



Driving
Standards
Agency

Response to consultation

Further European changes to driving licences and driving test requirements

A report on the consultation paper on European Directive 2012/36/EU which introduces changes to driver licensing and the vehicles that can be used to take the driving test for a motorcycle, lorry or bus.

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Executive summary

This report concerns decisions made following the recent consultation on further changes that the European Commission is making to EU legislation. The consultation ran for 6 weeks from 15 July to 26 August 2013 and was published on the GOV.UK website: [Motorcycle, lorry and bus driving licences and driving test rules](#).

339 responses to the consultation were received. An analysis of the results is provided below in the section headed 'Responses to the consultation exercise'.

Ministers are grateful to all who responded.

The changes which were consulted on are being made to the 3rd EU Directive on driving licences (Directive 2006/126/EC) which was implemented on 19 January 2013 and affects driving licences, driving tests and the vehicles that can be used to take the driving tests.

The changes are in an Amending Directive (Directive 2012/36/EU) and include:

- changes to driver licensing to take account of new vehicle categories introduced in the 3rd Directive on the 19 January and the codes that are put onto driving licences to show any restrictions on driving that a driver has due to medical reasons, or because of when they passed their driving test
- the standards that must be met for different types of vehicles that can be used to take a motorcycle, lorry or bus test

The majority of the changes must be implemented by 31 December 2013, apart from the changes that relate to large motorcycles which do not have to be implemented until 31 December 2018.

Not all of the changes within the amending Directive were consulted on as the UK has no choice but to introduce them, such as the restriction codes on driving licences and the changes to large motorcycles (increase in engine power and a new minimum weight requirement for category A); or, they offered benefits that the UK wanted to introduce, such as the 5cc tolerance in cylinder capacity for all motorcycles. The changes that were consulted on were:

- changes to the category C1 test (medium sized lorries). Option to introduce a new test for non-professional C1 drivers as shown on the licence by a new restriction code
- removing the need for 8-forward gear ratios for large lorries used for the driving test (category C)
- allowing persons who hold a manual entitlement in either category B, BE, C, CE, C1, C1E, D, D1E, to be allowed to take their large vehicle test (categories C and D) on an automatic vehicle but gain a manual driving licence entitlement – by virtue of already holding a manual entitlement in another category

Change to 3rd Directive implementation

The consultation also asked a question on behalf of DVLA about allowing persons to drive 3-wheeled vehicles with a power rating above 15kw, as long as they held a category B (car) driving licence and were at least 21 years of age. This option was offered in the 3rd Directive and was taken up in some of the other Member States, but was not taken up by the UK.

Background

When the 3rd Directive was agreed by the EU in 2006, it made changes to vehicles and vehicles categories. For example, it introduced a new EU category for mopeds (category AM) and moved three-wheelers from category B1 (sub-category of car) into motorcycle categories and introducing new categories it was on the understanding that the annexes in the Directive would need revising at a later date. It is the annexes where details can be found about:

- the content and delivery of driving tests
- the specifications of vehicles that can be used for driving tests – known as minimum test vehicle requirements (MTVs)
- medical requirements that drivers must meet, such as eyesight and declaring any disabilities
- restriction codes that show what driving licence entitlements drivers hold and whether they are limited to only driving vehicles in certain circumstances, such as only being able to drive automatic vehicles

The 3rd Directive had to be fully implemented in all Member States of the European Union by 19 January 2013. But, the European Commission agreed some further amendments to the 3rd Directive in November 2012 to update those annexes to reflect the changes in vehicle categories and licensing agreed back in 2006. There was not enough time between the amendments being agreed in November 2012 and the implementation date for the 3rd Directive in January 2013, to enable the UK to make all of the changes at once, especially as the UK needed to consult stakeholders on some of those changes. This consultation concerned those amendments agreed in November 2012.

