

EXPLANATORY MEMORANDUM TO
THE INTERNATIONAL DRIVING PERMITS (FEES) (EU EXIT) REGULATIONS
2019

2019 No. 1

1. Introduction

- 1.1 This explanatory memorandum has been prepared by the Department for Transport and is laid before Parliament by Command of Her Majesty.
- 1.2 This memorandum contains information for the Joint Committee on Statutory Instruments.

2. Purpose of the instrument

- 2.1 The purpose of this instrument is to allow for charging for International Driving Permits (“IDPs”) in the format specified in Annex 7 to the 1968 Vienna Convention on Road Traffic (“the 1968 Convention”). This instrument will specifically allow for the Secretary of State to charge for the issue of 1968 Convention format IDPs to UK driving licence holders in anticipation of the 1968 Convention coming into force for the UK.
- 2.2 Issuing 1968 Convention format IDPs in anticipation of the Convention coming into force for the UK is required so that UK motorists can obtain a document enabling them to exercise their international legal rights to drive in the territories of Contracting Parties to the 1968 Convention immediately on it entering into force for the UK on 28th March 2019.
- 2.3 Enabling UK driving licence holders to obtain a 1968 Convention format IDP in advance is essential in relation to the UK leaving the EU because, although UK driving licences are recognised under EU law while the UK remains a member of the EU, there is no guarantee of automatic recognition after Exit Day other than under the 1968 Convention and earlier road traffic conventions. UK licence holders who will be driving in the EU on exit day, who may have left the UK prior to this, should therefore have a reasonable amount of time to ensure that they have the opportunity to obtain all the documents that they require, which this instrument will facilitate. Further details and background information on this and the 1968 Convention are included in Section 7 of this Explanatory Memorandum.

3. Matters of special interest to Parliament

Matters of special interest to the Joint Committee on Statutory Instruments

- 3.1 This instrument will ensure that the Secretary of State can charge for the issue of 1968 Convention format IDPs in anticipation of that Convention coming into force for the UK on 28th March 2019 so that UK residents can be prepared for travel in international traffic on that day. The need to obtain an IDP in advance of travel has been highlighted in the technical notice on driving in the EU if there’s no Brexit deal.
- 3.2 The government has also laid before Parliament a draft Motor Vehicles (International Circulation) (Amendment) (EU Exit) Order 2019 to amend the Motor Vehicles (International Circulation) Order 1975, which makes provision in relation to IDPs

under the 1949 Convention on Road Traffic (“the 1949 Convention”) and the 1926 Convention relative to Motor Traffic. This draft Order in Council will be made under the Motor Vehicles (International Circulation) Act 1952 and will enable the Secretary of State to charge for 1968 Convention format IDPs as well as providing for the recognition of 1968 Convention format IDPs held by visitors who are not resident in the UK. However, under that Act, an Order in Council cannot come into force before the international agreement to which it relates comes into force for the UK. The government intends to revoke the International Driving Permits (Fees) (EU Exit) Regulations 2019 in due course so that the entire process is contained in one instrument rather than two.

Matters relevant to Standing Orders Nos. 83P and 83T of the Standing Orders of the House of Commons relating to Public Business (English Votes for English Laws)

- 3.3 As the instrument is subject to negative resolution procedure there are no matters relevant to Standing Orders Nos. 83P and 83T of the Standing Orders of the House of Commons relating to Public Business at this stage.

4. Extent and Territorial Application

- 4.1 The territorial extent of this instrument is the United Kingdom.
4.2 The territorial application of this instrument is the United Kingdom.

5. European Convention on Human Rights

- 5.1 As the instrument is subject to negative resolution procedure and does not amend primary legislation, no statement is required.

6. Legislative Context

- 6.1 The United Kingdom ratified the 1968 Convention on 28th March 2018 and it will come into force for the UK on 28th March 2019. This instrument will allow the Secretary of State to charge for the issue of IDPs in the format specified in Annex 7 to the 1968 Convention to persons resident in the UK in anticipation of the Convention coming into force for the UK.

7. Policy background

What is being done and why?

- 7.1 As part of the government’s preparations for leaving the EU, on 28th March 2018 the UK ratified the 1968 Convention, which is a UN international treaty designed to facilitate international road traffic and increase road safety by establishing uniform traffic rules. The UK originally signed the Convention in November 1968, but only ratified it in 2018 because of the decision to leave the EU and the need to ensure the continued recognition of UK driving licences.
- 7.2 Ratifying the 1968 Convention ensures that holders of UK driving licences would have a minimum level of recognition of their licences when driving in any Member State of the EU were the UK to leave the EU without a broader agreement on driving licences. Ratifying the 1968 Convention is necessary because, while the UK has long been a party to the 1949 Convention, not all Member States are party to that Convention. If the UK were to leave the EU without an agreement, holding the correct format of IDP with a domestic driving licence would guarantee the licence

holder's entitlement to drive outside the UK. In most EU Member States, plus Norway and Switzerland a 1968 Convention IDP would be required. The 1949 Convention will continue to apply in relation to Cyprus, Ireland, Malta, and Spain.

