
EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations implement the minimum standards of medical fitness required for eyesight and epilepsy, as specified in Directive 2009/113/EC of 25 August 2009 (“the Medical Directive”) (O.J. No. L 223, 26.8.09, p.31) which amends 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 Directive was 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 in relation to eyesight and epilepsy, by making amendments to the Motor Vehicles (Driving Licences) Regulations 1999 (S.I. 1999/2864) (“the principal Regulations”).

Regulation 2 amends regulation 71 of the principal Regulations so there is no longer a single description of epilepsy as a prescribed disability for both Groups (*regulation 71(1)(a)*).

Regulation 3 amends regulation 72 of the principal Regulations, in relation to Group 1 licences.

Regulation 3(2) prescribes impairment of vision as a relevant disability, where an applicant for, or holder of, a Group 1 licence fails to meet visual acuity standards or visual field standards (*regulation 72(1) to (1C)*); or in the case of a person with diplopia or sight in only one eye, fails to meet the adaptation standard for those conditions (*regulation 72(1D)*). A licence must not be refused on the basis that a person fails to meet visual field standards, where conditions prescribed under section 92(4)(b) are met (*regulation 72(1E)*).

Regulation 3(3) makes epilepsy a prescribed disability for Group 1, where there has been more than one epileptic seizure in the previous five years (*regulation 72(2)*). Regulation 3(3) also prescribes the circumstances in which a licence can be granted to a person who has had two or more epileptic seizures in the previous five years, but the condition is controlled. In such a case, a Group 1 licence must not be refused on grounds of epilepsy, where prescribed conditions (*regulation 72(2F)*) are met and there is either a seizure free period of one year or the only seizure which has occurred during this period is a “permitted seizure” (*regulation 72(2A)*). A permitted seizure can be a seizure falling within one permitted pattern of seizure specified in (*regulation 72(2C)*); a permitted medication adjustment seizure; or certain seizures occurring before a permitted medication adjustment seizure (*regulation 72(2B)*).

Regulation 3(3) prescribes an isolated seizure or isolated epileptic seizure as a relevant disability, where that seizure has occurred in the previous six months (or one year if there is an underlying causative factor that may increase future risk) (*regulation 72(2D)*). A Group 1 licence must not be refused on the grounds of an isolated seizure, which occurred outside those prescribed periods (*regulation 72(2E)*), provided additional conditions are also met (*regulation 72(2F)*).

Regulation 3(4) contains a number of definitions relating to eyesight, “epilepsy”, “epileptic seizure”, “isolated seizure”, “medication adjustment seizure”, “provoked seizure” and “unprovoked seizure” (*regulation 72(7)*).

Regulation 4 amends regulation 73 of the principal Regulations, in relation to Group 2 licences.

Regulation 4(2) prescribes impairment of vision as a relevant disability, where an applicant for, or holder, of a Group 2 licence fails to meet Group 2 visual acuity, visual field or corrective lenses standards; or has sight in only one eye or uncontrolled diplopia (*regulation 73(1)*), unless a person is excepted from a standard. Regulations 4(3) and (4) amend the Group 2 additional visual

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acuity standard (*regulation 73(3)*). Regulation 4(5) prescribes the Group 2 visual field standard (*regulation 73(4)*) and the corrective lenses standard for visual acuity (*regulation 73(4A)*).

Regulation 4(6) prescribes conditions to be satisfied by certain categories of person with sight in one eye where there is an existing entitlement to drive (*regulation 73(5)*).

Regulation 4(7) makes epilepsy a prescribed disability for Group 2, where there has been more than one seizure, or medication to treat epilepsy has been prescribed, in the previous ten years (*regulation 73(8)*). A Group 2 licence must not be refused on grounds of epilepsy where the conditions for an isolated seizure are met; or in any other case, where no seizure has occurred and no epilepsy medication has been prescribed in the 10 year period immediately before the date when the licence is granted (*regulation 73(8A)*) and additional conditions are met (*regulation 73(8D)*).

Regulation 4(7) also prescribes an isolated seizure as a relevant disability for Group 2, where such a seizure has occurred, or medication has been prescribed to treat epilepsy or a seizure, during the previous five year period (*regulation 73(8B)*). A Group 2 licence must not be refused on grounds of an isolated seizure, provided no seizure has occurred and no relevant medication has been prescribed, in the five year period immediately before the date on which the licence is granted (*regulation 73(8C)*) and provided additional conditions are also met (*regulation 73(8D)*).

Regulation 4(8) adopts the Group 1 definitions relating to eyesight, “epilepsy”, “epileptic seizure”, “provoked” and “unprovoked seizure”, for Group 2. There is a different definition of “isolated seizure” for Group 2 purposes (*regulation 73(11)*).

Regulation 4(9)(a) omits the entry number 1 in Table 1 because it is redundant. Regulations 4(9)(b) and 4(10) update the entries in the second column of Tables 1 and 2 to include reference to decimal numbers.

Regulation 5 amends the prescribed disability relating to impairment of vision, for the purposes of section 94(5)(b)(i)(examination by officer nominated by the Secretary of State) (*regulation 75(1)(a)*).

Regulation 6 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 full impact assessment of the effect these Regulations will have on the costs of business and the voluntary sector is available from Drivers Medical Group, DVLA, Swansea, SA99 1TU. The impact assessment and a transposition note are also annexed to the Explanatory Memorandum which is available alongside these Regulations at www.legislation.gov.uk. A copy has been placed in the Library of each House of Parliament.