STATUTORY INSTRUMENTS

2024 No. 1160

RETAINED EU LAW REFORM

ROAD TRAFFIC

The Vehicle Drivers (Certificates of Professional Competence) (Amendment) Regulations 2024

Made - - - -	*12th November 2024*
Coming into force	
regulations specified in regulation 1(3)	*1st February 2025*
remainder	*3rd December 2024*

The Secretary of State makes these Regulations in exercise of the powers conferred by section 31(1) of the European Union (Future Relationship) Act 2020(**a**) and sections 12(1), 13(2) and (3), 14(1), (2), (4)(b), (c) and (e) and (7) and 20(1) of the Retained EU Law (Revocation and Reform) Act 2023 ("the 2023 Act")(**b**).

The Secretary of State is a relevant national authority for the purposes of sections 12(1), 13(2) and (3), 14(1), (2), (4)(b), (c) and (e) and (7) and 20(1) of the 2023 Act(**c**).

In accordance with paragraphs 2(1) to (3) and 5(1) and (5) of Schedule 5 to the 2023 Act, a draft of this instrument has been laid before Parliament and approved by a resolution of each House of Parliament.

PART 1

Preliminary

Citation, commencement and extent

1.—(1) These Regulations may be cited as the Vehicle Drivers (Certificates of Professional Competence) (Amendment) Regulations 2024.

(2) Subject to paragraph (3), these Regulations come into force on the twenty-first day after the day on which they are made.

(**a**) 2020 c. 29. See section 37 for the definition of "relevant national authority".
(**b**) 2023 c. 28.
(**c**) See section 21(1) of the Retained EU Law (Revocation and Reform) Act 2023 for the definition of "relevant national authority".

(3) To the extent that these Regulations relate to national return to driving courses, these Regulations come into force on 1st February 2025.

(4) These Regulations extend to England and Wales, Scotland and Northern Ireland, subject as follows.

(5) Regulations 8 and 20 to 22 extend to England and Wales and Scotland.

(6) Regulations 9 and 23 to 25 extend to Northern Ireland.

PART 2

Amendment of the Vehicle Drivers (Certificates of Professional Competence) Regulations 2007

Amendment of the Vehicle Drivers (Certificates of Professional Competence) Regulations 2007

2. The Vehicle Drivers (Certificates of Professional Competence) Regulations 2007(**a**) are amended in accordance with regulations 3 to 19.

Amendment to regulation 2 (interpretation)

3.—(1) In regulation 2, in paragraph (1)—

(a) omit the definition of "the Directive";

(b) after the definition of "the Driving Licences Regulations" insert—

""the Trade and Cooperation Agreement" means the Trade and Cooperation Agreement between the European Union and the European Atomic Energy Community, of the one part, and the United Kingdom of Great Britain and Northern Ireland, of the other part(**b**) (as that agreement is modified or supplemented from time to time in accordance with any provision of it or of any other future relationship agreement);

"the Union code" in relation to a Community licence or a driver attestation means a licence or attestation which bears Union code "95" provided for in Annex I to Directive 2006/126/EC of the European Parliament and of the Council(**c**);";

(c) in the definition of "competent authority", in paragraph (b) for "Department of the Environment" substitute "Department for Infrastructure";

(d) for the definition of "CPC" substitute—

""CPC" means—

(a) a written record certifying a qualification obtained as a result of either having completed the initial qualification requirements for the purposes of Article 6 (CPC certifying the initial qualification) or having completed the training requirements for the purposes of Article 8(1) (CPC certifying periodic training) of Section 1 (certificate of professional competence) of Part B of Annex 31 to the Trade and Cooperation Agreement, whichever is applicable, or

(b) a written record certifying a qualification obtained in a specified EEA state or Gibraltar, as the case may be, and recognised by the competent authority as equivalent to a written record referred to in sub-paragraph (a);";

(e) for the definition of "driver card" substitute—

""driver card" means—

(**a**) S.I. 2007/605, amended by S.I. 2008/506, 2008/1965, 2009/1885, 2010/865, 2010/1111, 2011/996, 2011/2324, 2013/602, 2013/1753, 2013/2667, 2014/1816, 2014/2264, 2015/583, 2015/2024, 2018/1004 and 2020/662.

(**b**) Treaty Series No. 8 (2021).

(**c**) OJ No. L 403, 30.12.2006, p. 18, as last amended by Commission Directive (EU) 2020/612 of 4 May 2020 (OJ No. L 141, 5.5.2020, p. 9).

(a) a tachograph card for the purposes of point (d) of Article 2(2) of Section 4 (use of tachographs by drivers: definitions) of Part B of Annex 31 to the Trade and Cooperation Agreement, or

(b) a tachograph card issued by a specified EEA state or Gibraltar, as the case may be, and recognised by the competent authority as equivalent to a tachograph card referred to in sub-paragraph (a);";

(f) for the definition of "driver qualification card" substitute—

""driver qualification card" means a card drawn up in accordance with the model reproduced in Appendix 31-B-1-2 (model of a driver qualification card referred to in Article 9 of Section 1 of Part B of Annex 31) to the Trade and Cooperation Agreement and issued by the competent authority, a member State or Gibraltar as if the reference to "member state/UK" is to "member state/UK/specified EEA state/Gibraltar;";

(g) in the definition of "fire and rescue authority", for sub-paragraph (b) (but not the "and" after it) substitute—

"(b) in relation to Northern Ireland, has the same meaning as in article 3 of the Fire and Rescue Services (Northern Ireland) Order 2006(**a**),";

(h) for the definition of "initial CPC" substitute—

""initial CPC" means—

(a) a CPC for the purposes of Article 6 of Section 1 (certificate of professional competence: CPC certifying the initial qualification) of Part B of Annex 31 to the Trade and Cooperation Agreement, or

(b) a written record certifying a qualification obtained in a specified EEA state or Gibraltar, as the case may be, and recognised by the competent authority as equivalent to a CPC referred to in sub-paragraph (a);";

(i) for the definition of "initial CPC test" substitute—

""initial CPC test" means the tests for initial qualification referred to in point (ii) of Article 3(1)(a) of Section 1 (certificate of professional competence: system of initial qualification involving only tests) of Part B of Annex 31 to the Trade and Cooperation Agreement;";

(j) after the definition of "initial CPC test" insert—

""national driver qualification card" means a card drawn up in accordance with the model reproduced in Appendix 31-B-1-2 (model of a driver qualification card referred to in Article 9 of Section 1 of Part B) to the Trade and Cooperation Agreement and issued by the competent authority as if—

(a) the reference to "driver qualification card" is to "national driver qualification card";

(b) the reference to "member state/UK" is to "UK";

(c) the reference to "Union code" is omitted;

"national periodic CPC" means a written record certifying a qualification obtained as a result of having completed 35 hours of—

(a) national periodic training,

(b) a combination of any national periodic training and any periodic training,

(c) a combination of any national periodic training and any Swiss periodic training, or

(d) a combination of any national periodic training, any periodic training and any Swiss periodic training;

"national periodic training" means training complying with the requirements in regulation 7A;

(**a**) S.I. 2006/1254 (N.I. 9).

