

**EXPLANATORY MEMORANDUM TO**  
**THE MOTOR VEHICLES (DRIVING LICENCES) (AMENDMENT) (NO.3)**  
**REGULATIONS 2013**

**2013 No. 2184**

1. This explanatory memorandum has been prepared by the Department for Transport and is laid before Parliament by Command of Her Majesty.

**2. Purpose of the instrument**

2.1 This instrument amends regulation 9(4) of the Motor Vehicles (Driving Licences) Regulations 1999 (the “1999 Regulations”).

2.2 The purpose of this instrument is to enable persons with impaired mobility who are in receipt of the enhanced rate of the mobility component of a new allowance called personal independence payment (PIP) to hold and obtain a driving licence for a small vehicle driven without a trailer (Category B) from the age of 16.

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

None.

**4. Legislative Context**

4.1 Regulation 9(4) of the 1999 Regulations presently allows a person to hold and obtain a driving licence from the age of 16 rather than 17 if they are “a person in respect of whom an award of the higher rate component of the disability living allowance made in pursuance of section 73 of the Social Security Contributions and Benefits Act 1992 (whether before or after his 16th birthday) is still in force”. The 1999 Regulations need to be amended to include:

- a) persons from the age of 16 who are in receipt of the enhanced rate of the mobility component of PIP in accordance with section 79 of the Welfare Reform Act 2012; and
- b) persons from the age of 16 who received the higher rate component of the disability living allowance (DLA) which was in force immediately before their 16th birthday, provided that they have made a claim for PIP.

**5. Territorial Extent and Application**

This instrument applies to Great Britain.

**6. European Convention on Human Rights**

As the instrument is subject to negative resolution procedure and does not amend primary legislation, no statement is required.

## **7. Policy Background**

- *What is being done and why*

7.1 The Government has introduced a new allowance, PIP, which replaces DLA for persons aged 16-64.

7.2 DLA is used as a passport to other benefits and services by disabled people. Currently, the law allows persons aged 16 years old who receive the higher rate component of the DLA, to apply for a driving licence for a small vehicle driven without a trailer attached.

7.3 The 1999 Regulations are being amended so that persons in receipt of the enhanced rate of the mobility component of PIP will be entitled to a driving licence for a small vehicle driven without a trailer attached from the age of 16.

7.4 These amendments to the 1999 Regulations also ensure that persons who receive the higher rate component of DLA, will be able to drive from the age of 16 provided that they have been in receipt of the higher rate component of DLA immediately before their 16th birthday and have made a claim for PIP. This is the case whether or not their claim for PIP leads to an award of the allowance (and whether or not an award for the enhanced rate mobility component is made).

7.5 However, under these amendments to the 1999 Regulations, a person will not be able to make an application for a driving licence at any point before they turn 16 years old because a claim for PIP cannot be made before a person's 16th birthday (regulation 5 of the Personal Independence Payment (Transitional Provisions) Regulations 2013). Accordingly, it will no longer be possible to issue the driving licence two months in advance of a person's sixteenth birthday (in accordance with Regulation 10(1)(b) of the 1999 Regulations). Instead, a person will have to wait until their 16th birthday before making the application.

7.6 The aim is to enable a person who receives the higher rate component of DLA immediately before their 16th birthday to hold or obtain a driving licence once they turn 16 before an award of the enhanced rate of the mobility component of PIP is approved (which can take several weeks from the date at which a claim is made). Such a person who received DLA and makes a claim for PIP following their 16th birthday will continue to receive DLA payments until a decision is made as to an award of PIP.

7.7 Whilst PIP is replacing DLA for persons aged 16-64, section 90 of the Welfare Reform Act 2012, which would repeal DLA for persons aged under 16 or over 64, has not yet been commenced.

- *Consolidation*

There is no proposal to consolidate the Regulations.

## **8. Consultation outcome**

8.1 These amendments to the 1999 Regulations were informally consulted on for three weeks. This was considered appropriate as the issue under consideration was of interest to only a limited number of stakeholders and the DWP consultation on the introduction of PIP had already stated there was a general commitment to maintaining the arrangements that had existed under DLA.

8.2 Amongst the organisations contacted were Disabled Motoring UK, the British Insurance Brokers' Association, BRAKE (a Road Safety Charity) and UPDATE (Scotland's national disability information service). There was a low level of response to the consultation with only two replies received. One of the organisations that responded, MIND, had no comment. The other respondent, UPDATE, said they would like the amendment to be extended to include an option for 16 year old PIP claimants receiving standard rate mobility, to apply for a driving licence of a small vehicle without a trailer attached if they can provide additional evidence of need, such as an assessment by an Occupational Therapist, GP or other health professional. However, at present, there is no intention to extend the scope of the current arrangements.

## **9. Guidance**

Existing leaflets and forms and guidance on the DVLA website have been updated to reflect the new rules.

## **10. Impact**

10.1 There is no impact on business, charities or voluntary bodies.

10.2 There is no impact on the public sector.

10.3 An Impact Assessment has not been prepared for this instrument.

## **11. Regulating small business**

The legislation does not apply to small business.

## **12. Monitoring & review**

DVLA will monitor and assess the impact of the legislation through analysis of driving licence application statistics.

## **13. Contact**

Mark Davies at the Driver and Vehicle Licensing Agency Tel: 01792 783981 or email: [mark.davies@dvla.gsi.gov.uk](mailto:mark.davies@dvla.gsi.gov.uk) can answer any queries regarding the instrument.