EXPLANATORY MEMORANDUM TO

THE MOTOR VEHICLES (DRIVING LICENCES) (AMENDMENT) (NO. 2) REGULATIONS 2025

2025 No. [XXXX]

1. Introduction

1.1 This explanatory memorandum has been prepared by the Department for Transport and is laid before Parliament by Command of His Majesty.

1.2 This memorandum contains information for the Joint Committee on Statutory Instruments and the Secondary Legislation Scrutiny Committee.

2. Declaration

2.1 Lilian Greenwood MP, Parliamentary Under Secretary of State for Transport at the Department for Transport confirms that this Explanatory Memorandum meets the required standard.

2.2 Elizabeth Culwick, Deputy Director for the Office for Zero Emission Vehicles ("OZEV"), at the Department for Transport confirms that this Explanatory Memorandum meets the required standard.

3. Contact

3.1 Anna Phillips at the Department for Transport, telephone: 07812 686175 or email ozev.enquiries@ozev.gov.uk, can be contacted with any queries regarding the instrument.

Part One: Explanation, and context, of the Instrument

4. Overview of the Instrument

What does the legislation do?

4.1 This instrument amends the Motor Vehicles (Driving Licences) Regulations 1999 (S.I. 1999/2864) ("the 1999 Regulations")[1] to allow category B (car and light van) licence holders to drive certain zero-emission vehicles with a maximum authorised mass ("MAM") not exceeding 4.25 tonnes, or 5 tonnes for zero-emission vehicles fitted with specialist equipment for disabled passengers, in Great Britain ("GB") subject to certain conditions.

4.2 These conditions reflect the restrictions which apply to the driving of an equivalent petrol or diesel vehicle, including age and passenger number restrictions. When referring to 'an equivalent petrol or diesel vehicle' in this memorandum, the Department means a petrol and diesel vehicle that has a MAM not exceeding 3.5 tonnes, but which would have a MAM exceeding 3.5 tonnes, but not exceeding 4.25 tonnes, if it were a zero-emission vehicle because of the weight of the battery.

4.3 The amendments remove the additional five-hours training requirement which applied to driving alternatively-fuelled vehicles with a MAM exceeding 3.5 tonnes, but not

[1] https://www.legislation.gov.uk/uksi/1999/2864/contents/made.

exceeding 4.25 tonnes, as well as the restrictions which required that the vehicle was being driven exclusively for the purpose of transporting goods, had no trailer attached and also was not being driven outside GB (this instrument applies only to driving in GB, notwithstanding the removal of the latter requirement).

Where does the legislation extend to, and apply?

4.4 The extent of this instrument (that is, the jurisdictions which the instrument forms part of the law of) is England and Wales and Scotland.

4.5 The territorial application of this instrument (that is, where the instrument produces a practical effect) is England and Wales and Scotland. Therefore, the weight uplift permitted by this instrument applies to driving in GB only.

5. Policy Context

What is being done and why?

5.1 In 2019, the Government committed to meeting net zero greenhouse gas emissions by 2050 to ensure that the United Kingdom ("UK") ends its contribution to climate change. To achieve this, all new cars and vans will need to be zero-emission at the tailpipe by 2035.

5.2 A definition of "zero-emission vehicle" is provided in this instrument. Due to the weight of the zero-emission technology (for example, the battery), zero-emission vehicles are generally heavier than their petrol and diesel equivalents. Despite this extra weight, these vehicles are equivalent in function and appearance to large petrol and diesel vehicles. Normally, drivers are required to have category C or C1 licence entitlements to drive a vehicle with a MAM above 3.5 tonnes. This involves additional costs for the driver, including further training and testing, medical examinations, and a Driver Certificate of Professional Competence if the vehicle is intended to be driven for commercial use.

5.3 The amendments made by this instrument will allow category B licence holders to drive certain zero-emission vehicles. The amendments will also allow for the towing of a trailer in certain circumstances, remove the additional five-hour training requirement, and remove the requirement that zero-emission vehicles driven using the previous additional entitlement are to be driven exclusively for the purpose of transporting goods. The conditions which apply reflect the existing restrictions on the driving of an equivalent petrol or diesel vehicle.

5.4 These changes will further optimise driving licence rules to support the transition to zero-emission vehicles. They reflect the fact that zero-emission vehicles are generally heavier than their petrol and diesel counterparts, and ensure that people do not need a higher driving licence entitlement or additional training to drive these vehicles.

What was the previous policy, how is this different?

5.5 Prior to these amendments, category B licence holders were allowed to drive alternatively fuelled vehicles with a MAM not exceeding 4.25 tonnes subject to specific conditions – a driver was required to take five hours of additional training on the driving of alternatively fuelled vehicles, must be driving to transport goods, and must have no trailer attached.

