**EXPLANATORY MEMORANDUM TO**

# THE ROAD TRAFFIC ACT 1988 (POLICE DRIVING: PRESCRIBED TRAINING) (AMENDMENT) REGULATIONS 2025

**2025 No. 792**

## 1. Introduction

1.1. This explanatory memorandum has been prepared by the Home Office and is laid before Parliament by Command of His Majesty.

## 2. Declaration

2.1 Dame Diana Johnson, DBE MP, Minister of State for Policing and Crime Prevention at the Home Office, confirms that this Explanatory Memorandum meets the required standard.

2.2 Samantha Newsham, Deputy Head for the Police Powers Unit, at the Home Office confirms that this Explanatory Memorandum meets the required standard.

## 3. Contact

3.1 Tracy Catling can be contacted with any queries regarding the instrument - tracy.catling1@homeoffice.gov.uk.

## Part One: Explanation, and context, of the Instrument

## 4. Overview of the Instrument

***What does the legislation do?***

4.1 The Road Traffic Act 1988 (Police Driving: Prescribed Training) Regulations 2023 ("the 2023 Regulations") prescribed the minimum standards for police driver training in England, Wales and Scotland. These regulations will update the schedule of prescribed training to accurately reflect changes already made to the College of Policing Driver Training Curriculum. They also clarify that prescribed training may be provided across England, Wales and Scotland by a provider licensed by the College of Policing, or by Police Scotland. This will ensure that high and consistent police driving standards are maintained and help protect public safety.

***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

## 5. Policy Context

***What is being done and why?***

5.1 Following a road traffic incident involving a police driver, the Independent Office for Police Conduct (IOPC) and the Crown Prosecution Service (CPS) determine whether the police officer's standard of driving was comparable to that of a careful and competent peer (i.e. another officer with the same prescribed training). If the CPS

prosecute the officer and the case reaches court, the judiciary and jury determine the standard of driving of the police officer and whether their driving was careless or dangerous. The 2023 Regulations set out the prescribed police driver training standards to assist those involved in post-incident investigations and court cases to objectively assess whether the officer has undertaken the prescribed training. If the requirements for the prescribed training are not met, in any post incident-proceedings the officer's standard of driving will be compared to a member of the public rather than another trained police officer. The regulations also clarify Chief Officers' responsibilities for ensuring their officers undertake training.

5.2 These regulations amend the 2023 Regulations to resolve several issues which were identified during implementation, and to update the Schedule which details police driver training requirements for each course.

5.3 The amendments to regulations 3-6 seek to clarify that providers of prescribed police driver training – that is, providers licensed by the College of Policing, or Police Scotland – are able to provide such training across England, Wales and Scotland.

5.4 This misleading interpretation of the 2023 Regulations created unintended consequences and raised concerns about the ability of non-Home Office forces such as British Transport Police (BTP), Civil Nuclear Constabulary (CNC), the National Crime Agency, and Ministry of Defence Police, who have a national remit, to carry out police driver training throughout England, Wales and Scotland. It is also a concern to police forces in Northern England who carry out some police driver training and operational activity in Scotland, and to Police Scotland who carry out some police driver training and operational activity in Northern England. It is beneficial for interoperability between police forces if officers are familiar with the roads and terrain either side of the England and Scotland border.

5.5 These regulations also amend the wording in regulation 3 so that it aligns with current policing sector terminology. Since introduction of the regulations, the sector standards have been renamed and are now referred to as the 'College of Policing Standards'.

5.6 They also update the Schedule of prescribed training requirements to accurately reflect changes to the College of Policing Driver Training Curriculum which have been requested by the National Police Chiefs' Council (NPCC) and College of Policing driver training experts. The NPCC and College of Policing will identify changes to the police driver training to reflect learning from incidents, best practice, IOPC recommendations or other operational factors. Since the regulations have been in place NPCC have continually monitored the impact of their implementation on operational police driving. The changes relate to a course name, length of course, removal of a course, learner to instructor ratios, refresher training requirements and merging of a course.

***What was the previous policy, how is this different?***

5.7 The 2023 Regulations set out the requirements for prescribed training delivered by a provider licensed by the College of Policing (Regulation 3) and delivered by Police Scotland (Regulation 5). Regulation 3 describes the requirements for prescribed police driver training delivered by a provider licensed by the College of Policing; Regulation 5 describes the requirements for prescribed police driver training delivered by Police Scotland.

5.8 The Regulations were drafted in this way to recognise differences in governance in Scotland (e.g. that the College of Policing's remit is confined to England and Wales), whilst ensuring that a consistent, shared standard is set across Great Britain.

5.9 While continuing to recognise the differences in Governance for Police Scotland, we want to amend the 2023 Regulations to clarify that providers licensed by the College of Policing may deliver police driver training in Scotland. Further, the amendments clarify that Police Scotland may deliver police driver training in England and Wales. To this end, these regulations amend the headings of the relevant regulations of the 2023 regulations to clarify and describe police driver training by provider (so either a provider licensed by College of Policing or Police Scotland) rather than by geography.

5.10 The NPCC and College of Policing have also requested some changes to the schedule of training in relation to length of training course, requirements for refresher training and course titles and content. These are operational decisions made by police driver training experts.

## 6. Legislative and Legal Context

***How has the law changed?***

6.1 In 2022, the Police Crime Sentencing and Court Act (PCSCA) introduced a new test for police drivers into sections 2A and 3ZA of Road Traffic Act 1988 (the 1988 Act) for the offences of careless and dangerous driving so that their driving could be compared to another police driver (or other designated person) who had undertaken the same prescribed training. Those offences are committed when a person drives in a way that is below (careless) or far below (dangerous) what would be expected of a competent and careful driver. Prior to the PCSCA the law would be applied to the police driver in the same way as it would to an ordinary driver and no account could be taken of the applicable legal road traffic exemptions and any additional training undertaken. For the new comparison to apply the police officer (or other designated person) must be driving for police or law enforcement purposes and have undertaken the prescribed training.

