

2020 No. 662

ROAD TRAFFIC

**The Vehicle Drivers (Certificates of Professional Competence)
(Amendment) Regulations 2020**

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| <i>Made</i> | - - - - | <i>29th June 2020</i> |
| <i>Laid before Parliament</i> | | <i>30th June 2020</i> |
| <i>Coming into force</i> | - - | <i>22nd July 2020</i> |

The Secretary of State makes the following Regulations in exercise of the powers conferred by section 2(2) of the European Communities Act 1972(a).

The Secretary of State is a Minister designated for the purposes of that section in relation to the regulation and supervision of qualifications and working conditions of persons engaged in road transport(b).

Citation and commencement

1. These Regulations may be cited as the Vehicle Drivers (Certificates of Professional Competence) (Amendment) Regulations 2020 and come into force on 22nd July 2020.

Amendments to the Vehicle Drivers (Certificates of Professional Competence) Regulations 2007

2.—(1) The Vehicle Drivers (Certificates of Professional Competence) Regulations 2007(c) are amended as follows.

(2) In regulation 2(1) (interpretation)—

- (a) in the definition of “the Directive”, after “the carriage of goods or passengers” insert “, as amended on and before 26th July 2019”;
- (b) omit the definition of “Community code”; and
- (c) after the definition of “initial CPC test” insert—
 ““NHS ambulance service” means—

(a) 1972 c. 68. The European Communities Act 1972 was repealed by section 1 of the European Union (Withdrawal) Act 2018 (c. 16) with effect from exit day, but saved with modifications until IP completion day by section 1A of that Act (as inserted by section 1 of the European Union (Withdrawal Agreement) Act 2020 (c. 1)). Section 2(2) of the European Communities Act 1972 was amended by section 27(1) of the Legislative and Regulatory Reform Act 2006 (c. 51) and by section 3(3) of, and Part 1 of the Schedule to, the European Union (Amendment) Act 2008 (c. 7).

(b) S.I. 1975/1707.

(c) S.I. 2007/605, amended by S.I. 2008/1965, 2010/865, 2011/2324, 2013/2667, 2014/2264 and 2015/2024, and due to be amended by S.I. 2018/1004 on IP completion day. There are other amending instruments but none is relevant.

- (a) an NHS trust or NHS foundation trust established under the National Health Service Act 2006^(a) which has a function of providing ambulance services;
- (b) an NHS trust established under the National Health Service (Wales) Act 2006^(b) which has a function of providing ambulance services;
- (c) the Scottish Ambulance Service Board; or
- (d) the Northern Ireland Ambulance Service Health and Social Care Trust;”.

(3) After regulation 2(2) insert—

“(3) In these Regulations—

“Swiss CPC” means a certificate or other document issued by Switzerland and recognised by the competent authority as equivalent to a CPC;

“Swiss initial CPC” means a Swiss CPC recognised by the competent authority as equivalent to an initial CPC;

“Swiss initial CPC test” means the tests which entitle a person to a Swiss initial CPC and are recognised by the competent authority as equivalent to an initial CPC test;

“Swiss licence” means a licence to drive a motor vehicle granted under the law of Switzerland;

“Swiss periodic CPC” means a Swiss CPC recognised by the competent authority as equivalent to a periodic CPC;

“Swiss periodic training” means the training which entitles a person to a Swiss periodic CPC and is recognised by the competent authority as equivalent to periodic training.

(4) In paragraph (3) and regulations 4(9A), 6(11)(e), 9(4A) and 11(2A), “recognised” means recognised by the competent authority for the purposes of the provision in question.

(5) The competent authority—

- (a) must publish what is recognised under paragraph (4);
- (b) may from time to time revise what is recognised under paragraph (4) and must publish the revised information accordingly.”.

(4) In regulation 3 (application of Regulations)—

(a) in paragraph (2)(b)—

- (i) at the end of paragraph (iv) omit “or”; and
- (ii) at the end of paragraph (v) insert—

“; or

(vi) an NHS ambulance service;

when the vehicle is being used as a consequence of a task assigned to an authority, force or service specified in this sub-paragraph”;

(b) in paragraph (2)(d), after “assigned to a rescue mission” insert “, including the non-commercial transport of humanitarian aid”;

(c) for paragraph (2)(e) substitute—

“(e) which is being used in the course of a driving lesson, a driving test, or additional driving training during work-based learning, for the purpose of enabling that person to obtain a driving licence or a CPC, provided—

(i) it is not also being used for the commercial carriage of goods or passengers; and

(ii) in the case of additional driving training during work-based learning, the driver is accompanied by a person who is a qualified driver of that vehicle for

(a) 2006 c. 41.

