EXPLANATORY MEMORANDUM TO

THE MOTOR VEHICLES (DRIVING LICENCES) (AMENDMENT) (NO. 3) REGULATIONS 2025

2025 No. 356

1. Introduction

1.1 This explanatory memorandum has been prepared by the Department for Transport and is laid before Parliament by Command of His Majesty.

1.2 This memorandum contains information for the Joint Committee on Statutory Instruments.

2. Declaration

2.1 Lilian Greenwood MP, Parliamentary Under-Secretary of State (Minister for Future of Roads) at the Department for Transport confirms that this Explanatory Memorandum meets the required standard.

2.2 Lianne Parkinson, Head of Driver Policy Strategy for Policy, Digital and Data Directorate, at the Driver and Vehicle Standards Agency ("DVSA") confirms that this Explanatory Memorandum meets the required standard.

3. Contact

3.1 Dean Lewis, Head of Central Policy at the DVSA Telephone: 07974084948 or email: policy@dvsa.gov.uk can be contacted with any queries regarding the instrument.

Part One: Explanation, and context, of the Instrument

4. Overview of the Instrument

What does the legislation do?

4.1 These Regulations make amendments to the Motor Vehicles (Driving Licences) Regulations 1999 (S.I. 1999/2864) ("the 1999 Regulations") to increase the notice period from 3 to 10 clear working days to cancel a category B (car) practical driving test appointment without losing the fee paid. In addition to this substantive amendment, these Regulations also correct some minor drafting errors made to the 1999 Regulations by the Motor Vehicles (Driving Licences) (Amendment) (No.3) Regulations 2021 (S.I. 2021/1154).

Where does the legislation extend to, and apply?

4.2 The extent of this instrument (that is, the jurisdiction(s) which the instrument forms part of the law of) is England and Wales and Scotland.

4.3 The territorial application of this instrument (that is, where the instrument produces a practical effect) is England and Wales and Scotland.

5. Policy Context

What is being done and why?

5.1 The government wishes to improve availability of driving tests.

5.2 There are long waiting lists for category B (car) practical driving tests, which was originally accentuated by the coronavirus pandemic. Driving tests are conducted by Driver and Vehicle Standards Agency ("DVSA") driving examiners. DVSA has already taken administrative and legislative action to increase capacity, but more is needed.

5.3 As part of an initiative to address this issue, DVSA conducted a consultation on changes to make more tests available to those who are test ready.

5.4 The legislative amendment in relation to this notice period is designed to discourage late cancellations of category B (car) practical driving tests, reducing the number of wasted driving test appointments, which could have been made available to other candidates. This should free up driving examiner time in order to increase the number of category B (car) practical driving tests that can be conducted.

5.5 The amendment is being made to the 1999 Regulations to increase the notice period required to cancel a category B (car) practical driving test appointment without losing the fee paid.

What was the previous policy, how is this different?

5.6 Prior to this amendment, the relevant notice period for cancelling a test was shorter. This was three clear working days to cancel a category B (car) practical driving test appointment. The amendment to the notice period means that candidates will need to give more notice to cancel a test without losing the fee.

6. Legislative and Legal Context

How has the law changed?

6.1 The provisions of sections 89, 91 and 105 of the Road Traffic Act 1988 ("the 1988 Act") confer powers on the Secretary of State to make regulations concerning tests to acquire a driving licence authorising the driving of motor vehicles. The 1999 Regulations are made under these provisions of the 1988 Act. This instrument amends the 1999 Regulations to provide for the revised notice period, and to make the corrective amendments.

6.2 The amendment to the notice period means that candidates will need to give more notice to cancel a test without losing the fee paid for that test.

Why was this approach taken to change the law?

6.3 The notice period is being changed in order to make more tests available to those who are test-ready with the intention of improving standards and reducing the waiting time for category B (car) driving tests. The current notice period is set out in the 1999 Regulations and therefore amending those Regulations is the best possible approach to make changes to the notice period.

6.4 The opportunity to correct the minor drafting errors is being taken at the same time. This SI has been deemed the appropriate instrument to implement the corrections because it relates to tests conducted by DVSA examiners and is not an urgent SI.

