



Driver & Vehicle
Licensing
Agency



Complying with driving licence directive 2006/126/EC

Annex A



INVESTORS
IN PEOPLE

Regulatory Triage Assessment

Title of regulatory proposal	Driving Category D vehicles on a Category C licence in restricted circumstances
Lead Department/Agency	DVLA
Expected date of implementation	SNR8
Origin	Domestic
Date	25/6/14
Lead Departmental Contact	Darren Trollope 01792 783971
Departmental Triage Assessment	Low-cost regulation (fast track)

Rationale for intervention and intended effects

Current UK law allows a driver who has held a Large Goods Vehicle licence (Cat C) for at least two years to drive a 'broken down' bus (Cat D) when it is being collected for the purposes of repair or being subsequently tested after that repair has been carried out. The Third European Directive on Driving Licensing does not permit this exemption and the UK is liable to infraction proceedings.

We propose to remove the exemption so that only drivers with Cat D entitlement will be allowed to drive a bus. This change will not be retrospective and will apply only to new licence holders (or those who have not yet accrued two years entitlement). We believe that this will have only a minimal impact on business.

A person who has held a licence to drive large goods vehicles (category C) for at least two years is authorised to drive a bus (category D) when:

- the bus is damaged or defective and being driven to a place of repair; or**
- is being road tested after a repair has been carried out and it is not used for the carriage of any person who is not connected with its repair or road testing.**

Viable policy options (including alternatives to regulation)

Removing the derogation would not be difficult to implement. The only policy option is to amend legislation and remove this derogation. Failure to put this measure into national law would result in infraction proceedings continuing against the UK and the European Court of Justice could levy a fine of up to 9 million Euros, and a daily rate of 30,000 Euros.

Initial assessment of business impact

There are 886,332 Category C drivers. Their work is covered by the Freight Transport Association, Road Haulage Association and Vehicle Builder and Repair Association.

The Freight Transport Association and Road Haulage Association have confirmed that the change will have no impact on their members.

The Vehicle Builder and Repair Association has 600 members and they have confirmed that 22 employees currently drive a category D bus on category C licence. However none of these existing employees will be affected by the change in legislation. The cost would fall on potential employees who would be expected to gain a qualification before they are taken on.

On this basis we estimate a zero impact on business from the proposed changes.

One-in, One-out status

This measure will bring UK practice into compliance with the minimum required by EU law. There is no gold plating, no available derogation and the EU directive is already in force.

This measure is therefore out of scope of OITO.

Rationale for Triage rating

This is a regulatory measure with a gross domestic cost to business of less than £1 million per year.

Departmental signoff (SCS):	Signature Hugh Evans
	Date 27/06/2014
Better Regulation Unit signoff:	Signature Chris Simon
	Date 27/06/2014

Economist signoff (<i>senior analyst</i>):	Signature: Andrew Charlesworth-May
	Date: 27/06/2014

Supporting evidence

Background

This change in legislation would affect skilled individuals who maintain and repair buses, coaches and passenger carrying vehicles (PCVs).

PCVs that regularly carry large numbers of people get put under a tremendous amount of strain. Modern PCVs are strong and well designed, but they need to be properly maintained and then repaired when they break down.

Currently a minority of vehicle engineers who carry out recovery of PCVs and test drive them following repair are able to do so under a derogation that enables them to use a licence that permits them to drive a lorry.

Engagement with the Industry and research of open source material suggests that the majority of HGV and PCV engineers would hold both categories of licence. Information gathered from the Road Haulage, Freight Transport and Vehicle Builders & Repairers Associations indicates there are 22 individuals employed as engineers who currently do not have a PCV licence.

The change in legislation will not apply to these 22 individuals as it is not retrospective. Only new licence holders will be required to hold a PCV licence to drive these vehicles for recovery and repair. Assuming that the average duration of employment for an engineer would be 40 years, and that the level of employment remains constant in future years then the new changes will impact on less than 0.5 people per annum.

Costs

Each year there are 6,915 driving test passes in category D. Given less than 0.5 persons per year will be affected by this change there are likely to be no material supply side effects to firms from improved supply of suitably qualified labour.


The average cost for category D training course and test is £1196 based on the average of 3 websites checked. Information supplied to us by the industry indicates that training and test passes would be done before an applicant got a job in the industry. Consequently there are no training costs to businesses and:

Annual Gross Cost to Business = £0.

We estimate that there are no benefits to business from this policy as it will not affect the incumbent workforce and it will make no material difference to increasing the supply of labour.

Annual Benefit to Business = £0.

Consequently, Equivalent Annual Net Cost to Business = 0.

 Regulatory Policy Committee	Regulatory Triage Confirmation	
Title of regulatory proposal	Driving Category D vehicles on a Category C licence in restricted circumstances	
Lead Department/Agency	Department for Transport (DVLA)	
Origin	European	
Expected date of implementation	SNR 8	
Date submitted to RPC	27 June 2014	
Confirmation date and reference	10 July 2014	RPC14-FT-DfT-2146
Departmental triage assessment	Low-cost regulation	
RPC confirmation The RPC confirms this for the fast track as a low-cost regulatory proposal		CONFIRMED
Departmental rationale for triage rating The Regulatory Triage Assessment (RTA) explains that: <i>“Current UK law allows a driver who has held a Large Goods Vehicle licence (Cat C) for at least two years to drive a ‘broken down’ bus (Cat D) when it is being collected for the purposes of repair or being subsequently tested after that repair has been carried out. The Third European Directive on Driving Licensing does not permit this exemption and the UK is liable to infraction proceedings ... We propose to remove the exemption so that only drivers with Cat D entitlement will be allowed to drive a bus. This change will not be retrospective and will apply only to new licence holders (or those who have not yet accrued two years entitlement).”</i> <i>“The Vehicle Builder and Repair Association has 600 members and they have confirmed that 22 employees currently drive a category D bus on category C licence. However none of these existing employees will be affected by the change in legislation.”</i> Therefore the Department’s rationale for fast track is that : <i>“This measure will bring UK practice into compliance with the minimum required by EU law. There is no gold plating, no available derogation and the EU directive is already in force. This is a regulatory measure with a gross domestic cost to business of less than £1 million per year.”</i>		


RPC comments

The proposal will mean only drivers who hold a licence with a category D entitlement will be able to drive a bus, ending a current exemption enabling some holders of a category C licence to drive a bus in certain circumstances. The majority of engineers who work on vehicles requiring a category D licence already hold a category D licence and do not rely on the exemption.

As the proposal will not apply retrospectively the Department, based on information on the proportion of currently employed individuals who would be affected, estimates that the new requirements will affect, on average, less than one person each year. As the average cost of training for a category D licence is £1,196, the proposal will have gross costs of under £1 million in any one year. Any IA produced to support the proposal would benefit from providing further evidence to justify the assumption that these costs will only fall on individuals and not businesses who employ them.

One-in, Two-out (OITO) assessment**Out of scope**

The proposal is of European origin. There is no evidence that the increase in regulation would go beyond minimum requirements or that the Department is failing to take advantage of available derogations that would reduce the costs to business. It is, therefore, out of scope of 'One-in, Two-out', in accordance with the Better Regulation Framework Manual (paragraph 1.9.8. ii).

Signed**Michael Gibbons, Chairman**