EXPLANATORY MEMORANDUM TO

THE MOTOR VEHICLES (DRIVING LICENCES) (AMENDMENT) (NO. 4) REGULATIONS 2025

2025 No. 505

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.

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 Jessica Williams at the DVSA Telephone: 07790 886390 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 This instrument makes amendments to the Motor Vehicles (Driving Licences) Regulations 1999 (S.I. 1999/2864)[1] ("the 1999 Regulations") by setting out in regulations the fee for the "large vehicle off road manoeuvres test" when it is conducted by a DVSA examiner, and a fee when the test is conducted by a third-party examiner approved by the Secretary of State, known as a "large vehicle off road manoeuvres test examiner". This instrument also provides for a fee that is payable when the test is conducted by a "large vehicle off road manoeuvres test examiner" to be paid to the relevant "large vehicle off road manoeuvres test provider" and retained by them as remuneration.

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.

[1] The Motor Vehicles (Driving Licences) Regulations 1999: https://www.legislation.gov.uk/uksi/1999/2864/contents

5. Policy Context

What is being done and why?

5.1 The Motor Vehicles (Driving Licences) (Amendment) (No. 3) Regulations 2021 (S.I. 2021/1154)[2] ("the 2021 Amendment Regulations") provided for the "large vehicle off road manoeuvres test". Before the 2021 Amendment Regulations were made, the prescribed large vehicle off road manoeuvres were incorporated into a single event practical test, conducted by DVSA examiners. The 2021 Amendment Regulations provided that the "large vehicle off road manoeuvres test" could be conducted by either a DVSA examiner or a "large vehicle off road manoeuvres test examiner" (a non-DVSA third-party examiner).

5.2 Section 89(3) and (4)(b) of the Road Traffic Act 1988[3] confers a regulation-making power on the Secretary of State with respect to, amongst other things, the nature of a test to acquire a driving licence, administrative arrangements for conducting a test, the qualification and appointment of persons authorised to conduct a test, and the charging of reasonable fees in connection with a test.

5.3 Since the coming into force of the amendments made by the 2021 Amendment Regulations, DVSA has charged a £40 fee to conduct a "large vehicle off road manoeuvres test" and has authorised "large vehicle off road manoeuvres test examiners" to charge a fee of between £30 and £40. In that time, DVSA examiners have carried out approximately 24,000 tests and "large vehicle off road manoeuvres test examiners" have carried out around 200,000 tests. This equates to approximately £1m charged by DVSA examiners and £8m charged by "large vehicle off road manoeuvres test examiners".

5.4 The Explanatory Memorandum to the 2021 Amendment Regulations indicated that a subsequent instrument to set a fee for the "large vehicle off road manoeuvres test" when conducted by a DVSA examiner or "large vehicle off road manoeuvres test examiner" was to follow in 2022. At that time the Department considered the fees were acceptably charged. Due to an administrative oversight a statutory instrument was not made in 2022.

5.5 Accordingly, having regard to the lapse of time since 2022, the Department considers that the fees referred to in paragraph 5.3 above which were paid before the coming into force of this instrument have been paid inappropriately. This was identified by DVSA following an internal review of its fees structure at the end of 2024. This instrument is now made to regularise the position; work on this instrument commenced as soon as DVSA became aware of this issue. Proposals for what next steps DVSA intends to take in respect of fees charged prior to this instrument coming into effect will be announced as soon as practicable. For those purposes, DVSA is taking steps to establish the extent of any potential liability in respect of those fees, and, for those purposes considering all options including restitution schemes and retrospective legislation.

What was the previous policy, how is this different?

5.6 Prior to this amendment, DVSA have been charging a fee for the "large vehicle off road manoeuvres test" when the test is conducted by a DVSA examiner and have

[2] The Motor Vehicles (Driving Licences) (Amendment) (No. 3) Regulations 2021: https://www.legislation.gov.uk/uksi/2021/1154/contents/made

[3] Road Traffic Act 1988: https://www.legislation.gov.uk/ukpga/1988/52/contents

permitted "large vehicle off road manoeuvres test examiners" to charge a fee for the test.

5.7 DVSA charge £40, while "large vehicle off road manoeuvres test examiners" have been permitted to charge between £30 and £40 per test, which can form part of a large vehicle training package. Those fees were not set out in regulations.

5.8 The effect of this instrument is that fees charged by DVSA and "large vehicle off road manoeuvres test examiners" will be set at £40 and will be set out in regulations.

6. Legislative and Legal Context

How has the law changed?

6.1 Section 89(3) and (4) of the Road Traffic Act 1988[4] confers powers on the Secretary of State to make regulations concerning tests to acquire a driving licence and the charging of reasonable fees for these tests. The principal secondary legislation is the 1999 Regulations, and this instrument amends those Regulations to provide for the charging of a fee for the "large vehicle off road manoeuvres test", when conducted by DVSA examiners and "large vehicle off road manoeuvres test examiners".

Why was this approach taken to change the law?

6.2 This approach was taken to regularise the position by providing for the fees in regulations.

7. Consultation

Summary of consultation outcome and methodology

7.1 The Consultation Paper "Establishing a £40 test fee for Large Vehicle off-road manoeuvres test (Module 3a)", ran between 17 March and 28 March 2025.

7.2 This was a targeted consultation aimed at large vehicle off road manoeuvres test providers and their examiners. This also included vocational training schools and organisations who book tests through the DVSA trainer booker system, and the Vocational Testing and Training Advisory Group (VTTAG), which is an advisory group to DVSA for all testing and training topics. Given the targeted nature of the consultation, it was not published on Gov.uk but instead sent via email to this specific group.

7.3 25 responses to the targeted Consultation Paper were received, all of which indicated no objections to the proposal.

7.4 Devolved Governments were notified of this proposal.

8. Applicable Guidance

8.1 This instrument does not require guidance as it does not operationally affect the way in which both DVSA examiners and "large vehicle off road manoeuvres test examiners" conduct the "large vehicle off road manoeuvres test".

[4] Road Traffic Act 1988: https://www.legislation.gov.uk/ukpga/1988/52/contents

Part Two: Impact and the Better Regulation Framework

9. Impact Assessment

9.1 An Impact Assessment is not required as the measure does not fall in scope of the Better Regulation Framework.

Impact on businesses, charities and voluntary bodies

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

9.3 The legislation does not impact small or micro businesses.

9.4 There is no, or no significant, impact on the public sector.

10. Monitoring and review

What is the approach to monitoring and reviewing this legislation?

10.1 The DVSA will regularly monitor whether the legislation serves its purpose and review feedback provided by stakeholders who conduct the "large vehicle off road manoeuvres test".

10.2 This instrument does not include a statutory review clause as the 2021 Amendment Regulations, which provided for the "large vehicle off road manoeuvres test", already included a statutory review provision.

Part Three: Statements and Matters of Particular Interest to Parliament

11. Matters of special interest to Parliament

11.1 The background material in paragraph 5 concerning the charging of fees which are not set out in regulations is of interest to the Secondary Legislation Scrutiny Committee, in view of its Fourth Report of this session.

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").