7. Consultation

Summary of consultation outcome and methodology

7.1 The consultation, "DVSA Improving availability and processes", ran between 25 January and 8 March 2022. DVSA received responses from industry representative

bodies, instructor trainers, road safety organisations and members of the public. 20,960 responses to the consultation were received.

7.2 Responses to the consultation indicate that the proposal to increase the notice period from three to ten clear working days to cancel a car category B (car) practical driving test appointment without losing a fee was supported by more than those opposing it.

7.3 The consultation and consultation outcome is available online[1] and is also available in hard copy by contacting consultations@dvsa.gov.uk or by post at PO Box 349, Newcastle upon Tyne NE12 2GN.

8. Applicable Guidance

8.1 DVSA will notify stakeholders, learners and vocational instructors about these changes and guidance is published online[2]. Hard copies can be requested by contacting policy@dvsa.gov.uk or by post at Central Policy, Driver and Vehicle Standards Agency, The Ellipse, Padley Road, Swansea SA1 8AN.

Part Two: Impact and the Better Regulation Framework

9. Impact Assessment

9.1 A full Impact Assessment has not been prepared for this instrument because the measures do not directly impose or amend requirements for business and is, therefore, exempt from the provisions contained in the Better Regulation Framework. The only monetised cost is the transition cost of familiarisation, expected to be £2.9m. Candidates may also expect to face costs resulting from any additional lessons (indirect) they choose to take and cancellations between three and ten days which may be direct or indirect depending on the reason of cancellation.

Impact on businesses, charities and voluntary bodies

9.2 There is no significant impact on business, charities or voluntary bodies because the only direct impact expected is to driving schools and individual driving instructors, many of which would be classed as small or micro businesses (employing up to 50 people) and is a transition cost of familiarisation in the first year, estimated at £0.2m across the industry. Details of the changes is published online so that driving schools and individual driving instructors can familiarise themselves with the changes and take the necessary action to manage their pupils' driving test bookings.

9.3 The legislation does impact small or micro businesses.

9.4 Small and micro businesses cannot be exempted from the requirements of regulation as the legislative framework for booking and cancelling tests will also continue to apply to those driving instructors and schools who employ up to 50 people, when managing their own pupils' driving test bookings. Any direct impact will, however, not be significant and once driving instructors and schools become familiar with the changes, any impact will be negated.

[1] https://www.gov.uk/government/consultations/driving-tests-improving-availability-and-processes
[2] https://www.gov.uk/government/organisations/driver-and-vehicle-standards-agency

9.5 The impact on the public sector is a small cost for issuing guidance and system updates, but these are either insignificant or unable to be monetised.

10. Monitoring and review

What is the approach to monitoring and reviewing this legislation?

10.1 The approach to monitoring this legislation is that the changes relating to the notice periods for cancelling a category B (car) practical driving tests will be formally reviewed five years after coming into force, and then every five years after this.

10.2 The other amendments made to the 1999 Regulations by this instrument will be reviewed in accordance with regulation 25 of the SI 2021/1154, as they address drafting errors in that instrument.

Part Three: Statements and Matters of Particular Interest to Parliament

11. Matters of special interest to Parliament

11.1 This instrument corrects some minor drafting errors raised by the Joint Committee on Statutory Instruments in respect of amendments to the 1999 Regulations made by the Motor Vehicles (Driving Licences) (Amendment) (No.3) Regulations 2021 (S.I. 2021/1154).

11.2 Since this instrument is correcting defects in a previous instrument the free issue procedure is being applied.

11.3 The Explanatory Memorandum has been amended at the request of the Secondary Legislation Scrutiny Committee to provide clarity to sections 5.4 and 6.3.

12. European Convention on Human Rights

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

13. The Relevant European Union Acts

13.1 This instrument is not made under the European Union (Withdrawal) Act 2018, the European Union (Future Relationship) Act 2020 or the Retained EU Law (Revocation and Reform) Act 2023 ("relevant European Union Acts").