5.6 This instrument reduces the scope of eligible vehicles from alternatively fuelled to zero-emission vehicles. Although alternatively fuelled vehicles produce less CO_2

emissions than petrol and diesel vehicles, alternatively fuelled vehicles still produce CO_2 emissions at the tailpipe. Consequently, these vehicles would not meet the Government's objective for all new cars and vans to be zero-emission at the tailpipe by 2035 and our legally binding net zero obligations.

5.7 This instrument removes the conditions, as set out in paragraph 5.5 above, to enable more drivers to switch to zero-emission vehicles without needing to train and take a test for a higher licence entitlement. It also sets out conditions to reflect the restrictions which apply to the driving of an equivalent petrol or diesel vehicle. The instrument will reduce the regulatory and financial burden for businesses, remove additional costs associated with transitioning to zero-emission vehicles and support the Government's goal of reducing carbon emissions and improving air quality. Allowing a zero-emission vehicle to tow a trailer where a vehicle and trailer combination does not exceed 7 tonnes is also in line with the B+E towing licence entitlement provided to category B licence holders.

5.8 Furthermore, prior to these amendments, category B licence holders were able to drive a vehicle not exceeding 4.25 tonnes, which includes the weight of specialised equipment for disabled passengers. To ensure that people with disabilities have equal access to zero-emission vehicles with a MAM not exceeding 4.25 tonnes, this instrument allows category B licence holders to drive zero-emission vehicles up to 5 tonnes, where 0.75 tonnes is specialised equipment intended for disabled passengers.

6. Legislative and Legal Context

How has the law changed?

6.1 On 4 May 2018, the UK secured a temporary derogation from the European Commission to allow certain alternatively fuelled vehicles, with a MAM not exceeding 4.25 tonnes, to be driven on a category B licence within GB. The Motor Vehicles (Driving Licences) (Amendment) Regulations 2018 (S.I. 2018/784) ("the 2018 Regulations")[2] gave effect to this exclusion and amended the 1999 Regulations by inserting regulation 7(11) and (12) to allow category B licence holders to drive alternatively fuelled goods vans with a MAM not exceeding 4.25 tonnes, above the standard 3.5 tonne entitlement. This was subject to conditions: category B licence holders were required to take five hours of additional training on the driving of alternatively fuelled vehicles, were only allowed to operate vans used to transport goods and were not allowed to tow a trailer.

6.2 This instrument removes those conditions, limits the scope of eligible vehicles from alternatively fuelled vehicles to zero-emission vehicles only, and allows the driving of zero-emission vehicles not exceeding 5 tonnes, provided the additional 0.75 tonnes are attributed to specialist equipment for disabled passengers. It also applies the same requirements as in regulation 7(6) of the 1999 Regulations when driving a vehicle in sub-category D1(minibus) to driving zero-emission vehicles in the same sub-category with a MAM not exceeding 4.25 tonnes (or 5 tonnes when fitted with specialist equipment for disabled passengers); and ensures that age requirements are consistent between 4.25 tonne zero-emission vehicles and the equivalent petrol and diesel vehicle with a MAM not exceeding 3.5 tonnes.

[2] https://www.legislation.gov.uk/uksi/2018/784/contents/made.

Why was this approach taken to change the law?

6.3 The 1999 Regulations allowed certain alternatively fuelled vehicles to be driven on a category B licence within GB subject to certain conditions. To encourage the uptake of zero-emission vehicles, this instrument removes those specific conditions. It also limits the scope of eligible vehicles from alternatively fuelled vehicles to zero-emission vehicles, in order to align with the Government's transport decarbonisation objectives.

7. Consultation

Summary of consultation outcome and methodology

7.1 In summer 2022, the Department conducted a UK-wide public consultation. The Department received 89 responses, of which 27 were from individuals and 62 from organisations. Respondents included vehicle manufacturers, commercial fleets, training bodies and individual drivers.

7.2 Respondents were largely supportive of the proposed changes, recognising the economic and environmental benefits. Some responses noted general concerns about road safety, but no clear evidence was provided, and risks have been assessed as not significant. Many operators noted that their heavier electric vans are no more likely than petrol and diesel equivalents to be involved in incidents.

7.3 The consultation outcome is available online via the gov.uk website.[3]

8. Applicable Guidance

8.1 The Department will notify stakeholders and vocational instructors about these changes. The changes will also be published online via the gov.uk website.[4]

Part Two: Impact and the Better Regulation Framework

9. Impact Assessment

9.1 A full Impact Assessment has not been prepared for this instrument. The impacts of this intervention are de minimis and fall below the threshold of £10 million Equivalent Annual Net Direct Cost to Business, making it a non-qualifying regulatory provision. Therefore, a de minimis assessment has been produced in respect of this instrument and will be published alongside these Regulations on www.legislation.gov.uk.

