

STATUTORY INSTRUMENTS

2013 No. 22

The Driving Licences (Exchangeable Licences) (Amendment) Order 2013

Citation and commencement

1.—(1) This Order may be cited as the Driving Licences (Exchangeable Licences) (Amendment) Order 2013.

(2) Article 4(1)(b), (2)(b) and (c), (3)(b) and 4(b) comes into force on 19th January 2013 and all other articles come into force on 11th January 2013.

Interpretation

2. In this Order—

(a) the following expressions have the following meanings—

“the Act” means the Road Traffic Act 1988;

“driving test” means a test corresponding to the practical test of driving skills and behaviour prescribed under section 89(3)^{M1} and (4)^{M2} of the Road Traffic Act 1988 as part of the test of competence to drive;

“relevant country” means a country or territory referred to in Schedule 1;

“vehicle with automatic transmission” means a vehicle in which the person driving the vehicle is either—

- (i) not provided with any means whereby that person may vary the gear ratio between the engine and the road wheels independently of the accelerator and the brakes, or
- (ii) provided with such means but they do not include a clutch pedal or lever which that person may operate manually,

(and accordingly, a vehicle with manual transmission is any other class of vehicle);

(b) a reference to a licensing category or sub-category is a reference to the category or sub-category (as the case may be) identified by the same letter or combination of letters or of a letter and number in Schedule 2 to the Motor Vehicles (Driving Licences) Regulations 1999^{M3}; and

(c) the reference in paragraph (b) to the Motor Vehicles (Driving Licences) Regulations 1999 is, after 18th January 2013, a reference to those Regulations as amended by the Motor Vehicles (Driving Licences) (Amendment) Regulations 2012^{M4}.

Marginal Citations

M1 Section 89(3) was amended by the Road Traffic Act 1991 (c.40), Schedule 4, paragraph 63 and the Road Safety Act 2006 (c.49), section 36(1) and (2)(a), (b) and (c).

M2 Section 89(4) was amended by the Road Safety Act 2006, section 36(1) and (3)(a), (b), (c) and (d) and S.I. 1996/1974.

M3 S.I. 1999/2864; Schedule 2 was amended by S.I. 2005/2717.

M4 S.I. 2012/977; Schedule 3 includes amendments to the categories and sub-categories of vehicle for licensing purposes in Schedule 2 to the [Motor Vehicles \(Driving Licences\) Regulations 1999 \(S.I. 1999/2864\)](#) and which come into force on 19th January 2013.

Revocation of Orders

3. The orders specified in Schedule 2 are revoked.

Amendment of Orders

4.—(1) In the Driving Licences (Exchangeable Licences) Order 1999 ^{M5}—

(a) in article 2 (interpretation)—

(i) at the end of paragraph (b)(ii) omit “and”;

(ii) omit paragraph (b)(iii); and

(iii) insert—

“(c) a reference to a licensing category or sub-category is a reference to the category or sub-category (as the case may be) identified by the same letter or combination of letters or of a letter and number in Schedule 2 to the Motor Vehicles (Driving Licences) Regulations 1999; and

(d) the reference in paragraph (c) to the Motor Vehicles (Driving Licences) Regulations 1999 is, after 18th January 2013, a reference to those Regulations as amended by the Motor Vehicles (Driving Licences) (Amendment) Regulations 2012.”;

(b) in paragraph (2)(a) in articles 3 (designation of South Africa) and 4 (designation of Canadian provinces and territories) for “A, B, B+E, F, K, or P” substitute “AM, B, B+E, F, K or Q or licensing sub-category A1, A2 or A3”; and

(c) in the Schedule (other countries and territories etc.)—

(i) before “Australia” insert “Andorra”;

(ii) after “Republic of Cyprus” insert—

“The Falkland Islands

The Faroe Islands”;

(iii) after “Malta” insert “Monaco”; and

(iv) after “New Zealand” insert “Republic of Korea”.

(2) In the Driving Licences (Exchangeable Licences) Order 2002 ^{M6}—

(a) in article 2 (interpretation)—

(i) at the end of paragraph (b) omit “and”;

(ii) for paragraph (c) substitute—

“(c) a reference to a licensing category or sub-category is a reference to the category or sub-category (as the case may be) identified by the same letter or combination of letters or of a letter and number in Schedule 2 to the Motor Vehicles (Driving Licences) Regulations 1999; and”;

(iii) after paragraph (c) add—

“(d) the reference in paragraph (c) to the Motor Vehicles (Driving Licences) Regulations 1999 is, after 18th January 2013, a reference to

