

EXPLANATORY MEMORANDUM TO
THE VEHICLE DRIVERS (CERTIFICATES OF PROFESSIONAL COMPETENCE)
(AMENDMENT) REGULATIONS

2010 No. 865

1. This explanatory memorandum has been prepared by the Department for Transport and is laid before Parliament by Command of Her Majesty.

2. Purpose of the instrument

This instrument amends the Vehicle Drivers (Certificates of Professional Competence) Regulations 2007 (SI 2007/605) (the “2007 Regulations”) to formalise in legislation certain administrative arrangements with regard to tests for drivers of certain goods and passenger vehicles seeking to obtain a certificate of professional competence for the driving of such vehicles. The 2007 Regulations implemented Directive 2003/59/EC on the initial qualification and periodic training of drivers of certain road vehicles for the carriage of goods or passengers (“the CPC Directive”). The CPC Directive requires professional drivers of certain goods and passenger vehicles to obtain the initial CPC qualification and thereafter to undergo periodic training.

3. Matters of special interest to the Joint Committee on Statutory Instruments

3.1 Section 56(1) of the Finance Act 1973 is being relied upon to the extent that the regulations provide for fees to be paid in respect of tests.

3.2 The regulations also provide for the repayment of test fees where appropriate notice of cancellation is given and in certain cases where an examiner refuses to conduct a test. In both of those respects, reliance is placed on section 2(2) of the European Communities Act 1972.

4. Legislative Context

4.1 This instrument is being made to make the implementation of the CPC Directive, and hence the operational arrangements thereof, more transparent.

4.2 The instrument therefore makes further provision in relation to matters arising out of, or related to, the obligations in the CPC Directive.

5. Territorial Extent and Application

This instrument applies to all of the United Kingdom.

6. European Convention on Human Rights

As the instrument is subject to negative resolution procedure and does not amend primary legislation, no statement is required.

7. Policy background

• *What is being done and why*

7.1 The CPC Directive introduced a Certificate of Professional Competence (“CPC”) for professional drivers of buses, coaches and lorries.

7.2 A CPC is a necessary prerequisite for such professional drivers. Those drivers must obtain an initial qualification and undergo periodic training. An initial qualification may be obtained by successfully completing a theory and a practical test. Both such tests and the periodic training are intended to improve road safety and the safety of the driver.

7.3 The Regulations introduce into legislation administrative arrangements relating to booking and taking tests under the CPC Directive as referred to in paragraph 7.4. This is seen as being desirable for the better operation of the CPC testing regime and hence the provisions of the Regulations are regarded as being matters which arise out of, or are related to, the implementation of the CPC Directive.

7.4 The arrangements set out in regulations are:

- a requirement to pass a CPC theory test before booking a CPC practical test (regulation 4(a));
- a minimum three clear working day wait (before being able to re-take the test) for candidates following an unsuccessful CPC test (regulation 4(b));
- a facility for providers of CPC training to enable them to book CPC theory and practical tests (regulation 4(d) in part);
- a minimum cancellation period (without loss of fee) of three clear working days for tests conducted by the Driving Standards Agency (or the Driver and Vehicle Agency in Northern Ireland) (regulation 4(d), in part, and (f));
- a right for examiners to refuse to conduct theory and practical tests in certain circumstances and for the fee to be forfeited (regulation 6).

7.5 In addition to expressly setting out, for greater transparency, the minimum requirements for test vehicles as specified in the CPC Directive, the Regulations also confirm the additional requirements for vehicles presented for CPC practical tests that are currently applied administratively (regulation 5). These reflect requirements in the Motor Vehicles (Driving Licences) Regulations 1999 [SI No. 2864] for the practical driving licence acquisition test, to assist the examiner to conduct the on-road part of that test safely and efficiently, with the exception of requirements (in certain circumstances) relating to trailer linkage and braking mechanisms.

7.6 The arrangements referred to in paragraphs 7.4 and 7.5 have been operated successfully by the Driving Standards Agency (“DSA”) on a non-statutory basis since the CPC for bus and coach drivers was introduced in September 2008. The Regulations do not, in practice, impose new burdens on candidates or trainers but formalise those arrangements to make them more transparent.

7.7 It had been intended that the Regulations would be brought into force on 6th April. Although this was not achieved it is considered appropriate to bring the regulations into force on a slightly later date rather than to wait until 1st October since in practice no new or additional burdens are being imposed, the provisions are for the better operation of an EC Directive and consultees were generally content with the operation of the arrangements referred to in paragraphs 7.4 and 7.5 (see also paragraph 8.3 etc) and will have been expecting their introduction.

- ***Consolidation***

7.8 There are no plans to consolidate the changes made to the 2007 regulations at this time.

8. Consultation outcome

Stakeholder engagement

8.1 Since 2001, the DSA has maintained a dialogue with key stakeholders on CPC proposals. The relevant Sector Skills Councils (Go Skills and Skills for Logistics), Trade Associations (Freight Transport Association, Confederation of Passenger Transport and the Road Haulage

Association) and others have been actively engaged with DSA and the Driver and Vehicles Agency for Northern Ireland (“DVA”) in formulating CPC policy.

Formal consultation

8.2 DSA and DVA published a joint consultation paper: *Driver Certificate of Professional Competence Scheme – Improvements to Administrative Arrangements* on 29 April 2009. In line with the move towards conducting government interaction electronically, the consultation was largely conducted online. The paper, including the initial Impact Assessments, was posted on the agencies’ websites. DSA wrote to some 6,000 individuals and organisations advising them of the consultation. DVA wrote to over 300 individuals and organisations.

8.3 The arrangements referred to in paragraphs 7.4 and 7.5 were well received by a majority of the 32 interested parties who responded to DSA - well over 80% were in favour of each proposal. The positive reception was expected as these arrangements had operated successfully, albeit on a non-statutory basis, since September 2008. In addition, some of the proposals were included at the request of stakeholders.

8.4 Some respondents expressed concerns that the requirements in respect of practical test vehicles were over-prescriptive and that the three day wait following an unsuccessful test was unnecessary for those organisations employing a delegated (ie non-DSA or non-DVA) examiner

8.5 Ministers considered the representations and were not convinced that the three day wait following an unsuccessful test was unnecessary. They thought that it would be reasonable to expect organisations using delegated examiners to optimise the time between tests to ensure the candidate is better prepared for the re-test. Under the Driving Licences Directive (91/439/EEC) there is a requirement for practical test vehicles for the licence acquisition test to meet minimum European test vehicle standards and this requirement also applies to test vehicles used for driver CPC tests. However, Ministers have sought to allow flexibility regarding practical test vehicle specifications where possible – see points 8.6 and 8.7 below.

8.6 Ministers also decided that as module four of the CPC test (the second of the practical tests) was conducted as a demonstration event on a static vehicle, it was not necessary to require the vehicle presented for test to have fitted various domestic standards such as seat belts for the examiner or supplementary mirrors to enable the examiner to conduct the on-road licence acquisition test efficiently and safely.

8.7 Ministers also decided that candidates taking either a lorry, bus or coach CPC practical test (static, module four test) may present either a category C1 or C vehicle, or a D1 or D vehicle if they prefer. They may also use a vehicle plus trailer combination (category C1+E, C+E, D1+E or D+E), as the test is the same, irrespective of the type of vehicle used within the category concerned and the test is merely a demonstration event that does not involve any driving.

8.8 The results of the consultation were announced on 9 November 2009. The changes were publicised on the DSA and DVA websites and in other publicity material. DSA and DVA have also written to those individuals and organisations who responded to the consultation.

8.9 More information on the consultation and an analysis of the responses can be found on the DSA website: www.dsa.gov.uk and on the DVA website: www.dvani.gov.uk

9. Guidance

DSA and DVA do not consider further guidance on the new measures is necessary as they have already been subject to public consultation. In addition, the arrangements, referred to in paragraphs 7.4 and 7.5, have operated successfully, albeit administratively, for several months.

10. Impact

10.1 The impact of this package of measures on business, charities or voluntary bodies is negligible.

10.2 The impact on the public sector is nil.

10.3 Final Impact Assessments are attached to this memorandum.

11. Regulating small business

11.1 The legislation applies to small business.

11.2 No special measures are foreseen as being required as the new measures have operated successfully on an administrative basis for several months.

12. Monitoring & review

The arrangements referred to in paragraphs 7.4 and 7.5 will be reviewed within five years of the date this instrument comes into force.

13. Contact

The official within the Department for Transport who can be contacted with any queries in relation to this Statutory Instrument is: Rick Annable, Policy Branch, Driving Standards Agency, The Axis Building, Upper Parliament Street, Nottingham, NG1 6LP. Telephone: 0115 936 6099; e-mail: rick.annable@dsa.gsi.gov.uk

Summary: Intervention & Options

Department /Agency: Driving Standards Agency	Title: Driver CPC Scheme No.2 Introduce a three clear working day wait following an unsuccessful CPC test	
Stage: Final	Version: final	Date: 22 September 2009
Related Publications: Response to Consultation Report: <i>Driver Certificate of Professional Competence Scheme – Improvements to Administrative Arrangements</i>		

Available to view or download at: <http://www.dsa.gov.uk>

Contact for enquiries: Rick Annable

Telephone: 0115 9366099

What is the problem under consideration? Why is government intervention necessary?

