Draft Order laid before Parliament under section 14(1) of the Legislative and Regulatory Reform Act 2006, for approval by resolution of each House of Parliament.

DRAFT STATUTORY INSTRUMENTS

2022 No. 0000

REGULATORY REFORM

ROAD TRAFFIC

The Legislative Reform (Provision of Information etc. Relating to Disabilities) Order 2022

Made - - - -	***
Coming into force	***

The Secretary of State makes the following Order in exercise of the power conferred by section 1 of the Legislative and Regulatory Reform Act 2006(**a**).

For the purposes of section 3(1) of that Act, the Secretary of State considers that the conditions in section 3(2), where relevant, are satisfied.

The Secretary of State has consulted in accordance with section 13(1) of that Act(**b**).

The Secretary of State laid a draft Order and an explanatory document before Parliament in accordance with section 14(1) of that Act.

Pursuant to section 15 of that Act, the affirmative resolution procedure (within the meaning of section 17 of that Act) applies in relation to the making of this Order.

In accordance with section 17(2) of that Act, the draft has been approved by resolution of each House of Parliament after the expiry of the 40-day period(**c**) referred to in that provision.

Citation, commencement and extent

1. This Order—

(a) may be cited as the Legislative Reform (Provision of Information etc. Relating to Disabilities) Order 2022,

(b) comes into force on the day after the day on which it is made, and

(**a**) 2006 c. 51. There are amendments to section 1 but none is relevant. See section 32 for the definition of "Minister of the Crown".
(**b**) There are amendments to section 13(1) but none is relevant.
(**c**) "40-day period" is defined by section 16(7) of the Legislative and Regulatory Reform Act 2006.

(c) extends to England and Wales and Scotland.

Amendment of section 94 of the Road Traffic Act 1988

2.—(1) Section 94 of the Road Traffic Act 1988 (provision of information, etc. relating to disabilities)(**a**) is amended as follows.

(2) In subsection (6)(b) for "registered medical practitioner who may at any time have given medical advice or attention to the applicant or licence holder concerned" substitute "registered healthcare professional identified in those particulars".

(3) After subsection (6) insert—

"(6A) Where a registered healthcare professional (A) identified in the particulars of an authorisation provided under subsection (5)(a) considers that another registered healthcare professional (P) has information with respect to the question set out in subsection (6)(b), A may give a copy of that authorisation to P.

(6B) Where a registered healthcare professional has received a copy of an authorisation in accordance with subsection (6A), that registered healthcare professional is authorised to release to the Secretary of State any information which they may have with respect to the question set out in subsection (6)(b).".

(4) In subsection (9)—

(a) in the wording before paragraph (a), for "registered medical practitioner" substitute "registered healthcare professional";

(b) at the end of paragraph (a), omit "or";

(c) after paragraph (b), insert—

", or

(c) the provision of information authorised by subsection (6B)".

(5) After subsection (9), insert—

"(10) In this section, "registered healthcare professional" means a person on the register of one or more of the following bodies—

(a) the General Chiropractic Council;

(b) the General Medical Council;

(c) the General Optical Council;

(d) the General Osteopathic Council;

(e) the Nursing and Midwifery Council;

(f) the Health and Care Professions Council.".

Signed by authority of the Secretary of State for Transport

Name
Parliamentary Under Secretary of State
Department for Transport

Date

(**a**) 1988 c. 52; relevant amendments were made to section 94 by section 5 of the Road Traffic (Driver Licensing and Information Systems) Act 1989 (c. 22).

EXPLANATORY NOTE

(This note is not part of the Order)

Section 94 of the Road Traffic Act 1988 includes provision for the Secretary of State to require the applicant for, or holder of, a driving licence to submit to examination by a registered medical practitioner or authorise a registered medical practitioner who has treated the person to provide information to the Secretary of State for the purpose of determining whether or not the person suffers, or has at any time suffered, from a relevant or prospective disability.

This Order amends that section so that authorisation for provision of information may be given in respect of any registered healthcare professional (as defined in new subsection (10)). Section 94 is also amended to provide that, if an authorisation is provided to the Secretary of State, any registered healthcare professional may provide information which that healthcare professional has with respect to a relevant or prospective disability.

The Order is made under the Legislative and Regulatory Reform Act 2006 (c. 51) and removes a burden on the applicant for, or holder of, a driving licence and registered medical practitioners by permitting a wider range of healthcare professionals to perform the same function.

A full impact assessment has not been prepared for this Order as no, or no significant impact on the business, voluntary or public sector is foreseen.

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