- those Regulations as amended by the Motor Vehicles (Driving Licences) (Amendment) Regulations 2012.”;
- (b) in article 3 (designation of the Republic of Korea) in paragraph (2)(a) for “B, B+E, F, K or P” substitute “ AM, B, B+E, F, K or Q ”;
- (c) in article 4 (designation of the Principality of Monaco) in paragraph (2)(a) for “A, B, B +E, F, K or P” substitute “ AM, B, B+E, F, K or Q or licensing sub-category A1, A2 or A3 ”; and
- (d) in the Schedule (other countries and territories etc.)—
- (i) before “Australia” insert “ Andorra ”; and
- (ii) after “Republic of Cyprus” insert—
- “The Falkland Islands
The Faroe Islands”.
- (3) In the Driving Licences (Exchangeable Licences) Order 2004 ^{M7}—
- (a) in article 2 (interpretation)—
- (i) at the end of paragraph (b) omit “and”;
- (ii) for paragraph (c) substitute—
- “(c) a reference to a licensing category or sub-category is a reference to the category or sub-category (as the case may be) identified by the same letter or combination of letters or of a letter and number in Schedule 2 to the Motor Vehicles (Driving Licences) Regulations 1999; and”;
- (iii) after paragraph (c) add—
- “(d) the reference in paragraph (c) to the Motor Vehicles (Driving Licences) Regulations 1999 is, after 18th January 2013, a reference to those Regulations as amended by the Motor Vehicles (Driving Licences) (Amendment) Regulations 2012.”;
- (b) in article 3 (designation of the Falkland Islands) in paragraph (2)(a) for “A, B, B+E, F, K or P” substitute “ AM, B, B+E, F, K or Q or licensing sub-category A1, A2 or A3 ”; and
- (c) in the Schedule (other countries and territories etc.)—
- (i) before “Australia” insert “ Andorra ”; and
- (ii) after “Republic of Cyprus” insert “ The Faroe Islands ”.
- (4) In the Driving Licences (Exchangeable Licences) Order 2007 ^{M8}—
- (a) in article 2 (interpretation)—
- (i) at the end of paragraph (b) omit “and”;
- (ii) at the end of paragraph (c) add “ and ”;
- (iii) after paragraph (c) add—
- “(d) the reference in paragraph (c) to the Motor Vehicles (Driving Licences) Regulations 1999 is, after 18th January 2013, a reference to those Regulations as amended by the Motor Vehicles (Driving Licences) (Amendment) Regulations 2012.”;
- (b) in article 3 (designation of Faroe Islands) for “B, B1, B+E, F, K or P” substitute “ AM, B, B+E, F, K, or Q ”; and
- (c) in the Schedule (other countries and territories etc), before “Australia” insert “ Andorra ”.

Marginal Citations

- M5** S.I. 1999/1641, amended by S.I. 2007/96.
M6 S.I. 2002/2379.
M7 S.I. 2004/301.
M8 S.I. 2007/95.

Designation

5.—(1) Subject to paragraphs (3), (4) and (5), each relevant country is designated under section 108(2)(b) of the Act as respects those licences which are described in paragraph (2).

(2) The licences described in this paragraph are those which—

(a) authorise the driving—

- (i) before 19th January 2013, of a class of vehicles corresponding to a class of vehicles included in licensing category A, B, B+E, F, K or P or in licensing sub-category B1; or
(ii) after 18th January 2013, of a class of vehicles corresponding to a class of vehicles included in licensing category AM, B, B+E, F, K or Q or in licensing sub-category A1, A2 or A3; and

(b) have been granted by the licensing authority of a relevant country—

- (i) to a person who has passed a driving test in that relevant country; or
(ii) in exchange for a licence granted in—
(aa) the United Kingdom;
(bb) an EEA State^{F1}... to a person who had passed a driving test in an EEA State, a relevant country or a country or territory referred to in Schedule 3; or
(cc) another relevant country to a person who had passed a driving test in an EEA State, a relevant country or a country or territory referred to in Schedule 3; or
(dd) a country or territory referred to in Schedule 3 to a person who had passed a driving test in an EEA State, a relevant country or a country or territory referred to in Schedule 3.

(3) A licence of a description in paragraph (2)(b)(i) is exchangeable only in so far as it authorises the driving of vehicles with automatic transmission if it was granted in the relevant country to a person who passed a driving test in that country in a vehicle with automatic transmission notwithstanding that the licence authorises the driving in that country of vehicles with manual transmission.

(4) A licence of a description in paragraph (2)(b)(ii)(aa) is exchangeable only in so far as it authorises the driving of vehicles with automatic transmission if it was granted in exchange for a licence granted in the United Kingdom which authorises only the driving of vehicles with automatic transmission.

(5) A licence of a description in paragraph (2)(b)(ii)(bb), (cc) or (dd) is exchangeable only in so far as it authorises the driving of vehicles with automatic transmission if it was granted in exchange for a licence granted in an EEA State, a relevant country or a country or territory referred to in Schedule 3 to a person who passed a test in that State, country or territory (as the case may be) in a vehicle with automatic transmission notwithstanding that either such licence authorises the driving in the State, country or territory in which it was granted of vehicles with manual transmission.

Textual Amendments

- F1** Words in art. 5(2)(b)(ii)(bb) omitted (31.12.2020) by virtue of [The Driving Licences \(Amendment\) \(EU Exit\) Regulations 2018 \(S.I. 2018/1251\)](#), regs. 1(2), **10**; 2020 c. 1, Sch. 5 para. 1(1)

Signed by authority of the Secretary of State for Transport

Department for Transport

Stephen Hammond
Parliamentary Under Secretary of State

Changes to legislation:

There are currently no known outstanding effects for the The Driving Licences (Exchangeable Licences) (Amendment) Order 2013.