There is no provision in the regulations supporting Certificate of Professional Competence (CPC) tests for a delay between an individual failing a test and re-taking it. This allows an unprepared driver to take the test repeatedly in the hope of passing it, without taking additional training. This:

- Encourages unprepared candidates.
- Incurs extra, nugatory, cost for the driver.
- Restricts the efficiency of the test booking system, preventing other candidates taking tests.

Government intervention is necessary to counter the identified issues and to encourage candidates to be absolutely certain of their preparedness for test.

What are the policy objectives and the intended effects?

- To provide a legislative mechanism to discourage unprepared candidates. This will encourage candidates to take additional practice, thereby improving their competence as drivers. It will avoid wasted expenditure on tests they are unlikely to pass. Personal effort will be directed towards practice, by which the driver is more likely to achieve success.
- To ensure the test booking system can accommodate demand and not become choked by repeat bookings.

What policy options have been considered? Please justify any preferred option.

Two options were considered:

- To make no change.
- To introduce a minimum three clear working day wait following an unsuccessful test – this is a reasonable period in which additional practice can be undertaken.

When will the policy be reviewed to establish the actual costs and benefits and the achievement of the desired effects?

This change will be reviewed within five years of the date of implementation.

Ministerial Sign-off For final proposal/implementation stage Impact Assessments:

I have read the Impact Assessment and I am satisfied that, given the available evidence, it represents a reasonable view of the likely costs, benefits and impact of the leading options.

Signed by the responsible Minister:

Paul Clark

Date: 5 November 2009

Summary: Analysis & Evidence

Policy Option: 2	Description: Introduce a three clear working day wait following an unsuccessful CPC test
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COSTS	ANNUAL COSTS		Description and scale of key monetised costs by 'main affected groups' There are no one-off costs arising from this option. We have calculated the average annual cost as lost income for the driver during the three days that he will be required to wait before starting work. The calculation is based on 50% of drivers failing a delegated examiner Module 4 test and 25% of drivers failing a DSA Module 4 test.
	One-off (Transition)	Yrs	
	£ Nil		
	Average Annual Cost (excluding one-off)		
	£ 530,035		
			Total Cost (PV) £ 2,476,896
Other key non-monetised costs by 'main affected groups' None. The cost of a re-test and practice are not new.			

BENEFITS	ANNUAL BENEFITS		Description and scale of key monetised benefits by 'main affected groups' There are no one-off benefits. The average annual benefit is the saving of the cost of one re-test for 50% of unsuccessful candidates immediately after the first test.
	One-off	Yrs	
	£ Nil		
	Average Annual Benefit (excluding one-off)		
	£504,110		
			£2,355,746
Other key non-monetised benefits by 'main affected groups' There will be a road safety benefit. Someone who has passed a licence acquisition test will be able to drive the relevant vehicle non- professionally. By introducing a minimum three clear working day wait, we are ensuring that the integrity of the test is not compromised.			

Key Assumptions/Sensitivities/Risks In all cases, costs for 2009/10 are used. The cost of adopting a minimum three clear working day wait for unsuccessful customers is already absorbed in the development cost for the introduction of Module 2 and Module 4 tests.

Price Base Year 2009	Time Period Years 5	Net Benefit Range (NPV) £- 121,150	NET BENEFIT (NPV Best estimate) £- 121,150
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What is the geographic coverage of the policy/option?		UK	
On what date will the policy be implemented?		17 February 2010	
Which organisation(s) will enforce the policy?		DSA / DVA	
What is the total annual cost of enforcement for these organisations?		£ N/A	
Does enforcement comply with Hampton principles?		Yes	
Will implementation go beyond minimum EU requirements?		No	
What is the value of the proposed offsetting measure per year?		£ N/A	
What is the value of changes in greenhouse gas emissions?		£ N/A	
Will the proposal have a significant impact on competition?		No	
Annual cost (£-£) per organisation (excluding one-off)	Micro	Small	Medium Large
Are any of these organisations exempt?	No	No	N/A N/A

Impact on Admin Burdens Baseline (2005 Prices)			(Increase - Decrease)
Increase of £	Decrease of £	Net Impact	£

Key: **Annual costs and benefits: Constant (Net) Present Value**

Evidence Base (for summary sheets)

Introduction

1.1 This Impact Assessment (IA) considers the introduction of a minimum three clear working day wait between unsuccessful Module 2 and 4 tests taken to obtain the Driver Certificate of Professional Competence (CPC).

1.2 The CPC has been introduced as a result of Directive 2003/59/EC (“the Directive”). This Directive introduced a requirement across the EU for professional lorry, bus and coach drivers to hold a CPC in addition to their vocational driving licence.

1.3 The Directive specifies the following implementation dates:

- September 2008 for bus and coach drivers
- September 2009 for lorry drivers

1.4 The Directive was transposed into UK legislation by the Vehicle Drivers (Certificates of Professional Competence) Regulations 2007 SI No. 605 [as amended] (the “CPC Regulations”). Relevant provisions relating to driving tests for vocational licence acquisition are made by way of amendments to the Motor Vehicles (Driving Licences) Regulations 1999 SI No. 2864 [as amended] (the “Driving Licences Regulations”) and to the Motor Vehicles (Driving Licences) Regulations (Northern Ireland) 1996 SR 542 [as amended].

1.5 New professional drivers need to take an initial qualification, comprising detailed tests. The UK has introduced these in a modular format:

- Module 1 – current licence acquisition theory test (in the Driving Licences Regulations)
- Module 2 – CPC theory test – comprises case studies (in the CPC Regulations)
- Module 3 – current licence acquisition practical test (in the Driving Licences Regulations)
- Module 4 – CPC practical test (in the CPC Regulations)

Existing Law

2.1 The Driving Licences Regulations contain a provision for a minimum three clear working day wait following unsuccessful licence acquisition tests. These are at:

- Regulation 29 [**Eligibility to reapply for theory tests**] (Module 1)
- Regulation 34 [**Eligibility to reapply for practical or unitary tests**] (Module 3)

2.2 There are no similar regulatory provisions for CPC tests.

Reasons for the change

3.1 We will introduce into legislation a minimum three clear working day wait between unsuccessful CPC tests. This will replicate the benefits delivered by the Driving Licences Regulations in respect of licence acquisition tests:

- An enforced delay encourages drivers to take extra practice. Even if a driver decides to simply “keep up to standard”, he will take extra lessons, thereby increasing competence
- By encouraging extra practice, it improves the likelihood that a driver will pass the next test. This avoids the situation where he spends large amounts of money on tests which he has little chance of passing
- Repeat bookings choke the test booking system, preventing other, better prepared, candidates obtaining an early appointment
- CPC tests are brought into line with licence acquisition tests
- It will deter candidates from making multiple bookings in an attempt to obtain knowledge of different test combinations
- If the candidate keeps failing, providing immediate re-tests puts pressure on test availability targets. Meeting this demand will require additional resource which will increase costs of test provision

- There will be no additional cost of adopting a minimum three clear working day wait – this is absorbed within the implementation and overall running costs for these tests. The test booking system is already capable of imposing a three day wait without further enhancement
- There is no reason to make an unsuccessful candidate wait longer than three days before attempting another test. We believe three days allows sufficient time for the candidate to undertake additional practice

Costs and benefits

Benefits of less time and money wasted on tests failed

4.1 We have made an assumption that some 50% of unsuccessful candidates (first attempt) will pass the test on second attempt. The expected volumes – based on known failure rates for first attempt – are at **Annex 1**. The following is the cost of one retest for each candidate who is unsuccessful. If the three day wait is introduced it will encourage candidates to undertake additional practice thereby increasing their chance of passing the test on the second attempt, thus saving them the cost of further re-tests.

Savings in terms of test fees

	Unsuccessful tests per annum	Candidates unsuccessful (50%) on second attempt	Cost of re-test	Benefit to candidates from saved fee
Module 2 DSA	3,900	1,950	£30	£58,500
Module 2 Delegated ¹	1,905	953	£30	£28,590
Module 2 DVA ²	941	470	£30	£14,100
Module 4 DSA	7,480	3,740	£55	£205,700
Module 4 Delegated	1,904	952	£41	£39,032
Module 4 DVA	656	328	£55	£18,040
Totals				£363,962

4.2 DSA does not lose revenue. The test slots released by candidates, who are taking extra training during the three day wait, will be utilised by better prepared candidates, who would otherwise have had to accept later appointments.

4.3 There is also a time saving for unsuccessful candidates. A Module 2 test lasts an hour and a half. A Module 4 test lasts half an hour. There will also be travelling time of about an hour for tests conducted by DSA. If these timings are applied to half of unsuccessful tests, the overall time saving is **14,057 hours**. The value, at £9.97³ per hour, is **£140148.29**

¹ Delegated examiners are employed by MoD, fire, police and certain bus and freight logistics companies

² Driver Vehicle Agency (Northern Ireland)

³ webTAG 3.5.6, Table 1, values of time and operating costs for individual or driver, updated to 2009 prices using Office for National Statistics national accounts data, GDP deflator

Savings in time

	Unsuccessful tests per annum	Candidates unsuccessful (50%) on second attempt	Length (hrs)	Travel time (hrs)	Time (hrs)	Time - 50% of candid's	Total @£9.97 per hour
Module 2 DSA	3,900	1,950	1.5	1	2.5	4,875	£48,603.75
Module 2 Delegated	1,905	953	1.5	0	1.5	1,429	£14,247.13
Module 2 DVA	941	470	1.5	1	2.5	1,175	£11,714.75
Module 4 DSA	7,480	3,740	0.5	1	1.5	5,610	£55,931.70
Module 4 Delegated	1,904	952	0.5	0	0.5	476	£4,745.72
Module 4 DVA	656	328	0.5	1	1.5	492	£49,05.24
Totals	16,786	8,393				14,057	£140,148.29

Benefits of those able/ready to take the test having to wait less time

4.4 There are some 16,786 unsuccessful CPC tests each year. If 50% of these (8,393) waited three days before re-taking their test, it would make this number of test slots available for other candidates. This will be beneficial to those candidates who have prepared thoroughly for the test.

