

EXPLANATORY MEMORANDUM TO

The Driving and Motorcycle Instructors (Recognition of European Professional Qualifications) Regulations (Northern Ireland) 2017

SR 2017 No. 117

1. Introduction

- 1.1. This Explanatory Memorandum has been prepared by the Department for Infrastructure to accompany the Statutory Rule (details above) which is laid before the Northern Ireland Assembly.
- 1.2. The Statutory Rule is made under section 2(2) of the European Communities Act 1972 and Articles 48, 51(1) and (5), 52(3) and (7), 57(1), 70(1), 75 and 76 of the Road Traffic (Northern Ireland) Order 2007 and is subject to the negative resolution procedure.

2. Purpose

- 2.1. These Regulations are made to further transpose the EU Directive on the recognition of Professional Qualifications (Directive 2005/36/EC as amended by Directive 2013/55/EU) (“the MRPQ Directive”) as it applies to driving and motorcycle instructors. They complement the European Union (Recognition of Professional Qualifications) Regulations 2015 (“the 2015 Regulations”)
- 2.2. These Regulations provide for the recognition in Northern Ireland of the professional qualifications of motor car driving instructors, and motorcycle riding instructors, obtained in the European Economic Area or Switzerland. They do so by making complementary amendments to the relevant road traffic legislation to ensure that the rights granted to qualified European driving and motorcycle instructors by the 2015 Regulations are compatible with that legislation.

3. Background

- 3.1. The MRPQ Directive facilitates individual professionals to market their skills in other member States of the European Economic Area and Switzerland on a temporary and occasional basis or on an established basis. It is intended to contribute to economic growth by enabling businesses, the public sector and consumers to access the professional services they require more readily and more economically by encouraging stronger competition for professional services. It facilitates professionals from the United Kingdom working overseas, gaining wider experience and skills.
- 3.2. The 2015 Regulations, which extend to the whole of the United Kingdom and came into operation on 18 January 2016, implemented the main elements of the MRPQ Directive in relation to regulated professions including driving and motorcycle riding instructors. These Regulations make further provision to implement the MRPQ Directive as it applies to driving and motorcycle riding instructors seeking to practice in Northern Ireland. This is being done to harmonise the relevant road traffic

legislation of Northern Ireland with the rights granted to qualified European driving and motorcycle riding instructors by the 2015 Regulations.

- 3.3. Accordingly, these Regulations are intended to provide a mechanism for instructors from relevant European States to be able to exercise their rights to provide their services as driving or motorcycle riding instructors on a temporary and occasional basis or on an established basis in Northern Ireland.
- 3.4. The relevant road traffic legislation being amended by these Regulations are the Road Traffic (Northern Ireland) Order 2007, the Road Traffic (Amendment) Act (Northern Ireland) 2016, the Motor Vehicles (Driving Licences) Regulations (Northern Ireland) 1996 and the Motor Vehicles (Driving Instruction) Regulations (Northern Ireland) 2010.

4. Consultation

- 4.1. A consultation was carried out between 12 September 2016 and 24 October 2016.
- 4.2. Respondents were broadly supportive of the proposed implementation and accepted that the Directive must be transposed. Some individual instructors suggested that EU instructors should have to pass some or all of the qualifying examination before they could be accepted on the driving and motorcycle riding instructors Register in Northern Ireland. Having considered the responses made and since the Directive requires competent authorities to recognise professional qualifications obtained in other Member States, the Department has decided to proceed to make these Regulations.

5. Equality Impact

- 5.1. The Department has carried out an Equality Screening Analysis and as no equality implications have been identified for any Section 75 groups, has concluded that a full equality impact assessment is not required.

6. Regulatory Impact

- 6.1. The Department does not consider that there is a need for a regulatory impact assessment as the introduction of these Regulations is likely to have little impact on the public, private or voluntary sectors.

7. Financial Implications

- 7.1. Not applicable

8. Section 24 of the Northern Ireland Act 1998

- 8.1. The Department has carried out a Human Rights Act Screening Analysis and no human rights issues have been identified.

9. EU Implications

- 9.1. These Regulations will ensure compliance with the requirements of the MRPQ Directive. A transposition note has been prepared and is published alongside this memorandum.

10. Parity or Replicatory Measure

- 10.1. Similar provisions are contained in the GB Statutory Instrument 2016 No. 1089.

11. Additional Information

- 11.1. Not applicable