Three-wheelers

The consultation also asked a question on behalf of the Driver and Vehicle Licensing Agency (DVLA) about allowing persons to drive three-wheeled vehicles with an unlimited power rating, as long as they held a category B (car) driving licence and were at least 21 years of age. This option was offered in the Third Directive and was taken up in some of the other Member States, but was not taken up by the UK. Before the 3rd Directive was implemented three-wheelers were in category B1. The EU removed three-wheelers from category B1 and put them into the motorcycle categories in the 3rd Directive, which means that a motorcycle test must be taken in order to ride a tricycle. The UK did not agree this, but we were not supported by other EU colleagues when we argued against this move.

Recently, many tricycle enthusiasts have lobbied for a return for three-wheelers to category B1. The UK is unable to do this without the agreement of the EU and other Member States. In the meantime, we are able to make the small legislative change as stated above, subject to the change being wanted. A question was therefore asked about this in the Consultation Paper. Longer term, the UK continues to push the EU for a return for Three-wheelers to category B1.

Application within the United Kingdom

The Secretary of State for Transport has responsibility for driver training, testing and licensing in Great Britain (GB). The Driving Standards Agency (DSA) an executive agency of the Department for Transport (DfT), is responsible for driving tests within GB and for introducing the new requirements concerning the training and testing processes that underpin the upgrading of driving licence entitlements. The Driver and Vehicle Licensing Agency (DVLA) are responsible for all things to do with the security and issuing of driving licences, including any restrictions.

Legislative responsibility within Northern Ireland is devolved to the Northern Ireland Executive under the Northern Ireland Act 1998. Responsibility for driver training, testing and licensing within Northern Ireland is with the Department of Environment NI (DOENI).

Why is government intervention necessary?

Driving tests, the vehicles used for driving tests and the holding of driving licences, is set out in European law and in domestic legislation. The Road Traffic Act 1988¹ and the driving licence regulations² made under that Act apply. The changes required by the amending Directive will mean changes will need to be made to this legislation.

Responses to the consultation exercise

The consultation ran from the 15 July 2013 to 26 August 2013 and was hosted on the GOV.UK website. Stakeholders associated with motorbikes, three-wheelers, lorries and buses (including coaches) were informed of the consultation in a number of ways, such as:

- via a DSA Direct notification to all subscribers of the service including motorcycle, car, bus and lorry trainers/owners/vehicle operators – this is where persons with an interest in what the DSA is doing have signed up to receive direct emails or ‘tweets’ on the agency’s business
- press notice to specialists - motorbike, lorry and bus/coach press
- article in DSA newsletter ‘Despatch’ sent to all interested stakeholder representatives
- targeted e-mails
- via a letter sent to interested parties by the DVLA

Overall, 339 responses to the consultation were received. Responses came from a variety of stakeholders including members of the public; private bus and lorry operators and/or trainers; industry representative groups, road safety groups and vehicle enthusiast clubs.

Below are the questions that were in the consultation and the numbers of responses received to each question. The first three questions are about proposals within the Amending Directive; the

¹ Road Traffic Act 1988 [as amended]

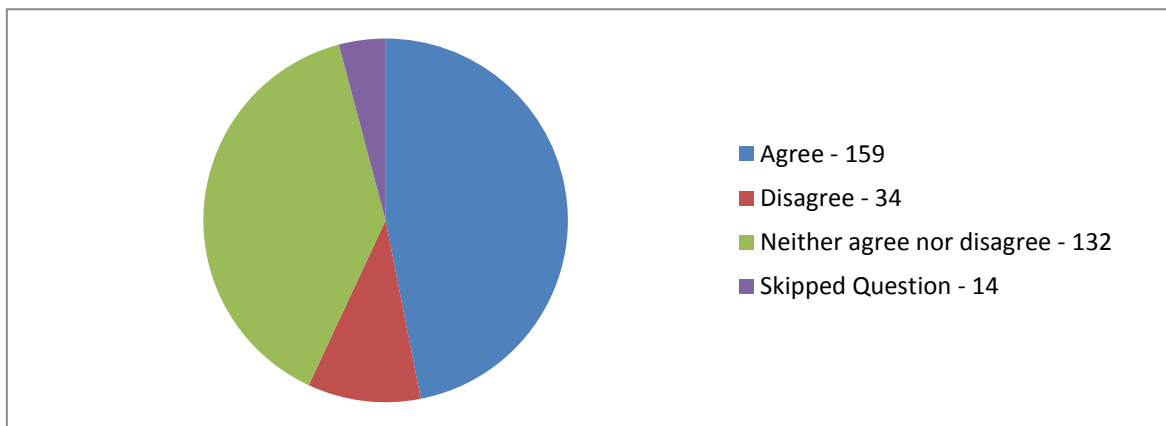
² Motor Vehicles (Driving Licences) Regulations 1999 SI No. 2864 [as amended]

