

EXPLANATORY MEMORANDUM TO

The Motor Vehicles (Driving Licences) (Amendment) Regulations (Northern Ireland) 2018

S.R. 2018 No. 132

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 Articles 9(2) and (4)(b) and 19C(1), (1A) and (2) of the Road Traffic (Northern Ireland) Order 1981 and is subject to the negative resolution procedure.

2. Purpose

- 2.1 These Regulations make changes to medical standards in respect of drivers of Group 1 vehicles (mainly cars and motorcycles) who have diabetes mellitus in order to facilitate the implementation of Commission Directive (EU) 2016/1106 (“the 2016 Directive”) on driving licences.
- 2.2 Specifically they facilitate implementation of paragraph (2) of the Annex of the 2016 Directive which replaces point 10.2 of section 10 (Diabetes Mellitus) of Annex III (“Minimum standards of physical and mental fitness for driving a power-driven vehicle”) of Directive 2006/126/EC.
- 2.3 The changes being made are aimed at relaxing the rules which apply to Group 1 drivers with diabetes mellitus if their condition is adequately controlled and they do not endanger road safety.

3. Background

- 3.1. Diabetes mellitus is a lifelong condition that causes a person's glucose level to become too high. It can cause long-term health problems, in particular, for eyesight. The medication that diabetics take can cause their glucose levels to drop resulting in hypoglycaemia. Hypoglycaemia can give rise to various symptoms including dizziness, hunger, sweating and possible loss of consciousness.
- 3.2. Regulation 50 (paragraphs (4) to (6)) of the Motor Vehicles (Driving Licences) Regulations (Northern Ireland) 1996 (“the 1996 Regulations”) have the effect of barring drivers of Group 1 vehicles from driving until a first severe hypoglycaemic episode drops out of a rolling 12 month period. This fails to recognise the particular circumstances of people who have hypoglycaemic episodes while asleep. A person who is awake has the opportunity to recognise

and act upon any warning signs and prevent an attack, whereas a person who is asleep does not. In addition, methods for diagnosing and treating hypoglycaemia have advanced since the original European Directive was agreed.

- 3.3. The European Commission was therefore approached by several Member States including the UK with the view that the current provisions for Group 1 Drivers are too strict in this respect. The significant change consequently introduced by the revised point 10.2 provisions contained in paragraph (2) of the Annex to the 2016 Directive concern the standards that apply to Group 1 drivers with diabetes mellitus who have recurrent, severe hypoglycaemia. Recurrent hypoglycaemia is interpreted as a person who has 2 or more episodes of severe hypoglycaemia during a period of 12 months. Severe hypoglycaemia is where the assistance of another person is needed. These new provisions allow persons who have 2 or more episodes of severe hypoglycaemia while awake, to be issued with a driving licence 3 months after the most recent episode, subject to competent medical opinion and regular medical assessment. This change is implemented by the amendments made by regulation 2(2) and (3) of this Statutory Rule to regulation 50(4)(a) and 50(5)(b) of the 1996 Regulations.
- 3.4. There have also been technological advances in methods of monitoring glucose levels in the body. In addition to the “finger prick” test used to monitor blood glucose levels, there is now equipment that measures the glucose levels in interstitial fluid (a bodily fluid). Regulation 2(4) of this Statutory Rule amends regulation 50(6)(b) of the 1996 Regulations so that a Group 1 driving licence applicant is required, under regulation 50(5), to undertake appropriate monitoring to assess glucose levels. This may include blood glucose monitoring but is no longer limited to that type of monitoring.
- 3.5. The current standards that apply to drivers with medical conditions are implemented by way of a combination of legislation and administrative guidance for medical professionals on physical fitness to drive, including with regard to diabetes mellitus. The Driver and Vehicle Licensing Agency (DVLA) guidance "Assessing Fitness to Drive - a guide for medical professionals" has been updated to address the changes in relation to diabetic drivers.
- 3.6. A Transposition Note has been prepared and is published alongside this Explanatory Memorandum.

4. Consultation

- 4.1. A formal public consultation was not necessary as the changes were of a detailed medical nature. The Department for Transport did however carry out informal engagement over a lengthy period of time with key stakeholders on the changes required. The two most prominent stakeholders being the Secretary of State’s Honorary Medical Advisory Panel (“the panel”) and Diabetes UK. The panel includes consultant diabetologists who are considered to be notable experts in the field. The responses were positive and supported the changes.

5. Equality Impact

5.1. In accordance with its duty under section 75 of the Northern Ireland Act 1998, the Department conducted a screening exercise on the proposals and concluded that they do not have implications for equality of opportunity. The measures will not affect any group disproportionately. In light of this the Department considers that an equality impact assessment is not necessary.

6. Regulatory Impact

6.1. A Regulatory Impact Assessment (“RIA”) was not prepared as there will be no impact on the business sector.

7. Financial Implications

7.1. None.

8. Section 24 of the Northern Ireland Act 1998

8.1. The Department has considered the matter of Convention Rights and Community Law and is satisfied that the proposed legislation is compatible with section 24 of the Northern Ireland Act 1998.

9. EU Implications

9.1. The Statutory Rule will ensure compliance with the requirements of the 2016 Directive.

10. Parity or replicatory measure

10.1. The Statutory Rule is based on similar provisions contained in the following GB Statutory Instrument: the Motor Vehicles (Driving Licences) (Amendment) Regulations 2017 (S.I. 2017/1208).

11. Additional information

11.1. None.