

**EXPLANATORY MEMORANDUM TO  
THE MOTOR VEHICLES (DRIVING LICENCES) (AMENDMENT) (No. 4)  
REGULATIONS 2015**

**2015 No. 1797**

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 the Motor Vehicles (Driving Licences) Regulations 1999 (“the 1999 Regulations”) in order to:-
    - (a) explicitly add “safe driving in road tunnels” to the list of matters which a theory test candidate’s knowledge may be examined on;
    - (b) explicitly add negotiating roundabouts, passing bus or tram stops, approaching and crossing pedestrian crossings and driving up or down long inclines to the list of competencies a practical test candidate must be able to demonstrate to pass their driving test;
    - (c) recognise in Great Britain certificates issued in Northern Ireland on successful completion of an approved training course for learner motorcycle or moped riders (known as Compulsory Basic Training or “CBT”) and certificates issued in Northern Ireland after a candidate has passed the equivalent of the manoeuvres test for motorcycles and mopeds;
    - (d) delete all references to a test candidate being permitted to have an interpreter; and
    - (e) rectify discrepancies in some paragraph references.
3. **Matters of special interest to the Joint Committee on Statutory Instruments**
  - 3.1 None.
4. **Legislative Context**
  - 4.1 The amendments indicated in paragraph 2.1 (a) and (b) above are necessary to transpose European Directive 2014/85/EU (the “Amending Directive”) which amends the 3rd driving licence directive (European Directive 2006/126/EC).
  - 4.2 This opportunity has been taken to make the amendments indicated in paragraph 2.1 (c) above to give express recognition to the practice in Great Britain of accepting equivalent certificates issued in Northern Ireland in

pursuance of reciprocal arrangements made since Northern Ireland introduced parallel driving test schemes.

4.3 The opportunity has also been taken to make the amendments referred to in paragraph 2.1 (d) and (e) above to revoke some redundant references to language support following the withdrawal of foreign language support at driving tests in 2013 (tests are now conducted only in English or Welsh) and to rectify incorrect paragraph referencing.

## **5. Territorial Extent and Application**

5.1 This instrument applies to Great Britain.

5.2 Northern Ireland will be making its own legislation to implement the requirements of the Amending Directive.

5.3 Northern Ireland legislation already includes provision to recognise CBT certificates and module 1 motorcycle certificates issued in Great Britain.

## **6. European Convention on Human Rights**

6.1 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**

*The Amending Directive 2014/85/EU  
(For transposition note see attached table)*

*Safe driving in road tunnels*

7.1 The Amending Directive reflects the significant improvements that have been brought to tunnel safety within the European Union by virtue of Directive 2004/54/EC (a directive on minimum safety requirements for tunnels in the Trans-European Road Network). To fully ensure the effectiveness of these improvements, it is necessary to ensure that drivers know and understand the principles of safe driving in tunnels and can apply them in their behaviour in traffic. The 3<sup>rd</sup> driving licence directive has therefore been amended to take account of this in its requirements for the theoretical and practical driving tests of EU Member States.

7.2 In Great Britain safe driving in tunnels is already included in the list of competencies a test candidate must be able to demonstrate to pass their practical driving test where the opportunity is presented. However it has not been explicitly included in the list of matters on which a theory test candidate's knowledge may be examined. This instrument therefore includes "safe driving in road tunnels" in the list as a matter to be tested in the theory tests for all categories of vehicle.

7.3 In Great Britain requiring drivers to know and understand the principles of safe driving in tunnels has been included within the theory driving test for many years. Although it has not been explicitly included in the list of matters for the theory test it has been treated as implicitly included. With the adoption of the Amending Directive it has been necessary to amend the 1999 Regulations to explicitly add it to the list.

7.4 The Amending Directive includes other items in the revised list of matters for the theory test but they are already included in the 1999 Regulations.

*Negotiating roundabouts, passing bus or tram stops, approaching and crossing pedestrian crossings and driving up or down long inclines*

7.5 For similar reasons it has been necessary to amend the 1999 Regulations to add “negotiating roundabouts, passing bus or tram stops, approaching and crossing pedestrian crossings and driving up or down long inclines” to the list of competencies a test candidate must be able to demonstrate to pass their practical driving test. In Great Britain requiring drivers to demonstrate them has been included within the practical driving test for many years. Although they have not been explicitly included in the competencies list they have been treated in Great Britain as implicitly included.

7.6 The Amending Directive includes other items in the revised list of competencies for the practical test but they are already included in the 1999 Regulations.

*Other provisions in the Amending Directive*

7.7 The Amending Directive also includes restrictions on the issue of driving licences to those suffering from serious neurological diseases, or moderate or severe obstructive sleep apnoea syndrome, unless supported by medical assessment, opinion and review. In Great Britain these medical requirements will be given effect administratively by amendments (to be made on 1st December 2015) to the “At a Glance Guide” for medical practitioners (<https://www.gov.uk/government/publications/at-a-glance>) together with any appropriate adjustments to the Driver and Vehicle Licensing Agency’s internal administrative processes.

7.8 Finally the Amending Directive makes provision to correct some typographical errors in the 3rd driving licence directive. Their transposition has already been corrected in the 1999 Regulations at an earlier opportunity.

***Recognition of certificates issued in Northern Ireland***

7.9 The opportunity of this instrument has been taken to expressly provide in the 1999 Regulations for the recognition of certificates that are issued by the devolved administration in Northern Ireland to those motorcycle riders who

have successfully completed an approved motorcycle training course in order to start riding a powered two wheeler on the road, or who have passed the equivalent of the manoeuvres test for motorcycles and mopeds. The DVSA has recognised these certificates administratively for some years since Northern Ireland introduced parallel schemes. It has been the DVSA's intention for this to be reflected in the 1999 Regulations at a convenient opportunity following discussions with stakeholders concerning the modernisation of rider training between 2010 and 2013.

