 1988(1) and by virtue of the Department for Transport (Driver Licensing and Vehicle Registration Fees) Order 2003(2), and after consulting with representative organisations in accordance with section 195(2) of that Act, and with the approval of the Treasury(3), hereby make the following Regulations:

**Citation and commencement**

1. These Regulations may be cited as the Motor Vehicles (Driving Licences) (Amendment) Regulations 2004 and shall come into force on 1st March 2004.

**Amendment of Motor Vehicles (Driving Licences) Regulations 1999**

2. The Motor Vehicles (Driving Licences) Regulations 1999(4) are amended in accordance with regulation 3.

3. For Schedule 3 (licence fees) there shall be substituted the Schedule set out in the Schedule to these Regulations.

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(1) 1988 c. 52; see section 108 for the definition of “prescribed” and “regulations”. The relevant amendments to section 97(1) were made by the Road Traffic (Driver Licensing and Information Systems) Act 1989 (c. 22), sections 7 and 16 and Schedule 3, paragraphs 6 and 9(b) and (d); to section 105(2) by the Driving Licences (Community Driving Licences) Regulations 1996 (S.I. 1996/1974; the “1996 Regulations”); and to section 105(4) by the Driving Licences (Community Driving Licences) Regulations 1998 (S.I. 1998/1420). Part IV of the Road Traffic Act 1988, including section 120, was substituted by the Road Traffic (Driver Licensing and Information Systems) Act 1989 (c. 22), sections 2(1) and 16 and Schedules 2 and 6.

(2) S.I. 2003/2994.

(3) As required by section 105(4) of the Road Traffic Act 1988.

(4) S.I. 1999/2864 (“the 1999 Regulations”); the relevant amending instrument is the Motor Vehicles (Driving Licences) (Amendment) (No. 5) Regulations 2001 (S.I. 2001/3486) which substituted the table of licence fees in Part 1 of Schedule 3 to the 1999 Regulations.

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Signed by the authority of the Secretary of State

3rd February 2004

*David Jamieson*  
Parliamentary Under Secretary of State,  
Department for Transport

We approve the making of these Regulations

5th February 2004

*Jim Murphy*  
*Derek Twigg*  
Two of the Lords Commissioners of Her  
Majesty's Treasury

SCHEDULE

Regulation 3

PROVISIONS INSERTED IN SUBSTITUTION FOR SCHEDULE 3

“SCHEDULE 3

Regulation 14

LICENCE FEES

PART 1

TABLE OF FEES

<i>No.</i>	<i>Description of licence and circumstances of application</i>	<i>Fee payable</i>
1.	A first licence.	£38
2.	A provisional licence granted following the revocation of a licence under the Road Traffic (New Drivers) Act 1995 <sup>(5)</sup> .	£38
3.	A full Group 1 licence which is granted in exchange for a first licence where the licence submitted for exchange was issued pursuant to an application made before 1st March 2004.	£9
4.	A licence granted in exchange for a licence still in force or in place of a licence which has been revoked or a Community licence which is required to be delivered to the Secretary of State, except— (a) a licence granted pursuant to section 118(4) of the Traffic Act, <sup>(6)</sup> (b) a licence granted following the revocation of a licence under section 93(1) (7) of the Traffic Act or the delivery of a Community licence to the Secretary of State	£19

(5) 1995 c. 13.

(6) i.e. the Road Traffic Act 1988 (c. 52) in accordance with the definition of “Traffic Act” in regulation 3 of the 1999 Regulations. Section 118(4) was amended by the Driving Licences (Community Driving Licences) Regulations 1990 (S.I. 1990/144) (the “1990 Regulations”).

(7) Section 93(1)(b) was amended by the 1996 Regulations.

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No.	Description of licence and circumstances of application	Fee payable
	under section 99C(1) or (3)(8) of the Traffic Act, (c) a licence which the Secretary of State is required to grant free of charge under section 93(2), 99(7)(9) or 99C(2)(10) of the Traffic Act, (d) a licence granted to reflect additional driving entitlements of the licence holder not shown by the licence submitted for exchange, or (e) a licence falling within any other paragraph in this Table.	
5.	A licence granted by way of replacement of a lost or defaced licence.	£19
6.	A licence granted upon the expiry of a period of disqualification imposed by a court under section 34 or 35 of the Offenders Act(11)— (a) in the circumstances prescribed under section 94(4)(12) of the Traffic Act, or (b) otherwise than in those circumstances, and in this paragraph the reference to a period of disqualification imposed by a court under section 34 of the Offenders Act includes a period of disqualification reduced by an order of the	£75 £50

(8) Section 99C was inserted by the 1996 Regulations.

