



Department  
for Transport

# Driver Licensing Framework



# Driver Licensing Framework

Presented to Parliament  
by the Secretary of State for Transport  
by Command of Her Majesty

September 2021



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# Introduction

## SECTION 1: WHAT WE ARE TALKING ABOUT

### 1. Policy area

The policy area under consideration is roads – Driving Licences

### 2. Scope

#### EU and International Obligations

Following the end of the Transition Period, UK legislation that transposes EU Directives, remains in force in the UK unless amended or repealed by Parliament. Driving licences are governed by several international and EU arrangements. These include the UN Conventions on road traffic, which provide for safety and standards. UK photocard licences comply with the format laid out in the 1968 Vienna Convention on Road Traffic. This concordat covers the elements of EU law, namely the Directive 2006/126/EC of the European Parliament and of the Council of 20 December 2006 on driving licences (commonly known as the Third Driving Licence Directive) which intersects with devolved competence on recognition and exchange of driving licences.

The 1968 Vienna Convention on Road Traffic governing driving licences has been ratified by the UK and all Member States except Cyprus, Ireland, Malta and Spain, but those four Member States and the UK have ratified the 1949 Geneva Convention on Road Traffic. The 1926 Paris Convention Relating to Vehicular Traffic also governs motoring. The UK government's view is that the 1968 Convention requires recognition of UK photocard Driving Licences without International Driving Permits (IDPs); the 1949 Convention is clear that IDPs can be required but countries can choose not to request them.

#### The EU-UK Trade and Cooperation agreement

The area of policy covered by this Common Framework does not fall directly within the provisions of the Trade and Cooperation Agreement, although both the Common Framework and that agreement will impact significantly on devolved and reserved responsibilities.

#### UKG: DA competence and the parties to this framework

Driver licensing is devolved to Northern Ireland (NI) and as such NI can diverge from the UKG position. It is within the Northern Ireland Executive's gift to set the driving standards and licensing regulations in Northern Ireland, which would more than likely fall within the parameters of the UN conventions to maximise their ability to get agreements with Member States. NI divergence is unlikely given the benefits of aligning to the current UK driving standards which are considered to be of a high quality. Also, if NI did seek to diverge, the DfI would need to ensure continued compliance with the United Nations Road Traffic Conventions which the UK has ratified and any understandings reached by the UK as to driver licence exchange with other countries. DfI would not be able to change these unilaterally or bilaterally. Neither should DfI depart from understandings reached by the UK with the Crown Dependencies and Gibraltar in similar matters. To retain NI buy-in, efforts will continue to be made to ensure that the Department for Transport and the Department for Infrastructure work collaboratively to agree mutually beneficial outcomes on the recognition and exchange of driving licenses.

Reciprocal arrangements have been agreed with most EU countries and a Memorandum of Understanding has been finalised between the UK and Ireland, allowing continued exchange of driving licences. Negotiations continue with a number of Member States to finalise long-term arrangements. Options would be considered for other Member States where no agreement is reached. UKG will continue to keep NI colleagues informed of progress through regular update meetings.

This framework will be an agreement between DfT and DfI.

#### The Protocol on Ireland/ Northern Ireland

The Protocol on Ireland/Northern Ireland sets out the arrangements agreed between the UK Government and European Union in relation to those areas where, although remaining within the UK's customs territory, Northern Ireland will remain aligned with the EU on goods (including certain laws for VAT on Goods) and applies EU Tariffs in Northern Ireland, except for movements falling within the customs regime of the United Kingdom. Transport is identified as an area where the Protocol has to be implemented and applied to maintain the necessary conditions for North-South Cooperation.

### 3. Definitions

Definitions for the key terms in this policy area are as follows:

*Recognition* - The UK can rely on UN Treaties (i.e. Vienna and Geneva Conventions on Road Traffic) for driving licence recognition for visitors to countries which are party to the UN Conventions where the UK's photocard driving licences are recognised without the need for additional documentation.

*Exchange* - Our goal is to enter bilateral agreements with EU Member States to enable licence exchange without the need for a driving test to be retaken.

*International Driving Permits (IDPs)* - There are three types of International Driving Permits, corresponding to three UN Treaties: 1926, 1949, 1968. 1926 and 1949 IDPs are valid for one year while 1968 IDPs are valid for three years or until the licence expires, whichever is first. IDPs for UK drivers can be purchased over the counter from the Post Office.