Costs of lost income/work when they are busy training or waiting for a test.

4.5 We estimate a cost to industry of **£530,035** in 2009/10 as a result of income which would be lost through candidates' inability to take an immediate re-test. We have assumed, for the purposes of this IA that candidates will take Module 4 after Module 2 and will therefore be fully qualified only after passing a Module 4 test.

4.6 The calculation assumes that all those unsuccessful candidates at a Module 4 test delivered by a delegated examiner, and 25% of those unsuccessful at a Module 4 DSA test will have a job to go to – and that 50% of these would pass a re-test. It calculates lost pay at £9.97 per hour, over the three days each candidate would be required to wait.

Loss of earnings	
Module 4 - unsuccessful DSA tests	7,480
Module 4 – 25% of unsuccessful DSA tests (assumed candidate has job to go to)	1,870
Module 4 - unsuccessful delegated tests	1,904
Module 4 - unsuccessful DVA tests	656
Module 4 - 25% of unsuccessful DVA tests (assumed candidate has a job to go to)	164
All - unsuccessful where assumed that a candidate has a job to go to	3,938
Candidates successful (50%) on second attempt	1,969
Loss of earnings (cost per hour)	£9.97
Daily hours would have worked	9
Total daily cost	£176,678.37
Total three day cost	£530,035.11

Overall Estimates

5.1 The costs are made up of the potential loss of earnings arising from the need for unsuccessful candidates to wait a minimum of three clear working days before a further test can be taken. It is estimated that 50% of candidates will pass at the second attempt. It is also assumed that all candidates will have a job to go to immediately.

5.2 The benefits result from a reduction in the time and money wasted on unsuccessful tests.

5.3 However, there is also a non-monetary benefit of better prepared candidates.

Cost against benefit

6.1 If the costs and benefits are offset against each other, the cost in 2009/10 is **-£25,925**. However, this is considered to be negligible when compared to the non-monetised benefits realised by maintaining the integrity of the test.

Cost against benefit	
Cost – inability to take a test	£530,035
Total cost	£530,035
Benefit – saving of fee	£363,962
Benefit - time saving	£140,148
Total benefit	£504,110
Balance	-£25,925

Equality, Environmental and Social (Health) Impact

7.1 The change will not have any adverse impact on the grounds of equality and fairness. All candidates will be treated the same.

Competition Assessment

8.1 When applying the four principles of Competition, it is considered that in the affected market this proposal is unlikely to raise any competition concerns.

Small Firms Impact Test

9.1 A small business is defined⁴ as one with:

- Fewer than 50 employees
- No more than 25% of the business owned by another enterprise (which is not a small business)
- Less than £4.44 million annual turnover
- Less than £3.18 million annual balance sheet total

9.2 This change will equally affect:

- Individuals – drivers wishing to become lorry, bus or coach drivers
- Driver trainers – who train and then book the relevant tests for individual drivers to become qualified
- Employers who provide (and pay for) training and qualification for their employees

9.3 Individuals are in the main those wishing to become lorry or coach drivers who have to obtain and pay for their own training and qualification. The training is provided by driver trainers who are mostly small and micro businesses, but they recoup the costs from the individual. Most drivers within the bus industry are employed by large companies; only 20% are employed by small or micro businesses. Larger employers provide on-the-job training for their drivers. Some of the smaller companies provide training, but in the main, the driver is expected to already hold the relevant licence and qualification before they apply for the job – this is also true for the majority of drivers applying for jobs within the goods vehicle industry.

⁴ Better Policy Making: A Guide to Regulatory Impact Assessments. Cabinet Office January 2003

9.4 The change will apply to all persons seeking to drive lorries, buses or coaches on a professional basis and in the main will impact upon individuals and larger employers. To exempt small and micro businesses from the change would mean a change to business rules that would not be acceptable to the rest of industry especially as the cost of such a change would have to be recovered from test fees. We do not consider the change will have a detrimental effect on small or micro- businesses.

Legal Aid

10.1 We have identified no impact on legal aid as a result of this change.

Sustainable Development

11.1 We have identified no effect on sustainable development.

Carbon Assessment

12.1 Fewer unsuccessful practical tests will reduce fuel consumption and environmental damage.

Other Environment

13.1 Fewer unsuccessful practical tests will reduce fuel consumption and environmental damage.

Health Impact Assessment

14.1 The inability to retake a test immediately could lead to loss of earnings in the short term and result in increased stress on drivers. But there are greater benefits from candidates being properly prepared for tests. This avoids the temptation of constant re-booking of tests with little hope of success, which is more stressful in the long term.

Race Equality

15.1 We have completed an initial screening assessment which did not identify any disproportionate impact as a result of race, religious beliefs, ethnicity, colour nationality and ethnic origin.

Disability Equality

16.1 We have completed an initial screening assessment which did not identify any adverse impact on disability issues.

Gender Equality

17.1 We have completed an initial screening assessment which did not identify any adverse effect on gender issues.

Human Rights

18.1 Introducing this minimum wait into legislation will have no effect on human rights issues.

Rural Proofing

19.1 Most professional drivers live in built up areas. However, rural residents seeking to qualify as professional drivers will benefit from having to make fewer journeys to test centres as a consequence of being better prepared.

Specific Impact Tests: Checklist

Type of testing undertaken	<i>Results in Evidence Base?</i>	<i>Results annexed?</i>
Competition Assessment	No	No
Small Firms Impact Test	Yes	No
Legal Aid	No	No
Sustainable Development	No	No
Carbon Assessment	No	No
Other Environment	No	No
Health Impact Assessment	No	No
Race Equality	Yes	No
Disability Equality	Yes	No
Gender Equality	Yes	No
Human Rights	No	No
Rural Proofing	No	No

Annexes

Annex 1

Estimated test volumes in 2009/10

DSA tests

Module 2 tests	
Annual volumes – all categories ⁵	15,000
Unsuccessful annually (Failure rate 26%)	3,900

Module 4 tests	
Annual volumes – all categories	17,000
Unsuccessful annually (Failure rate 44%)	7,480

Delegated examiner tests

Module 2 tests	
Annual volumes - PCV tests	11,100
Annual volumes - LGV tests	1,600
Total	12,700
Unsuccessful annually (Failure rate 15%)	1,905

Module 4 tests	
Annual volumes - PCV tests	9,600
Annual Volumes - LGV tests	1,600
Total	11,200
Unsuccessful annually (Failure rate 17%)	1,904

DVA tests

Module 2 tests	
Annual volumes - PCV tests	691
Annual volumes - LGV tests	2,345
Unsuccessful annually (31% failure rate)	941

Module 4 tests	
Annual volumes – PCV tests	733
LGV tests	3,643
Total	4,376
Unsuccessful annually (Failure rate 15%)	656

NB – 50% failure rate assumed - this is because with increased numbers of drivers coming forward to take the test we assume an initial increase in the number of persons failing first time. Once the test is 'bedded' in we assume that failure rates will fall.

⁵ Large Goods Vehicles (category C1 and C) and Passenger Carrying Vehicles (category D1 and D)

Summary: Intervention & Options

Department /Agency: Driving Standards Agency	Title: Driver CPC Scheme No.3 Introduce a minimum cancellation period of three clear working days	
Stage: Final	Version: Final	Date: 21 September 2009
Related Publications: Response to Consultation Report: <i>Driver Certificate of Professional Competence Scheme – Improvements to Administrative Arrangements</i>		

Available to view or download at: <http://www.dsa.gov.uk>

Contact for enquiries: Rick Annable

Telephone: 0115 936 6099

What is the problem under consideration? Why is government intervention necessary?

There is no provision in the regulations supporting Certificate of Professional Competence (CPC) tests which require a candidate to give a minimum three clear working day notice of cancellation or they will lose their fee. Without such an arrangement, when a candidate cancels a test at very short notice, it is not possible to reallocate the test slot. The cost of providing the examiner will therefore have to be met by other candidates, which is inequitable.

This arrangement contrasts with licence acquisition tests where a minimum three working day cancellation period is specified. Candidates who do not give this minimum period of notice lose their fee.

Government intervention is necessary as the provision of CPC tests is prescribed in legislation.

What are the policy objectives and the intended effects?

- To discourage candidates from cancelling tests at short notice but where cancellations do occur, without good reason (eg candidate illness) ensure that DSA is not financially disadvantaged.
- To comply with the 'user pays' principle by ensuring the cost of tests cancelled at short notice are met by the candidate responsible and do not have to be borne by candidates in general through higher fees .

