

TRANSPPOSITION NOTE

The Motor Vehicles (Driving Licences) (Amendment) Regulations 2017 (“the 2017 Regulations”)

These Regulations amend regulation 72 of the Motor Vehicles (Driving Licences) Regulations 1999 (“the 1999 Regulations”) to transpose paragraph (2) of the Annex of Commission Directive 2016/1106/EU (“the 2016 Directive”). Paragraph (2) replaces point 10.2 of section 10 (“Diabetes Mellitus”) of Annex III of ‘the 3rd driving licence Directive’ (Directive 2006/126/EC - recast). The Annex of the 2016 Directive substitutes new provisions into those parts of Annex III (minimum standards of physical and mental fitness for driving a power driven vehicle) of the 3rd driving licence directive relating to both cardiovascular diseases and diabetes mellitus.

New paragraph of Annex III to Directive 2006/126/EC	Purpose	Implementation
<i>Cardiovascular diseases</i>		
Section 9	Introductory preamble	No implementation needed
Point 9.1	Lists various cardiovascular conditions in relation to which driving licences may be issued or renewed for applicants or drivers but subject to effective treatment of the condition and to competent medical authorisation and, if appropriate, regular medical assessment.	<p>No implementation needed as this is already catered for in existing legislation.</p> <p>The discretion point 9.1 provides for member State competent authorities to determine if a person who has one of the various listed types of cardiovascular disease is medically fit to be granted or retain a driving licence is already vested in the Secretary of State by sections 92 to 96 of the Road Traffic Act 1988 and regulation 71 of the Motor Vehicles (Driving Licences) Regulations 1999 (SI 1999/2864).</p> <p>The Driver and Vehicle Licensing Agency, on behalf of the Secretary of State, publishes “Assessing fitness to drive – a guide for medical professionals.” It is available online at GOV.UK. This guidance is prepared on the advice of the Secretary of State’s Honorary Advisory Panels of medical specialists. It advises members of the medical profession on the medical standards that need to be</p>

		met by individuals to hold licences to drive. This is continually reviewed and has been updated to include guidance for the first time on Long QT syndrome and NYHA (New York Heart Association) ratings for heart valve disease.
Point 9.2	Lists various cardiovascular conditions in relation to which driving licences are not to be issued or renewed to applicants or drivers who have those conditions other than in exceptional cases where justified by competent medical opinion and regular medical assessment.	No implementation needed as this is already catered for in existing legislation as indicated above. “Assessing fitness to drive – a guide for medical professionals” has been updated to include guidance for the first time on 2 conditions now listed in point 9.2 (i.e. “long QT syndrome” and “Brugada syndrome”), as well as NYHA ratings for heart valve disease.
Point 9.3	Provides that the risk of sudden incapacitating events shall be evaluated in applicants and drivers with well described cardiomyopathies or new ones.	No implementation needed as this is already catered for in existing legislation as indicated above.
Point 9.4	Provides that member States may restrict the issue or renewal of driving licences for applicants or drivers with other cardiovascular diseases.	No implementation needed as this is already catered for in existing legislation as indicated above.
Diabetes Mellitus		
Point 10.2	Makes provision in relation to applicants or drivers with diabetes treated with	Regulation 2(2)(a) and (b) of the 2017 Regulations: Regulation 2(2)(a) and (b) of the 2017 Regulations amend regulation 72 of the 1999 Regulations

	<p>medication who have a risk of hypoglycaemia. This includes providing that a licence may be granted where supported by competent medical opinion and regular medical assessment.</p>	<p>(S.I. 1999/2864) to implement changes made by the substituted point 10.2 of section 10 of Annex III of the 3rd driving licence Directive (provisions about drivers of Group 1 vehicles with diabetes mellitus).</p> <p>Regulation 72 of the 1999 Regulations already sets out specific provision about diabetes and so it has been necessary to amend it to reflect the changes made by the new Directive.</p> <p>The changes made by these Regulations will ensure that a Group 1 licence cannot be issued to, and must be revoked in relation to, a person who is on medication for diabetes mellitus which carries a risk of inducing hypoglycaemia, if that person has experienced two or more episodes of severe hypoglycaemia while awake during the previous year, and the most recent episode occurred during the previous three months.</p> <p>If the most recent episode of severe hypoglycaemia occurred more than three months ago, with respect to a person on insulin, they may be issued with a Group 1 licence only if they also fulfil the existing conditions set out in regulation 72(5)(b) and (c) of the 1999 Regulations.</p> <p>“Assessing fitness to drive – a guide for medical professionals” is updated accordingly. It already sets out guidance in relation to cases where a person with diabetes is treated with medication which carries a risk of inducing hypoglycaemia, other than insulin.</p>
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