## SECTION 2: PROPOSED BREAKDOWN OF POLICY AREA AND FRAMEWORK

### 4. Summary of proposed approach

#### **Non-legislative agreement**

This Framework Outline Agreement will be agreed between DfT and DfI, establishing the ways of working set out here as the (non-legislative) Driver Licensing Common Framework.

#### **JMC(EN) Frameworks Principles**

DfT and DfI agree that the approach summarised above is necessary according to Section 1 of the JMC(EN) Frameworks Principles (see Annex A for the full list of principles). The following principles, in particular, apply to the driving licences framework:

- ensure compliance with international obligations;
- be based on established conventions and practices, including that the competence of the devolved institutions will not normally be adjusted without their consent; and will
- ensure recognition of the economic and social linkages between Northern Ireland and Ireland.

The reason this policy area falls under these principles is that driving licensing is a transferred matter for Northern Ireland under the Northern Ireland Act 1998.

### 5. Detailed overview of proposed framework: legislation (primary or secondary)

Currently, legislation makes provision for the recognition and exchange of EU licences both in GB and NI. Therefore, no legislative change will be needed if the UK is able to secure bilateral agreements with EU member states for the status quo to continue. However, if it is not possible to conclude bilateral agreements, Ministers may explore the possibility of implementing secondary legislation in order to achieve reciprocity (in relation to recognition this may involve examining the compatibility of any potential legislation with international law). In this scenario, DfT and DfI will work together to ensure there is no divergence. Discussions have taken place with the Northern Ireland Executive and the Department for Infrastructure are aware that legislative changes may be needed subject to a UK ministerial decision on reciprocity.

### 6. Detailed overview of proposed framework: non-legislative arrangements

DfT and DfI considered whether a concordat was required as part of the development of this Common Framework. It has been agreed by all parties that a separate concordat



is not required in this instance as it would duplicate information that is already in the framework outline agreement.

## **7. Detailed overview of areas where no further action is thought to be needed**

Not Applicable

## OPERATIONAL DETAIL

### SECTION 3: PROPOSED OPERATIONAL ELEMENTS OF FRAMEWORK

#### 8. Decision making

Agreed outcomes of the ongoing intergovernmental relations review will be reflected in this framework.

##### Key joint decisions that will be made through this framework

Once the framework is in operation, the key joint decisions that will or could be taken by the parties to this framework are:

- Policy decisions on driving licences
- Resolution of issues.
- Referring issues to the overarching dispute avoidance and resolution mechanism outlined in the MoU on Devolution.
- Reviewing and amending the framework.

##### Decision-making fora

The main forum for official level discussion and decision-making will be meetings between officials from the Department for Infrastructure and the Department for Transport. Terms of Reference for this group are set out in Annex B.

For the proposed governance structure to operate effectively, it is envisaged that recommendations for the majority of proposals will be agreed at official level. It is therefore essential that an appropriate evidence base is developed at this level. The development of evidence base could be carried out through:

- Commissioning further evidence from analysts
- Commissioning further evidence from legal teams
- Seeking advice from external bodies
- Engagement with industry and Embassy staff in the FCDO (possibly through consultations, working groups etc)
- Where evidence is being gathered this will, where possible, be shared between administrations.

