



Department
for Transport

**Consultation on
the legislative amendments
proposed as a consequence of the
merger of the
Driving Standards Agency
and the
Vehicle & Operator Services Agency**

December 2013

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Foreword

The Department wants high quality motoring services which can be delivered at the best value for money. Simplifying and streamlining what we do and how we do it will be achieved by sharing our estate and our back office functions more effectively across the motoring services.

The motoring services strategy consultation was carried out during 2012/13, and as a result a number of recommendations have been proposed, and taken forward, particularly with regard to the Motoring Services Agencies (Driving Standards Agency, Vehicle & Operator Services Agency, Driver & Vehicle Licensing Agency, Vehicle Certification Agency and Government Car Service).

One of those proposals is to merge the Driving Standards Agency (DSA) with the Vehicle and Operator Services Agency (VOSA). This paper considers the legislative amendments that would be required as a consequence of merging the two Agencies

The merger of DSA and VOSA into a single Motoring Agency is intended to deliver the following strategic objectives:

- i. Motorists and businesses will benefit from more convenient and cost effective motoring services as the merger offers opportunities to combine flexible provision of driver testing services and goods vehicle testing;
- ii. More flexible, faster services, particularly for commercial customers;
- iii. Create opportunities to identify synergies between the two organisations and service improvements that could potentially enable a reduction in fees

The change of name has received the full endorsement and support of the Department for Transport, but some legislative amendments are required to replace references to DSA and VOSA with a reference to the Driver and Vehicle Standards Agency (DVSA).

Executive summary

- 1.1 DSA and VOSA are to be merged to form the ***Driver and Vehicle Standards Agency (DVSA)***. This consultation seeks views on the list of amendments to the legislation listed in annex A to replace references to DSA and VOSA with the DVSA.
- 1.2 DSA and VOSA are Executive Agencies of the Department for Transport; they exercise their powers and functions on behalf of the Secretary of State for Transport and, accordingly DSA and VOSA are not specifically mentioned in much of the legislation under which they operate.
- 1.3 However, there is some secondary legislation which does specifically refer to DSA and VOSA. In order to enable continuity of DSA and VOSA operations after the formation of the DVSA, any specific reference to those Agencies in legislation must be amended. There is a legal duty to consult appropriate representative bodies in relation to some of the legislation requiring amendment.
- 1.4 In most cases the required amendment will involve replacing the reference to DSA or VOSA with a reference to DVSA. Where appropriate, consideration will be given to whether the reference to DVSA can include a successor of DVSA to cater for a situation where the name of the Agency carrying out the relevant functions changes in the future.
- 1.5 The required amendments are minor consequential changes required as a result of the merging of DSA and VOSA to form a single Agency with a different name. The substantive provisions which currently apply to DSA and VOSA and which apply to the DVSA will not be changed or extended.
- 1.6 Examples of where DSA and/or VOSA are specifically referenced in legislation that require amendment are:
 - a. The definition of “goods Vehicle Centre” in the Goods Vehicles (Plating and Testing) Regulations 1988 refers to

“such office of the Vehicle and Operator Services Agency as the Secretary of State may direct”;

- b. The Public Service Vehicles (Conditions of Fitness, Equipment, Use and Certification) Regulations 1981 which provide in regulation 46(1) that “Every application for a certificate of initial fitness shall be made to the Secretary of State at such office of the Vehicle and Operator Services Agency as he may direct and on a form to be obtained from him”. ; and
- c. References in the Motor Vehicles (Driving Licences) Regulations 1999 to “DSA examiner”.

1.7 As these changes to legislation have a very narrow scope, the consultation period has been reduced to reflect this.

How to Respond

The consultation period begins on the 28th November 2013 and will run until 3rd January 2014. Please ensure that your response reaches us before the closing date. If you would like further copies of this consultation document, it can be found at <https://www.gov.uk/government/publications> or you can contact Paul Jeffreys if you would like alternative formats (Braille, audio, CD, etc).