What policy options have been considered? Please justify any preferred option.

Two options have been considered:

- To make no change – discounted.
- To introduce into legislation a minimum three clear working day cancellation period – this is a reasonable period for a candidate to notify us.

When will the policy be reviewed to establish the actual costs and benefits and the achievement of the desired effects?

This change will be reviewed within five years of the date of implementation.

Ministerial Sign-off For final proposal/implementation stage Impact Assessments:

I have read the Impact Assessment and I am satisfied that, given the available evidence, it represents a reasonable view of the likely costs, benefits and impact of the leading options.

Signed by the responsible Minister:

Paul Clark

.....Date: 5 November 2009

Summary: Analysis & Evidence

Policy Option: 3	Description: Introduce a minimum cancellation period of 3 clear working days
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COSTS	ANNUAL COSTS		Description and scale of key monetised costs by 'main affected groups' There will be no costs for DSA as a result of the change. There will be a cost for candidates who cancel their test within three clear working days and lose the fee. This sum is also included as a benefit for those who would pay for unused slots in higher fees.
	One-off (Transition)	Yrs	
	£ Nil		
	Average Annual Cost (excluding one-off)		
	£ 545,845		
Total Cost (PV)			£ 2,550,777
Other key non-monetised costs by 'main affected groups'			

BENEFITS	ANNUAL BENEFITS		Description and scale of key monetised benefits by 'main affected groups'. There will be benefits for candidates in general who would otherwise pay for cancelled tests in higher test fees. This sum is also included in the calculations as a cost for those candidates who lose their fee by cancelling the test within three days of the date. In addition there are savings by reducing the number of test appointments where the examiner is available but no test is booked.
	One-off	Yrs	
	£ Nil		
	Average Annual Benefit (excluding one-off)		
	£ 545,845		
Total Benefit (PV)			£ 2,550,777
Other key non-monetised benefits by 'main affected groups' There will be a saving in unused test slots, which will benefit appointment availability. This will help reduce waiting times which will be beneficial to all candidates.			

Key Assumptions/Sensitivities/Risks The costs of introducing a minimum three day cancellation period have already been absorbed in developing the administrative systems. The calculations assume that the number of cancellations will not be significantly affected by the policy change.

Price Base Year 2009	Time Period Years 5	Net Benefit Range (NPV) £ 0	NET BENEFIT (NPV Best estimate) £ 0
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What is the geographic coverage of the policy/option?			UK		
On what date will the policy be implemented?			17 February 2010		
Which organisation(s) will enforce the policy?			DSA / DVA		
What is the total annual cost of enforcement for these organisations?			£ N/A		
Does enforcement comply with Hampton principles?			Yes		
Will implementation go beyond minimum EU requirements?			No		
What is the value of the proposed offsetting measure per year?			£ N/A		
What is the value of changes in greenhouse gas emissions?			£ N/A		
Will the proposal have a significant impact on competition?			No		
Annual cost (£-£) per organisation (excluding one-off)		Micro	Small	Medium	Large
Are any of these organisations exempt?		No	No	N/A	N/A

Impact on Admin Burdens Baseline (2005 Prices)			(Increase - Decrease)		
Increase of	£ 0	Decrease of	£ 0	Net Impact	£ 0

Key: Annual costs and benefits: Constant Prices (Net) Present Value

Evidence Base (for summary sheets)

Introduction

1.1 This Impact Assessment considers the introduction of a minimum three clear working day cancellation period for Driver Certificate of Professional Competence (CPC) tests. Candidates who are unable to provide this minimum period of notice will normally lose their fee. DSA will however consider refunding the fee in certain circumstances eg where the candidate is able to produce medical evidence confirming they were unfit to take the test.

1.2 The Driver CPC has been introduced as a result of Directive 2003/59/EC (“the Directive”). This Directive introduced a requirement across the EU for professional lorry, bus and coach drivers to hold a CPC in addition to their vocational driving licence.

1.3 The Directive specifies the following implementation dates:

- September 2008 for bus and coach drivers
- September 2009 for lorry drivers

1.4 The Directive was transposed into UK legislation by The Vehicle Drivers (Certificates of Professional Competence) Regulations 2007 SI No. 605 [as amended] (the “CPC Regulations”). Relevant provisions relating to driving tests for vocational licence acquisition are made by way of amendments to the Motor Vehicles (Driving Licences) Regulations 1999 SI No. 2864 [as amended] (the “Driving Licences Regulations”).

1.5 New professional drivers need to take an initial qualification, comprising detailed tests. The UK has introduced these in a modular format:

- Module 1 – current licence acquisition theory test (in the Driving Licences Regulations)
- Module 2 – CPC theory test – comprises case studies (in the CPC Regulations)
- Module 3 – current licence acquisition practical test (in the Driving Licences Regulations)
- Module 4 – CPC practical test (in the CPC Regulations)

Existing Law

2.1 Regulation 36 [**Cancellation of tests**] of the Driving Licences Regulations contains provisions whereby the fee is lost if a theory (Module 1) or practical (Module 3) test is cancelled less than three clear working days before it was due to be taken.

2.2 There are no similar regulatory provisions for CPC tests.

Reasons for the change

3.1 We will introduce a three clear working day cancellation period to facilitate effective examiner utilisation by discouraging short-notice test cancellations by candidates (other than in certain specific circumstances). This will ensure the cost of lost tests is kept to a minimum. It will also replicate the benefits delivered by the Driving Licences Regulations:

- An enforced cancellation period will mean that, in general, a driver cancelling within three clear working days will still have to pay for the test. If this does not happen the fee is lost and the cost is effectively passed on to candidates in general. It represents a balance between the interests of those who would prefer maximum flexibility to rearrange their test appointments at short notice, and higher test fees in general
- It will remove the existing anomaly between licence acquisition and CPC tests in this area
- It will encourage drivers to plan more effectively for their test. A booking that is not ultimately taken up reduces opportunities for other candidates.

Benefits and costs

Benefits

4.1 Statistics are not available as to the volumes of practical tests that are cancelled less than three working days before the test was due to take place. Around 24,000 licence acquisition lorry and bus practical tests a year are cancelled within six days - 25% of the tests booked. By applying this percentage to the forecast volumes for Module 2 and Module 4 tests, we estimate there will be some 11,009 Module 2 and 13,844 Module 4 tests cancelled within six days (includes DVA figures). We further estimate that half of these will be cancelled within the three clear working day period preceding the date of the test. Retaining the fee in these circumstances will deliver income for DSA of some **£545,845** (£165,135 for Module 2 and **£380,710** for Module 4). This sum will offset the cost of providing the unused test slots (and wasted driving examiner resource where an examiner was available but without a test to deliver) which would otherwise have to be recovered from other candidates via higher fees.

4.2 However, if candidates alter their behaviour and try to avoid incurring a loss of fee by cancelling outside of the three day window we could see a number of possibilities resulting:

- the number of cancellations just outside of the three day window could increase
- thereby the number of available test slots for short-notice bookings would increase for other candidates
- candidates who are not well prepared may well decide they have nothing to lose by going ahead with the test as they would lose the fee if they cancelled, so they may as well attempt the test, thereby increasing the number of failures and retests

4.3 There will also be benefits where those test slots that are cancelled, are made available to other candidates. Whilst we do not expect that they can be re-booked in significant numbers within three days, there will still be scope for other candidates to use these test slots, which will result in additional income for DSA. At this time we have not made any assumptions as to the number of cancelled test slots that will be resold.

Costs

4.4 There will be no costs in developing the test booking system. The current administrative systems are fully compliant with a three clear working day cancellation period.

4.5 But, the **£545,845** saving (under "Benefits" above) will also be a cost to those individual candidates who cancel their test at short notice. This cost has therefore been included.

Benefit/Costs Analysis

	Expect 2020/11	Tests
1	Module 2 DSA (business plan)	41,000
2	Module 2 - DVA ⁶	3,036
3	Total DSA & DVA Module 2 tests	44,036
4	Module 4 DSA (business plan)	51,000
5	Module 4 - DVA	4,376
6	Total DSA & DVA module 4 tests	55,376
7	Module 2 - Cancelled within 6 days - (25% of the total of 44,036)	11,009
8	Module 4 - Cancelled within 6 days - (25% of the total of 55,376)	13,844
9	Module 2 - Cancelled within 3 days - (50% of 11,009)	5,504.5
10	Module 4 - Cancelled within 3 days - (50% of 13,844)	6,922
11	Fee for Module 2 test	£30.00
12	Fee for Module 4 test	£55.00
13	Total cost of lost Module 2 tests (5,504.5 multiplied by £30)	£165,135.00
14	Total cost of lost Module 4 tests (6,922 multiplied by £55)	£380,710.00
15	TOTAL COST (col 13 plus 14)	£545,845.00

⁶ Driver Vehicle Agency (Northern Ireland)

Equality, Environmental and Social (Health) Impact

5.1 The change will not have any adverse impact on the grounds of equality and fairness. All candidates will be treated similarly and the same requirements will apply to all tests.

Competition Assessment

6.1 Applying the four principles of Competition, it is considered that this change will have no impact on the affected sectors.