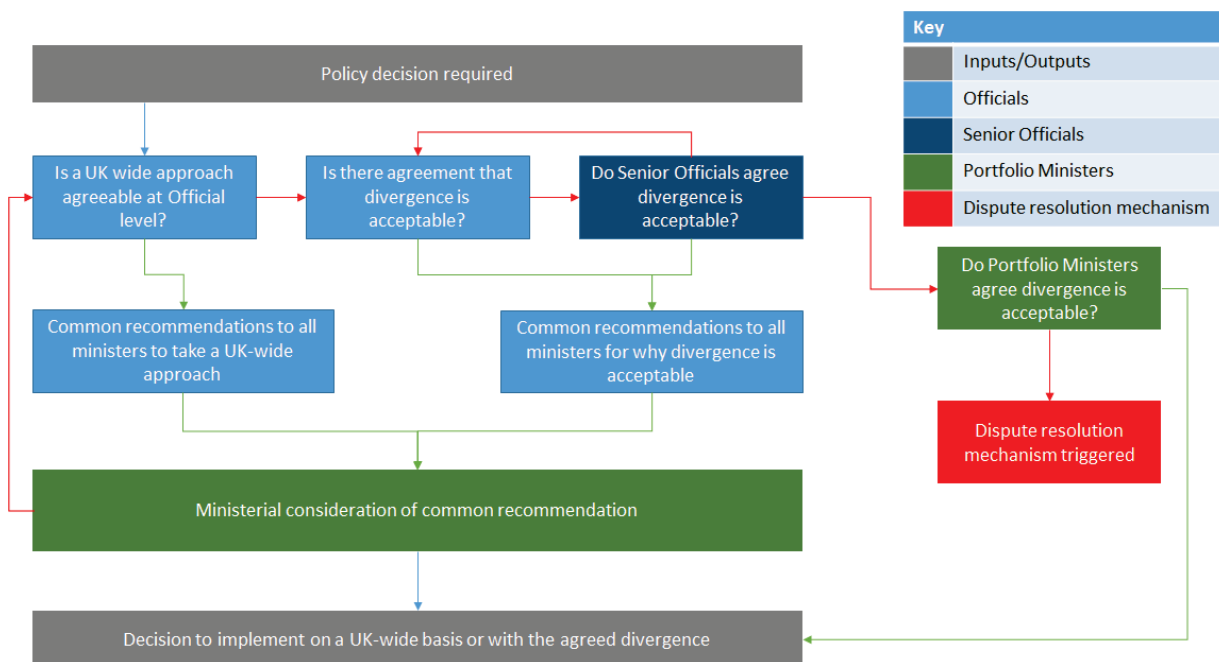
The mechanism for senior official level discussion and decision-making will be meetings between the DfT and the DfI, see Terms of Reference at Annex B.

Criteria for joint decisions will be agreed upon by those present during official level meetings and will be dependent on the issue being discussed. Further escalation (above deputy director level) will be determined as and when it is seen as appropriate

to do so, determined by officials present during the meetings organised to discuss the issues.

The evidence base input may include papers on proposals to diverge to be circulated and reviewed by a wider circulation list ahead of meetings. Output may include updates on where conversations have reached to be circulated and provided to DfT's Roads Safety Standards and Services Director. If no agreement is reached, the course of action would be to escalate involvement to the relevant DfT and DfI Directors to progress the matter.

Initially, discussions will be held at official level. Ministerial level consultation would be determined during meetings with officials, depending on the nature of the issue. Discretion at Director level would be exercised. Any final decisions would be made with Ministerial clearance. Decision making will be tracked by officials on both sides. Any disagreement between administrations on approach should be recorded.



External stakeholders will not be party to the framework. The framework parties may seek information from third parties in order to inform decision making, but third parties will not have an active role in the decision-making process.

### Disagreements

The parties to this framework have agreed that if there is a disagreement on a decision, efforts will be made to resolve this issue at the lowest possible level. If there has been a disagreement, officials will seek further evidence to better inform their discussions and consult lawyers for further advice on matters where there is a lack of clarity. If an issue cannot be resolved, parties will follow the dispute resolution process outlined in section 13 of this document.

Any issues between parties will be recorded as this may help to inform the Review and Amendment process when it is next conducted.

## 9. Roles and responsibilities of each party to the framework

The following sets out the role and responsibilities of officials and ministers in this framework.

### Officials

Officials will hold regular discussions on the policy covered by frameworks and put advice to ministers with the rationale for the approach taken on driving licences, or why divergent policies for Northern Ireland may be necessary. Officials across administrations should convene to discuss policy issues as appropriate and to keep colleagues regularly informed of any ramifications that policy will have across administrations. If officials do not agree when making decisions, issues discussed at a working level can be escalated to senior officials in line with the framework's dispute avoidance and resolution mechanism.

### Senior Officials

Senior officials (e.g. Deputy Directors and Directors) provide strategic direction on the policy areas governed by frameworks and take key operational decisions. They may review an issue as per a framework's dispute avoidance and resolution mechanism if officials are not able to agree on an approach, or if ministers have rejected advice from officials in the first instance, in another attempt to reach agreement. Senior officials should convene to discuss issues as appropriate, either by regular meeting or on an ad hoc basis.

