

2018 No. XXXX

EXITING THE EUROPEAN UNION

ROAD TRAFFIC

**The Driving Licences (Amendment) (EU Exit) Regulations
2018**

<i>Sift requirements satisfied</i>	***
<i>Made - - - -</i>	***
<i>Laid before Parliament</i>	***
<i>Coming into force in accordance with regulation 1</i>	

The Secretary of State makes these Regulations in exercise of the powers conferred by sections 89(3) and (4)(a), 97(3)(a), 101(2) and (3)(c), 105(1), (2)(a) and (3)(c), 114(1) and 120(1) of the Road Traffic Act 1988(a), and section 8(1) of, and paragraph 21(a)(i) and (b) of Schedule 7 to, the European Union (Withdrawal) Act 2018(b).

The Secretary of State has consulted with representative organisations as required by section 195(2) of the Road Traffic Act 1988.

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

PART 1

Introduction

Citation and commencement

1.—(1) These Regulations may be cited as the Driving Licences (Amendment) (EU Exit) Regulations 2018.

(2) Subject to paragraph (3), these Regulations come into force on exit day.

(a) 1988 c. 52. Section 89(3) was amended by the Road Traffic Act 1991 (c. 40), Schedule 4, paragraph 63, and by the Road Safety Act 2006 (c. 49), section 36(1) and (2)(a) and (b). Section 89(4)(a) was amended by the Road Safety Act 2006, section 36(1) and (3)(a), (b) and (c). Section 105(2)(a) was substituted by S.I. 1996/1974, Schedule 1, paragraph 17(a), and amended by the Crime (International Co-operation) Act 2003 (c. 32), Schedule 5, paragraphs 17 and 23(a)(i), and by the Road Safety Act 2006, Schedule 3, paragraphs 2, and 13(1) and (2)(a). Sections 114(1) and 120(1) were repealed and re-enacted by the Road Traffic (Driver Licensing and Information Systems) Act 1989 (c. 22), sections 1, 2 and 16, and Schedules 2 and 6. Section 114(1) was amended by S.I. 1996/1974, Schedule 1, paragraph 22.

(b) 2018 c. 16.

(3) This regulation, regulation 6(2), (4) to (6) and (8) to (10), and regulation 6(1) so far as it relates to those provisions, come into force on the twenty second day after the day on which these Regulations are laid.

PART 2

Amendment of primary legislation

Amendment of the Road Traffic Act 1988

2.—(1) The Road Traffic Act 1988 is amended as follows.

(2) In section 88(1B)(aa) (exceptions)(a), omit “(other than the United Kingdom)”.

(3) In section 89(2)(a)(iii) (tests of competence to drive)(b), omit “other than the United Kingdom”.

(4) In section 97(1)(d)(ii) (grant of licences)(c), omit “(other than the United Kingdom)”.

(5) In section 108 (interpretation)(d)—

(a) in subsection (1), in the definition of “Community licence”, in the words before paragraph (a) omit—

- (i) “other than the United Kingdom”;
- (ii) “(including the United Kingdom)”;

(b) in subsection (1B)(b)—

- (i) for “another place in the EEA” substitute “an EEA state or Northern Ireland”;
- (ii) for “other place” substitute “EEA state or Northern Ireland”;

(c) after subsection (1B) insert—

“(1BA) In order to be normally resident in Great Britain by virtue of subsection (1B)(b) a person must return there regularly, except where the person is living in the EEA state or Northern Ireland in order to carry out a task of a definite duration.”;

(d) in subsection (1C)(b)—

- (i) for “another place in the EEA” substitute “an EEA state”;
- (ii) for “other place” substitute “EEA state”;

(e) in subsection (1D)—

- (i) omit “Great Britain or”;
- (ii) omit “(1B)(b) or”;
- (iii) for “another place in the EEA” substitute “the EEA state”.

Amendment of the Road Traffic Offenders Act 1988

3.—(1) The Road Traffic Offenders Act 1988(e) is amended as follows.

(2) In section 36(11)(a) (disqualification until test is passed)(f), for “another” substitute “an”.

