

**EXPLANATORY MEMORANDUM TO**  
**THE MOTOR VEHICLES (DRIVING LICENCES) (AMENDMENT) (NO.5)**  
**REGULATIONS 2008**

**2008 No. 2508**

1. 1.1 This explanatory memorandum has been prepared by the Department for Transport and is laid before Parliament by Command of Her Majesty.

This memorandum contains information for the Joint Committee on Statutory Instruments

**2. Description**

2.1 This instrument defers the introduction of new manoeuvres as part of the practical driving test for motorcycles and mopeds. These new manoeuvres were due to come into effect on 29<sup>th</sup> September 2008 but will now not be included as part of the test until 30<sup>th</sup> March 2009.

**3. Matters of special interest to the [Joint Committee on Statutory Instruments or the Select Committee on Statutory Instruments]**

3.1 This instrument will be brought into force on 29<sup>th</sup> September 2008 in breach of the 21-day rule. The instrument has to come into force on that date to ensure that the new manoeuvres do not become part of the test, even if only for a number of days, prior to 30<sup>th</sup> March 2009. If the instrument was brought into force after the 29<sup>th</sup> September 2008, then any test would have to include the new manoeuvres until the date the amending instrument entered into force.

**4. Legislative Background**

4.1 The Motor Vehicles (Driving Licences) Regulations 1999 (S.I. 1999/2864) are amended by S.I. 2008/508 to introduce the new motorcycle manoeuvres in implementation of Directives 2000/56/EC and 2008/65/EC on Driving Licences. Regulation 12 of S.I. 2008/508 adds the new manoeuvres to Section D of Part 1 of Schedule 8 to make them specified requirements of the motorcycle and moped test and this regulation comes into force on 29<sup>th</sup> September 2008. It is intended that this instrument will come into force on 29<sup>th</sup> September immediately after regulation 12 of S.I. 2008/508 comes into force.

4.2 The Directives require the manoeuvres to be introduced by 30<sup>th</sup> September 2008 and so in respect of those manoeuvres, implementation will be some six months after the required date. The European Commission has been advised of the intention to defer the implementation date.

**5. Territorial Extent and Application**

5.1 This instrument applies to Great Britain.

## **6. European Convention on Human Rights**

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

## **7. Policy background**

7.1 Following an extensive consultation exercise it was decided that the new motorcycle manoeuvres required by Directive 2000/56/EC should be conducted on special testing grounds. This was to overcome obstacles imposed by traffic density in the UK and the safety risk this would present. In addition, the Department was mindful of the duty of care owed to the rider and examiner. This policy was supported in public consultation.

7.2 However, very recently certain consultees expressed significant concerns regarding the geographical availability of premises from which the off road elements of the test could be conducted. In response, Ministers agreed on 9th September to postpone the planned introduction on 29<sup>th</sup> September of the new manoeuvres. Deferring implementation will allow for the acquisition of additional premises so as to provide an improved level of service coverage. This recent decision has necessitated bringing this instrument into force on 29<sup>th</sup> September to ensure that the new manoeuvres do not, even for a number of days, become part of the test.

7.3 The key stakeholders in the motorcycle training industry and road safety groups have been contacted. There have also been meetings with other interested parties, they have been asked for their views on delaying the implementation of the manoeuvres. All support deferment.

## **8. Impact**

8.1 An Impact Assessment has not been prepared for this instrument as it has no impact on the costs of business, charities or voluntary bodies.

8.2 The impact on the public sector is minimal. The Driving Standards Agency is already committed to the provision of suitable test centre sites from which the new manoeuvres can be delivered. The deferment merely allows more time for the new centres to become operational.

## **9. Contact**

9.1 The official within the Department for Transport who can be contacted with any queries in relation to this instrument is Nick Taylor, Driving Standards Agency, Policy Branch, The Axis, Upper Parliament Street, Nottingham, NG1 6LP. Telephone: 0115 936 6092; e-mail [nick.taylor@dsa.gsi.gov.uk](mailto:nick.taylor@dsa.gsi.gov.uk)