STATUTORY INSTRUMENTS

2013 No. 2667

ROAD TRAFFIC

The Vehicle Drivers (Certificates of Professional Competence) (Amendment) Regulations 2013

Made - - - -	*16th October 2013*
Laid before Parliament	*21st October 2013*
Coming into force - -	*13th November 2013*

The Secretary of State for Transport makes these Regulations in exercise of the powers conferred by section 2(2) of the European Communities Act 1972(**a**).

The Secretary of State is a Minister designated(**b**) for the purposes of section 2(2) of the European Communities Act 1972 in relation to the regulation and supervision of the qualifications and working conditions of persons engaged in road transport.

Citation and commencement

1. These Regulations may be cited as the Vehicle Drivers (Certificates of Professional Competence) (Amendment) Regulations 2013 and come into force on 13th November 2013.

Amendment of Regulations

2.—(1) The Vehicle Drivers (Certificates of Professional Competence) Regulations 2007(**c**) are amended as follows.

(2) In regulation 3 (persons to whom these Regulations apply), for paragraph (2)(c) substitute—

"(c) which—

(i) is undergoing road tests for technical development, repair or maintenance purposes;

(ii) is being used for the purpose of submitting it (by previous arrangement for a specified time on a specified date) for a relevant test, or of bringing it away from such a test; or

(iii) is a new or rebuilt vehicle which has not yet been put into service;".

(**a**) 1972 c. 68. Section 2(2) was amended by section 27(1)(a) of the Legislative and Regulatory Reform Act 2006 (c. 51), and by section 3 and the Schedule to the European Union (Amendment) Act 2008 (c. 7).
(**b**) S.I. 1975/1707.
(**c**) S.I. 2007/605.

(3) At the end of paragraph (2)(g) insert—

";

(h) to which sub-paragraphs (a) to (g) do not apply, but which satisfies all of the conditions in paragraph (3)".

(4) After paragraph (2) add—

"(3) The conditions referred to in paragraph (2)(h) are that—

(a) the vehicle is being driven by a person whose principal activity in the course of his work is not driving relevant vehicles;

(b) the vehicle is being driven within a 50 kilometre radius of the driver's base;

(c) the driver is the only person being carried on the vehicle;

(d) in so far as the vehicle may be carrying goods or burden, the goods or burden must only be equipment, including machinery, that is permanently fixed to the vehicle.

(4) In this regulation—

"driver's base" means the address at which the driver came on duty immediately following the last period during which he was off-duty for not less than nine hours;

"relevant test" means an inspection or test for the purposes of technical development, repair or maintenance carried out—

(a) in Great Britain, by a vehicle examiner; or

(b) in Northern Ireland, at a vehicle testing centre provided or maintained by the Department of the Environment for Northern Ireland under Article 73 of the Road Traffic (Northern Ireland) Order 1995(**a**).".

Signed by authority of the Secretary of State for Transport

Robert Goodwill
Parliamentary Under Secretary of State
Department for Transport

16th October 2013

(**a**) 1995 No. 2994 (N.I. 18). See Article 2 for the definition of "Department".

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend regulation 3 of the Vehicle Drivers (Certificates of Professional Competence) Regulations 2007 (the "2007 Regulations") to further transpose Council Directive 2003/59/EC of the European Parliament and of the Council of 15th July 2003 on the initial qualification and periodic training of drivers of certain road vehicles for the carriage of goods or passengers (OJ No. L226, 10.9.2003). These Regulations extend to the United Kingdom.

Regulation 2(2) amends regulation 3(2)(c) of the 2007 Regulations to provide that the 2007 Regulations do not apply where a person is driving a relevant vehicle to or from a "relevant test" for the purposes of technical development, repair or maintenance.

Regulation 2(3) inserts new sub-paragraph (h) into regulation 3(2), which applies a new exemption to vehicles being driven in accordance with all the conditions in new paragraph (3).

Regulation 2(4) adds new paragraphs (3) and (4) into regulation 3 of the 2007 Regulations, to provide that the 2007 Regulations do not apply where a relevant vehicle is being driven by a person whose principal work activity is not driving such vehicles, where, apart from any fixed items, no goods or passengers are being carried, and where the vehicle is only being driven within a limited area.

An Explanatory Memorandum and an Impact Assessment showing the effect that this instrument will have on the costs of business, charities, voluntary bodies and the public sector has been prepared and is available alongside the instrument on the website www.legislation.gov.uk.

© Crown copyright 2013

Printed and published in the UK by The Stationery Office Limited under the authority and superintendence of Carol Tullo, Controller of Her Majesty's Stationery Office and Queen's Printer of Acts of Parliament.

£4.00

UK201310178 10/2013 19585

http://www.legislation.gov.uk/id/uksi/2013/2667

ISBN 978-0-11-110490-3

9 780111 104903