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- (a) Section 88(1B) was inserted by the Road Traffic (Driver Licensing and Information Systems) Act 1989 (c. 22), section 3. Paragraph (aa) was inserted by S.I. 1996/1974, Schedule 1, paragraph 1.
 - (b) Section 89(2) was substituted by the Road Traffic (Driver Licensing and Information Systems) Act 1989 (c. 22), section 4(3). Paragraph (a) was substituted by S.I. 1996/1974, Schedule 1, paragraph 2(4).
 - (c) Section 97(1)(d)(ii) inserted by S.I. 2012/977, Schedule 1, paragraphs 1, 2(1) and (2)(b).
 - (d) The definition of “community licence” in section 108(1) was amended by S.I. 1996/1974, Schedule 1, paragraph 19(2). Section 108(1B), (1C) and (1D) were inserted by S.I. 2014/3190, regulation 10(1) and (4).
 - (e) 1998 c. 53.
 - (f) Section 36 was substituted by the Road Traffic Act 1991 (c. 40), section 32. Subsection (11)(a) was amended by S.I. 1996/1974, Schedule 2, paragraph 3(a) and (b).

(3) In section 91A(7)(b)(i) (application to Community licence holders)(a), for “another” substitute “an” .

Amendment of the Road Traffic (New Drivers) Act 1995

4. In section 1 of the Road Traffic (New Drivers) Act 1995(b) (probationary period for newly qualified drivers)—

- (a) in subsection (2)(b)(i)(c), for “another” substitute “an”;
- (b) omit subsections (3) and (4).

PART 3

Amendment of subordinate legislation

Amendment of the Driving Licences (Exchangeable Licences) Order 1999

5.—(1) The Driving Licences (Exchangeable Licences) Order 1999(d) is amended as follows.

(2) In article 3(2)(b)(ii) (designation of Southern Africa), omit “other than the United Kingdom”.

(3) In article 4(2)(b)(ii) (designation of Canadian provinces and territories), omit “other than the United Kingdom”.

Amendment of the Motor Vehicles (Driving Licences) Regulations 1999

6.—(1) The Motor Vehicles (Driving Licences) Regulations 1999(e) are amended as follows.

(2) In regulation 3(1) (interpretation), omit the definition of “LGV trainee driver’s licence”.

(3) In regulation 9 (minimum ages for holding or obtaining licences)—

(a) for paragraph (13)(d) substitute—

“(d) in paragraphs (7), (9), (9A) and (9B), “initial qualification” means “initial CPC” within the meaning of the Vehicle Drivers (Certificates of Professional Competence) Regulations 2007(f);”;

(b) omit paragraph (13)(e).

(4) In regulation 12 (restrictions on the grant of large goods and passenger carrying vehicle driver’s licences)—

(a) omit paragraph (3);

(a) Section 91A was inserted by S.I. 1996/1974, Schedule 2, paragraph 4. Subsection (7) was substituted by the Road Safety Act 2006 (c. 49), Schedule 3, paragraphs 30 and 59(1) and (6).

(b) 1995 c. 13.

(c) Subsection (2)(b)(i) was substituted by S.I. 1996/1974, Schedule 4, paragraph 5(2).

(d) S.I. 1999/1641, amended by S.I. 2013/22.

(e) S.I. 1999/2864; relevant amending instruments are S.I. 2003/636, S.I. 2004/1519, S.I. 2007/605, S.I. 2008/1435, S.I. 2014/613 and S.I. 2014/3190.

(f) S.I. 2007/605, amended by S.I. 2018/1004; there are other amending instruments but none is relevant.

- (b) in paragraph (4), in the words before sub-paragraph (a), for “who is a member of the armed forces and is” substitute “which would be in force for a period during the whole or part of which the applicant would be”.
- (5) In regulation 16 (conditions attached to provisional licences), omit paragraph (12).
- (6) In regulation 22 (interpretation of Part III), in the definition of “the CPC subjects”, at the end insert—
 - “, reading point 2.1 of section 1 of Annex 1 as if the references to Regulations (EEC) No 3820/85 and (EEC) No 3821/85 were references to Regulation (EC) No 561/2006 on the harmonisation of certain social legislation relating to road transport(a) and to Regulation (EU) No 165/2014 on tachographs in road transport(b);”.
- (7) In regulation 24(1D) (persons by whom manoeuvres, practical and unitary tests may be conducted), at the end insert—
 - “reading that Annex as if—
 - (a) in the fifth indent of point 1.3, “EU and” was omitted, and
 - (b) references to “Member States” or “Member State” were references to the Secretary of State.”.
- (8) In regulation 37(5)(c) (test vehicles), for “Council Directive 78/932/EEC” substitute “Regulation (EC) No 661/2009 concerning type-approval requirements for the general safety of motor vehicles, their trailers and systems, components and separate technical units intended therefor(c)”.
- (9) In regulation 54 (large goods vehicle drivers’ licences granted to persons under the age of 21), omit paragraphs (2) and (5).
- (10) In Schedule 7 (specified matters for theory test)—
 - (a) in Part 3 (category C), paragraph E4, for “Council Regulation 3821/85 (EEC)” substitute “Regulation (EU) No 165/2014 on tachographs in road transport”;
 - (b) in Part 4 (category D), paragraph E4, for “Council Regulation 3821/85 (EEC)” substitute “Regulation (EU) No 165/2014 on tachographs in road transport”.