"national periodic training course" means a course delivered by a person approved under regulation 6 and complying with the requirements in regulation 7A;

"national return to driving course" means a course delivered by a person approved under regulation 6 and complying with the requirements in regulation 7B;";

(k) in the definition of "NVT certificate" for "8B(3)" substitute "8B(2)";

(l) for the definition of "periodic CPC" substitute—

""periodic CPC" means—

(a) a CPC for the purposes of Article 8(1) of Section 1 (certificate of professional competence: CPC certifying periodic training) of Part B of Annex 31 to the Trade and Cooperation Agreement, or

(b) a written record certifying a qualification obtained in a specified EEA state or Gibraltar, as the case may be, and recognised by the competent authority as equivalent to a CPC referred to in sub-paragraph (a);";

(m) for the definition of "periodic training" substitute—

""periodic training" means—

(a) the training referred to in point (b) of Article 3(1) of Section 1 (certificate of professional competence: system of periodic training) of Part B of Annex 31 to the Trade and Cooperation Agreement, or

(b) training approved by a specified EEA state or Gibraltar which is recognised by the competent authority as equivalent to the training referred to in sub-paragraph (a);";

(n) for the definition of "periodic training course" substitute—

""periodic training course" means a course of at least 7 hours of training for the purposes of Section 4 (compulsory periodic training provided for in point (b) of Article 3(1) of Section 1 of Part B of Annex 31) of Appendix 31-B-1-1 to the Trade and Cooperation Agreement;";

(o) after the definition of "prison service" insert—

""relevant day" is to be construed as referring to one of the days referred to in regulation 8(a) to (e), whichever is applicable;";

(p) after the definition of "road" insert—

""specified EEA state" means Iceland, the Principality of Liechtenstein or the Kingdom of Norway;".

(2) In regulation 2, in paragraph (2), for sub-paragraph (a) substitute—

"(a) except in regulation 9, a reference to a member State includes a reference to a specified EEA state;".

(3) In regulation 2, after paragraph (3) insert—

"(3A) For the purposes of these Regulations, Appendix 31-B-1-1 (minimum qualification and training requirements) to the Trade and Cooperation Agreement is to be read as if modified as follows—

(a) other than in the words before Section 1 (list of subjects), after "transport of goods", in each place those words occur, insert "or passengers";

(b) in Section 1 (list of subjects)—

(i) after point 1.5 insert—

"1.6. Objective: ability to ensure passenger comfort and safety:

adjusting longitudinal and sideways movements, road sharing, position on the road, smooth breaking, overhang operation, using specific infrastructures (public areas, dedicated lanes), managing conflicts between safe driving and other roles as a driver, interacting with passengers, specificities of certain groups of passengers (disabled persons, children).";

(ii) after point 2.2 insert—

"2.3. Objective: to know the regulations governing the carriage of passengers:

carriage of specific groups of passengers, safety equipment on board buses, safety belts, vehicle load.";

(iii) after point 3.7 insert—

"3.8 Objective: to know the economic environment of the carriage of passengers by road and the organisation of the market:

carriage of passengers by road in relation to other modes of passenger transport (rail, private car), different activities involving the carriage of passengers by road, disability awareness, crossing borders (international transport), organisation of the main types of companies for the carriage of passengers by road.";

(c) in Section 2.2(b) (compulsory initial qualification provided for in point (a) of Article 3(1) of Section 1 of Part B of Annex 31: practical test), in point (ii) after "points 1.5" insert ", 1.6".".

(4) In regulation 2, in paragraph (4) for "6(11)(e), 9(4A) and 11(2A)" substitute "6(16)(f), 9(7)(b)(ii) and 11(2)(c)(ii)".

Amendment to regulation 3 (persons to whom these Regulations apply)

4. In regulation 3—

(a) in paragraph (2), in sub-paragraph (e) for "or a CPC" substitute ", a CPC or a national periodic CPC";

(b) in paragraph (4), in sub-paragraph (b) for "Department of the Environment" substitute "Department for Infrastructure".

Amendment to regulation 4 (persons who must take initial CPC test)

5. In regulation 4—

(a) in paragraph (2), for sub-paragraph (b) substitute—

"(b) where Article 5(4) of Section 1 (certificate of professional competence: initial qualification) of Part B of Annex 31 to the Trade and Cooperation Agreement applies, the appropriate initial CPC test must comply with the last paragraph of Section 2.2 (compulsory initial qualification provided for in point (a) of Article 3(1) of Section 1 of Part B of Annex 31: practical test) of Appendix 31-B-1-1 to the Trade and Cooperation Agreement.";

(b) for paragraph (9) substitute—

"(9) This paragraph applies where a person holds—

(a) a CPC certifying an initial qualification for the purposes of point (a) of Article 6(1) of Section 1 (certificate of professional competence: CPC certifying the initial qualification awarded on the basis of course attendance and a test) of Part B of Annex 31 to the Trade and Cooperation Agreement, or

(b) a written record certifying an initial qualification obtained in a specified EEA state or Gibraltar, as the case may be, and recognised by the competent authority as equivalent to a CPC certifying an initial qualification referred to in sub-paragraph (a).".

Amendment to regulation 5A (further requirements at tests: initial CPC test)

6. In regulation 5A, in paragraph (3) omit the words from "or a valid identity card" to the end.

Substitution of regulation 6 (persons providing training courses)

7. For regulation 6 substitute—

"Persons providing training courses

6.—(1) This regulation applies to a person who wishes to provide—

(a) a periodic training course,

(b) a national periodic training course, or

(c) a national return to driving course.

(2) A person to whom this regulation applies must—

(a) apply in writing to the competent authority,

(b) pay a fee of £1,500, and

(c) for each training course which the person proposes to provide, pay a fee equal to £36 multiplied by the proposed duration of the course in hours.

(3) For the purpose of paragraph (2)(c), part of an hour is treated as an hour.

(4) The competent authority may waive the fee specified in paragraph (2)(b) or (c) or (12)(b) in whole or in part if it thinks fit.

(5) An application under paragraph (2)(a) must be accompanied by—

(a) the documents specified in Section 5.1 (approval of the initial qualification and periodic training provided for in Section 1 of Part B of Annex 31) of Appendix 31-B-1-1 to the Trade and Cooperation Agreement, and

(b) such other documents as the competent authority may reasonably require.

(6) The competent authority may approve in writing—

(a) that person to provide training courses subject to the conditions specified in Section 5.2 (approval of the initial qualification and periodic training provided for in Section 1 of Part B of Annex 31) of Appendix 31-B-1-1 to the Trade and Cooperation Agreement, including the last two paragraphs of that Section;

(b) each training course which that person wishes to provide.

(7) The competent authority's approval under paragraph (6)(a) is valid for five years beginning with either—

(a) a date specified by the competent authority in its written approval under that paragraph, or

(b) where no date is specified by the competent authority, the day after the date on which the competent authority gives its written approval under that paragraph.

(8) The competent authority's approval under paragraph (6)(b) is valid for one year beginning with either—

(a) a date specified by the competent authority in its written approval under that paragraph, or

(b) where no date is specified by the competent authority, the day after the date on which the competent authority gives its written approval under that paragraph.

(9) If it appears to the competent authority that—

(a) any conditions of an approval given under paragraph (6)(a) are not being complied with,

(b) a person approved under paragraph (6)(a) is not complying with the requirement in paragraph (15) (approved person to satisfy themselves as to the identity of person taking course),

(c) a person approved under paragraph (6)(a) is not complying with the requirement in regulation 7(1) (approved person to notify competent authority of training completed, etc), or

(d) an approval under paragraph (6)(a) or (b) or (13) was given in error,

the competent authority may send notice to the person to whom the approval was given that it is minded to withdraw or suspend its approval.

