

2004 No. 1992

ROAD TRAFFIC

**The Motor Vehicles (International Circulation) (Amendment)
Order 2004**

Made - - - - - *27th July 2004*

Coming into force *10th August 2004*

At the Court at Buckingham Palace, the 27th day of July 2004

Present,

The Queen's Most Excellent Majesty in Council

Whereas a draft of this Order has, in pursuance of section 1(5) of the Motor Vehicles (International Circulation) Act 1952(a), been laid before Parliament and approved by resolution of each House of Parliament:

Now, therefore, Her Majesty, in pursuance of section 1(1), (2), (3)(b) and (4) of the Motor Vehicles (International Circulation) Act 1952 as extended by article 14(1) of, and paragraph 16 of Schedule 5 to, the Northern Ireland (Modification of Enactments—No.1) Order 1973(c), is pleased, by and with the advice of Her Privy Council, to order, and it is hereby ordered, as follows:—

Citation and commencement

1. This Order may be cited as the Motor Vehicles (International Circulation) (Amendment) Order 2004 and shall come into force on the fourteenth day after the day on which it is made.

-
- (a) 1952 c.39. By virtue of section 8 of the Road Traffic (Amendment) Act 1967 (c. 70), the power under section 1 to make provision modifying an enactment relating to motor vehicles or the drivers of vehicles includes power to make provision corresponding to any such enactment.
- (b) Section 1(3) provides for the Minister of Transport to be authorised to make subordinate legislation. Subject to exceptions, not affecting the exercise of powers under section 1(3), the functions of the Minister of Transport have been sequentially transferred by virtue of the following series of statutory instruments; S.I. 1970/1681, 1976/1775, 1979/571, 1981/238, 1997/2971, 2001/2568, and 2002/2626. By virtue of the last of these instruments, functions arising under section 1(3) are exercisable by the Secretary of State for Transport.
- (c) S.I. 1973/2163, to which there are amendments but none is relevant to this Order.

Interpretation

2. In this Order, “the principal Order” means the Motor Vehicles (International Circulation) Order 1975(a).

Amendment of article 1 of the principal Order (Documents for drivers and vehicles going abroad)

3.—(1) For article 1(6)(b) of the principal Order substitute—

“The Secretary of State may charge a fee of £5.50 for the issue of any such document as is mentioned in paragraph (1) or (2) of this Article.”.

(2) Paragraph (1) of this article shall not have effect in the case of any such document as is mentioned in paragraph (1) or (2) of article 1 of the principal Order if the application for the issue of the document is made before the coming into force of this Order.

Amendment of article 2 of the principal Order (Visitors’ driving permits)

4.—(1) Article 2 of the principal Order is amended as follows.

(2) In article 2(1)(c)—

- (a) omit sub-paragraph (c),
- (b) omit “, except in the case of a holder of a British Forces (BFG) driving licence,”, and
- (c) for “a large goods vehicle or a passenger-carrying vehicle” substitute “a medium-sized goods vehicle, a large goods vehicle, a privately-operated passenger vehicle or a passenger-carrying vehicle”.

(3) For article 2(2)(d) substitute—

“(2) Subject to the provisions of this Article, it shall be lawful for a person resident outside the United Kingdom who is temporarily in Great Britain and holds—

- (a) a Convention driving permit, or
- (b) a domestic driving permit issued in a country outside the United Kingdom,

during a period of twelve months from the date of his last entry into the United Kingdom to drive, or for any person to cause or permit such a person to drive, in Great Britain—

- (i) in the case of any such person who is resident in an EEA State, the Isle of Man, Jersey or Guernsey, a medium-sized goods vehicle, a large goods vehicle, a privately-operated passenger vehicle or a passenger-carrying vehicle; and
- (ii) in the case of any other such person, a medium-sized goods vehicle, a large goods vehicle, a privately-operated passenger vehicle or a passenger-carrying vehicle brought temporarily into Great Britain,

which he is authorised by that permit to drive, notwithstanding that he is not the holder of a medium-sized goods vehicle driver’s licence, a large goods vehicle driver’s licence, a privately-operated passenger vehicle driver’s licence or a passenger-carrying vehicle driver’s licence.”.

(a) S.I. 1975/1208; relevant amending instruments are S.I. 1980/1095, 1989/993 (the Motor Vehicles (International Circulation) (Amendment) Order 1989, the “1989 Order”), 1991/771 (the Motor Vehicles (International Circulation) (Amendment) Order 1991, the “1991 Order”), 1996/1929 (the Motor Vehicles (International Circulation) (Amendment) Order 1996, the “1996 IC Order”), and 1996/1974 (the Driving Licences (Community Driving Licence) Regulations 1996, the “1996 Community Order”); particular amendments are footnoted in this Order as and where relevant.

(b) Article 1 was amended by S.I. 1980/1095, by the 1989 Order and by the 1996 IC Order; in particular, article 1(6) was substituted by article 3(1)(b) of the 1996 IC Order.

(c) Article 2 was substituted by the 1989 Order, article 4; article 2(1) was amended by the 1991 Order, article 2(a). Further amendments to article 2 of the principal Order are footnoted herein only where relevant.

(d) Article 2(2) was amended by the 1996 Community Order, regulation 6 and Schedule 5, paragraph 1(2); by the 1996 IC Order, article 4(1); and by the 1991 Order, article 2(b).

