EXPLANATORY MEMORANDUM TO

The Motor Vehicles (Driving Licences) (Amendment No. 2) Regulations (Northern Ireland) 2015

S.R. 2015 No. 242

1. Introduction

1.1. This Explanatory Memorandum has been prepared by the Department of the Environment to accompany the Statutory Rule (details above) which is laid before the Northern Ireland Assembly.

1.2. The Statutory Rule is made under Articles 5(3) and (4), 19C(1) and (1A)(c) and 218(1) of the Road Traffic (Northern Ireland) Order 1981 and is subject to the negative resolution procedure.

2. Purpose

2.1. These Regulations further transpose European Directive 2006/126/EC on driving licences ("the Directive"). The Directive entered into force on 19th January 2013 and sets out the requirements that Member States must have in place for drivers to obtain driving licences, including the security arrangements for production and issue of the driving licence.

2.2. These Regulations amend the Motor Vehicles (Driving Licences) Regulations (Northern Ireland) 1996 ("the 1996 Regulations") by prohibiting the holding of more than one Great Britain, Northern Ireland or Community licence in accordance with the Directive. They also amend the 1996 Regulations to ensure that test pass certificates are treated as invalid if they are issued in error or contain an error and to reduce the fees payable for Theory Tests.

3. Background

3.1. Regulation 2(2) amends the 1996 Regulations by inserting new regulation 16B to prohibit a person from holding more than one driving licence. The term licence includes a Great Britain, Northern Ireland and Community licence. There is an exception made in the case of those who hold a document authorising them to drive a motor vehicle which was issued by a state before the date on which that state became a member State or the date on which that state became a party to the EEA Agreement.

3.2. Regulation 2(3) and (4) amends regulations 37(4) and 37A of the 1996 Regulations to ensure that practical and special manoeuvres test pass certificates are treated as invalid if they have been furnished in error or there is an error in the details specified in them.

3.3. Regulation 2(5) substitutes Schedule 4A to the 1996 Regulations to set out the reduced theory test fees payable.

4. Consultation

4.1. Consultation regarding the Directive and the prohibition to the holding of more than one EU/EEA driving licence was carried out UK-wide between 16th January and 13th February 2015 and a total of 61 responses were

received. The majority of responses were in favour of drivers only holding one licence at any given time.

4.2. No consultation was necessary with regard to the reduction of fees and correction of the 1996 Regulations to enable the revocation of test pass certificates which have been issued in error.

5. Equality Impact

5.1. An Equality Screening Exercise has been completed and as no equality issues have been identified a full Equality Impact Assessment was considered unnecessary.

6. Regulatory Impact

6.1. A Regulatory Impact Assessment was not considered necessary as the changes have negligible impact on the private, public or voluntary sector.

7. Financial Implications

7.1. None

8. Section 24 of the Northern Ireland Act 1998

8.1. The Department has considered the matter of convention rights and community law and is satisfied that there are no matters of concern.

9. EU Implications

9.1. These Regulations will further implement Directive 2006/126/EC of the European Parliament and of the Council of 20th December 2006 on driving licences (OJ No. L403, 30.12.2006, p.18).

10. Parity or Replicatory Measure

10.1. These Regulations replicate for the most part GB SI 2015/719 and regulation 48(2)(za) of the Motor Vehicles (Driving Licences) Regulations 1999 (S.I. 1999/2864).

11. Additional Information

11.1. None