Draft Regulations laid before Parliament under paragraph 13(1) of Schedule 8 to the European Union (Withdrawal) Act 2018, for approval by resolution of each House of Parliament.

DRAFT STATUTORY INSTRUMENTS

2021 No. 0000

ROAD TRAFFIC

The Motor Vehicles (Driving Licences) (Amendment) (No. 4) Regulations 2021

Made - - - -	*2021*
Coming into force - -	*15th November 2021*

The Secretary of State makes the following Regulations in exercise of the powers conferred by sections 89(3)(**a**) and (4)(**b**), 97(3)(**c**), 98(4)(**d**), 105(1), (2)(a)(**e**), (ee)(**f**), (f)(**g**) and (g), and (3), 120(**h**)(1), (2), (3) and (4) and 141 of the Road Traffic Act 1988(**i**) ("the 1988 Act").

Representative organisations have been consulted in accordance with section 195(2) of the 1988 Act.

The Secretary of State is of the opinion that, by reason of urgency, paragraph 14(2) to (5) of Schedule 8 to the European Union (Withdrawal) Act 2018(**j**) ("the Withdrawal Act") should not apply.

In accordance with paragraph 13(1) of Schedule 8 to the Withdrawal Act, a draft of this instrument has been laid before Parliament and approved by a resolution of each House of Parliament.

(**a**) Section 89(3) was amended by the Road Traffic Act 1991 (c. 40), Schedule 4, paragraph 63, and by the Road Safety Act 2006 (c. 49), section 36(1) and 2(a), (b) and (c).
(**b**) Section 89(4) was amended by the Road Safety Act 2006 (c. 49), section 36(1), (3)(a), (b), (c) and (d), and by the Driving Licences (Community Driving Licence) Regulations 1996 (S.I. 1996/1974), Schedule 1, paragraph 2(5), and by the Immigration Act 2014 (c. 22) Schedule 9, Part 6, paragraph 63(c).
(**c**) Section 97(3) was amended by the Road Traffic (Driver Licensing and Information Systems) Act 1989 (c. 22), sections 6(2) and 16 and Schedule 6; the Transport Act 2000 (c. 38), section 274 and Schedule 31, Part V(1) and S.I. 1996/1974, 1998/1420 and 2012/977. "Prescribed" is defined in section 108 of the 1988 Act.
(**d**) Section 98(4) was amended by the Road Traffic (Driver Licensing and Information Systems) Act 1989 (c. 22), section 7 and Schedule 3, paragraph 11(d).
(**e**) Section 105(2)(a) was amended by the Crime (International Co-operation) Act 2003 (c. 32), Schedule 5, paragraphs 17 and 23(a)(i) and the Road Safety Act 2006 (c. 49), Schedule 3, paragraphs 2 and 13(1) and (2)(a).
(**f**) Section 105(2)(ee) was inserted by the Road Traffic (Driver Licensing and Information Systems) Act 1989 (c. 22), section 7 and Schedule 3, paragraph 14 and amended by the Road Traffic Act 1991 (c. 40), section 83 and Schedule 8.
(**g**) Section 105(2)(f) was amended by the Road Traffic Act 1991 (c. 40), section 83 and Schedule 8, the Crime (International Co-operation) Act 2003 (c. 32), section 91 and Schedule 5, paragraph 23(a)(iv) and S.I. 1996/1974.
(**h**) Section 120, as part of Part IV (sections 110 to 122), was repealed and re-enacted by the Road Traffic (Driver Licensing and Information Systems) Act 1989 (c. 22), sections 1, 2 and 16 and Schedules 2 and 6.
(**i**) 1988 c. 52.
(**j**) 2018 c. 16. Paragraph 13(1) was amended by the European Union (Withdrawal Agreement) Act 2020 (c. 1), section 41(4), Schedule 5, paragraphs 38, 54(1) and (8)(b).

Citation, commencement and extent

1.—(1) These Regulations may be cited as the Motor Vehicles (Driving Licences) (Amendment) (No. 4) Regulations 2021.

(2) These Regulations come into force on 15th November 2021.

(3) These Regulations extend to England and Wales and Scotland.

