
EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend the Motor Vehicles (Access to Driver Licensing Records) Regulations 2001 (“the 2001 Regulations”) and the Vehicle Drivers (Certificates of Professional Competence) Regulations 2007 (“the 2007 Regulations”).

The 2007 Regulations implemented Directive [2003/59/EC](#) of the European Parliament and of the Council of 15th July 2003 on the initial qualification and periodic training of drivers of certain road vehicles for the carriage of goods or passengers, amending Council Regulation [\(EEC\) No 3820/85](#) and Council Directive [91/439/EEC](#) and repealing Council Directive [76/914/EEC](#) (OJNo. L226, 10.9.2003, p.4), as amended by Directive [2004/66/EC](#) (OJ No. L168, 1.10.2004, p.35), and Directive [2006/103/EC](#) (OJ No. L 363, 20.12.2006, p.344). These Regulations make further provision in relation to matters arising out of, or related to, the obligations in that Directive.

The 2001 Regulations are made under section 71 of the Criminal Justice and Court Services Act 2000 and determine the purposes for which information held under Part 3 of the Road Traffic Act 1988 (driver licensing) may be given to the National Policing Improvement Agency. Regulation 2 of these Regulations amends regulation 2 (purposes for which access may be given) of the 2001 Regulations to add the prevention, investigation and prosecution of a contravention of a provision of the 2007 Regulations as one of those purposes.

Under regulation 4 (persons who must take the initial CPC test) of the 2007 Regulations, subject to certain exceptions, a person to whom the regulations apply is not permitted to drive a relevant vehicle on a road on or after a specified date unless he has successfully completed the initial CPC test. One exception is where a person is undergoing a vocational training course and the competent authority has issued that person with an NVT certificate (regulation 4(5)). Regulation 5 of these Regulations amends regulation 4 of the 2007 Regulations to make provision for applying to the competent authority for an NVT certificate, including the charging of a fee of £25.

Regulation 5 (initial CPC test) of the 2007 Regulations makes provision for the organisation of the initial CPC test by the competent authority or by a person approved by it. The initial CPC test includes a theoretical test and a practical test. Regulation 6 of these Regulations amends regulation 5 so as to—

- (a) require the theoretical test to be taken before the practical test and require the practical test to be passed not more than 24 months after passing the theoretical test;
- (b) make provision for the payment of a fee by an approved person for the tests which it conducts;
- (c) increase the fee for a practical test conducted by a competent authority during normal working hours from £41 to £55; and
- (d) increase the fee for a practical test conducted by a competent authority out of normal working hours from £41 to £63.

A person submitting himself for a theoretical test, a practical test or a periodic training course is to produce to the person conducting the test or course an appropriate licence or other evidence of his identity (new regulation 5A inserted by regulation 7 and regulation 8(c) of these Regulations).

Under regulation 6 (persons providing periodic training courses) of the 2007 Regulations, a person who wishes to provide periodic training courses must make a written application to the competent

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authority for approval. Regulation 8(a) amends regulation 6(5) to allow the competent authority to withdraw or suspend an approval of a person or a course which it has approved in error.

Regulation 8(b) amends regulation 6 of the 2007 Regulations so as to provide that periodic training courses can be taken by nationals of member States who work in the United Kingdom as well as those who normally reside there.

Regulation 9 inserts a new regulation 6A (appeals) which provides for appeals to be made to the Transport Tribunal against certain decisions of the Secretary of State under the 2007 Regulations.

A person approved under regulation 6(3)(a) of the 2007 Regulations to provide periodic training courses has to notify the competent authority each time a person to whom it has provided training completes a periodic training course and to pay a fee upon each notification (regulation 7(1) of the 2007 Regulations). Regulation 10 changes the basis for calculating the fee.

Regulation 11 amends regulation 8 (driver qualification card) of the 2007 Regulations to place a requirement on the competent authority to issue a driver qualification to certain persons and to remove the requirement for those persons to pay a fee for the card. Regulation 12 inserts new regulation 8A to permit certain other persons to apply for a driver qualification card on payment of a fee of £25.

Regulation 12 also inserts new regulation 8B which deals with damaged, lost and stolen documents. The holder of a driver qualification card or an NVT certificate is required to notify the competent authority if the document is damaged, lost or stolen (regulation 8B(1)). Failure to do so is an offence punishable on summary conviction by a fine not exceeding level 3 on the standard scale (regulation 8B(5) and (6)). Regulation 8B(3) requires the payment of a fee of £25 for a replacement driver qualification card or a replacement NVT certificate.

Regulations 14 to 16 amend regulations 11 (requirement to carry and produce evidence of CPC or of training exemption in vehicle), 12 (document errors) and 13 (forgery and false statements) of the 2007 Regulations in consequence of the amendments made by regulations 11 and 12. Regulation 11 of the 2007 Regulations is amended so that a person who has notified the competent authority that his driver qualification card or NVT certificate has been damaged, lost or stolen and paid the fee for a replacement does not commit an offence under regulation 11 (regulation 14(d)).

A full impact assessment of the effect that these Regulations will have on the costs of business and the voluntary sector is available from the Driving Standards Agency, Policy Branch, The Axis, Upper Parliament Street, Nottingham NG1 6LP and on the Driving Standards Agency's website at www.dsa.gov.uk. The impact assessment is annexed to the explanatory memorandum which is available alongside the instrument on the Office of Public Sector Information website at www.opsi.gov.uk.