### Ministers

Ministers may receive advice from their officials either concurrently across administrations as issues arise or during business as usual for individual administrations. Ministers may accept advice, or they may reject it. If work is remitted to senior officials and an issue remains unresolved, the issue may be escalated to ministers. Where ministers are considering issues as part of the framework's dispute avoidance and resolution mechanism this could be via several media, including inter-ministerial meetings or by correspondence. Where appropriate, it may be escalated to a senior minister. To note, terminology distinguishing ministerial hierarchy is not universal across administrations. Where there is a distinction, it is likely that advice presented to a minister who is not a senior minister, will be copied to a senior minister who may provide an additional steer if needed. In some circumstances the senior minister will also be the most appropriate minister to make a decision and therefore the distinction between senior minister and Minister will not be relevant. In the case of DfT, a senior minister would be the Secretary of State (SoS).

### Senior Ministers (SoS)

Terminology covering ministerial hierarchy is not universal across administrations. Where there is a distinction, it is likely that advice presented to a minister who is not a senior minister, will be copied to a senior minister who may provide an additional steer if needed. In some circumstances the senior minister will also be the most appropriate minister to make a decision and therefore the distinction between senior minister and Minister will not be relevant.

Information sharing

As per the current MoU on Devolution each administration will aim to provide each other with as full and open as possible access to scientific, technical and policy information including statistics and research and, where appropriate, representations from third parties.

Parliamentary and stakeholder communication and engagement

Engagement with parliament and stakeholders, will take place as and when necessary. The parties to the framework may seek information from third parties to inform decision making, but third parties and stakeholders will not have an active role in the decision-making process.

## 10. Roles and responsibilities of existing or new bodies

The existing bodies party to the framework are DfT and DfI. Core members may include, but are not limited to, the DfT Roads, Safety, Standards and Services Deputy Director and DfI relationship manager and the DfI Safe and Accessible Travel Division Deputy Director. Wider circulation list could include DfT and NI policy leads and lawyers, CO officials, DfI transport officials. Their role will be to make decisions on issues that arise. These issues are likely to surround any proposal of divergence from current policy, which for driving licences includes changes to standards and legislation.

## 11. Monitoring

DfT and DfI will continue to meet regularly to monitor the framework if this does not form part of routine business. The purpose of monitoring is to assess:

- intergovernmental cooperation and collaboration as a result of the framework;
- whether parties are implementing and complying with the framework;
- whether divergence has taken place in contravention of the common framework principles; and
- whether harmful divergence has taken place that impacts on the policy area covered by the framework.

The outcome of this monitoring will be used to inform joint decision-making going forward and the next review and amendment process. If there is an unresolved disagreement, the dispute avoidance and resolution mechanism should be used.

## 12. Review and Amendment

## Process

- The Review and Amendment Mechanism (RAM) ensures the framework can adapt to changing policy and governance environments in the future.
- There are two types of review which are outlined below. The process for agreeing amendments should be identical regardless of the type of review.
- The RAM relies on consensus at each stage of the process from the Ministers responsible for the policy areas covered by the non-legislative agreement.
- Third parties can be used by any party to the framework to provide advice at any stage in the process. These third parties include other government departments or bodies as well as external stakeholders such as NGOs and interest groups.
- At the outset of the review stage, parties to the framework must agree timelines for the process, including the possible amendment stage.
- If agreement is not reached in either the review or amendment stage, parties to the framework can raise it as a dispute through the framework's dispute avoidance and resolution mechanism.

## Review

- A periodic review of the framework will take place every 3 years, in line with official or ministerial level meetings.
  - The period of 3 years starts from the conclusion of a periodic review and any amendment stages that follow.
  - During the periodic review, parties to the framework will discuss whether the governance and operational aspects of the framework are working effectively, and whether decisions made over the previous 3 years need to be reflected in an updated non-legislative agreement.
- An exceptional review of the framework is triggered by a 'significant issue'.
  - A significant issue must be time sensitive and fundamentally impact the operation and/or the scope of the framework.
  - The exceptional review may include a review of governance structures if all parties agree it is required. Otherwise, these issues are handled in the periodic review.
  - The same significant issue cannot be discussed within six months of the closing of that issue.
- The amendment stage can only be triggered through unanimous agreement by ministers. If parties agree that no amendment is required, the relevant time period begins again for both review types will be 3 years until the next periodic

review and at least 6 months until the same significant issue can trigger an exceptional review.

