EXPLANATORY MEMORANDUM TO

THE REHABILITATION COURSES (RELEVANT DRINK OFFENCES) (AMENDMENT) REGULATIONS 2015

2015 No. 366

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

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

This Statutory Instrument has been made in consequence of defects in SI 2012 No. 2939 and is being issued free of charge to all known recipients of that Statutory Instrument.

2. Purpose of the instrument

2.1 These Regulations make minor and technical amendments to the Rehabilitation Courses (Relevant Drink Offences) Regulations 2012, S.I. 2012/2939, (the "2012 Regulations"). The 2012 Regulations make provision for the Secretary of State, acting by way of the Driver and Vehicle Standards Agency (DVSA), to approve and monitor drink-drive rehabilitation courses.

2.2 These Regulations amend the 2012 Regulations to clarify the method for calculating the continuing approval fee payable by course providers when the course ceases to be approved.

2.3 The course completion certificate and notice of non-completion contained in Schedules 1 and 2 to the 2012 Regulations have been updated as a consequence of the merging of the Driving Standards Agency (DSA) and the Vehicle and Operator Services Agency (VOSA) to establish the DVSA.

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

The Joint Committee on Statutory Instruments (JCSI) in their Seventeenth Report of Session 2012-13 (5th February 2013) reported the 2012 Regulations for defective drafting. Their concern related to the drafting of regulation 5 and in particular the calculation of the continuing approval fee in the event of an

approved course being withdrawn. These amending Regulations seek to address this concern.

4. Legislative Context

4.1 If an offender is disqualified from driving for 12 months or more as a result of certain alcohol-related offences the court can make an order under section 34A of the Road Traffic Offenders Act 1988 (the 'RTOA 1988') that the period of disqualification imposed must be reduced if the offender satisfactorily completes an approved drink-drive rehabilitation course. The Secretary of State has the function of approving drink-drive rehabilitation scheme courses under sections 34A to 34C of the RTOA 1988.

4.2 The 2012 Regulations make provisions about drink-drive rehabilitation courses in England and Scotland including provision about the application fee, which is payable on an application for approval of a course, and the continuing approval fee, which is payable by the course provider for each offender who completes an approved course.

4.3 The Rehabilitation Courses (Relevant Drink Offences) (Amendment) Regulations 2015 make minor and technical amendments to the 2012 Regulations to clarify the method of calculating the continuing approval fee and update the course completion certificate and notice of non-completion.

5. Territorial Extent and Application

5.1 This instrument applies to England and Scotland.

5.2 Wales and Northern Ireland have their own separate arrangements.

6. European Convention on Human Rights

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 Since 1st January 2000, the courts throughout Great Britain (GB) have been able to offer drivers who have been disqualified for a period of at least 12 months for a

specified drink-driving offence, a referral to an approved drink-drive rehabilitation course.

7.2 If an offender opts to take up the referral opportunity and satisfactorily completes a course, their period of disqualification will be reduced - this may be by as much as one quarter of the disqualification period.

7.3 The 2012 Regulations make provision in relation to the approval, conduct and monitoring of courses including detailing the fees that course providers must pay.

7.4 The JCSI in their Seventeenth Report of Session 2012-13 (5th February 2013) reported the 2012 Regulations for defective drafting. Their concern related to the drafting of regulation 5 and in particular the calculation of the continuing approval fee in the event of an approved course being withdrawn. These amending Regulations seek to address this concern.

7.5 On 20th June 2013, Transport Minister Stephen Hammond announced that a single executive agency would bring together driver testing and training and vehicle standards functions that were previously provided separately by DSA and by VOSA. The merger of DSA and VOSA to form the DVSA took effect from 1st April 2014. As a consequence of this, it is necessary to make amendments to references to DSA in the 2012 Regulations, therefore the course completion certificate and notice of non-completion have been updated.

- Consolidation

7.6 There is no proposal to consolidate the 2012 Regulations.

8. Consultation outcome

8.1 These Regulations make minor amendments to the 2012 Regulations, primarily to correct a drafting defect, and there are no policy changes. Therefore, no consultation is required for these amending Regulations.

8.2 The key provisions in the Consultation Paper: *New Approval Arrangements for Drink-Drive Rehabilitation Courses* were consulted on between 9th November 2011 and 4th January 2012. The Consultation Paper is available through the following link: https://www.gov.uk/government/consultations/approving-drink-drive-rehabilitation-courses

8.2 The response to consultation report was published on 27th November 2012 on the government website and is available through the following link:

https://www.gov.uk/government/consultations/approving-drink-drive-rehabilitation-courses

9. Guidance

Guidance on the operation of the drink-drive rehabilitation scheme is available at https://www.gov.uk/drink-drive-rehabilitation-scheme-ddrs-guidance-for-course-providers-from-june-2013

10. Impact

10.1 An Impact Assessment has not been prepared for this instrument as this is a minor technical amendment only and there is no need to amend the Impact Assessment attached to the 2012 Regulations.

10.2 The amending Regulations clarify what was previously intended by the 2012 Regulations; there are no policy changes and the impact is the same as that set out in the 2012 Regulations' Impact Assessment, which was published in November 2012.

11. Regulating small business

The legislation applies to small business but will have no adverse impact on it.

12. Monitoring & review

These Regulations will be subject to an internal review when the 2012 Regulations are reviewed. The legislation may then be amended accordingly.

13. Contact

Elisabeth Flaherty, Policy Unit, Driver and Vehicle Standards Agency, 112 Upper Parliament Street, Nottingham, NG1 6LP. Tel: 0115 936 6161 or e-mail: Lis.Flaherty@dsa.gsi.gov.uk can answer any queries regarding the instrument.