

EXPLANATORY MEMORANDUM TO
THE VEHICLES REGULATIONS (AMENDMENT) ORDER 2010

2010 No. 1111

1. This Explanatory Memorandum has been prepared by the Home Office and is laid before Parliament by Command of Her Majesty.

2. **Purpose of the Instrument**

This Order amends the Motor Vehicles (Driving Licences) Regulations 1999, the Motor Cars (Driving Instruction) Regulations 2005, the Vehicle Drivers (Certificates of Professional Competence) Regulations 2007 and the Vehicles Crime (Registration of Registration Plate Suppliers) Regulations 2008 to allow a United Kingdom identity card (ID card), issued under the Identity Cards Act 2006, to be used as an alternative to a valid or current passport in order to prove identity for the following purposes; (a) for licence acquisition theory and practical driving tests undertaken by learner drivers and riders (b) for qualifying tests undertaken by driving instructors (c) for initial qualification tests and periodic training undertaken by professional lorry and bus drivers to obtain or maintain their Certificate of Professional Competence and (d) for the purchase of vehicle registration plates.

3. **Matters of special interest to the Joint Committee on Statutory Instruments**

None.

4. **Legislative Context**

4.1 The Identity Cards Act 2006 (“the Act”) received Royal Assent on 30th March 2006.

4.2 Five instruments subject to the affirmative resolution procedure were passed by Parliament in June and July 2009. A further four instruments subject to the negative resolution procedure were laid before Parliament in September 2009.

4.3 Collectively, these instruments enabled the first phase of the National Identity Service (see paragraph 7.1) to be implemented.

4.4 The bulk of the Act was commenced on 20th October 2009, enabling a limited number of Identity and Passport Service (IPS) and Home Office personnel to apply for an ID card. Employees of Manchester Airport Group and London City Airport were entitled to apply on 10th November and 24th November 2009 respectively. Eligibility was again extended on 4th January 2010 to any person living in the north west of England, provided that they also held a valid passport. As of 8th February, young persons aged 16-24, resident in the Greater London area or those who have registered an early interest with

IPS may also apply, again with the condition that they possess a valid passport.

4.5 A National Identity Card issued under the Identity Cards Act will be issued to British citizens and British subjects with the right of abode. This card also serves as a travel document for travel throughout the EEA and Switzerland. An alternate identity card issued under the Identity Cards Act may also be issued to EEA and Swiss nationals as well as limited numbers of British citizens. This card is not travel enabled.

4.6 ID cards serve as evidence of identity, and hence this Order will incorporate these new documents into the Motor Vehicles (Driving Licences) Regulations 1999, the Motor Cars (Driving Instruction) Regulations 2005, the Vehicle Drivers (Certificates of Professional Competence) Regulations 2007 and the Vehicles Crime (Registration of Registration Plate Suppliers) Regulations 2008.

5. Territorial Extent and Application

Article 1(2) provides that an amendment contained in the Order has the same extent as the instrument or relevant part of the instrument to which the amendment relates. In so far as this instrument amends the Vehicle Drivers (Certificates of Professional Competence) Regulations 2007 and the Vehicles Crime (Registration of Registration Plates Suppliers) Regulations 2008 these amendments extend to the United Kingdom; and in so far as this instrument amends the Motor Vehicles (Driving Licences) Regulations 1999 and the Motor Cars (Driving Instruction) Regulations 2005 these amendments extend to Great Britain..

6. European Convention on Human Rights

The Parliamentary Under-Secretary of State for Identity, Meg Hillier has made the following statement regarding Human Rights “In my view the provisions of the Vehicle Regulations (Amendment) Order 2010 are compatible with the Convention rights.”

7. Policy background

What is being done and why

7.1 The Act establishes a statutory framework for issuing biometric ID cards together with the creation of a secure and reliable National Identity Register to hold the identity information about individuals in the United Kingdom. This is part of what is now termed the National Identity Service and will lead eventually to a point at which anyone who is aged 16 or over and is resident in the United Kingdom may apply for an ID card.

7.2 This amending Order will allow anyone wishing to;

- undertake licence acquisition theory and practical driving tests,
- undertake a qualifying test for driving instructors,

- undertake initial qualification tests and periodic training for professional lorry and bus drivers to obtain or maintain their Certificate of Professional Competence or
 - purchase vehicle registration number plates
- to use an ID card issued under the Act to prove their identity.

8. Consultation Outcome

8.1 The changes made under the Vehicle Regulations (Amendment) Order 2010 allow for an ID card issued under the Identity Cards Act 2006 to be produced as evidence of identity in place of a valid or current passport.

8.2 The secondary legislation to support the issuing of ID cards was the subject of consultation in November 2008. A summary of the consultation has been published and placed on the IPS website (at <http://www.ips.gov.uk/identity/index.asp>).

9. Guidance

9.1 Guidance on the effect of the amendments will be included on the Driving Standards Agency (DSA) and the Driver and Vehicle Licensing Agency (DVLA) websites, publications, application forms and appointment letters.

9.2 DSA is also advising its employees, including contact centre staff and driving examiners of the changes at regional conferences.

10. Impact

10.1 An Impact Assessment has been published to cover the regulatory and other impacts of the secondary legislation currently proposed under the Act including this Order (at <http://www.ips.gov.uk/identity/index.asp>). This Impact Assessment examines the effect on the public, private and third sectors.

10.2 The Impact Assessment includes three separate sections – Costs and Benefits, Equality, and Other Reviews (including competition, small firms, legal aid, sustainable development, rural proofing and privacy).

- The Costs and Benefits assessment concludes that the introduction of identity cards and the roll out of the National Identity Service will return a net benefit of £6 billion over a 30 year period.
- The Equality assessment focuses on the impact on people who will be affected by the introductory phases of the National Identity Service in relation to race, gender, gender identity, religion or belief, sexual orientation and age.
- The Other Reviews concluded that there was little additional impact. The privacy review acknowledged concerns expressed and set out

safeguards that are in place or will be put in place to address those concerns.

10.3 There will not be any significant impact on the private or voluntary sector as a result of the changes made under the Vehicles Regulations (Amendment) Order 2010.

11. Regulating small business

The Legislation will not impose any additional burden on small businesses.

12. Monitoring and review

IPS will continually evaluate the arrangements that are in place to ensure DSA and DVLA are fully informed of the effect and implications of the changes as part of ongoing stakeholder dialogue.

13. Contact

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