EXPLANATORY MEMORANDUM TO

THE MOTOR VEHICLES (DRIVING LICENCES) (AMENDMENT) REGULATIONS 2026

2026 No. 326

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 Simon Lightwood MP, Parliamentary Under-Secretary of State for Roads and Buses at the Department for Transport confirms that this Explanatory Memorandum meets the required standard.

2.2 Becky Thomas, Chief Digital and Information Officer 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 can be contacted by telephone on 07974084948 or email at policy@dvsa.gov.uk with any queries regarding 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")[1] so that for a practical test in a category B vehicle (car), it is only the person taking the test who can book a test appointment.

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, Wales and Scotland.

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

[1] https://www.legislation.gov.uk/uksi/1999/2864/contents

5. Policy Context

What is being done and why?

5.1 Increased demand for category B (car) practical driving tests, originally exacerbated by the coronavirus pandemic, has resulted in high waiting times for tests. DVSA has already taken administrative action to increase availability, but more is needed.

5.2 Some learner drivers have been unable to book their test at their preferred driving test centre and there have been changes to the way online services are being used to book and manage tests.

5.3 Changes include the growth of a secondary market, where businesses providing third-party services are creating competition for learner drivers trying to book their tests. These businesses include cancellation checker services, often using automated software ('bots') to search for available test slots, and resellers who book and subsequently resell tests at inflated prices.

5.4 These Regulations amend the 1999 Regulations by inserting a new paragraph (1ZA) into Regulation 31. This amendment will provide that an application for a category B (car) practical driving test may not be made by any other person on behalf of the applicant (i.e. the learner driver). By preventing third parties from booking and reselling tests, the booking system will be fairer and candidates will book their test at the prescribed fee. Regulation 31(2) is also amended to provide that arrangements for a car practical test will only be made on payment of the prescribed fee where the application for such a test has been made by the applicant in person.

What was the previous policy, how is this different?

5.5 Prior to these amendments, DVSA accepted bookings for category B (car) practical driving tests made by approved driving instructors and other third parties on behalf of named learner drivers. This amendment provides that only the person taking the test can book a category B practical driving test appointment.

6. Legislative and Legal Context

How has the law changed?

6.1 "Applicant in person" is defined, in regulation 22 of the 1999 Regulations, as 'a person making an application for an appointment for a test with a view to taking the test or that part thereof himself'.

6.2 Regulation 31(1) provides that where an applicant in person wishes to take a practical test to be conducted by a DVSA examiner, they shall apply for an appointment for such a test to the Secretary of State.

6.3 To date, applications for car practical tests made by third parties and driving instructors on behalf of named individuals have also been accepted by DVSA under regulation 31(1).

6.4 Regulation 22 is clear that the expression "applicant in person" refers to the test candidate, that is to say, the individual taking the test. It therefore refers to a situation where a test booking is allocated to a named individual, unlike, for example, theory tests booked under regulation 28A which are not allocated to a named individual at the time of booking.

6.5 As stated, an application for a practical test is made under Regulation 31. That provision refers to an application for an appointment for a test being made to the Secretary of State. The provision is, however, silent as to the process by which an application is made or notified to the Secretary of State. Accordingly, a practice has developed whereby third parties are purporting to, in effect, notify applications to the Secretary of State on behalf of the individual taking the test.

6.6 These Regulations, therefore, amend regulation 31 of the 1999 Regulations to provide that where the application is made under regulation 31(1) for an appointment for a car practical test, the application may be made by the applicant in person only and not by any other person on their behalf.

Why was this approach taken to change the law?

6.7 DVSA has, to date, accepted applications for car practical test appointments made under Regulation 31 from third parties on behalf of named persons, as well as from the person taking the test.

6.8 These third-party businesses include cancellation checker services, often using automated software ('bots') to search for available test slots, and resellers who book and subsequently resell tests at inflated prices.

6.9 These Regulations amend the Motor Vehicles (Driving Licences) Regulations 1999 (S.I. 1999/2864) by inserting a new paragraph (1ZA) into Regulation 31. This amendment will provide that an application for a category B (car) practical driving test may not be made by any other person on behalf of the applicant (i.e. only by the learner driver). By preventing third parties from booking and reselling tests, the booking system will be fairer, and candidates will be able to book their test at the prescribed fee.