(b) 2006 c. 42.

the purposes of regulation 16 of the Motor Vehicles (Driving Licences) Regulations 1999(a) or, in Northern Ireland, regulation 12 of the Motor Vehicles (Driving Licences) Regulations (Northern Ireland) 1996(b);”;

- (d) in paragraph (2)(f), omit “for personal use”;
 - (e) in paragraph (2)(g), after “or equipment” insert “, including machinery,”;
 - (f) in paragraph (2)(h), after “in paragraph (3)” insert “or (3A)”;
 - (g) after paragraph (3) insert—
 - “(3A) The conditions referred to in paragraph (2)(h) are that the vehicle is being—
 - (a) used by an agricultural, horticultural, forestry, farming or fishery undertaking;
 - (b) used only for carrying goods in the course of that undertaking’s business;
 - (c) driven by a person whose principal activity in the course of their work is not driving relevant vehicles.”.
- (5) In regulation 4 (persons who must take initial CPC test)—
- (a) in paragraph (1)—
 - (i) for “or (9)” substitute “, (9) or (9A)”;
 - (ii) after “test” insert “or Swiss initial CPC test”;
 - (b) in paragraph (2)(a), after “CPC test”, insert “or Swiss initial CPC test”;
 - (c) after paragraph (9) insert—
 - “(9A) This paragraph applies where a person holds a Swiss initial CPC certifying a qualification which is recognised by the competent authority as equivalent to the qualification referred to in paragraph (9).”;
 - (d) in paragraph (10) after “test”, in both places it occurs, insert “or Swiss initial CPC test”.
- (6) In regulation 5A(4) (further requirements at tests: initial CPC test)—
- (a) at the end of sub-paragraph (a)(iv) omit “or”; and
 - (b) in sub-paragraph (a)(v), after “licence” insert—
 - “; or
 - (vi) a Swiss licence”.
- (7) In regulation 6(11) (identity of persons taking periodic training course)—
- (a) at the end of sub-paragraph (c) omit “or”; and
 - (b) in sub-paragraph (d), after “card” insert—
 - “; or
 - (e) a valid Swiss CPC containing a photograph of its holder and recognised by the competent authority as a valid form of identification for the purposes of this regulation”.
- (8) In regulation 8A (applications for a driver qualification card)—
- (a) for paragraph (2) substitute—
 - “(2) A person who falls within regulation 6(10) may apply to the competent authority for a driver qualification card if that person has completed the required training and holds a qualifying licence.
 - (2A) For the purposes of paragraph (2), the “required training” means 35 hours of—
 - (a) periodic training which entitles the person to a periodic CPC;

(a) S.I. 1999/2864, amended by S.I. 2005/2717, 2006/524, 2010/1203 and 2012/977; there are other amending instruments but none is relevant.

(b) S.R. 1996 No. 542, amended by S.R. 1999 No. 358, S.R. 2012 No. 170 and S.R. 2015 No. 357; there are other amending instruments but none is relevant.

- (b) Swiss periodic training which entitles the person to a Swiss periodic CPC; or
 - (c) a combination of periodic training and Swiss periodic training where that training would count towards the 35 hours of training which would entitle the person to a periodic CPC or a Swiss periodic CPC.
- (2B) A person holds a qualifying licence for the purposes of paragraph (2) if—
- (a) the person holds a Community licence, a British external licence, a Gibraltar licence or a Swiss licence; or
 - (b) the person holds a driving licence and some or all of that person’s training was undertaken outside the United Kingdom.”;
- (b) in paragraph (3)(c), for “periodic training” substitute “any required training which was”; and
 - (c) in paragraph (4)(b), for “periodic training entitling him to a periodic CPC” substitute “required training”.
- (9) In regulation 9 (time limits for obtaining a CPC)—
- (a) in paragraph (1), after “CPC” insert “or a Swiss CPC”;
 - (b) in paragraph (3), after “CPC” insert “or a Swiss CPC”;
 - (c) in paragraph (4)—
 - (i) at the end of sub-paragraph (a) omit “or”; and
 - (ii) after sub-paragraph (a) insert—
 - “(aa) holds a Swiss initial CPC and a period no longer than the equivalent Swiss period has elapsed since the issue of the Swiss initial CPC; or”;
 - (d) in paragraph (4A)—
 - (i) before the definition of “relevant Article 8(2)(a) period” insert—
 - ““equivalent Swiss period” means the period of time which applies in Switzerland and is recognised by the competent authority as equivalent to a relevant Article 8(2)(a) period;”; and
 - (ii) in the definition of “relevant licence holder”, for “or a Gibraltar licence” substitute “, a Gibraltar licence or a Swiss licence”; and
 - (e) in paragraph (5)—
 - (i) after “periodic CPC” insert “or Swiss periodic CPC”;
 - (ii) after “periodic training” insert “or Swiss periodic training”; and
 - (iii) after “that CPC”, in both places it occurs, “or Swiss CPC”.
- (10) In regulation 11 (requirement to carry and produce evidence of CPC)—
- (a) in paragraph (1)—
 - (i) after “CPC”, in both places it occurs, insert “or Swiss CPC”; and
 - (ii) after “(2)” insert “or (2A)”;
 - (b) in paragraph (2), after “evidence” insert “in the case of a CPC”;
 - (c) in paragraph (2)(b), for “with the Community code” substitute “bearing Union code ‘95’ provided for in Annex I to Directive 2006/126/EC of the European Parliament and of the Council(a) (“the Union code”);
 - (d) for paragraph (2)(c) substitute—
 - “(c) a driver attestation, provided for in Regulation (EC) No 1072/2009 of the European Parliament and of the Council(b), granted to the driver by a member

(a) OJ No. L 403, 30.12.2006, p. 18.
 (b) OJ No. L 300, 14.11.2009, p. 72.