Small Firms Impact Test

7.1 A small business is defined ⁷ as one with:

- Fewer than 50 employees
- No more than 25% of the business owned by another enterprise (which is not a small business)
- Less than £4.44 million annual turnover
- Less than £3.18 million annual balance sheet total

7.2 This change will equally affect:

- Individuals – drivers wishing to become professional lorry, bus or coach drivers
- Driver trainers – who train and then book the relevant tests for individual drivers to become qualified
- Employers who provide (and pay for) training and qualification for their employees

7.3 Individuals are in the main those wishing to become lorry or coach drivers who have to obtain and pay for their own training and qualification. The training is provided by driver trainers who are mostly small and micro businesses, but they recoup the costs from the individual. Most drivers within the bus industry are employed by large companies; only 20% are employed by small or micro businesses. Larger employers provide on-the-job training for their drivers. Some of the smaller companies provide training, but in the main, the driver is expected to already hold the relevant licence and qualification before they apply for the job – this is also true for the majority of drivers applying for jobs within the goods vehicle industry.

7.4 The change will apply to all persons seeking to drive lorries, buses or coaches on a professional basis, and in the main will impact upon individuals and larger employers. To exempt small and micro businesses from the change would mean a change to business rules that would not be acceptable to the rest of industry especially as the cost of such change would have to be recovered from test fees. We do not consider the change will have a detrimental effect on small or micro businesses.

Legal Aid

8.1 We have identified no impact on legal aid as a result of this change.

Sustainable Development

9.1 We have identified no effect on sustainable development.

Carbon Assessment

10.1 We have identified no impact on carbon emissions.

Other Environment

11.1 We have identified no other effect on the environment.

⁷ Better Policy Making: A Guide to Regulatory Impact Assessments. Cabinet Office January 2003

Health Impact Assessment

12.1 We have identified no impact on health.

Race Equality

13.1 We have completed an initial screening assessment which did not identify any disproportionate impact as a result of race, religious beliefs, ethnicity, colour nationality and ethnic origin.

Disability Equality

14.1 We have completed an initial screening assessment which did not identify any adverse impact on disability issues.

Gender Equality

15.1 We have completed an initial screening assessment which did not identify any adverse effect on gender issues.

Human Rights

16.1 This minimum cancellation period will have no effect on human rights issues.

Rural Proofing

17.1 This minimum cancellation period will have no effect on rural proofing issues.

Specific Impact Tests: Checklist

Type of testing undertaken	<i>Results in Evidence Base?</i>	<i>Results annexed?</i>
Competition Assessment	No	No
Small Firms Impact Test	Yes	No
Legal Aid	No	No
Sustainable Development	No	No
Carbon Assessment	No	No
Other Environment	No	No
Health Impact Assessment	No	No
Race Equality	Yes	No
Disability Equality	Yes	No
Gender Equality	Yes	No
Human Rights	No	No
Rural Proofing	No	No

Summary: Intervention & Options

Department /Agency: Driving Standards Agency	Title: Driver CPC Scheme No.4 Introduce a right for examiners to refuse to conduct CPC tests in certain circumstances	
Stage: Final	Version: final	Date: 21 September 2009
Related Publications: Response to Consultation Report: <i>Driver Certificate of Professional Competence Scheme – Improvements to Administrative Arrangements</i>		

Available to view or download at: <http://www.dsa.gov.uk>
<http://www>

Contact for enquiries: Rick Annable

Telephone: 0115 936 6099

What is the problem under consideration? Why is government intervention necessary? The examiner has no statutory right to refuse to conduct a test where a candidate has appeared for a driving test without satisfying the specified requirements e.g. holding the relevant driving licence category, providing a relevant vehicle and proof of identity. Where CPC tests have not proceeded the candidate has been allowed a free rebook of the test. Making this proposal statutory removes any argument a candidate might have for requesting a rebooking at the Agency's (thereby other fee payers) expense, instead of their own if they are not fully prepared.

What are the policy objectives and the intended effects?

- To put in place a provision for the examiner to refuse to conduct the CPC test, and the fee to be forfeit, where the requirements at test have not been fulfilled. This will allow equality between the licence acquisition tests and CPC tests. Examples of requirements not being met are: inadequate ID or failure to produce a valid driving licence, presentation of an incorrect vehicle for test or inappropriate theory test certificate.
- To comply with the 'user pays' principle.

What policy options have been considered? Please justify any preferred option.

Two options have been considered:

- To make no change – discounted.
- To provide in the CPC regulations a right for examiners to refuse to conduct a test in prescribed circumstances and for the candidate to forfeit the fee in such circumstances.

When will the policy be reviewed to establish the actual costs and benefits and the achievement of the desired effects?

This change will be reviewed within five years of the date of implementation.

Ministerial Sign-off For final proposal/implementation stage Impact Assessments:

I have read the Impact Assessment and I am satisfied that, given the available evidence, it represents a reasonable view of the likely costs, benefits and impact of the leading options.

Signed by the responsible Minister:

Paul Clark

.....Date: 5 November 2009

Summary: Analysis & Evidence

Policy Option: 4	Description: Introduce a right for examiners to refuse to conduct CPC tests in certain circumstances
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1. COSTS	ANNUAL COSTS		1. Description and scale of key monetised costs by 'main affected groups' This is the cost of fees lost by those candidates attending test without the correct licence, identification or vehicle.		
	One-off (Transition)	Yrs			
	£ Nil				
	Average Annual Cost (excluding one-off)				
	£ 130,985			Total Cost (PV)	£ 612,103
Other key non-monetised costs by 'main affected groups' There are no non-monetised costs					

1. BENEFITS	ANNUAL BENEFITS		1. Description and scale of key monetised benefits by 'main affected groups' This represents the saving for the majority of test candidates who would otherwise pay for tests that did not proceed through fee increases. It also represents the saving in unproductive time for examiners.		
	One-off	Yrs			
	£ Nil				
	Average Annual Benefit (excluding one-off)				
	£ 130,985			Total Benefit (PV)	£ 612,103
Other key non-monetised benefits by 'main affected groups' This will discourage spurious test bookings where the candidate does not have the necessary items to allow the test to proceed and thereby increase the number of test slots available to fully prepared candidates.					

Key Assumptions/Sensitivities/Risks that the candidate who is not fully prepared for the test also pays the cost of that lost test. That the threat of fee forfeiture should encourage better prepared candidates to present for test.

Price Base Year 2009	Time Period Years 5	Net Benefit Range (NPV) £ 0	NET BENEFIT (NPV Best estimate) £ 0
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What is the geographic coverage of the policy/option?	UK-wide
On what date will the policy be implemented?	17 February 2010
Which organisation(s) will enforce the policy?	DSA / DVA
What is the total annual cost of enforcement for these organisations?	£ Nil
Does enforcement comply with Hampton principles?	Yes
Will implementation go beyond minimum EU requirements?	No
What is the value of the proposed offsetting measure per year?	£ N/A
What is the value of changes in greenhouse gas emissions?	£ N/A
Will the proposal have a significant impact on competition?	No
Annual cost (£-£) per organisation (excluding one-off)	Micro Small Medium Large
Are any of these organisations exempt?	No No N/A N/A

Impact on Admin Burdens Baseline (2005 Prices)		(Increase - Decrease)
Increase of £ Nil	Decrease of £ Nil	Net Impact £ Nil

1. Key: Annual costs and benefits: Constant Prices 1 (Net) Present value

Evidence Base (for summary sheets)

Introduction

1.1 This Impact Assessment considers the introduction of a specific right for examiners to refuse to conduct a test in prescribed circumstances. Candidates who have their test cancelled in such circumstances will lose their fee.

1.2 The Driver CPC has been introduced as a result of Directive 2003/59/EC (“the Directive”). This Directive introduced a requirement across the EU for professional lorry, bus and coach drivers to hold a CPC in addition to their vocational driving licence.

1.3 The Directive specifies the following implementation dates:

- September 2008 for bus and coach drivers
- September 2009 for lorry drivers

1.4 The Directive was transposed into UK legislation by The Vehicle Drivers (Certificates of Professional Competence) Regulations 2007 SI No. 605 [as amended] (the “CPC Regulations”). Relevant provisions relating to driving tests for vocational licence acquisition are made by way of amendments to the Motor Vehicles (Driving Licences) Regulations 1999 SI No. 2864 [as amended] (the “Driving Licences Regulations”) and the Motor Vehicles (Driving Licences) Regulations (Northern Ireland) 1996 SR 542 [as amended].

1.5 New professional drivers need to take an initial qualification, comprising detailed tests. The UK has introduced these in a modular format:

- Module 1 – current licence acquisition theory test (in the Driving Licences Regulations)
- Module 2 – CPC theory test – comprises case studies (in the CPC Regulations)
- Module 3 – current licence acquisition practical test (in the Driving Licences Regulations)
- Module 4 – CPC practical test (in the CPC Regulations)

Existing Law

2.1 There is no explicit provision in the CPC Regulations for the examiner to refuse to conduct a CPC test or for the fee to be forfeit if the test does not proceed because the candidate has failed to meet specified requirements. This is in contrast to licence acquisition tests where powers for the examiner to refuse to conduct a test and the resultant fee to be forfeit are provided by Regulation 39 [**Examiner’s right to refuse to conduct test**] of the Driving Licences Regulations and Regulation 26 of the Motor Vehicles (Driving Licences) Regulation (Northern Ireland) 1996.

Reasons for Change

3.1 To comply with the ‘user pays’ principle by ensuring the cost of the cancelled test is borne by the person responsible for the cancellation rather than by fee payers in general.