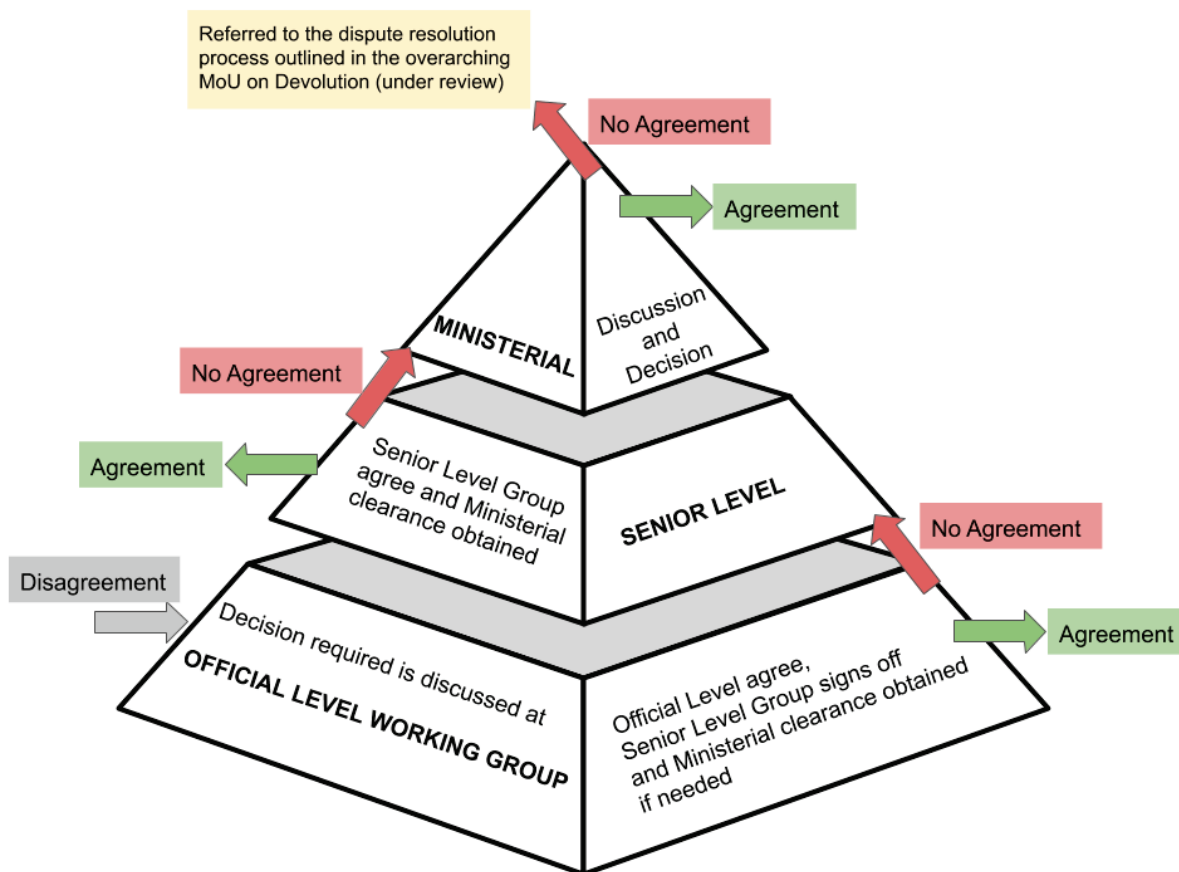
### Amendment

- Following agreement that all parties wish to enter the amendment stage, parties will enter into discussion around the exact nature of the amendment. This can either be led by one party to the framework or all.
- If an amendment is deemed necessary during either type of review, the existing framework will remain in place until a final amendment has been agreed
- All amendments to the framework must be agreed by all parties and a new non-legislative agreement signed by all parties.
- If parties cannot agree whether or how a framework should be amended this may become a disagreement and as such could be raised through the framework's dispute avoidance and resolution mechanism.

## **13. Dispute resolution**

### **Process**

- A disagreement between parties of this framework becomes a 'dispute' when it enters the formal dispute avoidance and resolution process set out in the overarching MoU on Devolution, that is currently under review.
- The goal of this dispute avoidance and resolution mechanism is therefore to avoid escalation to this point, by resolving any disagreements at the lowest possible level.
- This mechanism will be utilised only when genuine agreement cannot be reached and divergence would impact negatively on the ability to meet the common frameworks principles. In those areas where a common approach is not needed in order to meet these principles an "agreement to disagree" could be considered an acceptable resolution.
- The working groups within this framework are the DfT and the DfI official level working group, the senior level working group and the ministerial level working group.
- The below diagrams state the levels of escalation of a disagreement to a dispute and the interaction between each level.



