EXPLANATORY MEMORANDUM TO

THE DRIVING LICENCES (EXCHANGEABLE LICENCES) ORDER 2016

2016 No. 277

1. Introduction

1.1 This explanatory memorandum has been prepared by the Department for Transport.

2. Purpose of the instrument

2.1 The purpose of this instrument is to allow persons holding driving licences for large vehicles (bus and lorry) issued in Switzerland to drive in Great Britain (GB) without passing a driving test in GB (i.e. by way of exchanging their Swiss licence for a licence issued in GB). Such licences may only be exchanged for a licence issued in GB if the holder has passed a driving test in Switzerland or has been granted a Swiss licence by the Swiss licensing authority in exchange for a licence granted in an EEA state, Gibraltar, Guernsey, the Isle of Man or Jersey.

3. Matters of special interest to Parliament

3.1 None.

3.2 As this instrument is not subject to any Parliamentary procedure consideration as to whether there are other matters of interest to the House of Commons does not arise.

4. Legislative Context

4.1 Section 108(2) of the Road Traffic Act 1988 allows the designation of countries or territories outside the European Economic Area (EEA) for the purpose of the definition of "exchangeable licence" in section 108(1) of that Act. Such designation allows the holder of a licence issued in a designated country or territory in respect of a category of vehicle to exchange that licence for a licence issued in GB.

5. Extent and Territorial Application

5.1 The extent of this instrument is Great Britain.

5.2 The territorial application of this instrument is Great Britain.

6. European Convention on Human Rights

6.1 As the instrument is not subject to Parliamentary procedure and does not amend primary legislation, no statement is required.

7. Policy background

What is being done and why

7.1 GB has in place designation arrangements for the exchange of driving licences with 16 countries outside the EEA. These arrangements are put in place once the country has demonstrated that their driving test standards satisfy GB requirements. The designation of a country for driving licence exchange is not based on reciprocity but rather on road safety.

7.2 Switzerland has been designated for driving licence exchange since 1984. This arrangement allows holders of a driving licence issued in Switzerland who are resident in Great Britain to exchange their licences for an equivalent GB licence without having to pass a test in GB. The exchange arrangement only applies to small vehicle driving entitlement (car or motorcycle).

7.3 The Swiss licensing authority has formally requested acceptance of bus and lorry licences in Great Britain. The licensing and testing standards for driving large buses and lorries in Switzerland have been assessed and approved by the Secretary of State.

7.4 This instrument allows driving licences issued in Switzerland authorising the driving of large goods vehicles (with or without a trailer) or large buses (with or without a trailer) to be exchanged for the British equivalent. The exchange will be dependent on the person having passed a driving test in Switzerland or having been granted a Swiss licence by the Swiss licensing authority in exchange for a licence granted in an EEA state, Gibraltar, Guernsey, the Isle of Man or Jersey.

7.5 Where such a Swiss licence authorises the driving of vehicles with automatic transmission it will be exchangeable for a British licence authorising the driving of vehicles with automatic transmission only.

Consolidation

7.6 This instrument does not amend another instrument and therefore there is no need for consolidation.

8. Consultation outcome

8.1 The proposed legislative change was consulted on for a period of four weeks from 30th January to 27th February 2015. The consultation document, with ministerial consent, was published on GOV.UK and therefore made available to the public and industry. It was also sent to a select group of 22 organisations that we identified as having a particular interest in the matter to express their opinions on the proposed change.

8.2 There was a low level of response to the consultation with only seven replies received. All were positive and supportive. This is indicative of the fact that the intended legislative amendment is considered to have road safety benefits.

9. Guidance

9.1 The GOV.UK website will be updated to reflect the new rules. Existing leaflets and forms will be amended at the time of reprint.

10. Impact

10.1 There is no impact on business, charities or voluntary bodies.

10.2 There is no impact on the public sector.

10.3 An Impact Assessment has not been prepared for this instrument.

11. Regulating small business

11.1 The legislation does not apply to activities that are undertaken by small businesses.

12. Monitoring & review

12.1 A review provision is not appropriate as this is not a measure that relates to business activity.

13. Contact

13.1 Dean Lewis at the Driver and Vehicle Licensing Agency telephone: 01792 782965 or email: dean.lewis@dvla.gsi.gov.uk can answer any queries regarding the instrument.