

2004 No. 301

ROAD TRAFFIC

The Driving Licences (Exchangeable Licences) Order 2004

Made - - - - *9th February 2004*

Coming into force - *26th February 2004*

The Secretary of State for Transport, being satisfied that satisfactory provision is made by the laws of the territory specified in this Order as respects the grant of driving licences of the descriptions specified herein and having consulted representative organisations in accordance with section 108(3) of the Road Traffic Act 1988 (a), in exercise of the powers conferred by section 108(2)(b), (2A) and (2B) of that Act, hereby makes the following Order:

Citation and commencement

1. This Order may be cited as the Driving Licences (Exchangeable Licences) Order 2004 and shall come into force on 26th February 2004.

Interpretation

2. In this Order—

- (a) “driving test” means a test corresponding to the practical test of driving skills and behaviour prescribed under section 89 of the Road Traffic Act 1988 as part of the test of competence to drive;
- (b) “vehicle with automatic transmission” means a vehicle in which either—
 - (i) the driver is not provided with any means whereby he may vary the gear ratio between the engine and the road wheels independently of the accelerator and the brakes, or
 - (ii) he is provided with such means but they do not include a clutch pedal or lever which he may operate manually,(and accordingly, a vehicle with manual transmission is any other class of vehicle); and
- (c) a reference to a licensing category is a reference to the category identified by the same letter or combination of letters in Schedule 2 to the Motor Vehicles (Driving Licences) Regulations 1999(b).

(a) 1988 c. 52. In section 108, subsections (2), (2A) and (2B) were substituted by the Deregulation (Exchangeable Driving Licences) Order 1998 (S.I. 1998/1917). In section 108(1), see the definitions of “EEA Agreement”, “EEA State” and “exchangeable licence”. The definitions of “EEA Agreements” and “EEA State” were inserted by the Driving Licences (Community Driving Licence) Regulations 1996 (S.I. 1996/1974). The definition of “exchangeable licence” was substituted by the Deregulation (Exchangeable Driving Licences) Order 1998 (S.I. 1998/1917).

(b) S.I. 1999/2864, to which there are amendments not relevant to this Order.

Designation of the Falkland Islands

3.—(1) Subject to paragraph (3) below, the Falkland Islands is designated under section 108(2)(b) of the Road Traffic Act 1988 as respects licences of the description specified in paragraph (2) below.

(2) The licences referred to in paragraph (1) are—

- (a) licences which authorise the driving of a class of vehicles corresponding to a class of vehicles included in licensing category A, B, B + E, F, K or P, and
- (b) which have been granted by the licensing authority of the Falkland Islands—
 - (i) to a person who has passed a driving test in the Falkland Islands, or
 - (ii) by way of exchange for a licence granted in an EEA State (including the United Kingdom) or in a country or territory named in the Schedule to a person who had passed a driving test in such a State, country or territory.

(3) A licence of a description specified in paragraph (2) above shall be exchangeable only in so far as it authorises the driving of vehicles with automatic transmission if it was granted to a person who passed a driving test, whether in the Falkland Islands or in a State, country or territory mentioned in paragraph 2(b)(ii) above, in a vehicle with automatic transmission notwithstanding that the licence authorises the driving in the Falkland Islands of vehicles with manual transmission.

(4) A licence—

- (a) of a description specified in paragraph (2)(b)(ii) above,
- (b) granted by way of exchange for a licence granted to a person who had passed a driving test in the Republic of Korea,

shall not be exchangeable in so far as it authorises the driving of a class of vehicles included in licensing category A, notwithstanding that the licence authorises the driving in the Falkland Islands of a class of vehicles corresponding to that licensing category.

Signed by authority of the Secretary of State for Transport

9th February 2004

David Jamieson
Parliamentary Under Secretary of State
Department for Transport

SCHEDULE

Article 3

OTHER COUNTRIES AND TERRITORIES FROM WHICH A LICENCE MAY HAVE BEEN EXCHANGED

Australia

Barbados

British Virgin Islands

The provinces and territories of Canada

Republic of Cyprus

Guernsey

Hong Kong

Isle of Man

Japan

Jersey

Malta

Monaco

New Zealand

Republic of Korea

Singapore

South Africa

Switzerland

Zimbabwe

EXPLANATORY NOTE

(This note is not part of the Order)

This Order designates the Falkland Islands under section 108(2)(b) of the Road Traffic Act 1988 as making satisfactory provisions for the issue of certain classes of driving licence. This enables a person holding one of these licences to exchange it for a corresponding British licence.

The licences affected are those authorising the driving of mopeds, motor cycles, motor cars and small goods vehicles up to 3.5 tonnes maximum authorised mass (with or without a trailer), tractors, pedestrian controlled vehicles and mowing machines.

There are specific provisions regarding motor bicycle licences. Most licences authorising the driving of motor bicycles are also exchangeable. However, if that licence is one which had previously been granted in exchange for a licence held by a person who had originally passed a driving test in the Republic of Korea it may not be exchanged for a corresponding British licence.

The Order also provides that a licence may not be exchanged for a British licence authorising the driving of vehicles with manual transmission unless the holder took a driving test on a vehicle with manual transmission.

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