(10) A person who receives a notice under paragraph (9) may make representations to the competent authority within the period of 28 days beginning with the day on which that person received the notice.

(11) The competent authority must—

(a) take any representations received under paragraph (10) into account, and

(b) send a notice to that person stating whether or not its approval is withdrawn or suspended.

(12) A person approved under paragraph (6)(a) who wishes to provide a training course which has not been approved by the competent authority—

(a) may at any time request that authority's approval for that course, and

(b) must pay to that authority the fee prescribed in paragraph (2)(c).

(13) If the competent authority gives approval in response to a request under paragraph (12), that approval is valid for one year beginning with either a date specified by the competent authority or, where no date is specified by the competent authority, the day after the date on which the competent authority gives its approval under this paragraph.

(14) A person to whom these Regulations apply may take a training course approved under this regulation if that person is—

(a) a national of the United Kingdom;

(b) a national of a member State and normally resident in the United Kingdom;

(c) a national of a member State and authorised to work in the United Kingdom;

(d) a national of a third country and authorised to work in the United Kingdom.

(15) A person approved to provide a training course under this regulation must satisfy themselves as to the identity of the person taking the course before the course commences.

(16) The means by which a person must satisfy themselves as to the person's identity under paragraph (15) are—

(a) an appropriate licence as defined in regulation 5A(4),

(b) a valid passport,

(c) a valid driver card,

(d) a valid driver qualification card,

(e) a valid national driver qualification card, or

(f) a valid Swiss CPC containing a photograph of its holder and recognised by the competent authority as a valid form of identification for the purposes of this regulation.

(17) In this regulation, "training course" means a periodic training course, a national periodic training course or a national return to driving course.".

Substitution of regulation 6A (appeals in relation to Great Britain)

8. For regulation 6A substitute—

"Appeals in relation to Great Britain

6A.—(1) A person who is aggrieved by a decision of the competent authority in relation to Great Britain—

(a) not to approve a person to provide training courses under regulation 6(6)(a);

(b) not to approve a training course which a person wishes to provide under regulation 6(6)(b);

(c) to withdraw or suspend an approval under regulation 6(11);

(d) not to approve a training course under regulation 6(13),

may appeal to the First-tier Tribunal.

(2) On the appeal, the Tribunal may make such order for the grant or refusal of an approval for the person or course or for the withdrawal, suspension or continuation of an approval, as the case may be, as it thinks fit.

(3) An order on an appeal under paragraph (1)(a) or (c) may direct that an application by the appellant for an approval to provide training courses under regulation 6(6)(a) shall not be entertained before the expiration of such period, not exceeding four years beginning with the day on which the order is made, as may be specified in the order.

(4) If the Tribunal considers that any evidence adduced on an appeal has not been adduced to the competent authority before it gave the decision to which the appeal relates, the Tribunal may, instead of making the order under paragraph (2), remit the matter to the competent authority for it to reconsider the decision.

(5) In this regulation, "training course" means a periodic training course, a national periodic training course or a national return to driving course.".

Substitution of regulation 6B (review and appeal of decisions in relation to Northern Ireland)

9. For regulation 6B substitute—

"Review and appeal of decisions in relation to Northern Ireland

6B.—(1) A person who is aggrieved by a decision of the competent authority in relation to Northern Ireland—

(a) not to approve a person to provide training courses under regulation 6(6)(a);

(b) not to approve a training course which a person wishes to provide under regulation 6(6)(b);

(c) to withdraw or suspend an approval under regulation 6(11);

(d) not to approve a training course under regulation 6(13),

may by notice in writing to that competent authority apply for a review of the decision within 28 days beginning with the date on which notice of the decision was sent.

(2) Following a review under paragraph (1) the competent authority may grant, refuse, withdraw, suspend or continue an approval, as the case may be, as it thinks fit.

(3) The competent authority must, within 56 days beginning with the day on which the application for review was made, give notice in writing of the review decision to the aggrieved person setting out the particulars of the reasons for its decision.

(4) A person who is aggrieved by a review decision may appeal to a court of summary jurisdiction.

(5) In this regulation, "training course" means a periodic training course, a national periodic training course or a national return to driving course.".

Substitution of regulation 7 (record of periodic training by competent authority)

10. For regulation 7 substitute—

"Record to be kept by competent authority of periodic training courses, national periodic training courses and national return to driving courses

7.—(1) A person ("P") approved by the competent authority under regulation 6(6)(a) must—

(a) notify that authority each time a person to whom P has provided training has completed—

(i) a periodic training course,

(ii) a national periodic training course, or

(iii) a national return to driving course, and

(b) upon each notification pay to the authority a fee equal to the sum of £1.25 multiplied by the duration of the course in hours.

(2) For the purpose of paragraph (1)(b), part of an hour is treated as an hour.

(3) The competent authority may waive the fee specified in paragraph (1)(b) in whole or in part if it thinks fit.

(4) The competent authority must maintain a record of the training notified to it under paragraph (1).".

New regulations 7A (requirements of national periodic training courses) and 7B (eligibility for, and requirements of, national return to driving courses)

11. After regulation 7 (record of periodic training by competent authority), insert—

"Requirements of national periodic training courses

7A.—(1) Subject to paragraphs (2) to (4), a national periodic training course must comply with the requirements of Section 4 (compulsory periodic training provided for in point (b) of Article 3(1) of Section 1 of Part B of Annex 31) of Appendix 31-B-1-1 to the Trade and Cooperation Agreement.

(2) A national periodic training course may be delivered in periods of no less than three and a half hours.

(3) The periods of training referred to in paragraph (2) may be delivered on separate days, which need not be consecutive days.

(4) A national periodic training course must be carried out in the United Kingdom.

Eligibility for, and requirements of, national return to driving courses

7B.—(1) An eligible person may undertake a national return to driving course.

(2) A person is eligible under paragraph (1) if—

(a) that person has held a valid driver qualification card, national driver qualification card or Swiss CPC within the two years immediately preceding the start date of the national return to driving course,

(b) that driver qualification card, national driver qualification card or Swiss CPC expired a minimum of 60 days prior to the start date of the national return to driving course, and

(c) that person has not completed a national return to driving course within the five years immediately preceding the start date of the national return to driving course.

(3) Subject to paragraphs (4) and (5), a national return to driving course must comply with the requirements of Section 4 (compulsory periodic training provided for in point (b) of Article 3(1) of Section 1 of Part B of Annex 31) of Appendix 31-B-1-1 to the Trade and Cooperation Agreement.

(4) A national return to driving course must—

(a) comprise 7 hours of periodic training which may be delivered over two days provided that those two days are consecutive, and

(b) be carried out in the United Kingdom.

(5) A maximum of 2 hours of a national return to driving course may be delivered by e-learning.

(6) A person who completes a national return to driving course under this regulation may, before the expiry of the one-year national driver qualification card issued under regulation 8AC or 8AD, complete an additional 28 hours of—

(a) periodic training,

(b) national periodic training,

(c) Swiss periodic training,

(d) a combination of any periodic training and any national periodic training,

(e) a combination of any periodic training and any Swiss periodic training,

(f) a combination of any national periodic training and any Swiss periodic training, or

(g) a combination of any national periodic training, any periodic training and any Swiss periodic training.