7.10 The 1999 Regulations require a person who wishes to ride a motorcycle to first undergo an approved training course and then to start training to obtain a licence. In 2011 the Department of the Environment in Northern Ireland introduced similar statutory arrangements and also made provision to recognise both a certificate confirming completion of an approved training course and a module 1 motorcycle test pass certificate (the first part of the motorcycle test) issued under the 1999 Regulations in Great Britain.

### ***Removal of references to foreign language support***

7.11 Regulation 39 of the 1999 Regulations includes provisions setting out the circumstances in which an examiner has the right to refuse to conduct a driving test. This included, amongst other circumstances, where a person who required the assistance of an interpreter at the theory test attended with an interpreter who was not approved by the Secretary of State to act as such, or who appeared to be acquainted with the test candidate. It also provided for refusal where a candidate who had language needs failed to give adequate notice of this to the examiner before the test.

7.12 In 2013 Ministers decided to withdraw language support for driving test candidates who do not speak the national languages i.e. English or Welsh. This was a response to various issues including social cohesion, road safety and fraud. The 1999 Regulations are amended to delete these redundant residual references to interpreters at tests.

### ***Paragraph referencing discrepancies***

7.13 The opportunity has also been taken to rectify some discrepancies in paragraph referencing in the 1999 Regulations.

- **Consolidation**

7.14 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.

8.2 DVSA conducted a limited consultation on the regulations (between 23rd June 2015 and 15<sup>th</sup> July 2015) with various representative organisations because the additions (to the lists of driving test requirements to which they give effect) have already been included within the driving test since 2003 (and in some cases previous to that) and because of the considerations mentioned below.

8.3 The reciprocal recognition of motorcycle certificates was informally consulted upon with stakeholders during development of the paper on “modernising driver and rider training” issued in 2013.

8.4 The withdrawal of language support for driving test candidates was subject to full public consultation. The response to consultation report and an impact assessment were published in October 2013.

<https://www.gov.uk/government/consultations/driving-test-language-support>

8.5 It was not anticipated that the changes to the 1999 Regulations would have any material impact on driving test candidates, or instructors, as they reflect current practice and do not impose any additional burdens on drivers or instructors. Consultees were invited to indicate any concerns. None have been raised.

## **9. Guidance**

9.1 Guidance on the driving test including the manoeuvres, the types of vehicle, fitness to drive and the types of questions which may be asked are included in various DVSA publications which are available to download from <http://www.tsoshop.co.uk/bookstore.asp?FO=1162833&ClickID=000178> and to purchase from book shops. Information can also be found on the GOV.UK website on the following road transport pages: <https://www.gov.uk/browse/driving/learning-to-drive>

## **10. Impact**

10.1 The impact on business, charities or voluntary bodies is nil.

10.2 The impact on the public sector is nil.

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

## **11. Regulating small business**

11.1 The legislation does not apply to small business.

## **12. Monitoring & review**

12.1 This instrument does not require a review under section 28 of the Small Business, Enterprise and Employment Act 2015 because it does not regulate business.

12.2 There are no other plans to monitor or review this instrument as its provisions give express recognition in the principal driving licence regulations (i.e. the 1999 Regulations) to what is now established practice, and rectify discrepancies in some paragraph referencing.

### **13. Contact**

13.1 Mandy Lynch, Driver and Vehicle Standards Agency Tel: 0115 936 6097 or email: [mandy.lynch@dsa.gsi.gov.uk](mailto:mandy.lynch@dsa.gsi.gov.uk) can answer any queries regarding the instrument.

## Transposition Note

### The Motor Vehicles (Driving Licences) (Amendment) (No. 4) Regulations 2015

Transposition of European Directive 2014/85/EU (which amends the 3<sup>rd</sup> driving licence directive – 2006/126/EC)

Article of EU Directive		Copy out (yes / no)	National Provision in the Regulations
Article 1	Introduction	N/A	N/A
Article 2	Requirement to transpose	N/A	N/A
Article 3	Entry into force	N/A	N/A
Article 4	Addressees	N/A	N/A
ANNEX - paragraph 1 (a)	Substitution of new list of specified matters to be tested in theory test in relation to the “the road” including safe driving in road tunnels	Yes – in part (balance of list already included in Schedule 7 of S.I. 1999/2864)	Regulation 9
ANNEX - paragraph 1 (b)	Correction of typographical errors in 3 <sup>rd</sup> driving licence directive	N/A	Corresponding corrections already implemented by S.I. 2014/613, regulation 11
ANNEX - paragraph 1 (c)	Substitution of new list of “behaviour in traffic” skills to be tested in practical test for motorcycles etc.	Yes – in part (balance of list already included in Schedule 8 of S.I. 1999/2864)	Regulation 10
ANNEX - paragraph 1 (d)	Substitution of new list of “behaviour in traffic” skills to be tested in practical test for cars etc.	Yes – in part (balance of list already included in Schedule 8 of S.I. 1999/2864)	Regulation 10
ANNEX - paragraph 1 (e)	Substitution of new list of “behaviour in traffic” skills to be tested in practical tests for medium-sized vehicles, large vehicles, minibuses and buses etc.	Yes – in part (balance of list already included in Schedule 8 of S.I. 1999/2864)	Regulation 10
ANNEX - paragraph 2	Restrictions on issue of driving licences to those suffering from serious neurological diseases or sleep apnoea.	N/A	Changes to “At a Glance” guidance for medical practitioners for Great Britain, and adjustments to DVSA administrative processes

