



Complying with Driving Licence Directive 2006/126/EC

Summary of Responses

November 2014

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CONSULTATION QUESTIONS

1	Do you consider that the DVLA has made a reasonable assessment of the likely impacts of the proposed changes? If not, what information are you able to provide?
2	Can you identify any unforeseen issues arising from the proposed changes in respect of the impacts on business and road safety?

1. EXECUTIVE SUMMARY

The Driver and Vehicle Licensing Agency (DVLA) and the Department of the Environment (DOE) asked for views on a proposal to change the law on two technical aspects of driver licensing to ensure that we comply with the Directive.

The consultation document was published on GOV.UK and was available for both the public and industry to express their opinions on the proposed changes.

The overall reaction to the proposal as expressed in the responses to the consultation was positive. Of the 11 responses received, 64% agreed with the proposal.

2. INTRODUCTION

The consultation was launched on 23 September and ended on 21 October. The consultation asked for the views of those with an interest in the proposed changes.

3. BACKGROUND

The Third Driving Licence Directive introduced a number of new obligations on EU member states. The deadline for implementing these changes into national law was 19 January 2013. The European Commission (EC)'s view is that the UK has not fulfilled all of its obligations.

Change 1

Drivers who have entitlement to drive both a minibus (category D1) and a goods vehicle with trailer (category C+E or C1+E) are currently also entitled automatically to drive a minibus with a trailer (category D1+E), without the need to take a further test. This is not permitted by the Directive so we must remove this automatic entitlement.

Drivers who already have this automatic entitlement will retain it. New drivers will need to take an appropriate test.

Change 2

Drivers who have held a licence to drive large goods vehicles (category C) for at least two years can drive a damaged or defective bus to a place of repair, or to

where it is being tested after a repair has been carried out. The Directive does not allow this so we propose to remove this entitlement. Only drivers who hold entitlement to drive buses (category D) will be able to drive these vehicles in such circumstances in the future. The change applies only to new licence holders.

4. RESPONSES TO THE CONSULTATION EXERCISE

There were 11 responses to the consultation. These included: Confederation of Passenger Transport UK; Traffic Commissioners for Great Britain; Women's Forum Northern Ireland; British Vehicle Rental and Leasing Association. The DVLA and DOE would like to thank everyone who contributed to this consultation.

5. GENERAL OBSERVATIONS

The general feeling from the responses to the consultation was that the two proposed changes were positive from a road safety perspective.

6. DISCLOSURE OF INFORMATION

None of the respondents to the consultation asked for their response to be treated as confidential. The responses are available online at www.dft.gov.uk/consultations

Not all respondents commented on both questions.

7. NEXT STEPS

The DVLA will now proceed with the implementation of the changes in Great Britain and amendments to legislation will come into force in by the end of the year.

In the case of Northern Ireland, DOE will be changing their legislation separately.

8. THE RESPONSES

Q1 - Do you consider that the DVLA has made a reasonable assessment of the likely impacts of the proposed changes? If not, what information are you able to provide?

Of the 11 responses, seven were positive, three that answered no and one did not express an opinion.

A cross-section of comments received is shown below:

Confederation of Passenger Transport UK – “Change 1- CPT is not opposed to this change on road safety grounds as it seems sensible for someone who intends to drive a CAT D1+E vehicle that they should have demonstrated in a test environment that they are able to safely drive a PCV minibus whilst it is pulling a trailer. The fact that a driver is most likely to undertake 2 driving tests one for CAT D and a later one for CAT D1 might restrict a number of candidates from doing so. Very few drivers in this category of vehicle achieve their PCV licence where the employer has paid for the cost of the training.”

British Vehicle Rental and Leasing Association – “ is pleased that DVLA has recognised that Drivers with entitlement to drive both a minibus (category D1) and a goods vehicle with trailer (category C+E or C1+E) are entitled automatically to drive a minibus with a trailer (category D1+E), without the need to take a further test. We agree such practices should be brought in line with EU legislation, in doing so, the aim to standardise legislation across Europe whilst improving driving standards can be achieved.”

e-mail – “traffic delays, inconvenience to passengers and increased costs to operators if new cat C licence holders cannot continue to drive buses for purposes of recovery and repair. Many repair workshops have PSVs as a small percentage of their work, the vast majority being HGV. These companies will not pay to put drivers through a cat D test, it's not cost effective to do so.

Q2 – Can you identify any unforeseen issues arising from the proposed changes in respect of the impacts on business and road safety?

There were 8 substantive responses, largely in favour of the change. One response stated that the change will have a small impact on operators' costs but still maintained it is the correct approach. One response did not express an opinion.

A cross-section of comments received is shown below:

Confederation of Passenger Transport UK – “Change 2 - CPT is not opposed to this change but it will have a small impact on operator's costs where they have recruited CAT C licence holders predominantly amongst, Bus and Coach company engineers because they can drive CAT D vehicles for maintenance

purposes because of the 2 year exemption. The removal will result in all drivers having to obtain a CAT D licence in future to drive PCV's which we believe to be the correct approach.

The consultation doesn't make it clear how this will work in practice as it says it only relates to new licence holders. Are DVLA saying that from the date of introduction of this change, all those drivers who already hold a CAT C licence irrespective of whether or not they are working for a bus company already will continue to retain this entitlement not to require a CAT D licence? Or are DVLA saying that only those CAT C licence holders who are not already working for a bus company before the implementation date will have to undertake a CAT D Test if they are required to drive a PCV in future? You will need to make this point particularly clear when you finally publish the regulation change for this as many within the industry will be confused at this proposal.

It is acknowledged that those who acquire a CAT C licence post the implementation date will automatically be required to undergo a CAT D test if they wish to drive these vehicles in future."