4th question is about three-wheelers and the final two questions are miscellaneous questions about the Impact Assessment and the Consultation Principles.

The introduction of a new type of test for non-professional medium sized lorry drivers (Category C1) as shown on the licence by a new restriction code.

Question 1

DSA does not intend to make this change, but wants to know if you agree?



Of the number of people who disagreed and thought that a further test for non-professional drivers should be introduced, comments made were generally that a non-professional test would benefit those drivers who own motorhomes. The benefit being that motorhome owners would be able to take their driving test in their own vehicles without having to have a tachograph fitted.

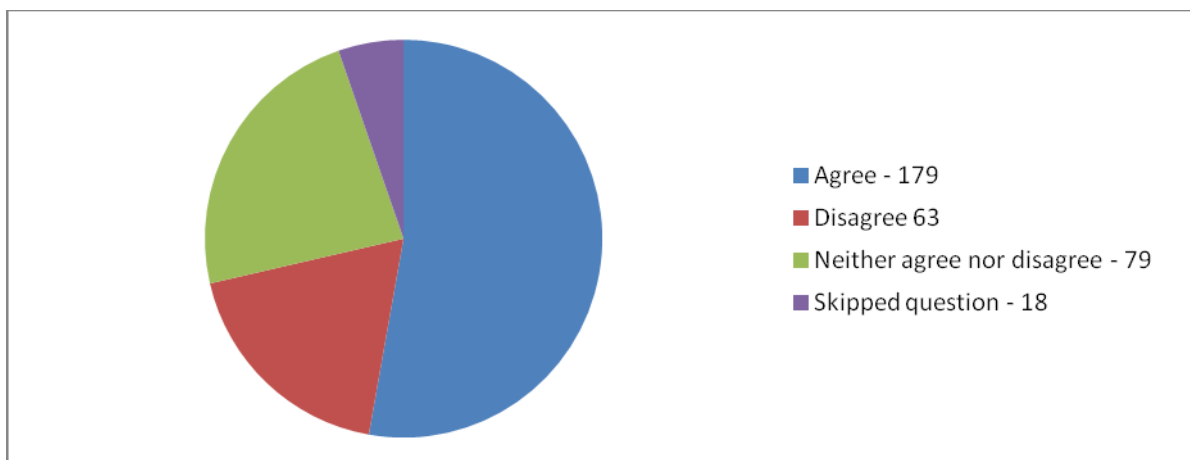
DSA accepts that this is true. However, the EU legislation requires that apart from the content about the tachograph, all of the other content of the current category C1 test must remain and be tested. DSA is unable to just remove the tachograph content from the current test, for non-professional drivers turning up for test. A new theory test that did not include tachograph questions in the multiple-choice database would need to be introduced and IT systems would need to be changed to enable drivers to book this separate test. All of this would involve costs that would need to be recovered from those using the service – we could not have any certainty of the number of people who would use this service.

DSA does not propose to introduce another theory test or change the booking system at this time. The agency has however, considered whether it would be possible to just allow persons to attend for the test using their own vehicle and without having a tachograph fitted, even if the theory test is not changed. This would save money for the individual on the cost of the tachograph, but, they would still be required to have a restriction code put onto their driving licence by DVLA. The issue for DSA is how we tell DVLA to put the code onto the driving licence without having to spend money making major changes to IT systems, because driving test results are sent electronically via a special IT system to DVLA. DSA is currently investigating whether this could be done without it being too costly and introducing it with other future IT changes to mitigate the cost. This is assuming that stakeholders would wish to do this. **Further comments on this point would be welcome.**

The Amending Directive allows that drivers who have passed their lorry or bus test in an automatic vehicle, to be given a manual licence instead of an automatic one, if they already hold a manual entitlement in any of the following categories: B, BE, C, CE, C1, C1E, D, DE, D1E

Question 2

DSA intends to make this change. Do you agree or disagree that DSA should make this change?



