EXPLANATORY MEMORANDUM TO

THE MOTOR VEHICLES (DRIVING LICENCES) (AMENDMENT) (No.2) REGULATIONS 2009

2009 No. 2362

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

This Instrument amends the Motor Vehicle (Driving Licences) Regulations 1999, SI 1999/2864, (the "Driving Licences Regulations") in relation to the theory test. It does so to provide that the content of the theory test for cars or the theory test for motorcycles or mopeds is not confined to a prescribed number of multiple choice or multiple response questions.

3. Matters of special interest to the Joint Committee on Statutory Instruments

None.

4. Legislative Context

The Driving Licences Regulations prescribe the format and content of the standard test of driving theory. This Instrument amends the Driving Licences Regulations so that the content of the theory test for cars, motorcycles and mopeds is no longer confined to a prescribed number of questions in multiple choice or multiple response form.

5. Territorial Extent and Application

This instrument applies to Great Britain.

6. European Convention on Human Rights

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

7. Policy background

What is being done and why

7.1 Newly-qualified drivers are overly represented in road traffic casualty statistics. One in five has a collision within six months of passing their driving test, and newly-qualified drivers and their passengers accounted for one in five of all car deaths in Britain in 2006. Following public consultation, the Government announced on 21 April 2009 a long-term programme of major

reforms that will progressively strengthen the way that people learn to drive and are tested. The objective is to ensure that newly-qualified drivers are better prepared for driving unsupervised in today's modern driving conditions. The policy changes introduced by this Instrument are the first in a series of proposed improvements to the driving tests under the *Learning to Drive* programme.

A better assessment of understanding of safe driving and riding

7.2 The current theory tests for learner car drivers and moped/motorcycle riders assess the candidates' knowledge and understanding of driving and riding theory using a prescribed number of questions in multiple choice or multiple response form. However, research shows that some newly qualified drivers have a poor grasp of road safety and exhibit a range of unsafe attitudes and behaviours. As part of moves to create an overall driving test that gives a more realistic and rounded assessment of whether someone is able to drive and ride safely, the theory test needs to better assess a candidates' understanding of safe driving and riding, and the rules of the road.

7.3 A more rigorous style of testing understanding using case studies, which comprise a series of questions related to a scenario, has been successfully introduced into the initial Certificate of Professional Competence tests for bus, coach and lorry drivers. It is proposed to extend the use of this type of question into the theory test for learner car drivers, and the theory test for moped/motorcycle riders, so that a better assessment can be made of the candidates' understanding of safe driving and riding.

Consolidation

7.4 Although this instrument further amends the Driving Licences Regulations, the Department has no current plans to undertake a consolidation as this would be a very significant exercise.

8. Consultation outcome

8.1 The introduction of case studies was included in the *Learning to Drive Consultation Paper*, which was the subject of a public consultation over the period 7 May 2008 to 6 October 2008. Consultees included approved driving instructors, road safety stakeholders including local authorities, special interest groups and private individuals. Young people were specifically targeted through the DSA Young People's Forum on Learning to Drive, which engaged with young people through a number of consultation workshops held in colleges and universities around the country.

8.2 Almost seven thousand questionnaire responses were received to the consultation. In addition a further 1,400 people, mainly approved driving instructors, provided feedback through a series of regional stakeholder events and Business Customer Conferences. Our detailed analysis of the responses to the proposals is set out in the *Learning to Drive Report on Consultation*, which is available on the DSA website at: www.dsa.gov,uk.

8.3 Responses to the consultation showed widespread strong support for the introduction of case studies into the theory test for learner car drivers and moped/motorcycle riders.

9. Guidance

To enable theory test candidates to prepare for the new type of questions, DSA published on 29 June 2009 revised editions of its publications '*The Official Theory Test for Car Drivers*' and '*The Official Theory Test for Motorcyclists*', which included an example of a case study type question.

10. Impact

10.1 The cost of driving tests is met by the candidates themselves. The fees charged for the theory tests for cars, motorcycles and mopeds, which remain unchanged by the introduction of case studies, ensure that DSA covers the estimated cost of delivering these tests, without making an operating profit or loss. Overall, therefore there is no impact on the public sector.

10.2 The new instrument also places no burden on business, charities or the voluntary sector.

10.3 An impact assessment has not therefore been prepared.

11. Regulating small business

The legislation does not impact on small business. Nonetheless many driving schools would employ less than 20 people, and these were consulted during the consultation process.

12. Monitoring & review

The use of case studies will be monitored and it is intended to review their effectiveness six months after their introduction.

13. Contact

Mark Magee at the Driving Standards Agency Tel: 0115 936 6160 or e-mail: mark.magee@dsa.gsi.gov.uk can answer any queries regarding the instrument.