(7) The completion of a national return to driving course does not count towards a person obtaining a periodic CPC or a national periodic CPC unless the additional 28 hours training needed to obtain that periodic CPC or national periodic CPC is completed in accordance with paragraph (6).

(8) In this regulation, "e-learning" means training which—

(a) is undertaken without the supervision or direction of a person approved under regulation 6 and using information and communication technology tools, and

(b) complies with the requirements in Section 4 (compulsory periodic training provided for in point (b) of Article 3(1) of Section 1 of Part B of Annex 31) of Appendix 31-B-1-1 to the Trade and Cooperation Agreement.".

Substitution of regulations 8 (driver qualification card) and 8A with new regulations 8 (definition of "relevant day"), 8A (issue of driver qualification card), 8AA (application for driver qualification card), 8AB (exchange of a driver qualification card issued outside the United Kingdom or of a Swiss CPC), 8AC (issue of national driver qualification card) and 8AD (application for national driver qualification card)

12. For regulations 8 and 8A substitute—

"Definition of "relevant day" in regulations 8A, 8AA and 8AC to 9

8. In regulations 8A, 8AA and 8AC to 9, "relevant day" means—

(a) the day on which the person obtained an initial CPC or a Swiss initial CPC, if the person holds an initial CPC or a Swiss initial CPC,

(b) the day on which the person's initial CPC or Swiss initial CPC expired, if the person—

(i) holds a periodic CPC, a national periodic CPC or a Swiss periodic CPC, and

(ii) obtained that periodic CPC, national periodic CPC or Swiss periodic CPC before the day on which the person's initial CPC or Swiss initial CPC expired,

(c) the day on which the person obtained a periodic CPC, a national periodic CPC or a Swiss periodic CPC, if the person—

(i) holds a periodic CPC, a national periodic CPC or a Swiss periodic CPC, and

(ii) obtained that periodic CPC, national periodic CPC or Swiss periodic CPC after the day on which the person's initial CPC or Swiss initial CPC expired,

(d) the day on which the person's last periodic CPC, national periodic CPC or Swiss periodic CPC expired, if the person—

(i) holds a periodic CPC, a national periodic CPC or a Swiss periodic CPC, and

(ii) obtained that periodic CPC, national periodic CPC or Swiss periodic CPC before the day on which the person's last periodic CPC, national periodic CPC or Swiss periodic CPC expired, or

(e) the day on which the person obtained a periodic CPC, a national periodic CPC or a Swiss periodic CPC, if the person—

(i) holds a periodic CPC, a national periodic CPC or a Swiss periodic CPC, and

(ii) obtained that periodic CPC, national periodic CPC or Swiss periodic CPC after the day on which the person's last periodic CPC, national periodic CPC or Swiss periodic CPC expired.

Issue of driver qualification card

8A.—(1) This regulation applies to a person who holds a driving licence in the form of a photocard and is—

(a) a national of the United Kingdom;

(b) a national of a member State and normally resident in the United Kingdom;

(c) a national of a member State and authorised to work in the United Kingdom;

(d) a national of a third country and authorised to work in the United Kingdom.

(2) Subject to paragraph (3), the competent authority must issue a driver qualification card to a person to whom this regulation applies for a period of five years beginning with—

(a) the relevant day if it is satisfied that—

(i) the person holds an initial CPC as a result of passing the initial CPC test in accordance with regulation 5, or

(ii) the person holds a periodic CPC as a result of completing 35 hours of periodic training and the completion of that training has been notified to the competent authority under regulation 7(1), or

(b) the day on which the person completed the national return to driving course if it is satisfied that—

(i) the person holds a periodic CPC as a result of completing a national return to driving course and 28 hours of periodic training in accordance with regulation 7B(6), and

(ii) the completion of that training has been notified to the competent authority under regulation 7(1).

(3) The competent authority must issue a driver qualification card to a person to whom this regulation applies for a period of five years beginning with the day on which the person obtained a periodic CPC if—

(a) the person holds a valid national driver qualification card,

(b) the person requests the issue of a driver qualification card, and

(c) it is satisfied that the person—

(i) holds a periodic CPC as a result of completing 35 hours of periodic training, and

(ii) the completion of that training has been notified to the competent authority under regulation 7(1).

(4) The national driver qualification card held by a person referred to in paragraph (3) expires on the day on which the competent authority issues a driver qualification card to that person.

(5) The competent authority must issue a driver qualification card to a person to whom this regulation applies for a period referred to in paragraph (6) if—

(a) the person held a Community licence bearing the Union code, and

(b) exchanged that licence for a driving licence.

(6) The period referred to in paragraph (5) is a period beginning with the date of issue of the driver qualification card and ending with the date of expiry of the Union code.

Application for driver qualification card

8AA.—(1) This regulation applies to a person other than a person to whom regulation 8A applies who—

(a) has passed the initial CPC test in accordance with regulation 5,

(b) is a qualifying licence holder, has completed the required training and falls within regulation 6(14), or

(c) is a qualifying licence holder, has completed a national return to driving course, and—

(i) has completed 28 hours of periodic training or Swiss periodic training in accordance with regulation 7B(6), or

(ii) has completed a combination of 28 hours of any periodic training and any Swiss periodic training in accordance with regulation 7B(6).

(2) To obtain a driver qualification card, a person to whom this regulation applies must—

(a) make an application to the competent authority, and

(b) pay the application fee of £25.

(3) The application must include—

(a) if requested by the competent authority, a photograph of the applicant;

(b) in the case of an application by a person referred to in paragraph (1)(b) or (c), such documents or information—

(i) relating to any training which has not been notified to the competent authority under regulation 7(1), and

(ii) which the competent authority may require.

(4) The competent authority may waive the fee specified in paragraph (2)(b) in whole or in part if it thinks fit.

(5) On receipt of the application and the payment of any fee, the competent authority must issue a driver qualification card to a person to whom this regulation applies for a period of five years beginning with—

(a) the relevant day if it is satisfied that—

(i) the person holds an initial CPC as a result of passing the initial CPC test in accordance with regulation 5, or

(ii) the person holds a periodic CPC as a result of completing the required training and it has been notified of any training completed by the person which falls within regulation 7(1), or

(b) the day on which the person completed the national return to driving course if it is satisfied that—

(i) the person holds a periodic CPC as a result of completing the training referred to in paragraph (1)(c), and

(ii) it has been notified of any training completed by the person which falls within regulation 7(1).

(6) In this regulation—

"qualifying licence holder" means a person who holds—

(a) a Community licence,

(b) a British external licence,

(c) a Gibraltar licence,

(d) a Swiss licence, or

(e) a driving licence where some of the person's periodic training has not been notified to the competent authority under regulation 7(1);

"required training" means 35 hours of—

(a) periodic training where at least 7 hours of that training is periodic training undertaken in the United Kingdom,

(b) Swiss periodic training, or

(c) a combination of any periodic training and any Swiss periodic training.

