EXPLANATORY MEMORANDUM TO

THE INTERNATIONAL DRIVING PERMITS (FEES) (EU EXIT) (REVOCATION) REGULATIONS 2019

2019 No. 1270

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 revoke the International Driving Permits (Fees) (EU Exit) Regulations 2019 which conferred upon the Secretary of State the power to charge for the issue of International Driving Permits ("IDPs") in the format specified in Annex 7 to the 1968 Vienna Convention on Road Traffic[1] ("the 1968 Convention") to UK driving licence holders prior to the 1968 Convention coming into force for the UK.

2.2 The International Driving Permits (Fees) (EU Exit) Regulations 2019 were made redundant by the coming into force of the Motor Vehicles (International Circulation) (Amendment) (EU Exit) Order 2019 which amended the Motor Vehicles (International Circulation) Order 1975 by, amongst other things, conferring the same aforementioned charging power upon the Secretary of State. The revocation ensures that the power is contained in one instrument rather than two. This course of action was the government's intention from the outset and is set out in paragraph 3.2 of the International Driving Permits (Fees) (EU Exit) Regulations 2019's associated Explanatory Memorandum[2].

2.3 Issuing 1968 Convention format IDPs in anticipation of the Convention coming into force for the UK was required so that UK motorists could obtain a document enabling them to exercise their international legal rights to drive in the territories of Contracting Parties to the 1968 Convention[3] immediately on it entering into force for the UK on 28th March 2019. Further policy background is available in the Explanatory Memorandum for the Motor Vehicles (International Circulation) (Amendment) (EU Exit) Order 2019[4] and the International Driving Permits (Fees) (EU Exit) Regulations 2019.

3. Matters of special interest to Parliament

Matters of special interest to the Joint Committee on Statutory Instruments

3.1 None.

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[1] https://www.gov.uk/government/publications/ms-no12018-convention-on-road-traffic-as-amended
[2] http://www.legislation.gov.uk/uksi/2019/1/memorandum/contents
[3] https://treaties.un.org/Pages/ViewDetailsIII.aspx?src=TREATY&mtdsg_no=XI-B-19&chapter=11&Temp=mtdsg3&lang=en
[4] http://www.legislation.gov.uk/uksi/2019/563/memorandum/contents

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 As the instrument is subject to negative resolution procedure there are no matters relevant to Standing Orders Nos. 83P and 83T of the Standing Orders of the House of Commons relating to Public Business at this stage.

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.

5. European Convention on Human Rights

5.1 As the instrument is subject to negative resolution procedure and does not amend primary legislation, no statement is required.

6. Legislative Context

6.1 This instrument revokes the International Driving Permits (Fees) (EU Exit) Regulations 2019 which conferred upon the Secretary of State the power to charge for the issue of IDPs in the format specified in Annex 7 to the 1968 Convention to persons resident in the UK in anticipation of the Convention coming into force for the UK on 28th March 2019 (it was ratified on 28th March 2018).

6.2 The 1968 Convention has now come into force in the UK and the charging power is now replicated in the Motor Vehicles (International Circulation) Order 1975, as amended by the Motor Vehicles (International Circulation) (Amendment) (EU Exit) Order 2019. This has rendered the International Driving Permits (Fees) (EU Exit) Regulations 2019 redundant and this legislation is therefore now being revoked, as was the intention from the outset.

7. Policy background

What is being done and why?

7.1 The International Driving Permits (Fees) (EU Exit) Regulations 2019 is being revoked in its entirety, as it is redundant now that the Motor Vehicles (International Circulation) (Amendment) (EU Exit) Order 2019 is in force.

7.2 This redundant instrument ensured that the Secretary of State could charge for the issue of 1968 Convention format IDPs in anticipation of that Convention coming into force for the UK. This happened on 28th March 2019.

7.3 The need for UK licence holders to obtain an IDP in advance of travel was highlighted in the technical notice on driving in the EU and is further publicised on gov.uk[5]. The need for motorists holding driving licences issued in Great Britain and Northern Ireland to have the appropriate IDP when driving in EU and EEA Member States applies if there is no Brexit deal, or bilateral arrangements with EU Member States. Information on driving aboard, including a global list of countries with information on the requirement for an IDP is available on gov.uk[6].

[5] https://www.gov.uk/guidance/prepare-to-drive-in-the-eu-after-brexit
[6] https://www.gov.uk/driving-abroad/international-driving-permit

7.4 Once the International Driving Permits (Fees) (EU Exit) Regulations 2019 has been revoked IDPs, in the format specified in the 1968 Convention, will be issued under the Motor Vehicles (International Circulation) Order 1975 as amended by the Motor Vehicles (International Circulation) (Amendment) (EU Exit) Order 2019. This latter instrument is an Order in Council and also makes provision in relation to IDPs under the 1949 Convention on Road Traffic and under the 1926 Convention on Motor Traffic. This Order in Council was made under the Motor Vehicles (International Circulation) Act 1952, and enables the Secretary of State to charge for 1968 Convention format IDPs as well as providing for the recognition of 1968 Convention format IDPs held by visitors who are not resident in the UK.

7.5 However, under the 1952 Act the Order in Council could not come into force before the 1968 Convention came into force for the UK. This necessitated a short-term instrument, the International Driving Permits (Fees) (EU Exit) Regulations 2019, to cover the gap between the launch of IDPs in the 1968 Convention format on 1 February 2019, and the Motor Vehicles (International Circulation) (Amendment) (EU Exit) Order 2019 coming into force on 28 March 2019. Revoking the International Driving Permits (Fees) (EU Exit) Regulations 2019 as intended has the effect that the entire process will be contained in one instrument rather than two.

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 2018. However, it relates to the withdrawal of the United Kingdom from the European Union. This instrument relates to the ratification of an international convention, and more specifically the revocation of a duplicated power to charge fees for the issue of documents associated with that convention. The power to issue IDPs and charge for this is part of the UK government's contingency planning, required as a result of the UK leaving the European Union.

9. Consolidation

9.1 Consolidation is not relevant to this instrument.

10. Consultation outcome

10.1 This measure was not subject to public consultation as it is revoking a redundant piece of legislation.

11. Guidance

11.1 The Department does not intend to issue guidance on these Regulations.

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 it is revoking a piece of redundant legislation.

13. Regulating small business

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

14. Monitoring & review

14.1 There is no monitoring or review element to this legislation as this instrument is revoking redundant legislation.

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 Chris Heaton-Harris, as the responsible Minister at the Department for Transport, can confirm that this Explanatory Memorandum meets the required standard.