EXPLANATORY MEMORANDUM TO

THE MOTOR VEHICLES (DRIVING LICENCES) (AMENDMENT) (No.2) REGULATIONS 2015

2015 No. 412

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 These regulations are made to further transpose European Directive 2006/126/EC on driving licences (the "Directive"). The Directive was transposed into domestic law on 19 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 driving licences.

2.2 Amendments are made to legislation to prohibit the holding of more than one Great Britain, Northern Ireland or Community licence.

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

3.1 None.

4. Legislative Context

4.1 Driving Licences, their issue and the conditions that must be met to obtain and retain a driving licence are covered in Part III of the Road Traffic Act 1988 and the Motor Vehicles (Driving Licences) Regulations 1999 (the "1999 Regulations").

4.2 Regulation 3 amends the 1999 Regulations 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. Any breach of this regulation will be an offence under section 91 of the Road Traffic Offenders Act 1988.

5. Territorial Extent and Application

5.1 This instrument applies to Great Britain only. Northern Ireland will be making its own legislation in this respect.

6. European Convention on Human Rights

6.1 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 Driver licensing and driving tests are regulated activities covered by European legislation. Directive 2006/126/EC (the Directive) provides for mutual recognition of driving licences between EU states, the harmonisation of the driving licence categories and harmonisation of driving test standards. The requirements of the Directive were implemented across the EU from 19 January 2013. The Directive was originally transposed by the Motor Vehicles (Driving Licences) (Amendment) Regulations 2012. It has been identified that there were some areas where we had not clearly transposed the requirements of the Directive, and these Regulations address one such area.

7.2 Article 7(5)(a) of the Directive prohibits a person from holding more than one licence at a time. Although UK legislation prohibits a person from applying for a licence if they already hold another valid licence and the Driver and Vehicle Licensing Agency (DVLA) has a number of administrative measures in place to prevent drivers from holding more than one licence, UK legislation does not currently prohibit the holding of more than one licence. These Regulations will introduce such a prohibition which will be punishable by a level 3 fine on conviction.

- Consolidation

7.3 There are no plans to consolidate the legislation amended by these Regulations at this time.

8. Consultation outcome

8.1 The Driver and Vehicle Licensing Agency (DVLA) is the Government agency responsible for driver licensing. DVLA conducted a joint public consultation with the Department of the Environment (DOE) Northern Ireland on these amendments in the winter of 2015.

8.2 The consultation ran from 16th January 2015 to 13th February 2015 and was hosted on the GOV.UK website. Stakeholders with an interest in road safety and criminal justice were informed of the consultation in a number of ways, including targeted e-mails and telephone calls.

8.3 Overall, 61 responses to the consultation were received. Responses came from one named individual, but the other 60 respondents did not offer any personal details. A total of 45 (73.7%) responses received were in favour of drivers only holding one licence at any given time. The main reason given was that it would prevent individuals from being able to share penalty points accrued across multiple licences. There were 16 responses against the proposal this was mainly due to a perception that the standards of driving test vary across the EU. Of those responses that disagreed with the proposal, five did not provide a reason for this view. Ministers agreed to implement the proposal as set out in the consultation paper.

9. Guidance

9.1 Guidance will be issued to police and courts providing information on the offence and penalty. Guidance will include advice to the Police on how to alert the DVLA to potential cases of drivers holding more than one licence. The DVLA will then investigate such cases and advise the police of the next steps, including their option to prosecute.

9.2 Details of the offence will also be published on the relevant pages on www.gov.uk.

10. Impact

10.1 The impact on business, charities or voluntary bodies is nil.

10.2 The impact on the public sector is nil.

10.3 An Impact Assessment has not been prepared for this instrument.

11. Regulating small business

11.1 The legislation does not apply to small business.

12. Monitoring & review

12.1 As these Regulations have no impact on business they will not be subject to a statutory review.

13. Contact

13.1 Darren Trollope, Driver and Vehicle Licensing Agency Tel: 01792 783971 or email: Darren.trollope@dvla.gsi.gov.uk can answer any queries regarding the instrument.