Exchange of a driver qualification card issued outside the United Kingdom or of a Swiss CPC

8AB.—(1) This regulation applies to a person who—

(a) is—

(i) a national of the United Kingdom;

(ii) a national of a member State and normally resident in the United Kingdom;

(iii) a national of a member State and authorised to work in the United Kingdom;

(iv) a national of a third country and authorised to work in the United Kingdom,

(b) holds—

(i) a valid driver qualification card issued by a member State or Gibraltar;

(ii) a valid Swiss CPC, and

(c) holds a driving licence.

(2) To exchange a driver qualification card or a Swiss CPC referred to in paragraph (1)(b) for a driver qualification card issued by the competent authority, a person to whom this regulation applies must—

(a) make an application to the competent authority, and

(b) pay the application fee of £25.

(3) The application must include—

(a) the name, address and telephone number of the person;

(b) the number described as the driver number in the person's driving licence;

(c) the person's request to exchange the person's driver qualification card or Swiss CPC for a driver qualification card issued by the competent authority;

(d) the person's driver qualification card or Swiss CPC.

(4) The competent authority may waive the fee specified in paragraph (2)(b) in whole or in part if it thinks fit.

(5) On receipt of the application and the payment of any fee, the competent authority must issue a driver qualification card to a person to whom this regulation applies for a

period beginning with the date of issue of the driver qualification card and ending with the date of expiry of the driver qualification card or Swiss CPC referred to in paragraph (1)(b).

Issue of national driver qualification card

8AC.—(1) This regulation applies to a person who holds a driving licence in the form of a photocard and is—

(a) a national of the United Kingdom;

(b) a national of a member State and normally resident in the United Kingdom;

(c) a national of a member State and authorised to work in the United Kingdom;

(d) a national of a third country and authorised to work in the United Kingdom.

(2) The competent authority must issue a national driver qualification card to a person to whom this regulation applies for a period of five years beginning with the relevant day if it is satisfied that—

(a) the person holds a national periodic CPC as a result of completing 35 hours of national periodic training or a combination of any periodic training and national periodic training, and

(b) the completion of that training has been notified to the competent authority under regulation 7(1).

(3) The competent authority must issue a national driver qualification card to a person to whom this regulation applies for a period of five years beginning with the day on which the person completed the national return to driving course if it is satisfied that—

(a) the person holds a national periodic CPC as a result of completing a national return to driving course and 28 hours of national periodic training in accordance with regulation 7B(6), and

(b) the completion of that training has been notified to the competent authority under regulation 7(1).

(4) The competent authority must issue a national driver qualification card to a person to whom this regulation applies for a period of five years beginning with the day on which the person completed the national return to driving course if it is satisfied that—

(a) the person holds a national periodic CPC as a result of completing a national return to driving course and 28 hours of training which is a combination of any periodic training and any national periodic training in accordance with regulation 7B(6), and

(b) the completion of that training has been notified to the competent authority under regulation 7(1).

(5) The competent authority must issue a national driver qualification card to a person to whom this regulation applies for a period of one year beginning with the day on which the person completed the national return to driving course if it is satisfied that—

(a) the person has completed the course, and

(b) the completion of that course has been notified to the competent authority under regulation 7(1).

Application for national driver qualification card

8AD.—(1) This regulation applies to a person other than a person to whom regulation 8AC applies who—

(a) is a qualifying licence holder, has completed the required training and falls within regulation 6(14),

(b) is a qualifying licence holder, has completed a national return to driving course, and—

(i) has completed 28 hours of national periodic training in accordance with regulation 7B(6),

(ii) has completed a combination of 28 hours of any national periodic training and any periodic training in accordance with regulation 7B(6),

(iii) has completed a combination of 28 hours of any national periodic training and any Swiss periodic training in accordance with regulation 7B(6), or

(iv) has completed a combination of 28 hours of any national periodic training, any periodic training and any Swiss periodic training in accordance with regulation 7B(6), or

(c) is a qualifying licence holder and has completed a national return to driving course.

(2) To obtain a national driver qualification card, a person to whom this regulation applies must—

(a) make an application to the competent authority, and

(b) pay the application fee of £25.

(3) The application must include—

(a) if requested by the competent authority, a photograph of the applicant;

(b) in the case of an application by a person referred to in paragraph (1)(a) or (b), such documents or information—

(i) relating to any training which has not been notified to the competent authority under regulation 7(1), and

(ii) which the competent authority may require.

(4) The competent authority may waive the fee specified in paragraph (2)(b) in whole or in part if it thinks fit.

(5) On receipt of the application and the payment of any fee, the competent authority must issue a national driver qualification card to a person to whom this regulation applies for a period of five years beginning with—

(a) the relevant day if it is satisfied that—

(i) the person holds a national periodic CPC as a result of completing the required training, and

(ii) it has been notified of any training completed by the person which falls within regulation 7(1), or

(b) the day on which the person completed the national return to driving course if it is satisfied that—

(i) the person holds a national periodic CPC as a result of completing the training referred to in paragraph (1)(b), and

(ii) it has been notified of any training completed by the person which falls within regulation 7(1).

(6) On receipt of the application and the payment of any fee, the competent authority must issue a national driver qualification card to a person to whom this regulation applies for a period of one year beginning with the day on which the person completed the national return to driving course if it is satisfied that—

(a) the person has completed the course, and

(b) the completion of that course has been notified to the competent authority under regulation 7(1).

(7) In this regulation—

"combined training" means training which is—

(a) a combination of any national periodic training and any periodic training,

(b) a combination of any national periodic training and any Swiss periodic training, or

(c) a combination of any national periodic training, any periodic training and any Swiss periodic training;

"qualifying licence holder" means a person who holds—

(a) a Community licence,

(b) a British external licence,

(c) a Gibraltar licence,

(d) a Swiss licence, or

(e) a driving licence where some of the person's periodic training has not been notified to the competent authority under regulation 7(1);

"required training" means 35 hours of—

(a) national periodic training, or

(b) combined training.".

Substitution of regulation 8B (damaged, lost or stolen documents)

13. For regulation 8B substitute—

"Damaged, lost or stolen documents

8B.—(1) Where a driver qualification card, a national driver qualification card or an NVT certificate is damaged, lost or stolen, the person to whom that card or certificate was issued must—

(a) notify the competent authority in writing of that damage, loss or theft as soon as practicable, and

(b) provide such information or documents concerning the damage, loss or theft as the competent authority may require.

(2) Where the competent authority is notified that a driver qualification card, a national driver qualification card or an NVT certificate is damaged, lost or stolen under paragraph (1), it must, upon payment to it of a fee of £25, issue a replacement document to the person to whom that document was originally issued.

(3) The competent authority may waive the fee specified in paragraph (2) in whole or in part if it thinks fit.

(4) If a driver qualification card, a national driver qualification card or an NVT certificate reported lost or stolen under paragraph (1) is subsequently found—

(a) if it is in the possession of the person to whom it was issued, that person must return it to the competent authority as soon as practicable;

(b) if it is not in the possession of the person to whom it was issued but that person becomes aware that it has been found, that person—

(i) must take all reasonable steps to take possession of it, and

(ii) if successful, must return it to the competent authority as soon as practicable.

(5) A person who does not comply with the requirements of paragraph (1) or (4) is guilty of an offence.

(6) A person guilty of an offence under this regulation is liable on summary conviction to a fine not exceeding level 3 on the standard scale.".