Amendment of the Driving Licences (Exchangeable Licences) Order 2002

- 7.—(1) The Driving Licences (Exchangeable Licences) Order 2002(d) is amended as follows.
- (2) In article 3 (designation of the Republic of Korea)—
 - (a) in paragraph (2)(a)(ii), for “(including the United Kingdom)” substitute “, in the United Kingdom”;
 - (b) in paragraph (2)(b), for “(including the United Kingdom)” substitute “, in the United Kingdom”.
- (3) In article 4(2)(b)(ii) (designation of the Principality of Monaco), for “(including the United Kingdom)” substitute “, in the United Kingdom”.

Amendment of the Driving Licences (Exchangeable Licences) Order 2004

- 8. In article 3(2)(b)(ii) of the Driving Licences (Exchangeable Licences) Order 2004(e) (designation of the Falkland Islands), for “(including the United Kingdom)” substitute “, in the United Kingdom.”.

(a) OJ No. L 102, 11.4.2006, p. 1; amended by Regulation (EC) No 1073/2009 (OJ No. L 300, 14.11.2009, p. 88) and Regulation (EU) No 165/2014 (OJ No. L 60, 28.2.2014, p. 1).

(b) OJ No. L 60, 28.2.2014, p. 1.

(c) OJ No. L 200, 31.7.2009, p. 1; amended by Regulation (EU) 166/2015 (OJ No. L 28, 4.2.2015, p. 3); there are other amending Regulations but none is relevant.

(d) S.I. 2002/2379, amended by S.I. 2013/22.

(e) S.I. 2004/301, amended by S.I. 2013/22.

Amendment of the Driving Licences (Exchangeable Licences) Order 2007

9. In article 3(2)(b)(ii) of the Driving Licences (Exchangeable Licences) Order 2007(a) (designation of Faroe Islands), omit “(other than the United Kingdom)”.

Amendment of the Driving Licences (Exchangeable Licences) (Amendment) Order 2013

10. In article 5(2)(b)(ii)(bb) of the Driving Licences (Exchangeable Licences) (Amendment) Order 2013(b) (designation), omit “(other than the United Kingdom)”.

Amendment of the Driving Licences (Exchangeable Licences) Order 2016

11. In article 3(2)(b)(ii)(bb) of the Driving Licences (Exchangeable Licences) Order 2016(c) (designation of Switzerland: licencing category C, C+E, D or D+E), omit “(other than the United Kingdom)”.

Signed by authority of the Secretary of State for Transport

Name

Parliamentary Under Secretary of State
Department for Transport

Date

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations relate to driving licences and are made in exercise of the powers conferred by section 8(1) of, and paragraph 21 of Schedule 7 to, the European Union (Withdrawal) Act 2018 (c. 16) in order to address failures of retained EU law to operate effectively and other deficiencies (in particular under section 8(2)(g)) arising from the withdrawal of the United Kingdom from the European Union.

They are also made in exercise of powers in the Road Traffic Act 1988 to:-

- (a) update references to European legislation (regulation 6(6), (8) and (10)), and
- (b) revoke provisions of the Motor Vehicles (Driving Licences) Regulations 1999 relating to “large goods vehicle trainee driver’s licences” as these provisions (and the “Young Large Goods Vehicle Driver Training Scheme” to which they relate) are superseded by the “Certificate of Professional Competence” system introduced by EU Directive 2003/59/EC (OJ No. L 226, 10.9.2003, p. 4), as transposed by the Vehicle Drivers (Certificates of Professional Competence) Regulations 2007 (S.I. 2007/605) (regulation 6(2), (4), (5) and (9)).

Part 2 amends primary legislation and Part 3 amends subordinate legislation.

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.

(a) S.I. 2007/95, amended by S.I. 2013/22.

(b) S.I. 2013/22.

(c) S.I. 2016/277.