7. Consultation

Summary of consultation outcome and methodology

7.1 The consultation, "Improving car driving test booking rules", ran between 28 May and 23 July 2025. DVSA received responses from learner drivers, approved driving instructors, industry representative bodies and other interested parties. 102,224 responses were received to the consultation.

7.2 The consultation asked respondents to what extent they agreed or disagreed with each option on a 5-point scale from 'strongly agree' to 'strongly disagree'. Responses for 'strongly agree' and 'agree' were combined into an overall figure, as were those for 'strongly disagree' and 'disagree'.

7.3 70.7% of the 93,247 who responded to the consultation question about proposals to restrict the booking of category B (car) practical tests to applicant in person only had agreed or strongly agreed with the proposal and 22.2% disagreed or strongly disagreed. Following an announcement by the Secretary of State on 12 November 2025, the DVSA published the consultation outcome on 9 December 2025 confirming that the proposal to restrict the booking of tests would be implemented.

7.4 The consultation and consultation outcome are available online[2]. They are also available in hard copy by contacting consultations@dvsa.gov.uk or by post from

[2] https://www.gov.uk/government/consultations/improving-car-driving-test-booking-rules

Central Policy, Driver and Vehicle Standards Agency, The Ellipse, Padley Road, Swansea SA1 8AN.

8. Applicable Guidance

8.1 DVSA has notified stakeholders, learner drivers and approved driving instructors about these changes and guidance has been published online on DVSA's website[3] . 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 impact of the measures on business is below the ± £10m EANDCB threshold. A de minimis impact assessment has been prepared and will be published alongside this Explanatory Memorandum on the legislation.gov.uk website.

9.2 The measure is estimated to have an EANDCB of £6.7m over the 10-year appraisal period. This will impact both third party businesses who re-sell previously booked driving tests and those selling driving test cancellation checking and booking services. These costs to third-party businesses are considered savings for households so are considered neutral.

9.3 The impact on lower income households which would have struggled to pay and compete with the secondary market in driving tests has also been considered. These may be in a better position as they will no longer have to compete with third parties and those paying to use them to secure earlier driving tests. The impact on those who may not be able to readily use the online booking service themselves has also been considered. DVSA will review what additional support may be needed for learners with disabilities or limited digital skills.

Impact on businesses, charities and voluntary bodies

9.4 The impact on business, charities or voluntary bodies is primarily on businesses providing third-party services, as they will no longer be able to book, manage or resell tests on the secondary market to learner drivers.

9.5 The main function of driving instructors and driving schools, which is to provide driving tuition, will be unaffected. Driving instructors and driving schools will no longer be able to book and manage tests on behalf of their learner drivers but can continue to offer support and guidance. Driving instructors will still be able to update their calendar on the booking service for learner drivers to know when they are available to accompany the learner to the test. It is acknowledged that driving instructors and driving schools offering intensive driving courses may be impacted as they provide a pre-booked driving test slot as part of the service. However, no direct evidence has been provided as part of the consultation and the impact is therefore uncertain.

[3] https://www.gov.uk/government/organisations/driver-and-vehicle-standards-agency

9.6 The legislation does impact on those small or micro businesses who book, manage or resell tests on the secondary market to learner drivers.

9.7 Small and micro businesses cannot be exempted from the requirements of this regulation as to do so would compromise and undermine the objectives and intended outcomes of the measure.

9.8 There is no significant impact on the public sector.

10. Monitoring and review

What is the approach to monitoring and reviewing this legislation?

10.1 The approach to monitoring this legislation is to regularly review booking service metrics to confirm the impact on driving test availability and to ensure only learner drivers are able to access the service to book tests. DVSA's regular stakeholder engagement with learner drivers and driving instructors will also be used to measure ongoing understanding and compliance with the new requirements and to identify any significant matters that may need further consideration.

10.2 The instrument does not include a statutory review clause under section 28 of the Small Business, Enterprise and Employment Act 20154 because it does not make or amend regulatory provision in relation to business or voluntary or community bodies.

Part Three: Statements and Matters of Particular Interest to Parliament

11. Matters of special interest to Parliament

11.1 The Secretary of State for Transport announced at the Parliamentary Transport Select Committee on 12 November 2025[5] that the amendment contained in this statutory instrument would be introduced, alongside other measures to try to prevent the exploitation of learner drivers by those reselling car driving test bookings.

12. European Convention on Human Rights

12.1 As the instrument is subject to negative 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").

[4] https://www.legislation.gov.uk/ukpga/2015/26

[5] https://committees.parliament.uk/event/25004