

**EXPLANATORY MEMORANDUM TO
THE MOTOR VEHICLES (DRIVING LICENCES) (AMENDMENT)
REGULATIONS 2014**

2014 No. 613

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 These regulations transpose two recently adopted European Directives: EU Directive 2012/36/EU (the Amending Directive) and Directive 2013/47/EU. The Amending Directive amends Directive 2006/126/EC, known as the Third Driving Licence Directive which is concerned with driving licences and entered into domestic law on 19 January 2013. Directive 2013/47/EU concerns only the time by which one provision must be implemented; this is explained further in paragraph 7.3. The Amending Directive introduces changes to the statutory requirements for taking practical driving tests; the vehicles that are used for taking those tests; and the entitlements gained thereafter by the driver.
 - 2.2 Amendments are also made to take advantage of a discretionary derogation which will allow category B (car licence) drivers who are 21 or over to drive motor tricycles within GB; and make a number of minor technical amendments to the transposition of Directive 2006/126/EC. We are also correcting a typographical error in the Motor Vehicles (Driving Licences) Regulations 1999 (the 1999 Regulations) that occurred following transposition of the Third Directive Driving Licence Directive.
3. **Matters of special interest to the Joint Committee on Statutory Instruments**

None.
4. **Legislative Context**
 - 4.1 The regulations amend the 1999 Regulations and implement the majority of Part II of the Annex to the Amending Directive which amends Annex I (restriction codes) and Annex II (requirements for driving tests) of the Third Driving Licence Directive. The regulations further implement Commission Directive 2013/47/EU of 2 October 2013, which provides for a transitional period of five years in respect of changes to large motorcycles test vehicles (A3 motorcycles) used for driving tests.
 - 4.2 The Annex II changes to the restriction codes displayed on driving licences (showing the class of vehicle the holder is authorised to drive and in what

circumstances) take account of the technical evolution of the different vehicle classes that were introduced by the Third Driving Licence Directive. However, restriction codes are dealt with administratively and are not therefore part of these regulations.

- 4.3 The regulations also exercise the option under Article 6(3) of the Third Driving Licence Directive, to allow category B (car) driving licence holders who are 21 years or over to drive three-wheeled vehicles with an unlimited power rating within GB.

5. Territorial Extent and Application

This instrument applies to Great Britain only. Northern Ireland will be making its own legislation to implement the requirements of the Amending Directives.

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

The Amending Directives 2012/36/EU & 2013/47/EU

- 7.1 The nature of the practical driving test taken by candidates seeking to obtain a full driving licence is largely regulated by European legislation. This includes a requirement for the vehicles used in the tests to meet a Minimum Test Vehicle specification, generally ensuring that the test vehicle is representative of the class which the candidate will be authorised to drive if they pass the test. Minimum Test Vehicle standards for vehicles used for current driving tests were first set by European driver licensing legislation in 2000. In 2006, the Third Driving Licence Directive was adopted by the EU Commission, but this did not take on board improvements to vehicles and vehicle technology, made since 2000. That Directive also failed to take account of new vehicle categories introduced, for example new category A2 for motorcycles and did not update the restriction codes used on driving licences to show the type of vehicles within a category that a driver is entitled to drive and under what circumstances. The requirements of the Third Driving Licence Directive had to be implemented across the EU by 19 January 2013.
- 7.2 Manufacturers have been phasing out production of the types of vehicles that were commonly used back in 2000 and producing instead, safer, more energy efficient vehicles. The minimum standards that are currently set in regulations for driving test vehicles, specifically, buses, lorries and motorcycles therefore need to change to allow these newer vehicles to be used for driving tests. If these changes were not made, trainers and operators would find it increasingly difficult to find vehicles that met the current statutory criteria for driving test vehicles. The Government therefore sought a relaxation of current standards to enable trainers to use vehicles that are readily available on the market. The European Commission agreed with

the proposals and has allowed a relaxation of current standards which will apply across the EU.

7.3 The changes to large motorcycles; namely the increase in engine power from 40kw to 50kw and a minimum mass weight of 180kgs, were not sought by the UK Government and were argued against during EU committee meetings during the comitology process. The UK was not supported in its arguments by other Member States and so the changes were adopted. However, the Commission has allowed a longer implementation period (31 December 2018) to mitigate against the impact upon business (motorcycle trainers). As motorcycle trainers typically renew their bikes every 3-5 years, these requirements will have minimal impact.

7.4 The changes introduced by the Amending Directive are:

- Updating the restriction codes used on driving licences to take account of changes to vehicle categories introduced under the Third Driving Licence Directive;
- allowing a tolerance of 5cc below the minimum specified engine size for small, medium and large motorcycles that can be used for the test – sub-categories A1 and A2 and category A;
- reducing the minimum engine power requirement for medium motorcycles (sub-category A2) used for the driving test (from 25kw to 20kw);
- raising the minimum engine power requirement for large motorcycles (category A), used for the driving test from 40kw to 50kw;
- introducing a minimum unladen mass requirement, for large motorcycles (category A) used for the driving test, of over 180kgs;
- removing the need for 8-forward gear ratios for large test vehicles (categories C and C+E);
- allowing those persons who take a lorry or bus test (category C, CE, D and DE) on an automatic vehicle to gain a manual entitlement for those vehicles, if they already hold a manual entitlement in any of categories: B, BE, C, CE, C1, C1E, D, DE*, D1 and D1E (cars, lorries and buses, with or without trailers);
- requiring safe and energy efficient driving to be undertaken during the driving test for C, C+E, D and D+E vehicles (requirements that, in practice, already form part of driving tests in GB).

