

EXPLANATORY MEMORANDUM TO
THE MOTOR VEHICLES (DRIVING LICENCES) (AMENDMENT)
REGULATIONS 2018

2018 No. 784

1. Introduction

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

2. Purpose of the instrument

2.1 These Regulations provide that the holder of a category B licence may drive certain types of alternatively-fuelled vehicles which exceed the maximum authorised mass of a category B vehicle.

2.2 These Regulations increase the maximum authorised mass of an alternatively-fuelled vehicle which may be driven by the holder of a category B licence, from 3,500 kilograms to 4,250 kilograms. The alternatively-fuelled vehicles to which these Regulations relate are motor vehicles which are powered by electricity, natural gas, biogas or hydrogen, or by hydrogen and electricity propulsion.

2.3 These Regulations provide for the exclusion of the application of article 4(4)(b) of Directive 2006/126/EC of the European Parliament and of the Council of 20 December 2006 on driving licences (“the Third Directive”). This exclusion relates to the maximum authorised mass of alternatively-fuelled vehicles which may be driven by the holder of a category B licence and was authorised by the Commission Decision of 4th May 2018 authorising the United Kingdom to exclude certain vehicles from the application of Article 4 of Directive 2006/126/EC on driving licences (“the Decision”), pursuant to article 4(5) of the Third Directive.

3. Matters of special interest to Parliament

Matters of special interest to the Joint Committee on Statutory Instruments

3.1 None.

Other matters of interest to the House of Commons

3.2 As this instrument is subject to negative resolution procedure and has not been prayed against, consideration as to whether there are other matters of interest to the House of Commons does not arise at this stage.

4. Legislative Context

4.1 The Third Directive is implemented in part in Great Britain by the Motor Vehicles (Driving Licences) Regulations 1999 (“the 1999 Regulations”).

4.2 Part 2 of the 1999 Regulations, sets out the licensing requirements which apply to the driving of motor vehicles in Great Britain. The 1999 Regulations provide for the granting of licences which authorise the driving of motor vehicles of a class included in a particular category or sub-category. The categories and sub-categories of vehicles for licensing purposes reflect those in the Third Directive, including the upper

maximum authorised mass for vehicles which may be driven on a category B licence. Further detailed provisions on driver licensing requirements are contained in the 1999 Regulations, which are made under the Road Traffic Act 1988 and amended by these Regulations.

- 4.3 As an EU Member State the United Kingdom may seek an exclusion of the application of article 4 of the Third Directive in relation to specific types of vehicle. The UK made an application to the European Commission for approval to allow certain alternatively-fuelled vehicles with a maximum authorised mass not exceeding 4,250 kilograms to be driven on a category B licence within the United Kingdom. The European Commission agreed to this exclusion on 4th May 2018, in relation to motor vehicles which are powered either by electricity, natural gas, biogas, or hydrogen, and hydrogen-hybrid motor vehicles used for the transport of goods.
- 4.4 These Regulations give effect to this exclusion in relation to vehicles driven on a category B licence within Great Britain. Northern Ireland will legislate separately to give effect to this exclusion within that jurisdiction.

5. Extent and Territorial Application

- 5.1 The extent of this instrument is Great Britain.
- 5.2 The territorial application of this instrument is 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

What is being done and why

- 7.1 Driver licensing is a regulated activity covered by European legislation. The Third Directive provides the harmonisation of the category of vehicles for which national driving licences are issued.
- 7.2 Article 4(4)(b) of the Third Directive authorises Category B licence holders to operate motor vehicles with a maximum authorised mass not exceeding 3,500 kilograms. Motor vehicles in this category may be combined with a trailer provided the maximum authorised mass of the combination does not exceed 4,250 kilograms.
- 7.3 Article 4(5) of the Third Directive provides for Member States to exclude the application of article 4 of the Third Directive in relation to certain specific types of power-driven vehicle, with the agreement of the European Commission.
- 7.4 Light commercial vehicles (LCV) make an important contribution to our economy. However, the holder of a category B licence is not authorised to drive a vehicle for which the gross weight, fully laden, exceeds 3,500 kilograms. 96% of LCVs are diesel powered which has contributed to declining air quality, particularly in urban areas. There is also a need to reduce the CO₂ emissions from all forms of road transport to meet national carbon reduction targets set out in the Climate Change Act 2008.
- 7.5 The uptake of alternatively-fuelled vans can help address environmental challenges. However, due to the heavy weight of current cleaner technologies, alternatively-fuelled LCVs are significantly heavier than comparable conventionally fuelled

vehicles and largely exceed the maximum authorised mass of 3,500 kilograms for category B driving licences. Due to this increased weight, a C1 category licence or reduced loading capacity is required, hampering alternatively-fuelled LCV's competitiveness and prejudicing their uptake.