3.2 To provide parity with licence acquisition tests for vocational professional drivers. Requirements at test are specified in the CPC Regulations. This statutory provision will underpin the existing business rules by specifying the examiner’s right to refuse a test in prescribed circumstances and the subsequent loss of fee. There will be no need for IT system developments to allow differing fee forfeiture rules for candidates for different types of test.

3.3 Circumstances where an examiner may refuse to conduct a test include:

- Failure to produce an appropriate driving licence
- Inappropriate identification
- An inappropriate Module 2 (theory) test pass
- Incorrect vehicle

Benefits and Costs

Benefit

4.1 There will be a saving to DSA and thereby CPC candidates (fee payers) in general, as the change ensures that the person, who turns up for the test without the correct documents etc., forfeits the fee for that test. In licence acquisition tests, there is a 3% rate of candidates attending unprepared and we expect that this will apply to CPC tests. We assume the incident rate will be twice as high if candidates were eligible for a refund. Introducing this policy will bring CPC tests in line with other types of driving tests. On business plan estimates of test volumes in 2010/11, providing the examiner with a right to cancel a test in specified conditions and the resultant fee forfeit, will deliver savings for most candidates of **£130,985**.

Savings for all candidates

Expect 2010/11	Tests
Module 2 DSA	41,000
Module 2 DVA ⁸	3,036
Total Module 2 tests	44,036
Module 4 DSA	51,000
Module 4 DVA	4,376
Total Module 4 tests	55,376
% fee forfeit	3%
3% number of Module 2 tests where fee is forfeit	1,321
Fee for Module 2 test	£30.00
3% number of Module 4 tests where fee is forfeit	1,661
Fee for Module 4 test	£55.00
Total cost Module 2	£39,630
Total cost Module 4	£91,355
TOTAL	£130,985

Cost

4.2 The **£130,985** saving for most candidates is also a cost for those who are required to forfeit their fee. This sum is therefore also shown as a cost.

Summary of benefits and costs

4.3 The benefits are £130,985 saving for all candidates. The costs are the £130,985 also paid by those losing the fee.

Equality, Environmental and Social (Health) Impact

5.1 The provision will have no adverse impact on the grounds of equality and fairness. All candidates will be treated similarly and be subject to the same rules for all types of test.

Competition Assessment

6.1 The change will have no adverse impact on competition (after applying the four competition principles).

⁸ Driver Vehicle Agency (Northern Ireland)

Small Firms Impact Test

7.1 A small business is defined⁹ as one with:

- Fewer than 50 employees
- No more than 25% of the business owned by another enterprise (which is not a small business)
- Less than £4.44 million annual turnover
- Less than £3.18 million annual balance sheet total

7.2 This change will equally affect:

- Individuals – drivers wishing to become professional lorry, bus or coach drivers
- Driver trainers – who train and then book the relevant tests for individual drivers to become qualified
- Employers who provide (and pay for) training and qualification for their employees

7.3 Individuals are in the main those wishing to become lorry or coach drivers who have to obtain and pay for their own training and qualification. The training is provided by driver trainers who are mostly small and micro businesses, but they recoup the costs from the individual. Most drivers within the bus industry are employed by large companies; only 20% are employed by small or micro businesses. Larger employers provide on-the-job training for their drivers. Some of the smaller companies provide training, but in the main, the driver is expected to already hold the relevant licence and qualification before they apply for the job – this is also true for the majority of drivers applying for jobs within the goods vehicle industry.

7.4 The change will apply to all of persons seeking to drive lorries, buses or coaches on a professional basis, and in the main will impact upon individuals and larger employers. To exempt small and micro businesses from the change would mean a change to business rules that would not be acceptable to the rest of industry especially as the cost of such change would have to be recovered from test fees. We do not consider the change will have a detrimental effect on small or micro businesses.

Legal Aid

8.1 We have identified no impact on legal aid as a result of this change.

Sustainable Development

9.1 We have identified no effect on sustainable development.

Carbon Assessment

10.1 We have identified no impact on carbon emissions.

Other Environment

11.1 We have identified no other effect on the environment.

Health Impact Assessment

12.1 We have identified no other effect on the environment.

Race Equality

13.1 We have completed an initial screening assessment which did not identify any disproportionate impact as a result of race, religious beliefs, ethnicity, colour nationality and ethnic origin.

Disability Equality

14.1 We have completed an initial screening assessment which did not identify any adverse impact on disability issues.

⁹ Better Policy Making: A Guide to Regulatory Impact Assessments. Cabinet Office January 2003

Gender Equality

15.1 We have completed an initial screening assessment which did not identify any adverse effect on gender issues.

Human Rights

16.1 The right for examiners to cancel tests in prescribed circumstances will have no effect on human rights issues.

Rural Proofing

17.1 The right for examiners to cancel tests in prescribed circumstances will have no effect on rural proofing issues.

Specific Impact Tests: Checklist

Use the table below to demonstrate how broadly you have considered the potential impacts of your policy options.

Ensure that the results of any tests that impact on the cost-benefit analysis are contained within the main evidence base; other results may be annexed.

Type of testing undertaken	<i>Results in Evidence Base?</i>	<i>Results annexed?</i>
Competition Assessment	No	No
Small Firms Impact Test	Yes	No
Legal Aid	No	No
Sustainable Development	No	No
Carbon Assessment	No	No
Other Environment	No	No
Health Impact Assessment	No	No
Race Equality	Yes	No
Disability Equality	Yes	No
Gender Equality	Yes	No
Human Rights	No	No
Rural Proofing	No	No

Summary: Intervention & Options

Department /Agency: Driving Standards Agency	Title: Driver CPC scheme No.5 Introduce a Trainer Booking Facility for CPC tests	
Stage: Final	Version: Final	Date: 21 September 2009
Related Publications: Response to Consultation Report: <i>Driver Certificate of Professional Competence Scheme – Improvements to Administrative Arrangements</i>		

Available to view or download at:

<http://www.dsa.gov.uk>

Contact for enquiries: Rick Annable

Telephone: 0115 936 6099

What is the problem under consideration? Why is government intervention necessary?

Business stakeholders (training providers) had requested that the Agency provide the same customer service (known as the Trainer Booking Facility (TBF)) for driver CPC tests as we do currently for driving licence acquisition tests. The disparity in service between the types of test is an issue as the CPC tests and licence acquisition tests can be combined (all four modules together allow a lorry or bus driver to obtain the relevant qualification and driving licence to take up employment as a professional driver), resulting in one having access to the service and another being refused. We have therefore operated the service for CPC test clients on a non-statutory basis but wish to remove any opportunity for challenge by making this statutory the same as for licence acquisition tests.

What are the policy objectives and the intended effects?

Improved customer service. To provide business stakeholders the opportunity to use the TBF to book Driver CPC tests. Providing an equal service for the two types of tests will allow business users to book and pay for all test slots upto 10 weeks in advance without having to name test candidates. This allows them to plan their business effectively, producing training schedules for their dedicated trainers with guaranteed test slots at training end for the candidates.

What policy options have been considered? Please justify any preferred option.

Two options have been considered:

- To make no change – discounted.
- To provide a TBF for Driver CPC tests

When will the policy be reviewed to establish the actual costs and benefits and the achievement of the desired effects?

This change will be reviewed within five years of the date of implementation.

Ministerial Sign-off For final proposal/implementation stage Impact Assessments:

I have read the Impact Assessment and I am satisfied that, given the available evidence, it represents a reasonable view of the likely costs, benefits and impact of the leading options.

Signed by the responsible Minister:

Paul Clark

.....Date: 5 November 2009

Summary: Analysis & Evidence

Policy Option: No.5	Description: Introduce a Trainer Booking Facility for CPC tests
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COSTS	ANNUAL COSTS		Description and scale of key monetised costs by 'main affected groups' There are no costs.
	One-off (Transition)	Yrs	
	£ Nil		
	Average Annual Cost (excluding one-off)		
	£ Nil		
		Total Cost (PV)	£ Nil
Other key non-monetised costs by 'main affected groups' There are no costs. DSA already operates a non-statutory TBF for Driver CPC tests.			

BENEFITS	ANNUAL BENEFITS		Description and scale of key monetised benefits by 'main affected groups' Benefits are realised by savings from tests which would otherwise be cancelled between third and first day and from a reduction in unproductive time where the examiner is available but no test is booked.
	One-off	Yrs	
	£ Nil	5	
	Average Annual Benefit (excluding one-off)		
	£ 302,285	5	
		Total Benefit (PV)	£ 1,412,602
Other key non-monetised benefits by 'main affected groups' A TBF will allow driver trainers to plan test appointments ahead and put forward candidate details when they know an individual candidate is at test standard. This allows training organisations the flexibility they require to organise the training and testing of their customers in the most efficient manner.			

Key Assumptions/Sensitivities/Risks Provision of this service is a customer benefit – should the service be discontinued trainers could see increases in costs. Retaining the service will provide as a minimum savings of test fees.