Impact on businesses, charities and voluntary bodies

9.2 While the removal of the additional training requirement may cause some loss of income for instructors on the National Register of Large Goods Vehicle Instructors or the National Vocational Driving Instructors Register, the impact will be offset by benefits to businesses who no longer have to pay for their drivers to take the additional training. The overall negative impact on business, charities or voluntary bodies is therefore not significant.

[3] https://www.gov.uk/government/consultations/driving-licence-flexibility-for-alternatively-fuelled-vehicles/outcome/consultation-outcome-driving-licence-flexibility-for-alternatively-fuelled-vehicles.
[4] https://www.gov.uk/driving-licence-categories.

9.3 Small and micro businesses will benefit by no longer paying for additional training or licences for driving zero emission vehicles. However, some small and micro training providers may be impacted by loss of income.

9.4 There is no, or no significant, impact on the public sector because the change to the category B licence entitlement to drive a zero-emission vehicle does not introduce any new requirements or costs on local authorities or the wider public sector.

10. Monitoring and review

What is the approach to monitoring and reviewing this legislation?

10.1 The approach to monitoring this legislation will be using incident data, as more of these vehicles come on to the road, to monitor any adverse impact on road safety.

10.2 As this instrument is made under the Retained EU Law (Revocation and Reform) Act 2023 ("the 2023 Act"),[5] no review clause is required. However, a post-implementation review will be conducted five years following these changes coming into effect. This decision has been taken due to the nascency of this market, which means a post-implementation review is recommended to ensure that the planned changes do not have any unforeseen impacts.

Part Three: Statements and Matters of Particular Interest to Parliament

11. Matters of special interest to Parliament

11.1 Section 14 of the 2023 Act contains powers to revoke and replace secondary assimilated law with the caveat, under section 14(5) of the 2023 Act, that no provision may be made "in relation to a particular subject area unless the relevant national authority considers the overall effect of the changes made by it under this section (including changes made previously) in relation to that subject does not increase the regulatory burden". The Act defines "burden" as including a financial cost, an administrative inconvenience, an obstacle to trade or innovation, an obstacle to efficiency, productivity, or profitability.

11.2 This instrument does not increase the regulatory burden. It does reduce the scope of the types of fuels captured by this provision but, on balance and considered as a whole, it reduces the overall regulatory burden. The principal changes allow for the towing of a trailer, remove the requirement for a zero-emission vehicle to be driven exclusively for the purpose of transporting goods, and remove the requirement for drivers to undergo five hours of additional training.

11.3 This instrument was initially laid before Parliament on 25 February 2025. It was withdrawn on 11 March 2025 prior to formal consideration by the Joint Committee on Statutory Instruments and Secondary Legislation Scrutiny Committee.

12. European Convention on Human Rights

12.1 The Parliamentary Under Secretary of State for Transport, Lilian Greenwood MP, has made the following statement regarding Human Rights:

"In my view the provisions of the Motor Vehicles (Driving Licences) (Amendment) (No. 2) Regulations 2025 are compatible with the Convention rights".

[5] https://www.legislation.gov.uk/ukpga/2023/28/contents/enacted.

13. The Relevant European Union Acts

13.1 This instrument is made under sections 14(2) and 20(1)(a) of the 2023 Act and therefore relates to the reform of assimilated law. These powers give the UK Government and the devolved administrations the ability to revoke any secondary assimilated law and to replace it. Article 4(4)(b) of Directive 2006/126 EC authorises category B licence holders to operate motor vehicles with a MAM not exceeding 3.5 tonnes.[6] In 2018, the European Commission agreed to the UK excluding certain alternatively fuelled vehicles from the application of Article 4(4)(b) of that Directive. This instrument takes advantage of the UK's position outside the EU to better achieve the Government's objective of reaching net zero. Section 14(2) permits revocation and replacement with such provision as the national authority considers appropriate to achieve the "same or similar objectives". This power is being used to revoke most of the provisions made by the 2018 Regulations and replace the type of vehicle within scope. While this instrument changes the vehicles within scope and revokes certain provisions, the policy is designed to achieve similar objectives by developing effective measures to deliver emissions reductions and to enable the UK to reach net zero by 2050. In addition, section 20(1)(a) clarifies that the relevant national authority can use the powers in the 2023 Act to make "different provision for different purposes or areas".

[6] https://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2006:403:0018:0060:EN:PDF.