Amendments to the Motor Vehicles (Driving Licences) Regulations 1999

2. The Motor Vehicles (Driving Licences) Regulations 1999(**a**) are amended as follows.

3. In regulation 11 (eligibility to apply for provisional licence), in the table, for the entries in column (2) (category/sub-category of full licence required) corresponding to the categories/sub-categories C1 + E, C + E, D1 + E and D + E in column (1) (category or sub-category of licence applied for), substitute—

(a) for sub-category C1 + E, "B",

(b) for category C + E, "B",

(c) for sub-category D1 + E, "B", and

(d) for category D + E, "B".

4. In regulation 17 (meaning of "qualified driver")—

(a) in paragraph (2A), after "of the learner vehicle", insert ", or such a person gained their entitlement to drive vehicles included in such sub-categories on or after 15th November 2021";

(b) in paragraph (3)(e), omit "subject to sub-paragraph (ea),";

(c) omit paragraph (3)(ea); and

(d) in the table, for the entries in column (2) (categories and sub-categories authorised by the relevant licence) corresponding to the categories/sub-categories C, C1, C + E, C1 + E, D, D1, D + E and D1 + E in column (1) (categories and sub-categories which include the vehicle being driven by the provisional licence holder), substitute—

(i) for category C, "C + E, D and D + E",

(ii) for sub-category C1, "C1 + E, D1 and D1 + E",

(iii) for category C + E, "C and D + E",

(iv) for sub-category C1 + E, "C, C1, and D1 + E",

(v) for category D, "C, C + E and D + E",

(vi) for sub-category D1, "C1, C1 + E and D1 + E",

(vii) for category D + E, "C + E and D", and

(viii) for sub-category D1 + E, "C1 + E, D and D1".

5. In regulation 19 (full licences and provisional entitlement)—

(a) in paragraph (2), before "as if he were authorised", insert "save where he is the holder of a full licence which authorises the driving of motor vehicles of a class included in that category or sub-category,";

(b) in the table—

(i) for "C1 + E" in the entry in column (2) (provisional entitlement included) that corresponds to the sub-category C1 in column (1) (full licence held), substitute "None",

(ii) insert the following rows after the row in the table that relates to category C—

(**a**) S.I. 1999/2864; relevant amending instruments are S.I. 2005/2717, 2010/1203, 2012/977, 2014/613, 2014/3190, 2020/663, 2021/1128 and 2021/[ ].

"C1 + E	C, C + E
C + E	None",

(iii) for "D1 + E" in the entry in column (2) (provisional entitlement included) corresponding to the sub-category D1 in column (1) (full licence held), substitute "C1, C1 + E, C, C + E, D1 + E, D and D + E",

(iv) for "D1 + E, D + E" in the entry in column (2) (provisional entitlement included) corresponding to the category D in column (1) (full licence held), substitute "C1, C1 + E, C, C + E, D1 + E and D + E", and

(v) insert the following rows after the row in the table that relates to category D—

"D1 + E	C1, C1 + E, C, C + E, D and D + E
D + E	C1, C1 + E, C, C + E".

6. In regulation 40 (nature of tests other than extended tests), after paragraph (4)(a)—

(a) omit "and"; and

(b) insert—

"(aa) in a case where the test is for a licence authorising the driving of vehicles in category C + E and the applicant is not the holder of a full licence which authorises the driving of motor vehicles included in category C, shall consist of the matters prescribed in respect of the large vehicle test of driving theory for category C, the large vehicle hazard perception test and the specified requirements prescribed in respect of the practical test for category C + E;

(ab) in a case where the test is for a licence authorising the driving of vehicles in sub-category D1 + E and the applicant is the holder of a full licence which was in force at a time before 1st January 1997 and authorises the driving of motor vehicles included in sub-category D1 + E (not for hire or reward) but not the driving of any other vehicles included in category D + E, shall consist of the matters prescribed in respect of the large vehicle test of driving theory for category D, the large vehicle hazard perception test and the specified requirements prescribed in respect of the test for category D + E;

(ac) in a case where the test is for a licence authorising the driving of vehicles in category D + E and the applicant is not the holder of a full licence which authorises the driving of motor vehicles included in category D, shall consist of the matters prescribed in respect of the large vehicle test of driving theory for category D, the large vehicle hazard perception test and the specified requirements prescribed in respect of the practical test for category D + E; and".