State other than the United Kingdom and, if issued on or after 23 May 2020, bearing the Union code; or”;

(e) after paragraph (2) insert—

“(2A) The evidence referred to in paragraph (1) in the case of a Swiss CPC is—

(a) a Swiss CPC; or

(b) any other document issued to the driver by Switzerland certifying a Swiss initial CPC or a Swiss periodic CPC and recognised by the competent authority as evidence of such for the purposes of this regulation.”;

(f) in paragraph (3), for “9(4)” substitute “9(4)(a)”;

(g) after paragraph (3) insert—

“(3A) A person to whom regulation 4(9A) or 9(4)(aa) applies who does not carry with him in the vehicle he is driving evidence as specified in paragraph (2A) of the Swiss initial CPC he holds is guilty of an offence.”; and

(h) in paragraph (6), after “(3)” insert “, (3A)”.

(11) In regulation 13(1)(a) (forgery and false statements), after “11(2)” insert “or (2A)”.

Consequential amendments

3.—(1) In regulation 9(13)(d) of the Motor Vehicles (Driving Licences) Regulations 1999^(a), after “passengers” insert “, or “Swiss initial CPC” within the meaning of the Vehicle Drivers (Certificates of Professional Competence) Regulations 2007”.

(2) In the Vehicle Drivers (Certificates of Professional Competence) (Amendment) (EU Exit) Regulations 2018^(b)—

(a) in regulation 3—

(i) omit “and” at the end of sub-paragraph (f); and

(ii) after sub-paragraph (f) insert—

“(fa)in the definition of “periodic training course”, after “Directive” insert “as if references to Member States in that Section were also references to the competent authority”; and”;

(b) in regulation 11, for sub-paragraph (a) substitute—

“(a) in sub-paragraph (c), omit “other than the United Kingdom”; and”.

(3) In regulation 6(3)(a) of the Driving Licences (Amendment) (EU Exit) Regulations 2018^(c), in the new sub-paragraph (d), after “initial CPC” insert “or Swiss initial CPC”.

Signed by authority of the Secretary of State for Transport

29th June 2020

Vere
Parliamentary Under Secretary of State
Department for Transport

(a) S.I. 1999/2864, amended by S.I. 2007/605 and due to be amended by S.I. 2018/1251 on IP completion day; there are other amending instruments but none is relevant.

(b) S.I. 2018/1004.

(c) S.I. 2018/1251.

EXPLANATORY NOTE

(This note is not part of the Regulations)

Directive 2003/59/EC of the European Parliament and of the Council^(a) provides for the initial qualification and periodic training of drivers of certain goods vehicles and passenger vehicles. This Directive was transposed by the Vehicle Drivers (Certificates of Professional Competence) Regulations 2007 (“the 2007 Regulations”), which applies throughout the United Kingdom.

This instrument amends the 2007 Regulations to transpose amendments to the Directive and provide for the recognition of Swiss Certificates of Professional Competence. In particular—

- (a) an explicit exclusion from the requirement to hold a Certificate of Professional Competence (CPC) is provided for ambulance drivers (regulation 2(2)(c) and (4)(a));
- (b) existing exclusions are clarified – for example, the exclusion for emergencies/rescue missions includes the non-commercial transport of humanitarian aid (regulation 2(4));
- (c) an exclusion is introduced for vehicles used by agricultural, horticultural, forestry, farming or fishery undertakings and driven by a person other than a professional driver (regulation 2(4)(f) and (g));
- (d) certain outdated references are replaced – for example, regulation 11(2) of the 2007 Regulations refers to a “driver’s certificate”, which is now known as a “driver attestation” (regulation 2(10)(d));
- (e) provisions to provide for the recognition of Swiss equivalents to the CPC, initial training and periodic training are introduced, including—
 - (i) requiring the competent authority to publish which documents and training will be recognised as equivalent;
 - (ii) allowing for a combination of UK or EU and Swiss training hours to be taken into account when determining if the minimum training has been completed;
 - (iii) excluding the holders of equivalent Swiss qualifications from liability for driving a vehicle without a UK or EU CPC (regulation 2(3) and (5) to (11));
- (f) consequential amendments relating to the above changes are made (regulation 3).

A full Impact Assessment has not been produced for this instrument as it is not expected to have significant impact on the private, public or voluntary sectors. An Explanatory Memorandum and a transposition note have been prepared for these Regulations and are available alongside this instrument on the UK Legislation website at www.legislation.gov.uk.

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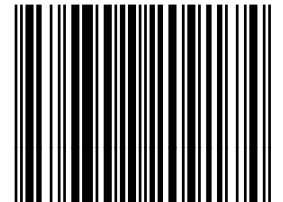
(a) OJ No. L 226, 10.9.2003, p. 4.

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