- 7.3 Under the 1968 Convention, an IDP can only be issued to persons who hold a full UK licence.

8. European Union (Withdrawal) Act/Withdrawal of the United Kingdom from the European Union

- 8.1 This instrument is not being made under the European Union (Withdrawal) Act 2018 but relates to the withdrawal of the United Kingdom from the European Union. This instrument relates to the ratification of an international convention, which is part of the UK government's non-negotiated contingency planning that is being made as a result of the UK leaving the European Union.

9. Consolidation

- 9.1 Consolidation is not relevant to this instrument.

10. Consultation outcome

- 10.1 This measure was not subject to public consultation. The 1968 Convention format IDP is simply another version of International Driving Permit, which are already issued under the 1949 Convention and the 1926 Convention.
- 10.2 The department carried out a public consultation from 16th May to 25th June 2018 on the introduction of trailer registration, which was required to ensure that the UK complied with the requirements of the 1968 Convention. The trailer registration consultation is available on gov.uk.

11. Guidance

- 11.1 Guidance is not required.

12. Impact

- 12.1 There is no, or no significant, impact on business, charities or voluntary bodies.
- 12.2 There is no, or no significant, impact on the public sector.
- 12.3 A full Impact Assessment has not been prepared for this instrument because the department has assessed that the estimated and additional cost to business is below £5m even in a worst-case scenario, where UK driving licences without an IDP are not recognised in EU Member States other than Ireland.
- 12.4 The department does not consider that a document costing £5.50 would cause significant distributional impacts, specific additional burdens on small businesses or any wider impacts. The analysis undertaken, only looked at the additional costs of procuring IDPs to maintain the status quo recognition of UK licences in the EU, so the issue of significant gross costs despite small net impacts is not relevant.
- 12.5 The department does not consider the need to procure IDPs as novel or contentious, as those travelling abroad are used to procuring and/or gathering documents before travel.

12.6 Having an IDP removes a potentially significant barrier to both private and professional drivers, and facilitates their travel in the EU and in the rest of the world, using well understood International Conventions as a guarantee that the UK licence will continue to be accepted. Motorists who choose not to obtain the correct IDP, when they travel to a country where this document is required may be subject to enforcement, as a result it is important that UK driving licence holders have the opportunity to obtain the documents they need for a period ahead of the Motor Vehicles (International Circulation) (Amendment) (EU Exit) Order 2019 coming into force.

13. Regulating small business

13.1 The legislation does not apply to activities that are undertaken by small businesses.

14. Monitoring & review

14.1 The approach to monitoring this legislation is to be limited, as this instrument relates to the ratification of an international convention, enabling the Secretary of State to charge a fee for the issue of a document that will guaranteeing the recognition of UK driving licences in anticipation of the 1968 Convention coming into force

14.2 The regulation does not include a statutory review clause. The requirement to hold an IDP when driving outside of the UK is placed upon UK motorists by other Contracting Parties to the 1968 Convention.

14.3 The fee charged for an IDP will be subject to review, to ensure that it remains proportionate, and in line with the costs associated with providing these documents to motorists. The department is planning to undertake the next review of the fee level in 5 years to ensure that it remains appropriate, and will undertake further reviews periodically.

14.4 The department undertook a review of the current fee for issuing IDP documents as a part of the work to prepare to issue the 1968 Convention format IDP. This review confirmed that the £5.50 fee for issuing an IDP under the Motor Vehicles (International Circulation) Order 1975, as set in 2004, is the appropriate fee for issuing a 1968 Convention format IDP under these Regulations.

14.5 When the fees are updated, a review of their impact on business will be undertaken to ensure that they continue to represent value for money.

15. Contact

15.1 Morag Rethans at the Department for Transport Telephone: 07342 089293 or email: morag.rethans@dft.gov.uk can be contacted with any queries regarding the instrument.

15.2 Rupesh Mehta for the Policy area at the Department for Transport can confirm that this Explanatory Memorandum meets the required standard.

15.3 Jesse Norman as the responsible Minister at the Department for Transport can confirm that this Explanatory Memorandum meets the required standard.