(9) Section 93(2) was amended by the 1990 Regulations.

(10) Section 99(7) was substituted by the Driving Licences (Community Driving Licences) Regulations 1998 (S.I. 1998/1420).

(11) i.e. the Road Traffic Offenders Act 1988 (c. 53) in accordance with the definition of “Offenders Act” in regulation 3 of the 1999 Regulations. Section 34 of the Offenders Act was amended by the Aggravated Vehicle-Taking Act 1992 (c. 11), section 3(2); by the Road Traffic Act 1991 (c. 40), section 29; by the Powers of Criminal Courts (Sentencing) Act 2000 (c. 6) (the “2000 Act”), section 165 and Schedule 9, paragraph 121; and by the Police Reform Act 2002 (c. 30), section 56(3). Section 35 of the Offenders Act was amended by the Road Traffic Act 1991, section 48 and Schedule 4, paragraph 95; and by the 2000 Act, section 165 and Schedule 9, paragraph 122.

(12) Section 94(4) was amended by section 5(7) of the Road Traffic (Driver Licensing and Information Systems) Act 1989 (c. 22). The prescribed circumstances are found in regulation 74 (High Risk Offenders) of the 1999 Regulations.

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No.	Description of licence and circumstances of application	Fee payable
7.	<p>court under section 34A(13) of that Act.</p> <p>A provisional licence, other than a first licence, granted following disqualification ordered by a court under section 36(14) of the Offenders Act, whether or not the court also made an order under section 34 or 35 of that Act—</p> <p>(a) in the circumstances prescribed under section 94(4) of the Traffic Act, or</p> <p>(b) otherwise than in those circumstances.</p>	£75 £50
8.	A provisional Group 2 licence granted to a person who, by virtue of an order under section 117(2)(b) or 117A(2)(b)(15) of the Traffic Act, is disqualified from holding or obtaining a full licence until he passes the prescribed test of competence.	£50
9.	A licence granted following disqualification ordered by a court under section 39A of the Child Support Act 1991(16).	£50
10.	A licence granted following disqualification ordered by a court under section 40 of the Crime (Sentences) Act 1997(17).	£50
11.	A licence granted following disqualification ordered by a court under section 146 or 147 of the Power of Criminal	£50

(13) Section 34A was inserted by section 30 of the Road Traffic Act 1991.

(14) Section 36 was substituted by section 32 of the Road Traffic Act 1991 and amended by the 1996 Regulations and by the Deregulation (Exchangeable Driving Licences) Order 1998 (S.I. 1998/1917).

(15) Part IV of the Road Traffic Act 1988, including section 117, was substituted by the Road Traffic (Driver Licensing and Information Systems) Act 1989, section 2(1) and Schedule 2. Section 117A was inserted by the 1996 Regulations.

(16) 1991 c. 48. Section 39A was inserted by section 16 of the Child Support, Pensions and Social Security Act 2000 (c. 19).

(17) 1997 c. 43. Section 40 was amended by the 2000 Act, section 165(1) and Schedule 9, paragraph 185; the Proceeds of Crime Act 2002 (c. 29), section 456 and Schedule 11, paragraphs 1 and 32; and by the Criminal Justice and Court Service Act 2000 (c. 43), section 74 and Schedule 7, paragraphs 135 and 140.

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<i>No.</i>	<i>Description of licence and circumstances of application</i>	<i>Fee payable</i>
	Courts (Sentencing) Act 2000(18).	

## PART 2

### INTERPRETATION

In Part 1 of this Schedule—

“first licence” means a licence (other than a licence granted in exchange for a full Northern Ireland licence or to a person who has held a full Northern Ireland licence which was granted on or after 1st January 1976 or in exchange for a Community licence which is required to be delivered to the Secretary of State) granted to a person—

- (a) who has not held a licence before, or
- (b) whose last licence was a full licence which expired before 31st December 1978, or
- (c) whose last licence was a provisional licence which was granted before 1st October 1982.”

### EXPLANATORY NOTE

*(This note is not part of the Regulations)*

These Regulations amend the Motor Vehicles (Driving Licences) Regulations 1999 (S.I. 1999/2864; the “1999 Regulations”).

Regulation 3 and Schedule 1 substitute a new Schedule 3 to the 1999 Regulations specifying revised fees payable upon an application for a driving licence made on or after 1st March 2004.

Note 1: The following table shows the change in the fee payable upon an application for a type of licence specified in Part 1 of Schedule 3 (as substituted by these Regulations).