Of the number of people who disagreed with allowing this proposal, many cited road safety grounds. Responders thought that drivers who wanted to drive a large manual vehicle should actually train and take their test on a large manual vehicle, rather than gain it by virtue of holding a different category of manual vehicle. They thought that driving a smaller manual vehicle was very different to the handling of a large manual vehicle, not least because of the difference in the number of gears and gear changes. For these reasons they considered that there would be road safety issues in that drivers would not be competent to drive large manual vehicles. Others who disagreed with the proposal felt that automatic vehicles are more expensive than manual vehicles and not readily available.

In response, the DSA accepts that there are some differences in the handling characteristics between a car and a lorry, however, the Agency feels that the road safety case is not proven either way and that in any case, most automatic vehicles do have a lever for gear changes, (it is a clutch that is missing). The Agency currently allows the 3 pedal version of the Scania Opti Cruise to be used for taking a manual test. When driving this vehicle the clutch is only operated when manoeuvring the vehicle at very slow speed or when moving off and stops. All gear changes are carried out automatically.

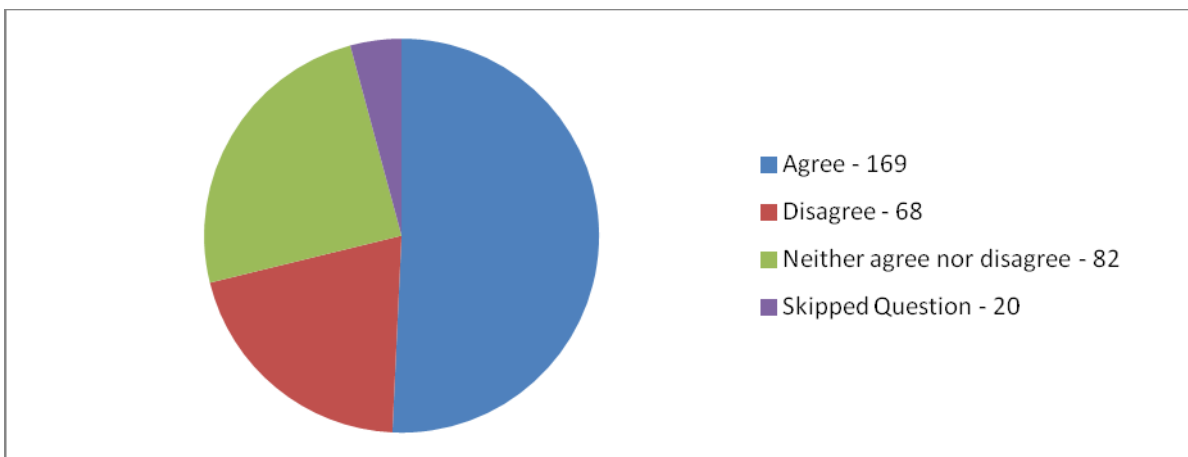
Drivers will still be able to come to test in a manual vehicle; or, opt to use an automatic vehicle; the choice will be for the driver to decide. The DSA proposal is to accept the relaxation of the current rules regarding vehicles used for driving tests as set out in the Directive, as it is Government policy to take up any deregulatory changes offered by the EU. If we do not take up

this proposal we may be disadvantaging our drivers when compared to those taking a test in other parts of the EU.

We would also like to extend this relaxation to current holders of automatic large vehicle licences, as long as they also hold a manual entitlement in another category, except motorcycles.

Question 3

Do you agree or disagree that existing automatic licence holders should also be given a manual entitlement when they exchange their licence for any reason?