*Category DE although included here, has been omitted in error from the Directive. The Commission are currently making an amendment to rectify this omission, but we have accounted for the error to save time in the future and it would be anomalous not to take account of that now.

Third Driving Licence Directive Amendments

7.5 The amendments to introduce the derogation at Article 6(3) of the Third Driving Licence Directive are made to allow any person passing their category B (car) test after the implementation of the Third Driving Licence Directive, access to large motor tricycles without having to take a motorcycle test. The

Third Driving Licence Directive moved tricycles from category B1 (sub-category of cars) into the motorcycle categories and requires that access to tricycles is via a candidate taking and passing a motorcycle test. The UK argued against this change at the time but was unsuccessful in preventing the change in classification. Recently, there has been a resurgence of interest in car based three-wheeled vehicles with enthusiasts making representations to the Government to allow the driving of these vehicles without having to take a motorcycle test, as they consider the vehicles to be more characteristic of a car than motorcycle. As mentioned in paragraph 4.3, the UK is able to allow derogation under the current EU legislation, for drivers aged 21 years, to drive these vehicles on a full category B licence (and which only applies on national territory).

- 7.6 We are also taking the opportunity to correct a number of relatively minor transposition errors arising from the Third Driving Licence Directive: in particular, in vehicle licence specifications for cars and minibuses references to number of seats are replaced with references to number of passengers carried. This change takes account of the use of more modern vehicles which have passenger standing areas as opposed to seats; and, to amend the visual acuity standard a driver with limited sight must meet to better reflect the standard contained within the Directive.

Consolidation

- 7.7 There are no plans to consolidate the legislation amended by these Regulations.

8. Consultation outcome

- 8.1 The Driver and Vehicle Standards Agency (DVSA), previously known as the Driving Standards Agency, is the Government agency responsible for driving tests in Great Britain. DVSA conducted a public consultation on implementation of the Amending Directive (the longer implementation date allowed for in 2013/47/EU was anticipated), in the Summer of 2013.
- 8.2 The consultation ran from the 15 July 2013 to 26 August 2013 and was hosted on the GOV.UK website. Stakeholders associated with motorbikes, three-wheelers, lorries and buses (including coaches) were informed of the consultation in a number of ways, such as:
- via a DSA Direct notification to all subscribers of the service including motorcycle, car, bus and lorry trainers/owners/vehicle operators – this is where persons with an interest in what the DSA is doing have signed up to receive direct emails or “tweets” on the Agency’s business
 - press notice to specialists - motorbike, lorry and bus/coach press
 - article in DSA newsletter “Despatch” sent to all interested stakeholder representatives
 - targeted e-mails; and
 - via a letter sent to interested parties by the DVLA.

- 8.3 Overall, 339 responses to the consultation were received. Responses came from a variety of stakeholders including members of the public; private bus and lorry operators and/or trainers; industry representative groups, road safety groups and vehicle enthusiast clubs.
- 8.4 The majority of people who responded to the consultation agreed with the DVSA proposals or were indifferent to them, with the majority commenting on the question regarding three-wheelers. Respondents also felt that the Impact Assessment was a fair reflection of costs and benefits and that the consultation was in accordance with the Government's Consultation Principles [or, again, were indifferent to this question].
- 8.5 Many who responded said that they liked the short, simple and easy way the consultation was set out and that they thought it was written in plain English. However, a number of negative comments were also received, and again, they were mainly concerning access to three-wheelers on a car licence. Many respondents thought that the Government should return three-wheelers to the category they were in pre the Third Driving Licence Directive. Their view being that a car-derived three-wheeler should not sit in the motorcycle categories. This cannot be accomplished as it would require a change to EU legislation and the agreement of the majority of Member States.

9. Guidance

Guidance has been issued on the changes prescribed by the Amending Directive and is available at www.gov.uk.

10. Impact

- 10.1 Apart from the requirements relating to large motorcycles i.e. the increase in engine power from 40kw to 50kw and a minimum unladen mass of 175kgs, the changes introduced by the Amending Directive mainly offer benefits as they allow more flexibility in the type and size of vehicles that can be used for taking driving tests. Other proposals have little or no impact such as changes to the wording in regulations regarding the skills to be demonstrated during the driving test and how an examiner should assess a learner driver on the extent to which they drive safely and energy efficiently during the driving test. In practice this will have no impact as candidates are already required to demonstrate and are then assessed upon their safe and energy efficient driving at test, although this is the first time it will be in regulation.
- 10.2 An Impact Assessment accompanies this memorandum and will be published alongside it on www.legislation.gov.uk.

11. Regulating small business

- 11.1 The Regulations do apply to small business, as the UK is legally obliged under EU legislation to apply these requirements to all the relevant tests. However,

the majority of the changes offer potential benefits as they allow more choice in the types of vehicles that can be used for taking driving tests.

- 11.2 Directive 2013/47/EU which permits the delayed implementation of changes affecting large motorcycle test vehicles will allow GB to minimise the impact of these requirements on firms employing up to 20 people,

12. Monitoring & review

These Regulations do not require a review. The main Statutory Instrument transposing Directive 2006/126/EC will be subject to an internal review. The first report will be due by 19 January 2019.

13. Contact

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