<i>Paragraph in Schedule 3 specifying a type of licence and the circumstances of the application</i>	<i>Fee payable on application under these Regulations (£) (fee payable formerly (£))</i>	<i>Percentage increase (decrease) by virtue of these Regulations</i>
1. A first licence (as defined in Part 2 of Schedule 3).	38 (29)	31 <i>but see Note 2 below</i>
2. A provisional licence (as detailed).	38 (29)	31 <i>but see Note 2 below</i>

(18) 2000 c. 6. Sections 146 and 147 were amended by the Crime (International Co-operation) Act 2003 (c. 32), section 91 and Schedule 5, paragraphs 72, 73 (with respect to section 146) and 74 (with respect to section 147).

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<i>Paragraph in Schedule 3 specifying a type of licence and the circumstances of the application</i>	<i>Fee payable on application under these Regulations (£) (fee payable formerly (£))</i>	<i>Percentage increase (decrease) by virtue of these Regulations</i>
3. A full Group 1 licence (as detailed).	9 (12)	(25) <i>but see Note 2 below</i>
4. A licence granted on exchange (as detailed).	19 (18)	5.6
5. A replacement licence (as detailed).	19 (17)	12
6. A licence following disqualification (as detailed)—	75 (50)	50
(i) when granted to a “high risk offender”, or	50 (35)	43
(ii) in other cases.		
7. A provisional licence following disqualification (as detailed)—	75 (50)	50
(i) when granted to a “high risk offender”, or	50 (35)	43
(ii) in other cases.		
8. A provisional Group 2 licence (as detailed).	50 (35)	43
9. A licence following disqualification (as detailed).	50 (35)	43
10. A licence following disqualification (as detailed).	50 (35)	43
11. A licence following disqualification (as detailed).	50 (35) <i>but see Note 3 below</i>	43

Note 2: Prior to the coming into force of these Regulations an applicant for a provisional Group 1 licence, who later proceeded to exchange his provisional licence following a test pass, would have to pay an aggregate of £41 for the two licences (£29 for a provisional licence and £12, on exchange, for a full licence). Under these Regulations, the aggregate cost to a new applicant of obtaining a provisional and subsequently a full licence is reduced by £3, or 7.3%.

These Regulations make special provision for persons who have obtained a provisional licence pursuant to an application made before the coming into force of these Regulations, but who obtain a first full licence after 29th February 2004. Such persons will pay £9 (the previous exchange fee being £12) to exchange a provisional licence for a full licence and so will have paid £38 in total for

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their two licences (all applicants for first licences from 1st March 2004 will pay £38, but there will be no charge for exchanging a provisional licence for a full licence).

Note 3: Section 146 of the Power of Criminal Court (Sentencing) Act 2000 derives from section 39 (now repealed) of the Crime (Sentencing) Act 1997. The application fee following disqualification under the former provision amounts to an increase of 43% on the application fee following disqualification under the latter provision.

From 1st March 2004 licences issued in the following circumstances will no longer be issued subject to a fee or charge;

- (a) a full licence granted in exchange for a full Northern Ireland licence or to a person who has held a full Northern Ireland licence which was granted on or after 1st January 1976;
- (b) a provisional licence authorising the driving of motorcycles, other than a first licence or a licence under paragraph 5, 6, or 7 of Schedule 3 of the 1999 Regulations as substituted by these Regulations;
- (c) a Group 1 licence (as defined in regulation 70 of the 1999 Regulations) granted upon the expiry of a previous Group 1 licence;
- (d) a provisional licence authorising the driving of vehicles of a class included in category C (which category is defined in Schedule 2 to the 1999 Regulations and includes most lorries);
- (e) a full Group 2 licence (as defined in regulation 70 of the 1999 Regulations) granted upon the expiry of a previous full Group 2 licence; and
- (f) a provisional licence authorising the driving of vehicles of a class included in category D (which category is defined in Schedule 2 to the 1999 Regulations and includes commercially operated buses and coaches).

Driving licence fees were last increased on 15th November 2001 by the Motor Vehicle (Driving Licences) (Amendment) (No. 5) Regulations 2001 ([S.I. 2001/3486](#)).

The fees in these Regulations have been set further to the Department for Transport (Driver Licensing and Vehicle Registration Fees) Order 2003 ([S.I. 2003/2994](#)) which established a common pool for costs incurred in respect of various vehicle registration functions, and various driver licensing functions of the Secretary of State. In accordance with the terms of that Order, in setting the levels of fees further to this Order the Secretary of State has taken into account the costs within that common pool.

A full regulatory impact assessment of these Regulations can be obtained from Drivers Policy Group, DVLA, 3 Sandringham Park, Swansea, SA7 0EP.