

EXPLANATORY MEMORANDUM TO
THE MOTOR VEHICLES (DRIVING LICENCES) (AMENDMENT)
REGULATIONS 2015

2015 No. 15

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 The purpose of this instrument is to amend the Motor Vehicles (Driving Licences) Regulations 1999 to introduce a fee for the issue of a licence following a disqualification by the Scottish Courts for the non-motoring offence of kerb crawling where the offence is committed while using a motor vehicle. A fee of £65 will be introduced for a licence issued following such a disqualification.

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

3.1 None.

4. Legislative Context

4.1 These regulations amend the Motor Vehicles (Driving Licences) Regulations 1999 and in doing so introduce a reference to the offence of kerb crawling in Scotland.

4.2 The Prostitution (Public Places) (Scotland) Act 2007 makes kerb crawling in Scotland a criminal offence and offenders can be fined up to £1,000. The Scottish Parliament has also made the Prostitution (Public Places) (Scotland) Act 2007 (Disqualification from Driving) Order 2011 under Section 104 of the Scotland Act 1998, which enables the Scottish Courts to disqualify drivers from driving if they are convicted for the non-motoring offence of kerb crawling.

4.3 The fee being introduced by these regulations will enable DVLA to cover its costs and fulfil its duty to balance its income and expenditure in line with HM Treasury fees and charges guidance and as permitted by the Department for Transport (Driver Licensing and Vehicle Registration Fees) Order 2003 (S.I. 2003/2994) (as amended by S.I. 2008/908).

5. Territorial Extent and Application

5.1 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 Secretary of State for Transport already has the legislative powers to charge for driving licence renewal following disqualification for the offence of kerb crawling using a motor vehicle when committed in England and Wales. However, these powers are not yet in place in respect of driving licence applications by drivers renewing their licence after disqualification by Scottish Courts for the comparable offence in Scotland. This instrument makes that change and will ensure the equal treatment of drivers across Great Britain.

- *Consolidation*

7.2 This instrument further amends the Motor Vehicles (Driving Licences) Regulations 1999 but given the small nature of the amendments there are no current plans to consolidate changes which would be a very significant exercise. Informal consolidations are available from a number of commercially available legal databases.

8. Consultation outcome

8.1 The consultation on introducing a fee for driving licence renewal after disqualification from driving for kerb crawling in Scotland ran for a period of eight weeks from 14 January to 12 March 2013.

8.2 The consultation took the form of an e-mail which was sent to 22 organisations that were identified as having a direct interest in the matter. A short targeted consultation, was considered sufficient because the proposed change has a limited scope and simply ensures that drivers disqualified for kerb crawling, regardless of where they are convicted, pay the same £65 renewal fee to reinstate their driving licence.

8.3 Amongst the organisations contacted were the Police Federation of England and Wales, the Home Office, the Scottish Courts Service and the Chief Magistrate's Office. There were no responses received to the consultation. By this instrument the Secretary of State is proceeding with the change as set out in the consultation document.

9. Guidance

9.1 Existing leaflets and forms and guidance on the gov.uk 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.

11. Regulating small business

11.1 The legislation does not apply to small businesses.

12. Monitoring & review

12.1 The introduction of these fees aims to achieve full cost recovery of the process of issuing and administering these licences. The change will be subject to an internal review after a period of three years.

13. Contact

Ray Jones at the Driver and Vehicle Licensing Agency Tel: 01792 783994 or email: ray.jones@dvla.gsi.gov.uk can answer any queries regarding the instrument.