Price Base Year 2009	Time Period Years 5	Net Benefit Range (NPV) £1,412,602	NET BENEFIT (NPV Best estimate) £ 1,412,602
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What is the geographic coverage of the policy/option?			UK		
On what date will the policy be implemented?			17 February 2010		
Which organisation(s) will enforce the policy?			DSA		
What is the total annual cost of enforcement for these organisations?			£ N/A		
Does enforcement comply with Hampton principles?			Yes		
Will implementation go beyond minimum EU requirements?			No		
What is the value of the proposed offsetting measure per year?			£ N/A		
What is the value of changes in greenhouse gas emissions?			£ N/A		
Will the proposal have a significant impact on competition?			No		
Annual cost (£-£) per organisation (excluding one-off)		Micro	Small	Medium	Large
Are any of these organisations exempt?		No	No	N/A	N/A

Impact on Admin Burdens Baseline (2005 Prices)			(Increase - Decrease)		
Increase of	£ 0	Decrease of	£ 0	Net Impact	£ 0

Key: Annual costs and benefits: Constant Prices (Net) Present Value

Evidence Base (for summary sheets)

Introduction

1.1 Driver training within the vocational industry relies heavily on the TBF offered by DSA. Participants can book and pay for test slots up to 10 weeks in advance but not name candidates or specify vehicle details until 16:00 hrs on the day before which allows one clear working day to elapse between that day and the date of test. Delaying confirmation of vehicle and candidate details until shortly before the test maximises flexibility and reduces the need for late cancellations which would otherwise result in a loss of fee. There are currently around 1,000 vocational driver training organisations who participate in the TBF for licence acquisition tests. Demand for vocational test slots can be extremely competitive. This Impact Assessment considers introducing into legislation a TBF for Driver CPC tests.

1.2 The Driver CPC has been introduced as a result of Directive 2003/59/EC (“the Directive”). This Directive introduced a requirement across the EU for professional lorry, bus and coach drivers to hold a CPC in addition to their vocational driving licence.

1.3 The Directive specifies the following implementation dates:

- September 2008 for bus and coach drivers
- September 2009 for lorry drivers

1.4 The Directive was transposed into UK legislation by The Vehicle Drivers (Certificates of Professional Competence) Regulations 2007 SI No. 605 [as amended] (the “CPC Regulations”). Relevant provisions relating to driving tests for vocational licence acquisition are made by way of amendments to the Motor Vehicles (Driving Licences) Regulations 1999 SI No. 2864 [as amended] (the “Driving Licence Regulations”) and the Motor Vehicles (Driving Licences) Regulations (Northern Ireland) 1996 SR 542 [as amended].

1.5 New professional drivers need to take an initial qualification, comprising detailed tests. The UK has introduced these in a modular format:

- Module 1 – current licence acquisition theory test (in the Driving Licences Regulations)
- Module 2 – CPC theory test – comprises case studies (in the CPC Regulations)
- Module 3 – current licence acquisition practical test (in the Driving Licences Regulations)
- Module 4 – CPC practical test (in the CPC Regulations)

Existing Law

2.1 Regulations 28 [**Applications for theory tests: large vehicle instructors**] and 33 [**Applications for practical tests: large vehicle instructors**] of the Driving Licences Regulations provide for a TBF for licence acquisition tests

2.2. There are no equivalent provisions in regulations for CPC tests.

Reasons for Change

3.1 The method of driver training within the vocational industry relies heavily on the TBF offered by DSA. This statutory facility enables participants to organise their training schedules as efficiently as possible and maximises the use of available test slots by reducing the number of tests cancelled at short notice.

3.2 This TBF will facilitate the booking of Module 2 and Module 4 tests by vocational driver trainers.

3.3 The vast majority of vocational licence acquisition tests are booked by driver training organisations under the provisions of the TBF. It would be incongruous not to provide a corresponding facility for trainers to book driver CPC tests.

Costs and Benefits

4.1 DSA has operated a non-statutory TBF to enable training organisations to book CPC tests for some time. There are no additional costs of providing a statutory facility as sufficient infrastructure is already in place as are staff to deal with volumes of bookings. Bookings are largely made between the hours of 08.00 and 08.15 each morning, after which bookings decline. The majority of bookings are made over the internet with some being made using the telephone booking service.

4.2 The main benefit to DSA is all vocational tests will continue to be administered in a way that suits current electronic booking systems. To remove this facility would result in protest from the driver training industry. This would be likely to involve approaches to Ministers.

4.3 There are important non-quantifiable benefits to customers. The TBF allows them to plan test appointments well in advance and provide candidate and vehicle details when they know an individual is at test standard (which could see an improvement in test success rates). This allows training organisations the flexibility they require to arrange the training and testing of their customers in the most efficient manner.

4.4 Driver training organisations currently book over 90% of all vocational tests conducted by DSA. Not utilising the TBF for CPC tests would require trainers to name the candidate at the time of booking. Cancellation would be three days before the test, compared with a trainer being allowed to provide candidate/vehicle details the day before the test. There is therefore a potential two day period, between the third and last day, during which a trainer, operating outside the TBF, would lose the fee if they need to substitute a nominated candidate for one better prepared. Figures are not available for the number of tests cancelled between three and one days before the date of test, but we do know that around 25% of licence acquisition tests overall are cancelled within six days of test. So using 25% as a guideline, if 25% of the 90% of tests booked by trainers were cancelled within six days, and assuming that a third of these maybe cancelled between three days and one day before the day of the test, there would be 3,071 Module 2 and 3,821 Module 4 tests where the fee was forfeit. This equates to **£302,285** in 2010/11. Test fees are at current rates. *NB – there is no TBF in Northern Ireland, nor for the foreseeable future is there intended to be such a facility.*

Savings for trainers participating in the Trainer Booking Facility

Expect 2010/11	Tests
Module 2 DSA	41,000
Booked by trainers (90%)	36,900
Module 4 DSA	51,000
Booked by trainers (90%)	45,900
Cancelled within 6 days - Module 2 - 25% of 36,900	9,225
Cancelled within 3 days - Module 2 – 33.3% of 9,225	3,071
Cancelled within 6 days - Module 4 – 25% of 51,000	11,475
Cancelled within 3 days - Module 4 – 33.3% of 11,475	3,821
Fee for Module 2 test	£30.00
Fee for Module 4 test	£55.00
Total cost Module 2	£92,130
Total cost Module 4	£210,155
TOTAL	£302,285

4.5 There are no costs associated with the introduction of a statutory TBF.

Equality, Environmental and Social (Health) Impact

5.1 The proposal would not have any adverse impact on the grounds of equality and fairness. All training organisations would be treated the same and there would be the same rules for all tests.

Competition Assessment

6.1 The proposal will have no adverse impact on competition.

Small Firms Impact Test

7.1 A small business is defined ¹⁰ as one with:

- Fewer than 50 employees
- No more than 25% of the business owned by another enterprise (which is not a small business)
- Less than £4.44 million annual turnover
- Less than £3.18 million annual balance sheet total

7.2 This change will equally affect:

- Individuals – drivers wishing to become professional lorry, bus or coach drivers
- Driver trainers – who train and then book the relevant tests for individual drivers to become qualified
- Employers who provide (and pay for) training and qualification for their employees

7.3 Individuals are in the main those wishing to become lorry or coach drivers who have to obtain and pay for their own training and qualification. The training is provided by driver trainers who are mostly small and micro businesses, but they recoup the costs from the individual. Most drivers within the bus industry are employed by large companies; only 20% are employed by small or micro businesses. Larger employers provide on-the-job training for their drivers. Some of the smaller companies provide training, but in the main, the driver is expected to already hold the relevant licence and qualification before they apply for the job – this is also true for the majority of drivers applying for jobs within the goods vehicle industry.

7.4 The change will apply to all of persons seeking to drive lorries, buses or coaches on a professional basis, and in the main will impact upon individuals and larger employers. To exempt small and micro businesses from the change would mean a change to business rules that would not be acceptable to the rest of industry especially as the cost of such change would have to be recovered from test fees. We do not consider the change will have a detrimental effect on small or micro businesses.

Legal Aid

8.1 We have identified no impact on legal aid as a result of this facility.

Sustainable Development

9.1 We have identified no effect on sustainable development.

Carbon Assessment

10.1 We have identified no impact on carbon emissions.

Other Environment

11.1 We have identified no other effect on the environment.

Health Impact Assessment

12.1 We have identified no other effect on the environment.

Race Equality

13.1 We have completed an initial screening assessment which did not identify any disproportionate impact as a result of race, religious beliefs, ethnicity, colour nationality and ethnic origin.

¹⁰ Better Policy Making: A Guide to Regulatory Impact Assessments. Cabinet Office January 2003

Disability Equality

14.1 We have completed an initial screening assessment which did not identify any adverse impact on disability issues.

Gender Equality

15.1 We have completed an initial screening assessment which did not identify any adverse effect on gender issues.

Human Rights

16.1 This TBF will have no effect on human rights issues.

Rural Proofing

17.1 This TBF will have no effect on rural proofing issues.

Specific Impact Tests: Checklist

Use the table below to demonstrate how broadly you have considered the potential impacts of your policy options.

Ensure that the results of any tests that impact on the cost-benefit analysis are contained within the main evidence base; other results may be annexed.