- (4) Omit article 2(3).
- (5) In article 2(4)(a)—
- (a) for “paragraphs (1), (2) or (3)”, substitute “paragraphs (1) or (2)”, and
 - (b) in sub-paragraph (a) for “or Jersey” substitute “, Jersey or Guernsey”.
- (6) For article 2(6) substitute the following—
- “(6) The Secretary of State for Transport(b) may by order made by statutory instrument withdraw one or both of the rights conferred by paragraphs (1)(b) and (2)(b) of this Article in respect of—
- (a) all domestic driving permits;
 - (b) domestic driving permits of a description specified in the order; or
 - (c) domestic driving permits held by persons of a description specified in the order.”.
- (7) In article 2(7)(c)—
- (a) omit the definition of “British Forces (BFG) driving licence”, and
 - (b) after the definition of “EEA State”, insert the following—
- ““medium-sized goods vehicle” has the same meaning as in Part III of the Road Traffic Act 1988(d);
- “medium-sized goods vehicle driver’s licence” means a licence under Part III of the Road Traffic Act 1988 in so far as it authorises a person to drive medium-sized goods vehicles of any class;
- “privately-operated passenger vehicle” means a vehicle, not used for carrying passengers for hire or reward, which is constructed or adapted to carry more than eight but not more than 16 passengers;
- “privately-operated passenger vehicle driver’s licence” means a licence under Part III of the Road Traffic Act 1988 in so far as it authorises a person to drive privately-operated passenger vehicles of any class;”.

A.K. Galloway
Clerk of the Privy Council

-
- (a) Article 2(4) was amended by the 1996 Community Order, regulation 6 and Schedule 5, paragraph 1(2); by the 1996 IC Order, article 4(1); and, prospectively, by the 1989 Order, article 6(1), as from the date on which the Convention on Road Traffic concluded at Vienna in 1968 is first in force in respect of the United Kingdom.
 - (b) When the principal Order was made, the reference to the Minister of Transport in section 1(3) of the 1952 Act was (by virtue of S.I. 1970/1681) to be construed as a reference to the Secretary of State; hence the reference to “the Secretary of State” in article 2(6) of the principal Order. By virtue of the sequential transfer of functions effected by S.I. 1976/1775, 1979/571, 1981/238, 1997/2971, 2001/2568, and 2002/2626, functions arising under section 1(3) are now exercisable by the Secretary of State for Transport.
 - (c) The definition of “Convention driving permit” in article 2(7) was amended by the 1996 IC Order, article 4(2)(a), and this definition is prospectively substituted by the 1989 Order, article 6(2), as from the date on which the Convention on Road Traffic concluded at Vienna in 1968 is first in force in respect of the United Kingdom; the definition of “domestic driving permit” was amended by the 1996 IC Order, articles 4(2)(a) and (b), and by the 1996 Community Order, regulation 6 and Schedule 5, paragraph 1(4); the definition of “large goods vehicle” was inserted by the 1991 Order, article 2(d); and the definitions of “EEA Agreements” and “EEA State” were inserted by the 1996 Community Order, regulation 6 and Schedule 5, paragraph 1(4).
 - (d) 1988 c. 52; the definition of “medium-sized goods vehicle” was inserted in section 108 by the 1996 Community Order, regulation 2 and Schedule 1, paragraph 19.

EXPLANATORY NOTE

(This note is not part of the Order)

This Order amends the Motor Vehicles (International Circulation) Order 1975 (“the principal Order”).

Article 3 of this Order amends the principal Order by increasing the fee for an international driving permit or an international certificate for motor vehicles from £4 to £5.50, although the increase does not apply if the application for the document is made before the coming into force of this Order.

By virtue of *article 2* of the principal Order, persons resident outside Great Britain with an appropriate permit may drive motor vehicles when visiting Great Britain. Such permission is, however, restricted in respect of the driving of certain passenger-carrying and goods vehicles (the “restricted categories”). Persons resident outside Great Britain and certain territories (“specified territories”) may (with the appropriate driving permit) drive a vehicle in a restricted category only if it has been brought temporarily into Great Britain, whereas a person with the appropriate driving permit from one of the specified territories may drive any vehicle in a restricted category while in Great Britain.

By virtue of the amendment made by *article 4(2)(c)* of this Order, privately-operated passenger vehicles and medium-sized goods vehicles (the definitions of which are inserted in the principal Order by *article 4(7)(b)* of this Order) are added to the restricted categories of vehicles.

Article 4(3) substitutes a new paragraph for paragraph (2) of *article 2* of the principal Order. This new paragraph provides for exceptions in respect of the driving of vehicles in either of the newly-specified restricted categories in favour of persons with the relevant driving permits. It does this by extending to those vehicles those exceptions (which are maintained) currently in place in respect of pre-existing restricted categories. *Article 4(3)* also provides (for the first time) for permit holders who are resident in Guernsey to drive in Great Britain any vehicle in a restricted category in respect of which his permit applies, i.e. Guernsey is now a specified territory for these purposes.

Article 4(5)(b) makes consequential provision in respect of the addition of Guernsey to the list of approved territories.

The amendments made by *article 4* also remove from the principal Order all references to British Forces (BFG) driving licences. This removal is an acknowledgement that such licences no longer exist.

Supplementary restrictions and conditions remain in relation to the driving of restricted vehicles in respect of age and driving disqualification.

A full regulatory impact assessment of the effect that this instrument will have on the costs of business is available from the Driver and Vehicle Licensing Agency, Drivers Policy Group, Swansea Vale II, Swansea SA7 0EP.

£3.00

© Crown copyright 2004

Printed and published in the UK by The Stationery Office Limited
under the authority and superintendence of Carol Tullo, Controller of Her Majesty's
Stationery Office and Queen's Printer of Acts of Parliament.

E1077 8/2004 141077T 19585

ISBN 0-11-049640-X



9 780110 496405