Please send consultation responses online to:

<https://www.surveymonkey.com/s/T3DJ9X7>

Consultation responses can also be sent to:

Paul Jeffreys, Motoring Services, Zone 4/33 Great Minster House, 33 Horseferry Road, London SW1P 4DR

Phone number: 0207 944 2916

Email address: DSAVOSANameChange@dft.gsi.gov.uk

When responding, please state whether you are responding as an individual or representing the views of an organisation. If responding on behalf of a larger organisation, please make it clear who the organisation represents and, where applicable, how the views of members were assembled.

If you have any suggestions of others who may wish to be involved in this process please contact us.

Freedom of Information

Information provided in response to this consultation, including personal information, may be subject to publication or disclosure in accordance with the Freedom of Information Act 2000 (FOIA) or the Environmental Information Regulations 2004.

If you want information that you provide to be treated as confidential, please be aware that, under the FOIA, there is a statutory Code of Practice with which public authorities must comply and which deals, amongst other things, with obligations of confidence.

In view of this it would be helpful if you could explain to us why you regard the information you have provided as confidential. If we receive a request for disclosure of the information, we will take full account of your explanation, but we cannot give an assurance that confidentiality can be maintained in all circumstances. An automatic confidentiality disclaimer generated by your IT system will not, of itself, be regarded as binding on the Department.

The Department will process your personal data in accordance with the Data Protection Act (DPA) and in the majority of circumstances this will mean that your personal data will not be disclosed to third parties.

The proposals

Changing the name of the Driving Standards Agency (DSA) and the Vehicle & Operator Services Agency (VOSA) requires consequential amendments to some Regulations and Orders to substitute appropriate references to the DVSA into secondary legislation which currently refers to DSA and VOSA.

The amending legislation will not alter or extend any of the substantive statutory provisions which apply to DSA or VOSA and which will apply to the DVSA.

A list of the legislation to be amended in relation to which the Department has a duty to consult is attached at Annex A.

Consequential amendments will also be required to references to DSA and/ or VOSA contained in the following legislation. This list is provided for information only and is not included in the scope of this consultation as there is no statutory requirement to consult.

The Regulation of Investigatory Powers (Directed Surveillance and Covert Human Intelligence Sources) Order 2010

The Proceeds of Crime Act 2002 (References to Financial Investigators) Order 2009.

The Sustainable Energy (CHP Provisions) Order 2003

The Working Time Regulations 1998

The Disclosure (Persons engaged in the Investigation and Reporting of Crime or Sudden Deaths) (Scotland) Regulations 2011

The Regulation of Investigatory Powers (authorisations extending to Scotland) Order 2007

Consultation question

The Driver and Vehicle Standards Agency (DVSA) is the new name for the Agency created by the merger of DSA and VOSA. Do you have any comments on the consequential amendment of the legislation listed at Annex A to replace references to DSA and VOSA?

What will happen next

A summary of responses, including the next steps, will be published within one month of the consultation closing on [\(web address\)](#). Paper copies will be available on request.

Annex A – List of Legislation

Amendments required to legislation containing references to the Vehicle and

Operator Services Agency or VOSA requiring consultation

1. Road Vehicle Lighting Regulations 1989 (S.I. 1989/1796) as amended by regulation 5(1) and (2)(b), 13 and 14 of the Road Vehicles (Plating and Testing) (Amendment) Regulations 2009 (SI 2009/3220)

Regulation 11(2)(y)(iv) - Colour of light shown by lamps and reflectors

Part 2 of Schedule 17 - Requirements relating to Optional Side Retro Reflectors

Part 2 to Schedule 18 - Requirements Relating to Optional Rear Retro Reflectors

2. The Goods Vehicles (Plating and Testing) Regulations 1988 (SI 1988/1478) as amended by regulation 3 of the Goods Vehicles (Plating and Testing) (Amendment) Regulations 2008 (SI 2008/1460)