Type of testing undertaken	<i>Results in Evidence Base?</i>	<i>Results annexed?</i>
Competition Assessment	No	No
Small Firms Impact Test	Yes	No
Legal Aid	No	No
Sustainable Development	No	No
Carbon Assessment	No	No
Other Environment	No	No
Health Impact Assessment	No	No
Race Equality	Yes	No
Disability Equality	Yes	No
Gender Equality	Yes	No
Human Rights	No	No
Rural Proofing	No	No

Summary: Intervention & Options

Department /Agency: Driving Standards Agency	Title: Driver CPC Scheme No. 6 Introduce a requirement to pass Module 2 before booking a Module 4 test	
Stage: Final	Version: Final	Date 23 September 2009
Related Publications: Response to Consultation Report: <i>Driver Certificate of Professional Competence Scheme – Improvements to Administrative Arrangements</i>		

Available to view or download at: <http://www.dsa.gov.uk>

Contact for enquiries: Rick Annable

Telephone: 0115 936 6099

What is the problem under consideration? Why is government intervention necessary?

- A disparity exists in regulation between CPC tests and licence acquisition tests concerning the natural order (and thereby natural progression of ability) in which the tests must be booked and taken. As the tests can be combined it is sensible that the regulations match.
- To save candidates loss of fee by preventing them from presenting for a Module 4 test and being refused because they had not passed a Module 2 test.

What are the policy objectives and the intended effects?

- To prevent candidates from booking a Module 4 test for which they may not be prepared until they have passed a Module 2 test
- To reduce the number of Module 4 tests cancelled at short notice (due to failure to pass a Module 2 test) and thereby maximise the efficiency of the booking system

What policy options have been considered? Please justify any preferred option.

Two options have been considered:

- To make no change – discounted.
- To change the CPC regulations to require a candidate to pass a Module 2 test before a Module 4 test is booked.

When will the policy be reviewed to establish the actual costs and benefits and the achievement of the desired effects?

This change will be reviewed within five years of the date of implementation.

Ministerial Sign-off For final proposal/implementation stage Impact Assessments:

I have read the Impact Assessment and I am satisfied that, given the available evidence, it represents a reasonable view of the likely costs, benefits and impact of the leading options.

Signed by the responsible Minister:

Paul Clark

.....Date: 5 November 2009

Summary: Analysis & Evidence

Policy Option: 6	Description: Introduce a requirement to pass Module 2 before booking a Module 4 test
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COSTS	ANNUAL COSTS		Description and scale of key monetised costs by 'main affected groups' There are no costs associated with this change.
	One-off (Transition)	Yrs	
	£ Nil		
	Average Annual Cost (excluding one-off)		
	£ Nil		
Total Cost (PV)			£ 0
Other key non-monetised costs by 'main affected groups' There are no non-monetised costs associated with this change.			

BENEFITS	ANNUAL BENEFITS		Description and scale of key monetised benefits by 'main affected groups' Annual benefits will accrue from a reduction in the number of Module 4 tests cancelled at short notice because the Module 2 test had not been passed. One-off savings will be achieved by not having to make changes to the booking system. Annual benefits are at 2009 prices and are for five years.
	One-off	Yrs	
	£ 101,436	5	
	Average Annual Benefit (excluding one-off)		
	£ 46,035	5	
Total Benefit (PV)			£ 316,561
Other key non-monetised benefits by 'main affected groups' In line with public expectation – no need to change procedures. None			

Key Assumptions/Sensitivities/Risks Simple change of terminology. Will not have major impact on procedure. None

Price Base Year	Time Period Years	Net Benefit Range (NPV) 316,561	NET BENEFIT (NPV Best estimate) £ 316,561
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What is the geographic coverage of the policy/option?			UK		
On what date will the policy be implemented?			17 February 2010		
Which organisation(s) will enforce the policy?			DSA / DVA		
What is the total annual cost of enforcement for these organisations?			£ Nil		
Does enforcement comply with Hampton principles?			Yes		
Will implementation go beyond minimum EU requirements?			No		
What is the value of the proposed offsetting measure per year?			£ N/A		
What is the value of changes in greenhouse gas emissions?			£ N/A		
Will the proposal have a significant impact on competition?			No		
Annual cost (£-£) per organisation (excluding one-off)		Micro	Small	Medium	Large
Are any of these organisations exempt?		No	No	N/A	N/A

Impact on Admin Burdens Baseline (2005 Prices)			(Increase - Decrease)		
Increase of	£ 0	Decrease of	£ 0	Net Impact	£ 0

Key: Annual costs and benefits: Constant Prices (Net) Present Value

Evidence Base (for summary sheets)

Introduction

1.1 This Impact Assessment considers the introduction of a requirement for a candidate to pass a Module 2 (theory) test before booking a Module 4 (practical) test.

1.2 The Driver CPC has been introduced as a result of Directive 2003/59/EC ("the Directive"). This Directive introduced a requirement across the EU for professional lorry, bus and coach drivers to hold a CPC in addition to their vocational driving licence.

1.3 The Directive specifies the following implementation dates:

- September 2008 for bus and coach drivers
- September 2009 for lorry drivers

1.4 The Directive was transposed into UK legislation by The Vehicle Drivers (Certificates of Professional Competence) Regulations 2007 SI No. 605 [as amended] (the "CPC Regulations"). Relevant provisions relating to driving tests for vocational licence acquisition are made by way of amendments to the Motor Vehicles (Driving Licences) Regulations 1999 SI No. 2864 [as amended] (the "Driving Licences Regulations") and the Motor Vehicles (Driving Licences) Regulations (Northern Ireland) 1996 SR 542 [as amended].

1.5 New professional drivers need to take an initial qualification, comprising detailed tests. The UK has introduced these in a modular format:

- Module 1 – current licence acquisition theory test (in the Driving Licences Regulations)
- Module 2 – CPC theory test – comprises case studies (in the CPC Regulations)
- Module 3 – current licence acquisition practical test (in the Driving Licences Regulations)
- Module 4 – CPC practical test (in the CPC Regulations)

Existing Law

2.1 Regulation 5(5A) of the CPC Regulations states "*A person must pass the theoretical test referred to in the end of the table at the end of this regulation [this specifies the fees for tests] before taking the practical test referred to there and must pass the practical test not more than 24 months after passing the theoretical test*".

2.2 Regulation 40A(2) of the Driving Licences Regulations is different in that it requires a candidate to pass a licence acquisition theory test (Module 1) before booking a practical test (Module 3).

2.3 We will replicate the requirements of Regulation 40A(2) for CPC Module 2 and 4 tests.

Reasons for Change

- 3.1 The reasons for requiring a candidate to pass a Module 2 test before booking a Module 4 test are:
- To ensure the candidate has completed the full theoretical part of the test – and therefore has the necessary theoretical knowledge - before being able to book the practical test
 - To provide parity with licence acquisition tests for vocational drivers
 - To prevent candidates booking a Module 4 test without certainty that it can be taken
 - To reduce the likelihood of candidates losing the fee for a Module 4 test because the Module 2 test is failed less than three days before the booked Module 4 test
 - To ensure arrangements for booking and taking CPC tests are compatible with existing IT booking systems

Costs and Benefits

4.1 It is estimated some 6,700 candidates each year will fail a Module 2 test. If these candidates were due to take a Module 4 test within three days of failing Module 2, at £55 per Module 4 test, the cost

would be some **£368,500**. Although it should be noted, that not all of the 6,700 candidates will have booked a Module 4 test before attempting (and failing) the Module 2 test.

4.2 Statistics are not available as to the volumes of practical tests that are cancelled less than three working days before the test was due to take place. But around 25% of licence acquisition lorry and bus practical tests a year are cancelled within six days. By applying this percentage to the forecast volumes of tests failed per annum, we estimate that there will be some 1,675 tests cancelled within six days. We further estimate that half of these will be cancelled within three working days preceding the date of the test – 837 tests. With a test fee of £55, we estimate a saving for candidates of **£46,035**. This is also a saving for the Agency as well as the candidate. But, there could be time losses for those candidates who would have booked a module 4 test, and would then have passed the module 2 test, so that under the new proposals, waiting times between taking module 2 and 4 may increase for some candidates.

Module 2 tests failed per annum	6,700
Module 4 tests cancelled within 6 days	1,675
Module 4 tests cancelled within 3 days	837.5
Fee for Module 4 test	£55
Cost to candidates of tests cancelled within 3 days/savings for the Agency	£46,035

4.3 The requirement to pass a Module 2 test before booking a Module 4 test mirrors the requirement applied to licence acquisition theory and practical tests, ensuring that candidates are suitably prepared before progressing to the next stage of testing.

4.4 There are no costs to the public sector associated with this change. The IT booking system currently in place is set up to identify if a Module 2 test has been passed before a Module 4 test can be booked. If we were not to amend the regulations, to put beyond doubt the natural order of booking and taking the CPC tests, we would be open to challenge and the booking system would have to be changed. The cost of the changes would be around £100,000.

Costs and benefits - summary

4.5 The overall annual benefit is the **£46,035** saving from tests cancelled within three days.

4.6 The one-off benefit is **£100,000** which would otherwise be needed for IT booking system changes.

4.7 There are no costs.

Equality, Environmental and Social (Health) Impact

5.1 The change would not have any adverse impact on the grounds of equality and fairness. All candidates will be treated the same and the same rules will apply for all types of driving test.

Competition Assessment

6.1 The change will have no adverse impact on competition.

Small Firms Impact Test

7.1 A small business is defined ¹¹ as one with:

- Fewer than 50 employees
- No more than 25% of the business owned by another enterprise (which is not a small business)
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