### Timescales for escalation

When a proposal is raised at official level, consideration will be given to the urgency of the proposal (i.e. how quickly a decision is required). This assessment will guide timescales for escalation of disagreement within the governance structure, with decisions requiring a more immediate resolution being escalated more quickly.

### Evidence gathering

At each stage further evidence may be requested from the preceding forum before the disagreement is discussed.

### Third parties

The parties to the framework may seek information from third parties in order to inform decision making, but third parties and stakeholders will not have an active role in the decision-making process.



## **SECTION 4: PRACTICAL NEXT STEPS AND RELATED ISSUES**

### **14. Implementation**

Following scrutiny by the UK Parliament and the NI Assembly in the Autumn, the NI Executive and UK Government will jointly agree to provide this framework with final confirmation upon which it will become fully implemented in the coming months.

## **Annex A - Joint Ministerial Committee (EU Negotiations) Communique, October 2017**

### **Common Frameworks: Definition and Principles**

#### **Definition**

As the UK leaves the European Union, the Government of the United Kingdom and the devolved administrations agree to work together to establish common approaches in some areas that are currently governed by EU law, but that are otherwise within areas of competence of the devolved administrations or legislatures. A framework will set out a common UK, or GB, approach and how it will be operated and governed. This may consist of common goals, minimum or maximum standards, harmonisation, limits on action, or mutual recognition, depending on the policy area and the objectives being pursued. Frameworks may be implemented by legislation, by executive action, by memorandums of understanding, or by other means depending on the context in which the framework is intended to operate.

#### **Context**

The following principles apply to common frameworks in areas where EU law currently intersects with devolved competence. There will also be close working between the UK Government and the devolved administrations on reserved and excepted matters that impact significantly on devolved responsibilities.

Discussions will be either multilateral or bilateral between the UK Government and the devolved administrations. It will be the aim of all parties to agree where there is a need for common frameworks and the content of them.

The outcomes from these discussions on common frameworks will be without prejudice to the UK's negotiations and future relationship with the EU.

#### **Principles**

1. Common frameworks will be established where they are necessary in order to:  
enable the functioning of the UK internal market, while acknowledging policy divergence;  
ensure compliance with international obligations;  
ensure the UK can negotiate, enter into and implement new trade agreements and international treaties;

- enable the management of common resources;
- administer and provide access to justice in cases with a cross-border element; and
- safeguard the security of the UK.

2. Frameworks will respect the devolution settlements and the democratic accountability of the devolved legislatures, and will therefore:

- be based on established conventions and practices, including that the competence of the devolved institutions will not normally be adjusted without their consent;
- maintain, as a minimum, equivalent flexibility for tailoring policies to the specific needs of each territory as is afforded by current EU rules; and

- lead to a significant increase in decision-making powers for the devolved administrations.

3. Frameworks will ensure recognition of the economic and social linkages between Northern Ireland and Ireland and that Northern Ireland will be the only part of the UK that shares a land frontier with the EU. They will also adhere to the Belfast Agreement.

## **Annex B - Terms of Reference for Driver Licensing Common Framework Working Group**

### **Purpose**

To bring together the Department for Transport and the Department for Infrastructure to discuss driving licensing recognition and exchange and make joint decisions that uphold the JMC(EN) Frameworks Principles.

### **Objectives**

The purpose of the official level Driver Licensing Common Framework Working Group is to bring together the DfT and DfI to:

- Facilitate multilateral policy development
- Seek, where agreeable to develop and agree upon common policy approaches
- Manage potential divergence in a way that respects the Devolution Settlements
- Coordinate parliamentary and stakeholder engagement and communication
- Review and Amend the framework as per the R&A process
- Escalate issues as per the dispute avoidance and resolution process

### **Membership**

1. Core membership:

- Department for Transport
- Department for Infrastructure
- DfT Future EU Roads Relationship team
- DfI Driving Policy Branch
- Roads, Safety, Standards and Services Deputy Director and DfI Safe and Accessible Travel Division Deputy Director.
- DfT relationship manager and NI equivalent.

### **Operation of the Group**

1. The Group will meet on a fortnightly basis for 30 minutes.
2. Each administration will aim to provide each other with as full and open as possible access to scientific, technical and policy information including statistics and research and, where appropriate, representations from third parties.
3. Where the Group decides that actions should be tasked to other working groups, or that other fora should be informed of outcomes of Group meetings, the secretariat will be responsible for this.
4. These Terms of Reference may be amended as necessary by a decision of the Group.

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