EXPLANATORY MEMORANDUM TO

THE MOTOR VEHICLES (INTERNATIONAL CIRCULATION) (AMENDMENT) (EU EXIT) ORDER 2019

2019 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 Her Majesty.

2. Purpose of the instrument

2.1 The purpose of this instrument is to amend provisions of the Motor Vehicles (International Circulation) Order 1975 ("the 1975 Order") in order to implement provisions of the 1968 Vienna Convention on Road Traffic ("the 1968 Convention") concerning International Driving Permits ("IDPs"). These amendments will extend the 1975 Order to the 1968 Convention format IDP. By virtue of these amendments, the power to charge a fee for the issue of IDPs will extend to the issue of IDPs under the 1968 Convention.

2.2 These documents are required so that UK motorists can exercise their international legal rights to drive in the territories of Contracting Parties to the 1968 Convention once it enters into force for the UK on 28 March 2019. Further details and background information on this Convention are included in Section 7 of this Explanatory Memorandum.

2.3 These amendments also provide for the recognition of an IDP issued by another Contracting Party to the 1968 Convention to a person who is resident outside the UK and who is temporarily in Great Britain.

2.4 The recognition of IDPs held by persons who are not resident in the UK but who are temporarily in Northern Ireland is a transferred matter and will therefore be the subject of a separate Order.

3. Matters of special interest to Parliament

Matters of special interest to the Joint Committee on Statutory Instruments

3.1 None.

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)

3.2 The territorial application of this instrument varies between provisions.

3.3 The powers under which this instrument is made cover the entire United Kingdom in respect of the issue of IDPs to persons resident in the UK, and cover England and Wales, and Scotland in respect of persons resident outside the UK who are temporarily in Great Britain. This instrument extends to those territories accordingly

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 (other than Article 2(3)). The territorial application of Article 2(3) is England and Wales and Scotland.

5. European Convention on Human Rights

5.1 The responsible Minister, Jesse Norman has made the following statement regarding Human Rights:

"In my view the provisions of the Motor Vehicles (International Circulation) (Amendment) (EU Exit) Order 2019 are compatible with the Convention rights."

6. Legislative Context

6.1 The United Kingdom ratified the 1968 Convention on 28 March 2018 and it will come into force for the UK on 28 March 2019. The effect of this instrument is to extend the power to charge a fee for the issue of IDPs to persons resident in the UK to IDPs in the format specified in Annex 7 of the 1968 Convention.

6.2 This instrument will also make it lawful for a person who is resident outside the UK and who holds an IDP issued by another Contracting Party to the 1968 Convention to drive in Great Britain. This replicates the arrangements that are already in place in relation to IDPs issued in the formats set out in the earlier 1926 Paris Convention Relative to Motor Traffic ("the 1926 Convention") and 1949 Geneva Convention on Road Traffic ("the 1949 Convention"), to both of which the UK is a Contracting Party.

7. Policy background

What is being done and why?

7.1 As part of the government's preparations for leaving the EU, on 28 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 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 The department has no plans to consolidate the relevant legislation.

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 for the public on how to apply for an IDP, for which countries an IDP is required and the information and documents that motorists will need to have to obtain their IDP will be available.

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. This instrument ensures that the documents will be available.

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 for the issue of documents guaranteeing the recognition of UK driving licences. Where new legislative requirements are introduced because of changes made to the international conventions, these will be subject to their own monitoring requirements as appropriate.

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 an IDP as set in 2004 remains appropriate.

14.5 When the fees are updated, a review of their impact to 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.