EXPLANATORY MEMORANDUM TO

THE MOTOR VEHICLES (DRIVING LICENCES) (AMENDMENT) REGULATIONS 2025

2025 No. 138

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 at the Department for Transport confirms that this explanatory memorandum meets the required standard.

2.2 Cathy Miller, Deputy Director for Road Safety, at the Department for Transport confirms that this explanatory memorandum meets the required standard.

3. Contact

3.1 Darren Freezor at the Department for Transport, Telephone: 07780 224904 or email: darren.freezor@dft.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 amends the Motor Vehicles (Driving Licences) Regulations 1999 (S.I. 1999/2864)[1] ("the 1999 Regulations") to allow Ukrainian driving licence holders who successfully applied for entry clearance or permission to stay in the United Kingdom ("UK") under the Homes for Ukraine Sponsorship Scheme ("HFUSS") and Ukraine Family Scheme ("UFS") before 3:00pm on 19 February 2024, or the Ukraine Extension Scheme ("UES") on or before 16 May 2024 (having become resident in Great Britain (GB) on or after 3 March 2022) and then proceed to apply to the Ukraine Permission Extension Scheme ("UPE") ahead of the expiry of their existing leave to drive in GB motor bicycles, mopeds and cars (category B) (as permitted by their Ukrainian driving licence) for up to four years and six months (54 months) after the day on which they became resident ("eligible Ukrainian driving licence holders").

4.2 Eligible Ukrainian driving licence holders will be able to continue to drive in GB during the period in which their application to UPE is pending. However, in the event that an individual's application is rejected, refused or withdrawn, the eligibility to drive in GB will cease. Likewise, in the event that an eligible Ukrainian driving licence holder's application to UPE is not processed after 18 months, the period for which they can drive in GB after the day they became resident will be capped at four years and six months (54 months).

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

4.3 Ukrainian driving licence holders who have successfully applied under HFUSS at or after 3:00pm on 19 February 2024 can drive a motor bicycle, moped and category B (car) in GB for up to three years (36 months) after being resident.

Where does the legislation extend to, and apply?

4.4 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.

4.5 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 This instrument amends existing provisions and inserts new provisions into the 1999 Regulations, to permit eligible Ukrainian driving licence holders to drive in GB for a period of up to four years and six months (54 months) after being resident (this is an extension from the current three-year (36-month) period). The reason for granting this extension is because the Home Office launched the UPE on 4 February 2025, which provides successful applicants with a further 18 months permission to stay in the UK beyond their existing permission to stay. This instrument responds to the introduction of UPE by allowing eligible Ukrainian driving licence holders to continue to drive in GB for a further period of 18 months, bringing it to four years and six months (54 months) after becoming resident.

What was the previous policy, how is this different?

5.2 Individuals who have entry clearance or permission to stay in the UK under the Ukraine Scheme and are holders of licences issued in Ukraine authorising the driving of a motor bicycle, moped and vehicle included in category B (car), are authorised to drive such vehicles in GB for three years (36 months) after becoming resident.

5.3 For eligible Ukrainian driving licence holders, we are now planning to bring the period for which their licence is eligible in GB up to four years and six months (54 months) after the holder becomes resident.

6. Legislative and Legal Context

How has the law changed?

6.1 The provisions of sections 88 and 105 of the Road Traffic Act 1988[2] ("the 1988 Act") confer powers on the Secretary of State to make regulations concerning driving licences for people who become resident in GB. The provisions being amended or supplemented in the 1999 Regulations are made under these provisions of the 1988 Act. Currently, regulation 80A of the 1999 Regulations allows individuals who have entry clearance or permission to stay under one of the Ukraine Schemes to drive on their Ukrainian driving licence in GB for up to three years (36 months) after becoming resident.

6.2 These regulations further amend the 1999 Regulations to increase the period during which eligible Ukrainian driving licence holders can drive cars, mopeds and motor

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

bicycles in GB by a further 18 months (i.e. an extension from the current three years (36 months) to four years and six months (54 months)) after becoming resident.

Why was this approach taken to change the law?

6.3 In response to the launch of UPE on 4 February 2025, granting a further 18-month permission to stay beyond their existing permission to stay for eligible Ukrainian driving licence holders, this instrument extends the provision for licence eligibility. This will allow us to continue supporting Ukrainian driving licence holders' ability to get around and adapt to living in GB. Given the unique and temporary nature of their residence in GB, the legislation is being amended to address the disadvantages faced by eligible Ukrainian driving licence holders who face additional administrative and financial burdens with regards to obtaining a GB licence. Amending the 1999 Regulations is the best possible approach to granting the additional 18-month licence eligibility to eligible Ukrainian driving licence holders.

7. Consultation

Summary of consultation outcome and methodology

7.1 A two-week public consultation was held between 6 January 2025 and 19 January 2025, with 801 responses received.

7.2 The consultation received responses from organisations and members of the public.

7.3 Responses to the consultation indicate that 781 respondents supported this proposal. 98% of responses were in favour of extending the period for which eligible Ukrainian driving licence holders under the Ukraine Scheme can drive in GB from 3 years (36 months) to four years and six months (54 months).

7.4 The consultation and consultation outcome are available online[3] and is also available in hard copy by contacting the Driving Licence Team, Road Safety Division, Great Minster House, 33 Horseferry Road, London, SW1P 4DR.

8. Applicable Guidance

8.1 Current guidance[4] on licence exchange for individuals who hold the relevant permission under the Ukraine Scheme with a Ukrainian driving licence will be published online at gov.uk when the law changes on 3 March 2025.

Part Two: Impact and the Better Regulation Framework

9. Impact Assessment

9.1 A full Impact Assessment has not been produced for this instrument as it is not expected to have significant impact on the private, public or voluntary sectors.

9.2 A De Minimis Assessment has been completed and is published alongside this Explanatory Memorandum at www.legislation.gov.uk.

[3] Extension of Ukraine driving licence exchange: https://www.gov.uk/government/consultations/extension-of-ukraine-driving-licence-exchange

[4] Driving in Great Britain: Ukrainian driving licence exchange: https://www.gov.uk/guidance/driving-in-great-britain-ukrainian-driving-licence-exchange

Impact on businesses, charities and voluntary bodies

9.3 There is no, or no significant, impact on business, charities or voluntary bodies because this a marginal change from the existing regime of three years (36 months) which means impacts are likely to be minor given the additional 18-month extension.

9.4 The legislation does not impact small or micro businesses.

9.5 There is no, or no significant, impact on the public sector as there is familiarity with the existing three year (36-month) regime and a further 18 months extension will not trigger any new impacts.

10. Monitoring and review

What is the approach to monitoring and reviewing this legislation?

10.1 The approach to monitoring of this legislation is that a non-statutory review will be carried out after 18 months to assess the impact of the policy change.

10.2 This instrument does not include a statutory review clause as it is excluded from the obligation in the Small Business, Enterprise and Employment Act 2015[5] to include a statutory review provision by virtue of section 28(3)(d) of that Act.

Part Three: Statements and Matters of Particular Interest to Parliament

11. Matters of special interest to Parliament

11.1 None.

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”).

[5] Small Business, Enterprise and Employment Act 2015: https://www.legislation.gov.uk/ukpga/2015/26/contents