6.2 Section 7 of the PCSCA amended section 195 of the 1988 Act to provide that the power to make regulations prescribing training or skills for the purposes of the new comparator may make different provision for different persons or areas, as the case may be.

6.3 The 2023 Regulations prescribed the minimum standards and requirements for police driver training for the purposes of ensuring that the new comparison in the 1988 Act would apply.

6.4 These regulations clarify that prescribed police driver training can be delivered by a provider licensed by the College of Policing, or by Police Scotland, across England, Wales and Scotland. Regulation 3 of the 2023 Regulations described the requirements for police driver training delivered by a provider licensed by the College of Policing. Regulation 5 of the 2023 Regulations set out the requirements for police driver training delivered by Police Scotland, namely the training is prescribed training for the purposes of the 1988 Act if it is:

A. delivered by Police Scotland and
B. the instructor or trainer has completed the relevant Scottish Police College training and the Police Scotland Training for Trainers Course.

6.5 Regulations 3 and 4 of the 2025 regulations amend the 2023 regulations by removing the misleading heading reference to “in England and Wales” in order to clarify that prescribed police driver training can be delivered by a provider licensed by the College of Policing across England, Wales and Scotland. Regulations 5 and 6 of the 2025 regulations amend the 2023 regulations by removing the misleading heading

reference to "in Scotland" in order to clarity that prescribed police driver training can be delivered by Police Scotland across England, Wales and Scotland.

6.6 Regulation 7 of these regulations will update the Schedule of prescribed training.

6.7 These regulations apply within the framework of law governing police driving, which forms part of the law of England, Scotland and Wales. The main underpinning legislation is: sections 1-5 and 41-42 of the Road Traffic Act 1988; section 87 of the Road Traffic Regulation Act 1984; The Motorway Traffic (England and Wales) Regulations 1982; Motorways Traffic (Scotland) Regulations 1995; Traffic Signs Regulations and General Directions 2016; The Motor Vehicles (Wearing of Seatbelts) Regulations 1993; The Highways Act 1980; Roads Scotland Act 1984.

***Why was this approach taken to change the law?***

6.8 This is the most pragmatic way to address concerns raised by the NPCC and the College of Policing in relation to how police driver training is delivered in England, Wales and Scotland.

## 7. Consultation

***Summary of consultation outcome and methodology***

7.1 A formal consultation with stakeholders was undertaken and the Government's response to the consultation is published on GOV.UK .[1] Respondents were supportive of the high level requirements in the body of the regulations but there were some disagreements with the changes to the Schedule of training courses. The Home Office, NPCC and College of Policing have carefully considered these concerns and have decided to go ahead with the changes because the benefits of consistent and high national standards for police driver training outweigh the arguments in favour of some police force driver training providers diverging. NPCC and College of Policing assess that the changes made by the 2025 Regulations to police driver training requirements are achievable and pragmatic. To note that these are minimum standards – it is open to police forces to provide additional training as they consider appropriate.

## 8. Applicable Guidance

8.1 The 2023 Home Office circular on GOV.UK[2] will be updated and circulated to alert police forces and other interested parties to the new regulations by 24 July.

# Part Two: Impact and the Better Regulation Framework

## 9. Impact Assessment

9.1 A full Impact Assessment has not been prepared for this instrument since it does not qualify as a regulatory provision and does not meet the de minimis threshold of an Equivalent Annual Net Direct Cost to Business (EANDCB) of over £10 million. An Economic Note has been drafted outlining the economic impacts of this policy.[3]

9.2 The total costs of this instrument are estimated to be between £0.6 million and £1.0 million with a central estimate of £0.8 million (Present Value over 10 years). These are made up of familiarisation costs and the cost of the additional instructor time

[1] https://www.gov.uk/government/publications/police-driving-prescribed-training
[2] https://www.gov.uk/government/publications/circular-0092022-police-crime-sentencing-and-courts-act-2022/circular-0092022-police-crime-sentencing-and-courts-act-2022
[3] https://www.gov.uk/government/publications/police-driving-prescribed-training

needed to reduce the ratio of officers to instructors. There is an unmonetised staff time cost resulting from increasing the length of Category B Van training from 4 hours to 1 day.

9.3 The total benefits of this instrument are estimated to be between £4.6 million and £6.8 million with a central estimate of £5.7 million (PV). This is made up of staff time savings from increasing the number of years between refresher training courses. Unmonetised benefits include a reduction in travel and accommodation costs and increasing the ratio officers to instructors for Category B Van Training.

9.4 The Net Present Social Value is estimated to be between £3.9 million and £5.8 million with a central estimate of £4.9 million (PV). There are no expected impacts on businesses and therefore the EANDCB is 0.

***Impact on businesses, charities and voluntary bodies***

9.5 There is no, or no significant, impact on business, charities or voluntary bodies because this legislation does not apply to activities that are undertaken by small businesses.

9.6 The legislation does not impact small or micro businesses.

9.7 There is no significant impact on the public sector because the police driving instructors are already employed by police forces. There will be a small positive benefit as the changes will make some of the logistical arrangements for police driver training easier for police forces. The central estimate for the total benefit of this instrument is £5.7 million (PV).

## 10. Monitoring and review

***What is the approach to monitoring and reviewing this legislation?***

10.1 The aim of the police driver standards measures is to ensure that the law is fair to police drivers and takes their advanced driving skills into account. The approach to monitoring of this legislation is for the Home Office to work closely with stakeholders including the NPCC, College of Policing and the IOPC to monitor the implementation of this amendment to regulation.

# 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").