Substitution of regulation 9 (time limits for obtaining a CPC)

14.—(1) For regulation 9 substitute—

"**Requirement to hold, validity and time limits of CPC, national periodic CPC or Swiss CPC**

9.—(1) Subject to paragraphs (2) and (3), a CPC, national periodic CPC or a Swiss CPC is valid for a period of five years beginning with the relevant day.

(2) A periodic CPC or a national periodic CPC is valid for a period of five years beginning with the day on which the person completed a national return to driving course if a person to whom these Regulations apply holds that CPC as a result of completing the training referred to in regulations 8A(2)(b), 8AA(5)(b), 8AC(3) and (4) and 8AD(5)(b).

(3) An initial CPC obtained by a relevant licence holder in a member State, a specified EEA state or Gibraltar or a Swiss initial CPC is valid for the relevant period beginning with the relevant day.

(4) Except where paragraph (5) applies, a person to whom these Regulations apply is not permitted to drive a relevant vehicle on a road unless—

(a) the person holds a valid CPC, national periodic CPC or Swiss CPC, or

(b) the person—

(i) has completed a national return to driving course, and

(ii) a period not exceeding one year beginning with the day on which the person completed that national return to driving course has elapsed.

(5) A person is not required to hold a CPC, a national periodic CPC or a Swiss CPC where regulation 4(5) applies to that person.

(6) Where paragraph (4) applies, a person who has completed periodic training, national periodic training or Swiss periodic training in respect of a vehicle which falls within—

(a) category C or C+E, or

(b) category D or D+E,

need not complete further periodic training, national periodic training or Swiss periodic training to drive any relevant vehicle that falls within another category referred to in either sub-paragraph.

(7) In this regulation—

(a) "member State" does not include a reference to a specified EEA state;

(b) "relevant period" means the period of time which—

(i) for the purpose of Article 8(2)(a) of Section 1 (certificate of professional competence: CPC certifying periodic training) of Part B of Annex 31 to the Trade and Cooperation Agreement, applies in the member State in which the initial CPC was obtained, or

(ii) is recognised by the competent authority as equivalent to the period of time referred to in paragraph (i) and applies in a specified EEA state, Switzerland or Gibraltar;

(c) "relevant licence holder" means a person who holds—

(i) a Community licence;

(ii) a British external licence;

(iii) a Gibraltar licence;

(iv) a Swiss licence;

(d) references to a CPC, a national periodic CPC or a Swiss CPC are to a CPC, a national periodic CPC or a Swiss CPC relating to motor vehicles of the category into which the vehicle the person referred to in paragraph (4) drives falls.".

Amendment of regulation 10 (offence of driving without a CPC)

15. In regulation 10—

(a) in paragraph (1), for "9(1)" substitute "9(4)";

(b) in paragraph (2), for "9(1)" substitute "9(4)".

Amendment of regulation 11 (requirement to carry and produce evidence of CPC or of training exemption in vehicle)

16.—(1) Regulation 11 is amended as follows.

(2) For paragraph (1) substitute—

"(1) Subject to paragraph (4), a person ("P") who is required by virtue of regulation 9(4)—

(a) to hold a CPC, a national periodic CPC or a Swiss CPC, or

(b) to have completed a national return to driving course,

is guilty of an offence if P does not carry in the relevant vehicle which P is driving evidence of that CPC, national periodic CPC, Swiss CPC or completion of that national return to driving course as specified in paragraph (2).".

(3) For paragraphs (2) and (2A) substitute—

"(2) The evidence referred to in paragraph (1) is—

(a) in the case of a CPC—

(i) a valid driver qualification card;

(ii) a Community licence bearing the Union code;

(iii) a driver attestation, provided for in Regulation (EC) No 1072/2009 of the European Parliament and of the Council(**a**) as it has effect in EU law as amended from time to time, granted to the driver by a member State and, if issued on or after May 2020, bearing the Union code;

(iv) any other written record obtained by the driver in a member State or Gibraltar certifying an initial CPC or a periodic CPC;

(b) in the case of a national periodic CPC, a valid national driver qualification card;

(c) in the case of a Swiss CPC—

(i) a Swiss CPC;

(ii) any other document issued to the driver by Switzerland certifying a Swiss initial CPC or a Swiss periodic CPC and recognised by the competent authority as evidence of such for the purposes of this regulation;

(d) in the case of having completed a national return to driving course, a valid national driver qualification card.".

(4) For paragraph (3) substitute—

"(3) A person ("P") to whom regulation 4(9) applies, or who holds an initial CPC obtained in a member State or Gibraltar, is guilty of an offence if P does not carry in the relevant vehicle P is driving evidence as specified in paragraph (2)(a) of the initial CPC that P holds.".

(5) For paragraph (3A) substitute—

"(3A) A person ("P") to whom regulation 4(9A) applies, or who holds a Swiss initial CPC, is guilty of an offence if P does not carry in the relevant vehicle P is driving evidence as specified in paragraph (2)(c) of the Swiss initial CPC that P holds.".

(6) In paragraph (4)—

(a) in sub-paragraph (a)—

(i) after "driver qualification card" insert "or national driver qualification card";

(**a**) OJ No. L 300, 14.11.2009, p. 72.

(ii) for "regulation 8(1) or 8A(4)" substitute "whichever of regulations 8A to 8AD applies";

(b) in sub-paragraph (b)—

(i) after "driver qualification card" insert "or national driver qualification card";

(ii) for "8B(3)" substitute "8B(2)".

(7) For paragraph (5) substitute—

"(5) Subject to paragraph (5A), a person ("P") to whom regulation 4(5) applies is guilty of an offence if P does not carry an NVT certificate in the relevant vehicle P is driving.".

(8) In paragraph (5A), in sub-paragraph (b) for "8B(3)" substitute "8B(2)".

(9) In paragraph (5B)—

(a) for "8B(3)" substitute "8B(2)";

(b) for "8B(5)" substitute "8B(3)".

(10) In paragraph (6) omit "to him".

(11) For paragraph (7) substitute—

"(7) A person who fails to produce that evidence or document when required to do so under paragraph (6) is guilty of an offence.".

(12) In paragraph (8) for "shall be" substitute "is".

Substitution of regulation 12 (document errors)

17. For regulation 12 substitute—

"Document errors

12.—(1) This regulation applies where it appears to the competent authority that—

(a) an NVT certificate,

(b) a driver qualification card issued by it under regulation 8A, 8AA or 8AB, or

(c) a national driver qualification card issued by it under regulation 8AC or 8AD,

was granted in error, or with an error or omission in the particulars specified in it.

(2) The competent authority may serve a notice in writing on the person in receipt of a certificate or card to which paragraph (1) applies revoking the NVT certificate, driver qualification card or national driver qualification card, as the case may be, and requiring the person to surrender it to that authority without delay.

(3) A person upon whom a notice is served under paragraph (2) must comply with that notice.

(4) On surrender of a driver qualification card or a national driver qualification card under paragraph (3), the competent authority may issue a new card to that person free of charge subject to paragraph (5).

(5) Where it appears to the competent authority that the driver qualification card or national driver qualification card surrendered to it under paragraph (3) was issued in consequence of an error, omission or other act attributable to the fault of the holder of that card, it may issue a new card upon payment of a fee of £25.

(6) Where the name of the holder of the driver qualification card or national driver qualification card, as the case may be, as specified on that card ceases to be correct, its holder must as soon as reasonably practicable surrender that card to the competent authority.