7. In Schedule 2 (categories and sub-categories of vehicle for licensing purposes), in Part 1, in the table, in column (3) (additional categories and sub-categories)—

(a) in relation to the entry that relates to category C + E in column (1), after "B + E", insert "and C";

(b) in relation to the entry that relates to category C1 + E in column (1), after "B + E", insert "and C1";

(c) in relation to the entry that relates to category D + E in column (1), after "B + E", insert "and D"; and

(d) in relation to the entry that relates to category D1 + E in column (1), after "B + E", insert "and D1".

8. In Schedule 8 (specified requirements for practical or unitary test)—

(a) in Part 3 (practical test: categories C and C + E), in section A (vehicle safety checks)—

(i) in paragraph 2, after "category C + E only,", insert "where the test candidate has passed a test for a licence authorising the driving of vehicles in category C,",

(ii) after paragraph 2, insert—

"**2A.** In the case of a test for a licence authorising the driving of vehicles in category C + E only, where the test candidate has not passed a test for a licence authorising the driving of vehicles in category C—

(a) on three occasions demonstrate (or at the discretion of the person conducting the test describe how to perform) a check on, at the discretion of the person conducting the test, either—

(i) the condition and safety of a component of the vehicle specified in paragraph 3,

(ii) the condition and safety of one of the following: the body of the vehicle, any sheeting used in respect of a load on the vehicle, a load itself, anything intended to secure such a load, the vehicle's cabin locking (if any), or its cargo doors (if any), or

(iii) the vehicle's tachograph or any other part of the dashboard instrument panel, and

(b) demonstrate on one occasion, and describe on a second occasion how to perform, a check (chosen at the discretion of the person conducting the test) on the condition and safety of either—

(i) a component of the vehicle or trailer (as relevant) specified in paragraph 3,

(ii) one of the following: the body of the trailer, any sheeting used in respect of a load on the trailer, a load itself, anything intended to secure such load, or the trailer's cargo doors (if any), or

(iii) the coupling mechanism or the brake and electrical connection between the tractor vehicle and the trailer.";

(b) in Part 4 (practical test: categories D and D + E), in section A (vehicle safety checks)—

(i) in paragraph 2, after "category D + E only,", insert "where the test candidate has passed a test for a licence authorising the driving of vehicles in category D,",

(ii) after paragraph 2, insert—

"**2A.** In the case of a test for a licence authorising the driving of vehicles in category D + E only, where the test candidate has not passed a test for a licence authorising the driving of vehicles in category D—

(a) on three occasions demonstrate (or at the discretion of the person conducting the test describe how to perform) a check (chosen at the discretion of the person conducting the test) on the condition and safety of either—

(i) a component of the vehicle (chosen at the discretion of the person conducting the test) listed in paragraph 3, or

(ii) a feature (chosen at the discretion of the person conducting the test) of the vehicle listed in paragraph 4, and

(b) demonstrate on one occasion, and describe on a second occasion how to perform, a check (chosen at the discretion of the person conducting the test) on the condition and safety of either—

(i) a component of the vehicle or trailer (as relevant) listed in paragraph 3,

(ii) a feature (chosen at the discretion of the person conducting the test) of the vehicle or trailer (as relevant) listed in paragraph 4, or

(iii) the coupling mechanism or the brake and electrical connection between the tractor vehicle and the trailer.".

Undetermined applications for provisional licences made before these Regulations come into force

9. Where a person has made an application for a new or replacement provisional licence under section 97 of the Traffic Act and that application has not been determined before the date on which these Regulations come into force, the Secretary of State may determine such an application as if it were an application for a new or replacement provisional licence made on or after that date.

Review

10.—(1) The Secretary of State must from time to time—

(a) carry out a review of the regulatory provisions contained in these Regulations; and

(b) publish a report setting out the conclusions of the review.

(2) The first report must be published before the end of the period of three years beginning with the date on which these Regulations come into force.

(3) Subsequent reports must be published at intervals not exceeding five years.

(4) Section 30(4) of the Small Business, Enterprise and Employment Act 2015(**a**) requires that a report published under this regulation must, in particular—

(a) set out the objectives intended to be achieved by the regulatory provision referred to in paragraph (1)(a);

(b) assess the extent to which those objectives are achieved;

(c) assess whether those objectives remain appropriate;

(d) if those objectives remain appropriate, assess the extent to which they could be achieved in another way which involves less onerous regulatory provision.

(5) In this regulation, "regulatory provision" has the same meaning as in sections 28 to 32 of the Small Business, Enterprise and Employment Act 2015 (see section 32 of that Act).

