
EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations are made in order to implement Directive [2006/126/EC](#) of the European Parliament and of the Council of 20 December 2006 on driving licences (“the Third Directive”). (This Directive was added to Annex XIII of the EEA Agreement by Article 1 of the Decision of the EEA Joint Committee No. 29/2008 of 14th March 2008 (OJ No. L 182, 10.7.2008, p.21)).

Regulation 1 brings the Regulations into force on 20th April 2012 save for regulations 2 and 4, and the related Schedules 1 and 3, which come into force on 19th January 2013.

Regulation 2 and *Schedule 1* amend the Road Traffic Act 1988 (“the 1988 Act”).

Regulation 3 and *Schedule 2* amend the Road Safety Act 2006 (“the 2006 Act”).

Regulation 4 and *Schedule 3* amend the Motor Vehicles (Driving Licences) Regulations 1999 (“the 1999 Regulations”).

Regulation 5 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.

Schedule 1

Paragraph 2(2) amends section 97(1)(d) of the 1988 Act and creates new subsection 97(1)(e). These amendments provide that a person who is subject to a current disqualification under the law of another EEA State and who was the holder of a driving licence from that State, is not eligible to be granted a driving licence.

Paragraph 2(3) omits section 97(3)(d) of the 1988 Act to enable the grant of provisional licences to allow testing and training to take place on motor bicycles in sub-category A2 (those of medium power). Section 97(5), giving the meaning of “learner motor bicycle”, and related definitions in subsection (6) are also omitted as, following the introduction of new vehicle categories, learner motor bicycles are referred to as motor bicycles in sub-category A1.

Paragraph 3 omits section 98(3)(b) of the 1988 Act in consequence of the omission of section 97(3)(d).

Paragraph 4(2) and (4) makes amendments to section 99 of the 1988 Act, for the purposes of implementing the Third Directive provisions on driving licence administrative validity periods. These will generally be 5 years for a licence to drive any prescribed class of goods vehicle or passenger-carrying vehicle, or 10 years in other cases; with provision for replacement licences issued during these periods. If a licence expires before the end of the standard 5 or 10 year period (for instance in the case of licences issued for shorter periods on medical grounds), its administrative validity period will end on the expiry date of the licence. If, following surrender of a licence, a person elects to have a new licence with an administrative validity period of 5 or 10 years (rather than unexpired period of the surrendered licence) then a fee may be payable upon the issue of the new licence.

Paragraphs 4(3), (5) and (8) make provision in relation to the treatment of licences as if they had been surrendered.

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Paragraphs 4(6) and 4(7) enable the Secretary of State to require medical evidence before granting a new driving licence.

Paragraph 5 amends the interpretation provision in section 108 of the 1988 Act. The definitions of “EEA State” and “EEA Agreement” are omitted, since these definitions are updated and covered by the definitions in Schedule 1 to the Interpretation Act 1978. There are new definitions of “moped” and “light quadricycle” and an amendment to the definition of “motor bicycle”. Sub-paragraph (3) inserts a new section 108(1A) in the 1988 Act so as to make it clear that a reference to expiry of a licence is a reference to the time it ceases to be in force.

Schedule 2

Paragraph 2 amends section 39(1) of the 2006 Act, which in turn inserts section 98A into the 1988 Act providing for the compulsory surrender of old-form licences. Following compulsory surrender, the Secretary of State may require a person to provide medical evidence before granting a new driving licence.

Paragraph 3 amends Schedule 3 to the 2006 Act, to ensure the reference to a counterpart licence in the new section 99(7ZZA) of the 1988 Act, inserted by paragraph 3(3) of Schedule 1 to these Regulations, is included in the general repeal of all references to counterpart licences, once the relevant provisions of the 2006 Act are brought into force.

Schedule 3

Paragraphs 2 to 4, 5(b) and (c), 7 to 18, 19(c), (d)(ii) and (f), 20 to 26, 27(a), (c), (d) and (f), 28 to 30, 32 to 38, 41(b) and (c), 42, 43, 46(a), 48, 49(a) and (c)(i) and 50 to 53 provide for the introduction of new categories and sub-categories of vehicles (principally mopeds and motorcycles) and that there is no driving test (and hence that no new licence is to be granted) in respect of vehicles formerly in sub-category B1 (lighter three or four wheeled vehicles). New category AM comprises of mopeds and light quadricycles; category Q comprises of vehicles which would be mopeds save that their maximum design speed is 25 kilometres per hour or less; category A (motor bicycles) is divided into three sub-categories, namely A1 motorcycles, A2 motorcycles and A3 motorcycles and category A motor tricycles is divided into two sub-categories, namely A1 motor tricycles and A3 motor tricycles.

Paragraphs 2 to 4, 5(c), 6, 8(c) and (g), 27(b) and (e), 31, 32, 41(a), 44, 45 and 46(b) make provision for the preservation of entitlements existing before 19th January 2013 to drive specified classes of vehicle (lighter three or four wheeled vehicles, cars with heavier trailers, longer minibuses, two or three wheeled vehicles up to 50cc. and capable of 50km/h and large motor bicycles).

After 18th January 2013, licences for these classes can only be granted to those who held such an entitlement before 19th January 2013 or who passed a test for a licence to drive such vehicles before that date. Those holding, or entitled to apply for such a licence are authorised to drive, or to apply for the grant of a licence to drive, such vehicles and any licence granted is construed as authorising the driving of such vehicles.

Paragraphs 4, 13(c) and 46(a)(viii) and (b) make provision regarding the granting of licences for category B96, which category comprises of cars or light vans combined with a trailer having a maximum authorised mass exceeding 750 kilograms. A B96 licence is only granted if a person holds, or held, a Community licence to drive such vehicles.

Paragraphs 5(a), 9, 20(b), (c) and (d) make provision in relation to the use of vehicles by those who are disabled and the competency of such persons to drive.

Paragraphs 19(a), (b), (d)(i) and (e) and 49(b) and (c)(i) omit provisions relating to fees in respect of tests conducted before 5th October 2009.

Paragraphs 39 and 40 make provision as to the validity of certificates relating to approved training courses and in relation to certificates issued before 19th January 2013.

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Paragraph 47, in relation to Group 1 (cars, vans, mopeds and motor bicycles) and Group 2 (lorries and buses) photocard licences, limits the payment of the licence exchange fee to the circumstances where the licence surrendered was issued before 19th January 2013 and, in relation to Group 1 photocard licences granted and surrendered after 18th January 2013, limits the payment of the licence exchange fee to the circumstances where the new licence is valid for 10 years.

A transposition note setting out how the Third Directive is 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. The transposition note is attached to the Explanatory Memorandum and is available alongside the instrument at www.legislation.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 impact assessment is also attached to the Explanatory Memorandum and available alongside the instrument at www.legislation.gov.uk.