

2007 No. 95

ROAD TRAFFIC

The Driving Licences (Exchangeable Licences) Order 2007

Made - - - - *17th January 2007*

Coming into force - - *31st January 2007*

This Order is made in exercise of the powers conferred by sections 108(2)(b), (2A) and (2B) of the Road Traffic Act 1988(a).

The Secretary of State for Transport is satisfied that satisfactory provision is made by the laws of the territory designated in this Order as respects the grant of driving licences of the descriptions specified in this Order.

The Secretary of State for Transport has consulted with representative organisations in accordance with section 108(3) of the Road Traffic Act 1988.

Citation and commencement

1. This Order may be cited as the Driving Licences (Exchangeable Licences) Order 2007 and shall come into force on 31st January 2007.

Interpretation

2. In this Order—

- (a) “driving test” means a test corresponding to the practical test of driving skills and behaviour prescribed under section 89 of the Road Traffic Act 1988 as part of the test of competence to drive;
- (b) “vehicle with automatic transmission” means a vehicle in which either—
 - (i) the driver is not provided with any means whereby he may vary the gear ratio between the engine and the road wheels independently of the accelerator and the brakes, or
 - (ii) he is provided with such means but they do not include a clutch pedal or lever which he may operate manually,

(and accordingly, a vehicle with manual transmission is any other class of vehicle); and

(a) 1988 c.52. In section 108, subsections (2), (2A) and (2B) were substituted by the Deregulation (Exchangeable Driving Licences) Order 1998 (S.I. 1998/1917) (the “1998 Deregulation Order”). In section 108(1), see the definitions of “EEA Agreement”, “EEA State” and “exchangeable licence”. The definitions of “EEA Agreements” and “EEA State” were inserted by the Driving Licences (Community Driving Licence) Regulations 1996 (S.I. 1996/1974). The definition of “exchangeable licence” was substituted by the 1998 Deregulation Order.

- (c) a reference to a licensing category is a reference to the category identified by the same letter or combination of letters in Schedule 2 to the Motor Vehicles (Driving Licences) Regulations 1999(a).

Designation of Faroe Islands

3.—(1) Subject to paragraph (3), the Faroe Islands is designated under section 108(2)(b) of the Road Traffic Act 1988 as respects licences of the description specified in paragraph (2).

(2) The licences referred to in paragraph (1) are licences which—

- (a) authorise the driving of a class of vehicles corresponding to a class of vehicles included in licensing category B, B1, B+E, F, K or P, and
- (b) have been granted by the licensing authority of the Faroe Islands—
- (i) to a person who has passed a driving test in the Faroe Islands, or
- (ii) by way of exchange for a licence granted in the United Kingdom or an EEA State (other than the United Kingdom) or in a country or territory named in the Schedule to a person who had passed a driving test in such a State, country or territory.

(3) Notwithstanding that a licence of a description specified in paragraph (2) authorises the driving of vehicles with manual transmission, that licence shall be exchangeable only to the extent that it authorises the driving of vehicles with automatic transmission if it was granted to a person who passed a driving test in a vehicle with automatic transmission.

Signed by authority of the Secretary of State for Transport

S.J Ladyman
Minister of State
Department for Transport

17th January 2007

SCHEDULE

Article 3

OTHER COUNTRIES AND TERRITORIES FROM WHICH A LICENCE MAY HAVE BEEN EXCHANGED

Australia

Barbados

British Virgin Islands

The provinces and territories of Canada

The Falkland Islands

Guernsey

Hong Kong

Isle of Man

Japan

Jersey

Monaco

New Zealand

(a) S.I. 1999/2864, to which there are amendments not relevant to this Order.

Republic of Korea

Singapore

South Africa

Switzerland

Zimbabwe

EXPLANATORY NOTE

(This note is not part of the Order)

This Order designates the Faroe Islands under section 108(2)(b) of the Road Traffic Act 1988 as making satisfactory provisions for the issue of certain classes of driving licence. This enables a person holding one of these licences to exchange it for a corresponding British licence.

The licences affected are those authorising the driving of mopeds, motor cars and small goods vehicles up to 3.5 tonnes maximum authorised mass (with or without a trailer), tractors, pedestrian controlled vehicles and mowing machines.

The Order also provides that a licence may not be exchanged for a British licence authorising the driving of vehicles with manual transmission unless the holder took a driving test on a vehicle with manual transmission. If the test was taken in a vehicle with automatic transmission, it will be exchangeable only so far as the licence authorises the driving of vehicles with automatic transmission.

A regulatory impact assessment of the effect of this instrument will have on costs of business is available from the DVLA, Drivers Policy Group, Unit 3, Sandringham Park, Llansamlet, Swansea SA7 0EP.

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