

2018 No. 0000

EXITING THE EUROPEAN UNION

ROAD TRAFFIC

**The Vehicle Drivers (Certificates of Professional Competence)
(Amendment) (EU Exit) Regulations 2018**

Sift requirements satisfied

Made - - - -

Laid before Parliament

Coming into force in accordance with Regulation 1

The requirements of paragraph 3(2) of Schedule 7 to the European Union (Withdrawal) Act 2018(a) (relating to the appropriate Parliamentary procedure for these Regulations) have been satisfied.

The Secretary of State makes these Regulations in exercise of the powers conferred by section 8(1) of the European Union (Withdrawal) Act 2018.

Citation and commencement

1. These Regulations may be cited as the Vehicle Drivers (Certificates of Professional Competence) (Amendment) (EU Exit) Regulations 2018 and come into force on exit day.

Amendment of Regulations

2. The Vehicle Drivers (Certificates of Professional Competence) Regulations 2007(b) are amended as follows.

3. In regulation 2(1) (interpretation)—

- (a) in the definition of “CPC”, after “Directive” insert “reading that recital as if the reference to Member States is also a reference to the competent authority”;

(a) 2018 c. 16.

(b) S.I. 2007/605. Regulations 6 and 8 were amended by The Vehicle Drivers (Certificates of Professional Competence) (Amendment No. 2) Regulations 2008 (S.I. 2008/1965), regulation 8 and 11. Regulation 9 was amended by The Vehicle Drivers (Certificates of Professional Competence) (Amendment) Regulations 2011 (S.I. 2011/2324), regulation 6(a). There are other amending instruments but none is relevant.

(b) for the definition of “driver qualification card” substitute—

““driver qualification card” means a card drawn up in accordance with Annex II of the Directive and issued by the competent authority or a member State, reading Annex II in the case of cards drawn up by the competent authority as if—

- (a) references to the Member State are references to the competent authority,
- (b) paragraphs 2(c) and (e) were omitted, and
- (c) in paragraph (4), “After consulting the Commission” were omitted;”;
- (c) in the definition of “initial CPC”, after “qualification” insert “reading that Article as if the references to Member States, and Member States’ competent authorities, are also references to the competent authority”;
- (d) in the definition of “initial CPC test”, after “Directive” insert “reading that Article as if the reference to a Member State is also a reference to the competent authority”;
- (e) in the definition of “periodic CPC”, after “training” insert “reading that Article as if references to Member States and Member States’ competent authorities are also references to the competent authority”;
- (f) in the definition of “periodic training”, after “Directive” insert “reading that Article as if the requirement placed on Member States is also a requirement placed on the competent authority”; and
- (g) in the definition of “third country”, at the end insert “or the United Kingdom”.

4. In regulation 3(1) (persons to whom these Regulations apply), before sub-paragraph (a) insert—

- “(za) a national of the United Kingdom;
- (zb) a national of a third country employed or used by an undertaking established in the United Kingdom;”.

5. In regulation 4(8)(b) (persons who must take initial CPC test), omit “other than the United Kingdom;”.

6. In regulation 5(4) (initial CPC test), before sub-paragraph (a) insert—

- “(za) is a national of the United Kingdom;”.

7. In regulation 6(10) (persons providing periodic training courses), before sub-paragraph (a) insert—

- “(za) a national of the United Kingdom;”.

8. In regulation 8 (driver qualification card)—

- (a) omit paragraph (4), and
- (b) in paragraph (8)(a), before paragraph (i) insert—
 - “(zi) is a national of the United Kingdom;”.

9. In regulation 8A, omit paragraph (5).

10. In regulation 9(4) (time limits for obtaining a CPC), in sub-paragraph (a) omit “other than the United Kingdom”.

11. In regulation 11(2) (requirement to carry and produce evidence of CPC or of training exemption in vehicle)—

- (a) in sub-paragraph (c)—
 - (i) omit “granted to him by a member State other than the United Kingdom”, and
 - (ii) after “Directive” insert “granted to the driver by a member State”;
- (b) in sub-paragraph (d), omit “other than the United Kingdom”.

Signed by authority of the Secretary of State for Transport

Date

Name
Parliamentary Under Secretary of State
Department for Transport

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations are made in exercise of the powers in section 8(1) of the European Union (Withdrawal) Act 2018 (c. 16) in order to address failures of retained EU law to operate effectively and other deficiencies arising from the withdrawal of the United Kingdom from the European Union.

These Regulations ensure that following the withdrawal of the United Kingdom from the European Union, the domestic system regarding certificates of professional competence continues to operate effectively. The domestic system applies, with some exceptions, to professional drivers of lorries and buses who must pass an initial CPC test (unless they have acquired rights), valid for five years, and undergo 35 hours of periodic training every five years.

An impact assessment has not been produced for this instrument as no, or no significant, impact on the private or voluntary sector is foreseen.

An Explanatory Memorandum is published alongside the instrument on www.legislation.gov.uk.