(7) On surrender of a driver qualification card or a national driver qualification card under paragraph (6), and payment to the competent authority of a fee of £25, the competent authority must issue a new card to that person.

(8) The competent authority may require a person to provide evidence of that person's name, place and date of birth before issuing a new driver qualification card or national driver qualification card to that person under paragraph (4), (5) or (7).

(9) A person who fails to comply with the duty in paragraph (3) or (6) without reasonable excuse is guilty of an offence.

(10) A person guilty of an offence under this regulation is liable upon summary conviction to a fine not exceeding level 3 on the standard scale.".

Substitution of regulation 13 (forgery and false statements)

18. For regulation 13 substitute—

"Forgery and false statements

13.—(1) A person ("P") is guilty of offence if, with intent to deceive—

(a) P forges, alters or uses any document referred to in regulation 11(2),

(b) P lends to, or allows to be used by, any other person such a document, or

(c) P makes, or has in their possession, any document so closely resembling such a document as to be calculated to deceive.

(2) In the application of paragraph (1) to England and Wales and Northern Ireland, "forges" means makes a false document in order that it may be used as genuine.

(3) A person who knowingly makes a false statement for the purpose of obtaining the issue of—

(a) a driver qualification card under regulation 8A, 8AA or 8AB;

(b) a national driver qualification card under regulation 8AC or 8AD;

(c) an NVT certificate,

is guilty of an offence.

(4) A person guilty of an offence under paragraph (1) or (3) is liable—

(a) on summary conviction, to imprisonment for a term not exceeding three months or a fine not exceeding the statutory maximum, or both, or

(b) on conviction on indictment, to imprisonment for a term not exceeding two years or a fine, or both.

(5) Subject to paragraph (6), summary proceedings for an offence to which this regulation relates may be brought within a period of six months beginning with the date on which evidence sufficient in the opinion of the prosecutor to justify the proceedings came to the prosecutor's knowledge.

(6) No such proceedings may be brought by virtue of this regulation more than three years after the commission of the offence.

(7) For the purposes of this regulation, a certificate signed by or on behalf of the prosecutor and stating the date on which evidence sufficient in that prosecutor's opinion to warrant the proceedings came to that prosecutor's knowledge is conclusive evidence of that fact.

(8) A certificate stating that matter and purporting to be so signed is to be treated as being so signed unless the contrary is proved.

(9) In relation to proceedings in Scotland, section 136(3) of the Criminal Procedure (Scotland) Act 1995(**a**) (date of commencement of proceedings) applies for the purposes of this regulation as it applies for the purposes of that section.".

(**a**) 1995 c. 46.

Substitution of regulation 14A (review)

19.—(1) For regulation 14A substitute—

"Review

14A.—(1) The Secretary of State must from time to time—

(a) carry out a review of the regulatory provision contained in these Regulations, and

(b) publish a report setting out the conclusions of the review.

(2) A report under paragraph (1) must be published before 16th May 2029.

(3) Subsequent reports must be published at intervals not exceeding five years.

(4) In carrying out a review under this regulation the Secretary of State must, so far as is reasonable, have regard to how the obligations included in Section 1 (certificate of professional competence) of Part B of Annex 31 and Appendices 31-B-1-1 (minimum qualification and training requirements) and 31-B-1-2 (model of a driver qualification card referred to in Article 9 of Section 1 of Part B) to the Trade and Cooperation Agreement are implemented by the other party to such agreement.

(5) A report published under this regulation must—

(a) set out the objectives intended to be achieved by the regulatory provision referred to in paragraph (1)(a),

(b) assess the extent to which those objectives are achieved,

(c) assess whether those objectives remain appropriate, and

(d) if those objectives remain appropriate, assess the extent to which they could be achieved in another way that involves less onerous regulatory provision.

(6) In this regulation, "regulatory provision" has the same meaning as in sections 28 to 32 of the Small Business, Enterprise and Employment Act 2015(**a**).".

PART 3

Consequential amendments

Amendment of the Goods Vehicles (Licensing of Operators) Regulations 1995

20.—(1) The Goods Vehicles (Licensing of Operators) Regulations 1995(**b**) are amended as follows.

(2) In Schedule 3 (classes of vehicle for which a licence is not required), in paragraph 30(c)(iii), in sub-paragraph (bb) after "periodic training" insert "or national periodic training".

Amendment of the Road Safety (Financial Penalty Deposit) Order 2009

21.—(1) The Road Safety (Financial Penalty Deposit) Order 2009(**c**) is amended as follows.

(2) In the Schedule, in Part 2, in Table 6, in the right-hand column (general nature of offence) of the entry relating to—

(a) regulation 11(1), for "initial" substitute "relevant";

(b) regulation 11(3), for "periodic" substitute "initial";

(**a**) 2015 c. 26. Section 30(3) was amended by section 19 of the Enterprise Act 2016 (c. 12) and paragraph 36 of Schedule 8 to the European Union (Withdrawal Act) 2018 (c. 16).

(**b**) S.I. 1995/2869, amended by S.I. 2013/1753; there are other amendments which are not relevant to these Regulations.

(**c**) S.I. 2009/491, amended by S.I. 2015/583 and 2018/24; there are other amendments which are not relevant to these Regulations.

(c) regulation 11(7), after "evidence of" insert "relevant".

Amendment of the Road Safety (Financial Penalty Deposit) (Appropriate Amount) Order 2009

22.—(1) The Road Safety (Financial Penalty Deposit) (Appropriate Amount) Order 2009(**a**) is amended as follows.

(2) In Schedule 1, in Part 2, in Table 5, in the entry in the second column (general nature of offence) after "evidence of" insert "relevant".

Amendment of the Road Traffic (Financial Penalty Deposit) Order (Northern Ireland) 2012

23.—(1) The Road Traffic (Financial Penalty Deposit) Order (Northern Ireland) 2012(**b**) is amended as follows.

(2) In the Schedule, in Table 13, in the right-hand column (general nature of offence) of the entry relating to—

(a) regulation 11(1), for "initial" substitute "relevant";

(b) regulation 11(3), for "periodic" substitute "initial";

(c) regulation 11(7), after "evidence of" insert "relevant".

Amendment of the Road Traffic (Financial Penalty Deposit) (Appropriate Amount) Order (Northern Ireland) 2012

24.—(1) The Road Traffic (Financial Penalty Deposit) (Appropriate Amount) Order (Northern Ireland) 2012(**c**) is amended as follows.

(2) In Schedule 1, in Table 12, in the entry in the second column (general nature of offence) after "evidence of" insert "relevant".

Amendment of the Goods Vehicles (Licensing of Operators) (Exemption) Regulations (Northern Ireland) 2012

25.—(1) The Goods Vehicles (Licensing of Operators) (Exemption) Regulations (Northern Ireland) 2012(**d**) are amended as follows.

(2) In the Schedule, in paragraph 22—

(a) after "periodic training" insert ", national periodic training";

(b) after "obtain a CPC" insert "or a national periodic CPC".

PART 4

Miscellaneous

Transitional provision

26. Any periodic training, Swiss periodic training or combination of periodic training and Swiss periodic training undertaken by a person under the Vehicle Drivers (Certificates of Professional Competence) Regulations 2007 ("the 2007 Regulations") before the date on which the provisions of these Regulations referred to in regulation 1(2) come into force, may count towards that person obtaining a national periodic CPC under the 2007 Regulations as amended by these Regulations.