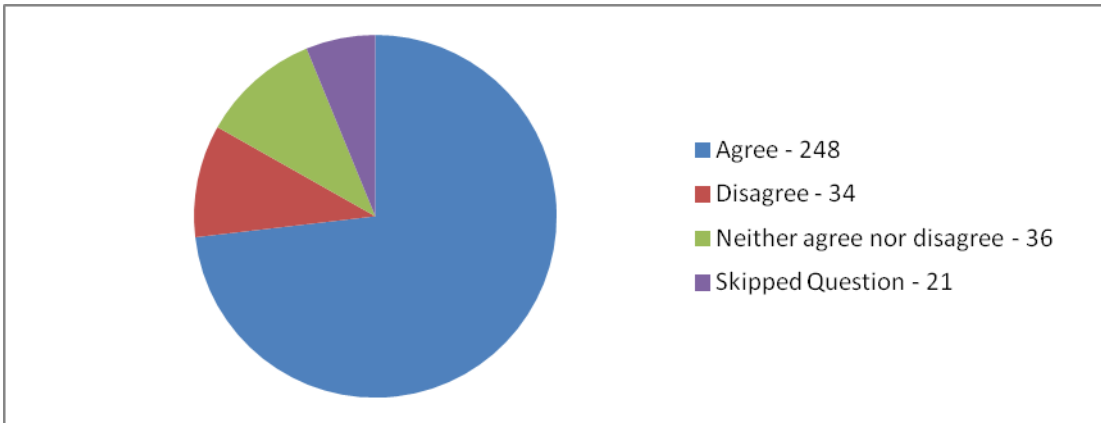
Responders who disagreed with this proposal did so for the same reasons cited above. The DSA offers the same comments in response.

Additional Question from the 3rd Directive – three-wheeled Vehicle

The European 3rd Directive on driving licences allows for drivers, of at least 21 years of age, to be able to drive three-wheeled vehicles on a full car licence.

Question 4

Do you agree or disagree that DSA allow this change?



More responders were in favour of this proposal than any of the others. The question was asked on behalf of DVLA about allowing persons to drive three-wheeled vehicles with an unlimited power rating, as long as they hold a category B (car) driving licence and are at least 21 years of age.

Many responders could not understand the reasoning behind the Commission removing 3-wheelers from category B1 (sub-category of cars) and putting them into the motorcycle categories. Many argued that a great number of three-wheelers are based upon a car design and not motorcycles and are therefore very different to operate when compared to a motorcycle.

The UK accepts these points and recognises that this change is not ideal, but it is the only option available at present that allows the driving of three-wheeled vehicles without the driver having to take a motorcycle test. The European Commission has acknowledged that there is a problem with access to three-wheelers (especially those based upon a car) for all EU citizens and are considering how this problem might be solved. The UK continues to push for a return for three-wheelers to category B1, where they sat before the implementation of the 3rd Directive.

General observations on the responses received

Generally, the majority of people who responded to the consultation agreed with the DSA proposals or were indifferent to many of them, with the majority commenting on the question on three-wheelers. Responders also felt that the impact assessment was a fair reflection of costs and benefits and that the consultation was in accordance with the government's consultation principles, or again, were indifferent to this question.

Many who responded said that they liked the short, simple and easy way the consultation was set out and that they thought it was written in plain English. However, a number of negative comments were also received, and again, they were mainly concerning access to three-wheelers on a car licence. Many of those responding thought that the Government should return three-wheelers to the category they were in pre 3rd Directive and talked in detail about why a car-derived three-wheeler should not sit in the motorcycle categories.

