

This Statutory Instrument has been made in consequence of a defect in [SI 2008/1038](#) and is being issued free of charge to all known recipients of that Statutory Instrument.

STATUTORY INSTRUMENTS

2008 No. 1312

ROAD TRAFFIC

The Motor Vehicles (Driving Licences) (Amendment No. 3) Regulations 2008

Made - - - - 14th May 2008

Laid before Parliament 15th May 2008

Coming into force in accordance with regulation 1

The Secretary of State for Transport makes these Regulations in exercise of the powers conferred by sections 97(1), 99(7ZA) and 105(1), (2) and (4) of the Road Traffic Act 1988(1) and by virtue of the Department for Transport (Driver Licensing and Vehicle Registration Fees) Order 2003(2) and with the approval of the Treasury(3).

The Secretary of State for Transport has consulted with representative organisations in accordance with section 195(2) of the Road Traffic Act 1988.

Citation and commencement

1. These Regulations may be cited as the Motor Vehicles (Driving Licences) (Amendment No. 3) Regulations 2008 and shall come into force for the purpose of regulation 2 at 11.59 p.m. on 15th May 2008 and for all other purposes on 16th May 2008.

(1) [1988 c.52](#) (in these footnotes the “1988 Act”); see section 108(1) for the definition of “prescribed” and “regulations”. Section 97(1) was amended by the Road Traffic (Driver Licensing and Information Systems) Act [1989 \(c.22\)](#), sections 6, 7 and 16, Schedule 3, paragraph 9, and Schedule 6; by the Road Traffic (New Drivers) Act [1995 \(c.13\)](#), section 10 and Schedule 2, paragraph 2; by the Driving Licences (Community Driving Licence) Regulations 1996 ([S.I. 1996/1974](#)) (in these footnotes the “1996 Regulations”), regulation 2 and Schedule 1, paragraph 6; and by the [Crime \(International Co-operation\) Act 2003 \(c.32\)](#) (in these footnotes “the 2003 Act”), sections 78 and 91 and Schedule 5, paragraphs 17 and 21. Section 99(7ZA) was inserted by the Road Safety Act [2006 \(c. 49\)](#), section 40. Relevant amendments to section 105(2) were made by the 1996 Regulations, regulation 2 and Schedule 1, paragraph 17 and by the 2003 Act, section 91 and Schedule 5, paragraphs 17 and 23. Section 105(4) was amended by the Driving Licences (Community Driving Licence) Regulations 1998 ([S.I. 1998/1420](#)) (in these footnotes the “1998 Regulations”), regulations 2 and 10.

(2) [S.I. 2003/2994](#), amended by [S.I. 2008/908](#).

(3) As required by section 105(4) of the 1988 Act.

Revocation of the Motor Vehicles (Driving Licences) (Amendment No. 2) Regulations 2008

2. The Motor Vehicles (Driving Licences) (Amendment No. 2) Regulations 2008(4) are revoked.

Amendment of the Motor Vehicles (Driving Licences) Regulations 1999

3. The Motor Vehicles (Driving Licences) Regulations 1999(5) are amended in accordance with regulation 4.

4. In the table of driving licence fees in Part 1 of Schedule 3 after the entry numbered 11 insert a new entry, and in respect of that new entry—

- (a) in the column headed “No.” insert “12”;
- (b) in the column headed “Description of licence and circumstances of application” insert “A photocard licence granted in exchange for a photocard licence which has been surrendered in pursuance of section 99(2A) of the Traffic Act(6)”; and
- (c) in the column headed “Fee payable” insert “£17.50”.

Signed by authority of the Secretary of State

13th May 2008

Jim Fitzpatrick
Parliamentary Under Secretary of State
Department for Transport

We approve the making of these Regulations

14th May 2008

Frank Roy
Alan Campbell
Two of the Commissioners of Her Majesty’s
Treasury

(4) [S.I. 2008/1038](#).

(5) [S.I. 1999/2864](#) (in these footnotes the “1999 Regulations”); relevant amending instruments are [S.I. 2004/265](#), [S.I. 2007/698](#) and [S.I. 2008/508](#).

(6) i.e. the 1988 Act in accordance with the definition of “Traffic Act” in regulation 3 of the 1999 Regulations. Section 99(2A) was inserted by the 1998 Regulations, regulations 2 and 8.

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations revoke and replace the Motor Vehicles (Driving Licences) (Amendment No. 2) Regulations 2008 (S.I. 2008/1038) solely for the purpose of correcting a drafting error in the preamble to that instrument. S.I. 2008/1038 failed to refer to sections 99(7ZA) and 105(2) of the Road Traffic Act 1988 in the recitals of the enabling provisions and that omission is corrected by this instrument.

Otherwise these Regulations make the same amendments to the Motor Vehicles (Driving Licences) Regulations 1999 (S.I. 1999/2864) (“the Principal Regulations”) as were made by S.I. 2008/1038. These are set out below.

Section 99(2A) of the Road Traffic Act 1988 requires a driving licence which is in the form of a photocard driving licence to be surrendered for renewal no later than ten years after the date on which it was issued (or, where relevant, the date on which the earliest licence bearing the same photograph was issued). Section 99(7ZA) of the 1988 Act (as inserted by the Road Safety Act 2006, section 40) provides that the Secretary of State is not required to grant a new photocard licence in those circumstances unless the licence holder pays the fee (if any) which is prescribed.

These Regulations amend Part 1 of Schedule 3 (licence fees) to the Principal Regulations with effect from 16th May 2008 by prescribing a fee of £17.50 in respect of the renewal of a photocard driving licence which has been surrendered in pursuance of section 99(2A) of the 1988 Act.

The fee has been set further to the Department for Transport (Driver Licensing and Vehicle Registration Fees) Order 2003 (S.I. 2003/2994) (as amended by S.I. 2008/908), which established a common pool for costs incurred in respect of various vehicle registration functions and various driver licensing functions of the Secretary of State. In accordance with the terms of the 2003 Order, in setting the level of this fee the Secretary of State has taken into account the costs within those common pools.

A full impact assessment has not been produced for this instrument. However, a full impact assessment of the effect that this amendment and other related amendments will have on the costs of business and the voluntary sector was produced for the Motor Vehicles (Driving Licences) (Amendment) Regulations 2008 (S.I. 2008/508) and is available from the Driver and Vehicle Licensing Agency, Policy and External Communications Directorate, Longview Road, Swansea, SA6 7JL and on the DVLA’s website at www.dvla.gov.uk. That impact assessment is annexed to the explanatory memorandum relating to S.I. 2008/508, which is available alongside that instrument on the Office of Public Sector Information website at www.opsi.gov.uk.