- 7.6 The European Commission agreed to the United Kingdom excluding certain alternatively-fuelled vehicles from the application of article 4(4)(b) of the Third Directive in the Decision. Following this Decision, the United Kingdom may authorise the driving of electric, natural gas, biogas and hydrogen powered motor vehicles and hydrogen-hybrid motor vehicles with a driving licence valid for vehicles of category B under the following conditions:
- the authorisation shall only apply to the driving of electric, natural gas and biogas, hydrogen and hydrogen-hybrid motor vehicles for the transport of goods, without towing a trailer. These vehicles shall have a maximum authorised mass above 3,500 kilograms but not exceeding 4,250 kilograms;
 - the authorisation shall apply until 04 May 2023 at the latest;
 - the authorised vehicles shall not be driven outside the territory of the United Kingdom; and
 - the driving of these vehicles shall only be authorised to holders of a driving licence of category B having undergone a minimum of five hours of specific training on the driving of vehicles exceeding 3,500 kilograms. The contents of such training to be determined by the United Kingdom's authorities in consultation with the Commission.
- 7.7 These Regulations exclude the application of category B weight limits in relation to certain alternatively-fuelled vehicles. They provide for holders of a category B licence, who have completed a minimum of five hours of training on the driving of alternatively-fuelled vehicles with a maximum authorised mass exceeding 3,500 kilograms by an instructor on the National Register of LGV Instructors or the National Vocational Driving Instructors Register, to drive vehicles which are powered by electricity, natural gas, biogas or hydrogen, or by hydrogen hybrid vehicles which have a maximum authorised mass that exceeds 3,500 kilograms, but not 4,250 kilograms. This exclusion only applies to vehicles being driven for the purpose of transporting goods within Great Britain with no trailer attached.
- 7.8 This exclusion will allow alternatively-fuelled vehicles which may be driven on a category B licence to have payload parity with conventionally-fuelled vehicles which may be driven on the same licence. This will encourage the use of LCVs which are powered by the alternative fuel for the purpose transporting of goods. Alternatively-fuelled LCVs will be able to compete more easily with conventionally fuelled vehicles for commercial use, as these Regulations take the extra mass of the powertrain of such vehicles into account. Increasing the maximum authorised mass for alternatively-fuelled vehicles is essential for increasing the commercial viability of low emission LCVs.

Consolidation

- 7.9 These Regulations amend the 1999 Regulations. The Department does not intend to consolidate any relevant legislation.

8. Consultation outcome

- 8.1 The Office for Low Emission Vehicles ran a UK-wide public consultation from 10th August 2017 to 18th October 2017. Interested stakeholders were informed of the consultation through targeted emails.
- 8.2 Overall, 36 responses to the consultation were received, including 26 from operators, trade bodies and public bodies.
- 8.3 The overwhelming majority of responses were in favour of the proposed changes with 92.3% naming at least one advantage, including both environmental and economic reasons. The most commonly cited reasons included lower emissions and removal of commercial penalty from alternatively-fuelled vans. The responses were also positive about the potential safety impact of the change with 48% specifying there would be no safety implications and a further 36% stating there would be no safety implications if standards were maintained.

9. Guidance

- 9.1 No guidance has been published because it is not necessary in relation to these Regulations.

10. Impact

- 10.1 There is no impact on business, charities or voluntary bodies.
- 10.2 There is no impact on the public sector.
- 10.3 An Impact Assessment has not been prepared for this instrument.

11. Regulating small business

- 11.1 The legislation does not apply to activities that are undertaken by small businesses. It applies to individuals who hold full licences which enable them to drive vehicles included in category B.

12. Monitoring & review

- 12.1 The amendment made by this instrument does not make any regulatory provision in relation to any qualifying activity and, as a result, the duty set out in section 28 of the Small Business Enterprise and Employment Act 2015 does not apply.
- 12.2 The Department for Transport must report on the impact of the authorisation, as detailed in paragraph 12.4 below. The impact of the amendments made by this instrument will, therefore, form part of that report.
- 12.3 The Department for Transport must provide detailed information to the European Commission on compliance with the conditions set out in points (a) to (d) of paragraph 1 of the Decision by 1 September 2018.
- 12.4 The Decision requires the Department for Transport to report to the European Commission by 31st December 2020 on the impact of the authorisation, particularly in regards to the environment and road safety. Any report will be published.

13. Contact

- 13.1 Phil Killingley at the Department for Transport, telephone: 07920245886 or email: Phil.Killingley@Olev.gsi.gov.uk, can answer any queries regarding the instrument.