
EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations implement the minimum standards of medical fitness required for diabetes mellitus (“diabetes”), as specified in Directive [2009/112/EC](#) of 25 August 2009 and Directive [2009/113/EC](#) of 25 August 2009 (“the Medical Directives”) (O.J. No. L 223, 26.8.09, p.26 and p.31) which amend respectively Directive [91/439/EEC](#) of the European Parliament and of the Council on driving licences (O.J. No. L 237, 24.8.91, p.1) and Directive 2006/126 EC of the European Parliament and of the Council on driving licences (O.J. No. L 51, 22.2.06, p.17). The Medical Directives were added to Annex XIII of the European Economic Area Agreement by Decision of the EEA Joint Committee No. 28/2010 of 12 March 2010 (O.J. No. L 143, 10.6.10, p.23).

These Regulations amend the medical standards applicable for driver licensing of applicants and licence holders with diabetes, by making amendments to the Motor Vehicles (Driving Licences Regulations 1999 (“the principal Regulations”). They amend the terms in which diabetes is prescribed as a relevant disability for the purposes of section 92(2) of the Road Traffic Act 1988, with the effect that a person with that relevant disability cannot be granted a licence; and for the purposes of section 92(4)(b) of that Act, by which an applicant can be granted a licence for certain prescribed formulations of a disability on prescribed conditions.

Regulation 2 of these Regulations amends regulation 72 of the principal Regulations, in respect of Group 1 licences. Diabetes that is being treated with medication which carries a risk of inducing hypoglycaemia is a prescribed disability for a person who has had two or more episodes of severe hypoglycaemia during the previous one year period, or who has impaired awareness of hypoglycaemia (*reg 72(4)*). An applicant for a licence who has diabetes treated with insulin is not barred by that disability from obtaining a licence if he or she does not have impaired awareness of hypoglycaemia, has been without more than one severe hypoglycaemic attack for a year and meets other conditions concerning diabetes (*reg. 72(5) to (7)*). “Impaired awareness of hypoglycaemia” is defined in regulation 72(7) as the inability to detect the onset of hypoglycaemia because of a total absence of warning symptoms.

Regulation 3 of these Regulations amends regulation 73 of the principal Regulations, in relation to Group 2 licences. Diabetes that is being treated with medication which carries a risk of inducing hypoglycaemia is a prescribed disability for a person where there have been one or more episodes of severe hypoglycaemia during the previous one year period, or where there is not full awareness of hypoglycaemia (*reg 73(6)*). Applicants for a licence who have diabetes, which has been treated with insulin for over 4 weeks, are not prevented by the disability from obtaining a licence if there is full awareness of hypoglycaemia, there has been no severe hypoglycaemic attack for a year, and the other conditions concerning diabetes are met (*reg. 73(6A), (6B) and (6C)*). Applicants on any other medication carrying a risk of inducing hypoglycaemia, who likewise have full awareness of hypoglycaemia and have been without a severe hypoglycaemic attack for a year, will also not be prevented from obtaining a licence if prescribed conditions are met (*reg. 73(6A), (6B) and (6D)*).

Prior to amendment by these Regulations, regulation 73(6) of the principal Regulations prescribed insulin treated diabetes as a prescribed disability for Group 2 driving, but permitted an exception for persons with diabetes requiring insulin treatment who held an “obsolete vocational licence” on 1st April 1991, where the traffic commissioner who granted the last obsolete vocational licence knew of the disability before 1st January 1991. That exception has been removed: all drivers with insulin treated diabetes can now be considered for any category of Group 2 licence, by virtue of new paragraphs (6A), (6B) and (6C) of regulation 73.

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

Regulation 4 requires the Secretary of State to review the operation and effect of these Regulations and publish a report within five years after they come into force and within every five years after that. Following a review it will fall to the Secretary of State to consider whether the Regulations should remain as they are, or be revoked or be amended. A further instrument would be needed to revoke the Regulations or to amend them.

A transposition note setting out how the Medical Directives have been transposed into the law in England and Wales and Scotland has been produced and is available on the Department for Transport website, www.dft.gov.uk.

A full impact assessment of the effect that this instrument will have on the costs of business and the voluntary sector is available from www.direct.gov.uk.

The Explanatory Memorandum, to which is attached the transposition note and impact assessment, is available alongside the instrument at www.legislation.gov.uk.