Regulation 3 – Interpretation

3. The Public Service Vehicles (Conditions of Fitness, Equipment, Use and Certification) Regulations 1981 (S.I. 1981/257) as amended by regulation 3 of the <http://www.legislation.gov.uk/id/uksi/2007/502> Public Service Vehicles (Conditions of Fitness, Equipment, Use and Certification) (Amendment) Regulations 2008 (SI 2008/1458)

Regulation 46(1) - Applications and fees for certificates of initial fitness

4. The Road Vehicles (Registration and Licensing) Regulations 2002[http://www.legislation.gov.uk/uksi/2008/1444/regulation/2/made - f00002#f00002](http://www.legislation.gov.uk/uksi/2008/1444/regulation/2/made-f00002#f00002) (S.I. 2002/2742) as amended by regulation 3 of the Road Vehicles (Registration and Licensing) (Amendment) (No 2) Regulations 2008 (SI 2008/1444)

Paragraph 12(2)(c)(i) of Schedule 2 - reduced pollution certificates and the reduced pollution requirements; Appeal against refusal or revocation of a certificate

5. The Motor Vehicles (Tests) Regulations 1981 (SI 1981/1694) as amended by regulation 3, 5, 12, 15, 17 of and the Schedule to the Motor Vehicles (Tests) (Amendment) Regulations 2003 (SI 2003/1113)

Regulation 3 – Interpretation

Regulation 7 - Application for approval as nominated tester

Regulation 7A - Application for designation

Regulation 8A - The approval conditions

Regulation 8B - The general authorisation conditions

Regulation 8C - The corporate authorisation conditions

Regulation 8D - The individual authorisation conditions

Regulation 8E -The designation conditions

Regulation 18 - Appeal on refusal of a test certificate

Regulation 21 - Fees on appeals

Regulation 23 -Duplicate test certificates

Amendments required to legislation containing references to the

Driving Standards Agency or DSA requiring consultation

1. Motor Cars (Driving Instruction) Regs 2005 (SI 2005/1902)

Regulation 18(1) - Official title of registered person and certificate of registration

2. The Motor Vehicles (Driving Licences) Regulations 1999 (SI 1999/2864) as amended by The Motor Vehicles (Driving Licences) (Amendment) Regulations 2009 (SI 2009/788)

Regulation 22 – interpretation

Regulation 31(1) - Applications for [manoeuvres,] practical and unitary tests: applicants in person

Regulation 32 – Applications for [manoeuvres or] practical tests: motor bicycle instructors

Regulation 33(1) - Applications for practical tests: large vehicle instructors

Regulation 34(2)(a) - Eligibility to reapply for manoeuvres, practical or unitary test

Regulation 35(2)(a) and (3)(a), 3ZA(a), 3ZB(a) - Fees in respect of manoeuvres, practical or unitary tests

Regulation 36 – Cancellation of tests

Annex B - Impact assessment

As this consultation is based on minor consequential changes required from the merger of DSA and VOSA, and no formal proposals have been made, there is no requirement for an impact assessment.

Annex C - Consultation principles

The consultation is being conducted in line with the Government's key consultation principles which are listed below. Further information is available on the Better Regulation Executive website at <https://www.gov.uk/government/publications/consultation-principles-guidance>

If you have any comments about the consultation process please contact:

Consultation Co-ordinator
Department for Transport
Zone 1/14 Great Minster House
London SW1P 4DR
Email consultation@dft.gsi.gov.uk

Consultation principles

- departments will follow a range of timescales rather than defaulting to a 12-week period, particularly where extensive engagement has occurred before;
- departments will need to give more thought to how they engage with and consult with those who are affected;
- consultation should be 'digital by default', but other forms should be used where these are needed to reach the groups affected by a policy; and
- the principles of the Compact between government and the voluntary and community sector will continue to be respected.