EXPLANATORY MEMORANDUM TO

THE VEHICLE DRIVERS (CERTIFICATES OF PROFESSIONAL COMPETENCE) (AMENDMENT) REGULATIONS 2014

2014 No. 2264

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

2. Purpose of the instrument

2.1 These Regulations make minor technical amendments to the Vehicle Drivers (Certificates of Professional Competence) Regulations 2007, (the 2007 Regulations) on the initial qualification and periodic training of bus and lorry drivers. Amendments are made to the 2007 Regulations to implement the requirements of EU Directive 2013/22/EU on the accession of Croatia into the European Union. Directive 2013/22/EU amends several other EU Directives to take account of the accession of Croatia. These Regulations also allow for additional types of identification to be produced to prove a person's identify when they are undertaking testing or training required under the 2007 Regulations and, at the request of Northern Ireland (NI), introduces a statutory appeals process for those persons affected by the 2007 Regulations in Northern Ireland only – a statutory appeals process already exists within Great Britain.

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

3.1 None.

4. Legislative Context

4.1 Directive 2003/59/EC of the European Parliament and Council on the initial qualification and periodic training of drivers of certain road vehicles for the carriage of goods or passengers was transposed by the Vehicle Drivers (Certificates of Professional Competence) Regulations 2007.

5. Territorial Extent and Application

5.1 This instrument applies to all of the United Kingdom except for regulation 6 which applies only to Great Britain and regulation 7 (inserting a new regulation 6B into the 2007 Regulations) which applies only to Northern Ireland.

6. European Convention on Human Rights

6.1 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 In 2013 the EU introduced an omnibus Directive (2013/22/EU) that amends a number of EU Directives to take account of the accession of Croatia to the European Union. Directive 2003/59/EC on the initial qualification and periodic training of bus and lorry drivers, was one of the Directives named in the omnibus Directive.

7.2 Directive 2003/59/EC which was transposed in 2007, requires professional lorry and bus drivers to hold a professional qualification, a driver "Certificate of Professional Competence" (CPC), in addition to their vocational driving licence in order to drive professionally across Member States. A driver gains a CPC by taking an initial qualification and maintains it by undergoing five-yearly periodic training. The holding of the driver CPC is evidenced by either a code on the driving licence or the holding of a Driver Qualification Card (DQC). Within the UK a Driver Qualification Card is issued. Directive 2003/59/EC requires the DQC to have similar security features to the driving licence as does Regulation (EU) No 165/2014 regarding the driver card.

7.3 When a driver presents for the initial qualification test or to undergo their 5-yearly periodic training they are required to provide photographic proof of their identity. The 2007 regulations only allow a valid photo card driving licence or a valid passport to be used to prove a person's identity. The acceptable documents have been purposely limited to discourage fraud such as impersonations at driving and driver CPC tests. However, following requests from industry representatives the amendments to the 2007 Regulations will permit a driver to use a driver card or a DQC as proof of identity.

7.4 Regulation 4 amends the 2007 Regulations to allow drivers to use a driver card as proof of identity for taking initial qualification CPC tests and Regulation 5 amends the 2007 Regulations to allow a driver who has obtained a DQC, to use that as well as a driver card as proof of identity for periodic training courses. These documents are embedded with security features that make them difficult to forge.

7.5 When the 2007 Regulations were made, they applied UK wide at the request of officials in Northern Ireland. Within those regulations, provision was made for a statutory appeals process for driver trainers to appeal against a decision by the competent authority not to approve either the courses they wished to deliver and/or the trainer delivering them, but this only extended to Great Britain. The new regulation 6B inserted into the 2007 Regulations by regulation 7 of this instrument establishes an appeals process for decisions of the competent authority in relation to Northern Ireland. Regulation 6A of the 2007 Regulations is also amended to make it clear that it only applies to decisions of the competent authority in relation to Great Britain.

- **Consolidation**

7.6 There are no plans to consolidate the legislation amended by these Regulations.

8. Consultation outcome

8.1 Industry representatives have for some time lobbied the Driver and Vehicle Standards Agency (DVSA) to allow drivers to use a wider choice of documents as proof of their identity when undertaking CPC tests or training. Informal consultation carried out with stakeholders during various vocational testing group meetings and stakeholder events, confirmed this requirement. DVSA therefore committed to making the necessary permissive amendments once a suitable legislative opportunity arose. As these amendments are considered to be minor technical amendments, limited in their application, with one applying solely in Northern Ireland no further consultation has been carried out.

9. Guidance

9.1 Guidance has been issued on the Directive and there is extensive guidance on the Driver Qualification Card available at www.gov.uk

10. Impact

10.1 The impact on business, charities or voluntary bodies is nil.

10.2 The impact on the public sector is nil.

10.3 An Impact Assessment has not been prepared for this instrument.

11. Regulating small business

11.1 This legislation applies to small businesses but does not have any impact upon them.

12. Monitoring & review

12.1 The 2007 Regulations are subject to a regulatory review in 2016 and the amendments made in these Regulations will be reviewed at the same time.

13. Contact

Mandy Lynch, Driver and Vehicle Standards Agency Tel: 0115 936 6097 or email: mandy.lynch@dsa.gsi.gov.uk can answer any queries regarding the instrument.