The decisions

As stated in the consultation paper, many of the requirements of the EU Directive have to be implemented and the UK has no choice about this. But, most of the proposals within the Directive offer a relaxation of the current rules in respect of the types of vehicles that can be used for taking the test. The government is therefore minded to introduce these changes. The changes being introduced are:

- updating the list of codes that are put onto driving licences to show driving entitlements and restrictions for the new vehicle categories introduced by the 3rd Directive; for example for medical reasons
- allowing a tolerance of 5cc below the minimum specified engine size for motorcycles that can be used for the test (categories A1, A2 and A)
- reducing the minimum engine power requirement for medium motorcycles used for the driving test (category A2)
- raising the minimum engine power requirement for large motorcycles used for the driving test (category A)
- introducing a minimum, mass weight requirement, for category A motorcycles used for the driving test (category A)
- removing the need for 8-forward gear ratios for large test vehicles (category C)
- allowing persons who hold a manual entitlement in either category B, BE, C, CE, C1, C1E, D, D1E, to be allowed to take their large vehicle test (categories C and D) on an automatic vehicle but gain a manual driving licence entitlement
- applying this retrospectively, to persons who already hold a manual entitlement in one of the aforementioned categories, who take an automatic lorry or bus test - if people wish to claim this upgrade they will need to exchange their driving licence with the DVLA

Three-wheelers

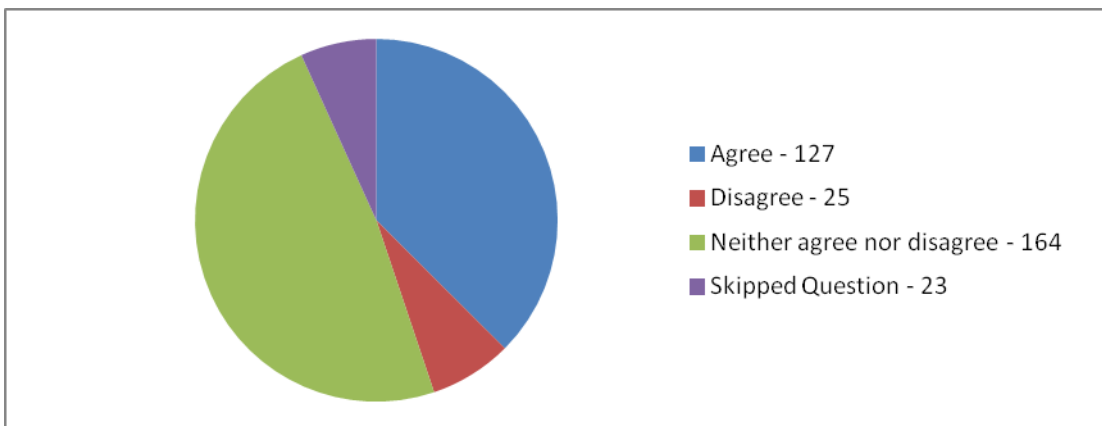
Ministers have also agreed to allow drivers who hold a full category B (car) licence to be able to drive three-wheeled vehicles with an unlimited power rating, provided that they are at least 21 years of age. Drivers will only be allowed to do this within the UK in accordance with the EU legislation.

Impact assessment

The Impact Assessment (IA) analyses the costs and benefits of each of the proposals in this paper in more detail. It can be found at www.gov.uk/government/consultations/motorcycle-lorry-and-bus-driving-licences-and-driving-test-rules.

Respondents were asked to comment on the analysis of costs and benefits giving supporting evidence wherever possible. No evidence was provided. The breakdown of responses is shown below:

Question: Do you agree or disagree that the costs, benefits and assumptions set out for each option in the impact assessment present an accurate picture?



While some comments were made concerning the costs and benefits, no evidence was put forward to challenge the assumptions made in the Impact Assessment or to offer other evidence of costs or benefits.

Some welcomed the proposal to relax the current rules regarding automatic licences, stating that it would provide benefits for bus drivers who would be able to upgrade their automatic bus licence's to enable them to drive manual minibuses. Others generally commented that they supported this proposal.

Many others commented upon the different characteristic of a three-wheeler compared to a motorcycle.

Exemption from regulation for micro-businesses and start-ups

The government announced in the March 2011 Budget that it would introduce a moratorium exempting micro and start-up businesses from new domestic regulation for three years from 1 April 2011. Unless European measures being introduced do not involve copy-out, micro-businesses and start-ups must comply with new European regulation.

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 provided 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.

If we receive a request for disclosure of the information, we will take full account of any explanation requesting confidentiality, 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.

