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. 5) Regulations 2021

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

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

Citation, commencement and extent

1.—(1) These Regulations may be cited as the Motor Vehicles (Driving Licences) (Amendment) (No. 5) Regulations 2021.

(**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 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 2012/477. "Prescribed" is defined in section 108 of the 1988 Act.
(**c**) 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).
(**d**) 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).
(**e**) 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.
(**f**) Section 105(2)(f) was amended by the Road Traffic Act 1991 (c. 40), Schedule 8, the Crime (International Co-operation) Act 2003 (c. 32), Schedule 5, paragraph 23(a)(iv) and S.I. 1996/1974.
(**g**) 1988 c. 52.
(**h**) 2018 c. 16. Paragraph 13(1) was amended by the European Union (Withdrawal Agreement) Act 2020 (c. 1), section 41(4), Schedule 5, paragraph 54(1) and (8)(b).

(2) These Regulations come into force on the day after the day on which these Regulations are made.

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

Amendment of the Motor Vehicles (Driving Licences) Regulations 1999

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

3. In regulation 7 (competence to drive classes of vehicle: special cases), omit paragraph (7).

4. In regulation 11 (eligibility to apply for provisional licence), in the table, omit the entry "B + E" in column (1) and the corresponding entry in column (2).

5. In regulation 16 (conditions attached to provisional licences), in paragraph (5), omit "B + E,".

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

(a) in paragraph (11), omit "B + E,"; and

(b) in the table, for the entry in column (2) (provisional entitlement included) corresponding to category "B" in column (1) (full licence held), omit "B + E,".

7. In Schedule 2 (categories and sub-categories of vehicle for licensing purposes), in Part 1, in the table, for the entry in column (3) (additional categories and sub-categories) corresponding to category "B" in column (1) (category or sub-category of licence applied for), after "AM," insert "B + E,".

Review

8.—(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(**b**) 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**) S.I. 1999/2864; relevant amending instruments are S.I. 2005/2717, 2010/1203, 2012/977, 2014/613, 2014/3190, 2020/663, 2021/1128, 2021/1154 and 2021/1251.
(**b**) 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 provide that if a person passes, or has passed, a driving test for a category B licence, that person is automatically entitled from the coming into force date of these Regulations to drive a vehicle combination of a class included in category B + E without having to take a separate category B + E test.

Regulation 3 amends regulation 7 of the 1999 Regulations to ensure that a vehicle combination of a class included in category B + E can, once the category B test has been passed, be driven.

Regulation 4 amends regulation 11 of the 1999 Regulations to remove the requirement for a category B full licence to be held before a person may apply for category B + E provisional licence, as it will no longer be possible to obtain a provisional category B + E licence.

Regulation 5 amends regulation 16 of the 1999 Regulations to remove the reference to B + E, as it will no longer be possible to obtain a provisional category B + E licence.

Regulation 6 amends regulation 19 of the 1999 Regulations to remove the entitlement to category B + E provisional licence when a person has passed the category B test, as it no longer serves a purpose to have such a provisional licence.

Regulation 7 amends Schedule 2 to the 1999 Regulations to add category B + E to the list of additional entitlements a person who passes, or has passed, a category B test will obtain.

Regulation 8 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 of the effect that this instrument will have on the costs of business, the voluntary sector and the public sector is still being prepared because of the urgency with which these measures have been progressed. Once completed, a copy of the impact assessment will be available from the Department for Transport, Great Minster House, 33 Horseferry Road, London, SW1P 4DR and on www.legislation.gov.uk.

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

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£4.90

http://www.legislation.gov.uk/id/ukdsi/2021/9780348229349

ISBN 978-0-34-822934-9