(**a**) S.I. 2009/492, amended by S.I. 2013/2025; there are other amendments which are not relevant to these Regulations.
(**b**) S.R. 2012 No. 17, to which there have been amendments which are not relevant to these Regulations.
(**c**) S.R. 2012 No. 18, to which there have been amendments which are not relevant to these Regulations.
(**d**) S.R. 2012 No. 256, to which there have been amendments which are not relevant to these Regulations.

Signed by authority of the Secretary of State for Transport

Lillian Greenwood
Parliamentary Under Secretary of State
12th November 2024 Department for Transport

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations are made under sections 12(1), 13(2) and (3), 14(1), (2), (4)(b), (c) and (e) and (7) and 20(1) of the Retained EU Law (Revocation and Reform) Act 2023 (c. 28) ("the 2023 Act") and section 31(1) of the European Union (Future Relationship) Act 2020 (c. 29). These Regulations revoke and replace regulations 6 to 9, 12, 13 and 14A, and make amendment to various other regulations of the Vehicle Drivers (Certificates of Professional Competence) Regulations 2007 (S.I. 2007/605) ("the 2007 Regulations") which relate to road traffic in England and Wales, Scotland and Northern Ireland. The 2007 Regulations are secondary assimilated law within the meaning of section 12(2) of the 2023 Act.

These Regulations introduce new national periodic training, completion of which entitles a person to the issue of a five-year national driver qualification card, and a national return to driving course of 7 hours of TCA-compliant periodic training, completion of which entitles a person to the issue of a one-year national driver qualification card (see new regulations 7A, 7B, 8AC and 8AD).

The 2007 Regulations implemented Directive 2003/59/EC of the European Parliament and of the Council ("the Directive") which provided for the initial qualification and periodic training of drivers of certain goods vehicles and passenger vehicles. The requirements, which are largely equivalent, are now set out in the relevant provisions of the Trade and Cooperation Agreement ("the TCA") in Part 2, Heading 3, Title I: Transport of Goods by Road and Annex 31: Requirements for drivers involved in the transport of goods in accordance with Article 465 of the TCA.

Part 1: Preliminary

Part 1 makes provision relating to coming into force and extent. The Regulations come into force on the twenty-first day after the day on which they are made except to the extent that they relate to national return to driving courses (see regulation 1(2) and (3)).

Part 2: Amendment of the Vehicle Drivers (Certificates of Professional Competence) Regulations 2007

Part 2 amends the 2007 Regulations.

Regulations 3 to 6 update regulations 2 to 4 and 5A of the 2007 Regulations, in particular to insert new definitions related to the national periodic training and the national return to driving course being created, to refer to the TCA instead of the Directive and to apply modifications to certain parts of the TCA for the purposes of the 2007 Regulations.

Regulation 7 revokes and replaces regulation 6 (persons providing periodic training courses) of the 2007 Regulations. New regulation 6 allows the competent authority to approve persons to provide periodic training courses, national periodic training courses and national return to driving courses. The fees for approval remain the same as under the 2007 Regulations. Approval of the person is valid for a period of five years and approval of each course is valid for a period of one year, both starting either from a date specified by the authority in its approval or from the day after the date of approval.

Regulation 8 revokes and replaces regulation 6A (appeals in relation to Great Britain) of the 2007 Regulations. New regulation 6A extends the right of appeal to approvals of national periodic training courses and national return to driving courses. Regulation 9 revokes and replaces regulation 6B (appeals in relation to Northern Ireland) in an equivalent way.

Regulation 10 revokes and replaces regulation 7 (record of periodic training by competent authority) of the 2007 Regulations and the new regulation extends the requirement to notify the competent authority of the completion of national periodic training courses and national return to driving courses. The fee specified in new regulation 7(1)(b) is the same as was specified in the equivalent provision of the 2007 Regulations.

Regulation 11 inserts new regulations 7A (requirements of national periodic training courses) and 7B (eligibility for, and requirements of, national return to driving courses) into the 2007 Regulations to make provision in connection with the requirements of national periodic training courses and eligibility for, and requirements of, national return to driving courses respectively.

Regulation 12 revokes regulations 8 (driver qualification card) and 8A of the 2007 Regulations and replaces them with new regulations 8 to 8AD. The new regulations include provision—

(a) relating to the competent authority's automatic issue of a driver qualification card and a national driver qualification card respectively and set out the application process relating to each of those cards where a person holds an initial CPC, periodic CPC or national periodic CPC as a result of completing the relevant training,

(b) for the periods of time for which a driver qualification card or a national driver qualification will be issued which vary in accordance with the training completed and whether a person completed the training before or after their initial CPC or last periodic CPC qualification expired,

(c) for a person to upgrade a national driver qualification card to a driver qualification card where the person holds a periodic CPC as a result of completing sufficient periodic training,

(d) for the process for a person to exchange a driver qualification card issued outside the United Kingdom or a Swiss CPC for a driver qualification card issued by the competent authority.

Regulation 13 revokes and replaces regulation 8B (damaged, lost or stolen documents) of the 2007 Regulations with equivalent provision which covers damaged, lost or stolen national driver qualification cards as well as driver qualification cards.

Regulation 14 revokes and replaces regulation 9 (time limits for obtaining a CPC) of the 2007 Regulations with a new regulation 9 (requirement to hold, validity and time limits of CPC, national periodic CPC or Swiss CPC). The new regulation 9 provides for the validity of a CPC, national periodic CPC or Swiss CPC and contains a prohibition against driving a vehicle on a road unless the person holds one of these valid CPCs or has completed a national return to driving course within the past year.

Regulation 15 makes consequential adjustments to regulation 10 (offence of driving without a CPC) to reflect the numbering of replacement regulation 9.

Regulation 16 amends regulation 11 (requirement to carry and produce evidence of CPC or of training exemption in vehicle) of the 2007 Regulations to ensure that the requirements and the offences in that regulation apply to the requirement to carry national driver qualification cards as well as driver qualification cards and NVT certificates.

Regulation 17 revokes and replaces regulation 12 (document errors) of the 2007 Regulations. New regulation 12 includes provision relating to document errors in a national driver qualification card.

Regulation 18 revokes and replaces regulation 13 (forgery and false statements). New regulation 13 extends the offences that were in regulation 13 of the 2007 Regulations to the equivalent offences relating to the national driver qualification card.

Regulation 19 revokes and replaces regulation 14A (review) of the 2007 Regulations. New regulation 14A provides for the Secretary of State to undertake a review of the regulatory provision contained in the 2007 Regulations by 16th May 2029 and, after that, at intervals not exceeding five years.

Part 3: Consequential amendments

Regulations 20 to 25 make consequential amendments to secondary legislation.

Part 4: Miscellaneous

Regulation 26 makes transitional provision to ensure that any periodic training, Swiss periodic training or combination of periodic training and Swiss periodic training undertaken by a person under the 2007 Regulations can count towards that person obtaining a national periodic CPC once these Regulations come into force.

A full impact assessment has not been produced for this instrument as no, or no significant, impact on the private, voluntary or public sector is foreseen.

An Explanatory Memorandum for this instrument has been published alongside these Regulations at www.legislation.gov.uk.

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