Signed by authority of the Secretary of State for Transport

Name
Parliamentary Under Secretary of State
Department for Transport

Date

(**a**) 2015 c. 26.

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend the Motor Vehicles (Driving Licences) Regulations 1999 ("the 1999 Regulations") to remove some of the existing requirements for "staging" in the process of achieving an articulated heavy goods vehicle licence (category C + E) or a heavy trailer drawing passenger carrying vehicle licence (category D + E). Previously, a person would be required to first pass a test for a licence authorising the driving of vehicles in category C or category D (being the trailer-less equivalent licences) before they were able to take a test for a licence authorising the driving of vehicles in category C + E or D + E respectively.

Regulation 3 amends regulation 11 of the 1999 Regulations to provide that a person need only first hold a full licence authorising the driving of motor vehicles of a class included in category B before they can apply for a provisional entitlement for category or sub-category C1 + E, C + E, D1 + E or D + E. This aligns with the existing requirements for category or sub-category C1, C, D1 and D.

Regulation 4 amends regulation 17 of the 1999 Regulations to increase the number of people who can act as a "qualified driver" for the purposes of supervising a learner driver under a provisional licence by:

(a) narrowing the existing exception that a person supervising the holder of a provisional licence when learning to drive a medium size lorry or a minibus must themselves have passed a driving test in the same or an equivalent type of vehicle, so that a person with entitlement to drive vehicles of a class included in sub-category C1 or D1 acquired after 15th November 2021 can now act as a qualified driver;

(b) omitting paragraph (3)(ea), as it is no longer relevant that all drivers previously impacted by this provision will have acquired the requisite three years' experience to act as a qualified driver; and

(c) adding to the list of "relevant licences" that can allow a person to act as a "qualified driver".

Regulation 5 amends regulation 19 of the 1999 Regulations to update the relevant provisional entitlements that will now be included with the corresponding full licences in the table, and clarify that the additional provisional entitlements will not be added to a person's licence if that person is already the holder of a full licence which authorises the driving of motor vehicles of a class included in that category or sub-category.

Regulation 6 amends regulation 40 of the 1999 Regulations to provide further exceptions to the general rule at regulation 40(4)(b) that a test for a licence authorising the driving of a motor vehicle of a class included in category B + E, C + E and D + E shall consist of a practical test only. The rationale for that rule being that previously a person would have already undertaken the other relevant elements of a driving test (e.g. the theory test or hazard perception elements etc) when they obtained their category B, C or D licences, so it would not be appropriate for them to take them again. However, the removal of "staging" for category C + E and D + E licences means that without the further exceptions added here, these test elements could have been skipped.

Regulation 7 amends Part 1 of Schedule 2 to the 1999 Regulations to ensure that holders of licences that permit a person to drive a vehicle combination of a class included in a category that includes a heavy trailer (i.e. the "+ E" categories), are also permitted to drive a vehicle of a class included in the equivalent category that does not include a heavy trailer. This amendment is required to ensure a driver is able to drive the tractor vehicle with the heavy trailer unhitched.

Regulation 8 amends Parts 3 and 4 of Schedule 8 to the 1999 Regulations to provide that in the case of a test for a licence authorising the driving of vehicles in category C + E only or D + E only, where the test candidate has not passed a test for a licence authorising the driving of vehicles in category C or category D respectively, the test candidate will be required to:

(a) on three occasions demonstrate or describe how to perform a check on the condition and safety of prescribed components or features of the vehicle chosen at the discretion of the person conducting the test, and

(b) demonstrate on one occasion, and describe on a second occasion how to perform, a check on the condition and safety of a component or feature of the vehicle and the coupling mechanism or connection between the vehicle and trailer chosen at the discretion of the person conducting the test.

Regulation 9 removes the need for a person who has made an application for a relevant provisional licence before the coming into force date of these Regulations to make an additional application for the provisional entitlements they would be entitled to should they have made the application after the coming into force date of these Regulations.

Regulation 10 provides for the Secretary of State to undertake a review of the regulatory provisions contained in these Regulations firstly after three years, and then on a five yearly basis after that.

A full impact assessment has not been produced for this instrument as no, or no significant, impact on the private, voluntary or public sector is foreseen.

An Explanatory Memorandum is published alongside these Regulations on www.legislation.gov.uk.

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