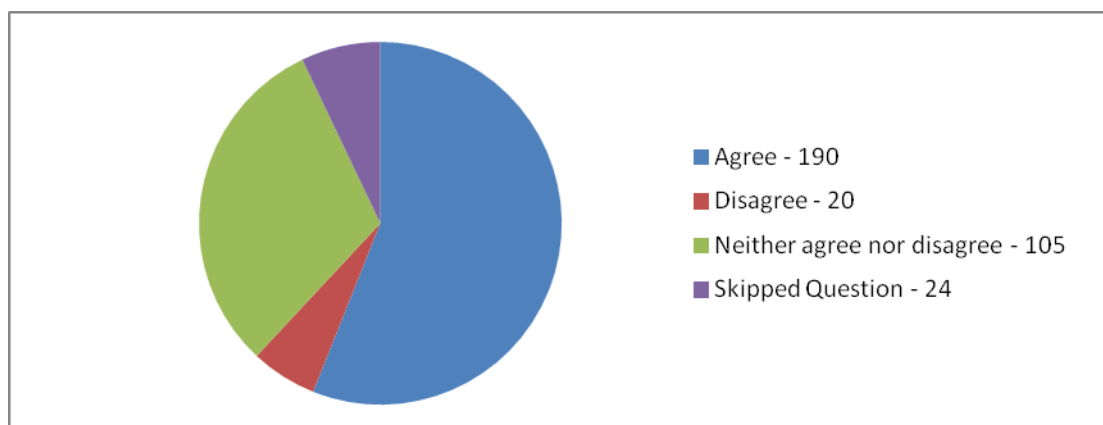
The Department will process your personal data in accordance with the Data Protection Act 1998 (DPA) and in the majority of circumstances this will mean that your personal data will not be disclosed to third parties.

Consultation principles

All respondents were asked to comment on the extent that the paper complied with the Governments Consultation Principles.

Question

Do you agree that the Consultation Paper met the Consultation Principles - [here](#)



The majority of responders agreed that this met the Consultation Principles. However, of those who did not agree, comments made were: they did not like the fact that the questionnaire was on-line; they felt that questions on automatics large vehicles should not have been included in the same paper as questions on three-wheelers and the consultation was not targeted at the right groups.

In response, the DSA advises that it is now Government policy to conduct all consultations on-line. The Agency has a Government target to become a “digital by default” Agency and move away from any paper based communications. DSA sent notice of the consultation to 13,594 people who had asked to be notified about any vehicle changes via DSA Direct, the on-line update from the Agency. Of the 13,594 people it was sent to, it was opened by 3,116 and this generated 1,242 clicks through to the further information on GOV.UK. A further email reminder was sent 1 week before the closing date of the consultation to those who hadn’t opened the first. This generated a further 244 clicks through to GOV.UK. It was also posted on Facebook on 15 July 2013 and seen by 1,788 people. It was tweeted to the 15,623 DSA followers on Twitter.

For this consultation in particular, the Agency also alerted specialist trade press and the DVLA also wrote to a number of interested, three-wheeler enthusiasts.

The consultation was undertaken to gain views on changes in a piece of EU legislation that was agreed last November and which makes changes to the 3rd Directive introduced in January this year. Those changes must be introduced by the end of 2013.

The inclusion of the question on three-wheelers in the consultation provided an opportunity for DSA and DVLA to find out how much this change was wanted by stakeholders. If stakeholders were in favour of allowing drivers to drive three-wheelers on a car licence and avoid having to take a motorcycle test, then including the question in this consultation meant that a change

could be made to legislation at the same time as other changes were made. This is the only change that the UK can make about driving three-wheelers at present. The EU legislation does not allow any drop in the minimum age for driving them on a car licence nor does it allow the UK to return three-wheelers to category B1.

Complaints

If there is anything that you particularly disagreed with or thought the consultation was not in accordance with the principles of consultation, please write giving details to:

Consultation Co-ordinator
Mr Bob Hannigan
Driving Standards Agency
The Axis Building
112 Upper Parliament Street
Nottingham
NG1 6LP

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