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STATUTORY INSTRUMENTS

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**2013 No. 22**

**ROAD TRAFFIC**

**The Driving Licences (Exchangeable  
Licences) (Amendment) Order 2013**

*Made - - - - 10th January 2013*

*Coming into force*

*Article 4(1)(b), (2)(b) and  
(c), (3)(b) and (4)(b) 19th January 2013*

*Remainder 11th January 2013*

The Secretary of State makes the following Order in exercise of the powers conferred by section 108(2)(b), (2A) and (2B) of the Road Traffic Act 1988<sup>(1)</sup>.

The Secretary of State is satisfied that satisfactory provision is made by the laws of the countries and territories specified in this Order for the granting of licences authorising the driving of motor vehicles of a description specified in this Order.

In accordance with section 108(3) of the Road Traffic Act 1988 the Secretary of State has consulted with representative organisations.

**Citation and commencement**

1.—(1) This Order may be cited as the Driving Licences (Exchangeable Licences) (Amendment) Order 2013.

(2) Article 4(1)(b), (2)(b) and (c), (3)(b) and 4(b) comes into force on 19th January 2013 and all other articles come into force on 11th January 2013.

**Interpretation**

2. In this Order—

(a) the following expressions have the following meanings—

“the Act” means the Road Traffic Act 1988;

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(1) 1988 c.52; section 108(2), (2A) and (2B) was substituted by S.I. 1998/1917.

“driving test” means a test corresponding to the practical test of driving skills and behaviour prescribed under section 89(3)(2) and (4)(3) of the Road Traffic Act 1988 as part of the test of competence to drive;

“relevant country” means a country or territory referred to in Schedule 1;

“vehicle with automatic transmission” means a vehicle in which the person driving the vehicle is either—

- (i) not provided with any means whereby that person may vary the gear ratio between the engine and the road wheels independently of the accelerator and the brakes, or
- (ii) provided with such means but they do not include a clutch pedal or lever which that person may operate manually,

(and accordingly, a vehicle with manual transmission is any other class of vehicle);

- (b) a reference to a licensing category or sub-category is a reference to the category or sub-category (as the case may be) identified by the same letter or combination of letters or of a letter and number in Schedule 2 to the Motor Vehicles (Driving Licences) Regulations 1999(4); and
- (c) the reference in paragraph (b) to the Motor Vehicles (Driving Licences) Regulations 1999 is, after 18th January 2013, a reference to those Regulations as amended by the Motor Vehicles (Driving Licences) (Amendment) Regulations 2012(5).

### Revocation of Orders

- 3. The orders specified in Schedule 2 are revoked.

### Amendment of Orders

- 4.—(1) In the Driving Licences (Exchangeable Licences) Order 1999(6)—

- (a) in article 2 (interpretation)—

- (i) at the end of paragraph (b)(ii) omit “and”;
- (ii) omit paragraph (b)(iii); and
- (iii) insert—

“(c) a reference to a licensing category or sub-category is a reference to the category or sub-category (as the case may be) identified by the same letter or combination of letters or of a letter and number in Schedule 2 to the Motor Vehicles (Driving Licences) Regulations 1999; and

- (d) the reference in paragraph (c) to the Motor Vehicles (Driving Licences) Regulations 1999 is, after 18th January 2013, a reference to those Regulations as amended by the Motor Vehicles (Driving Licences) (Amendment) Regulations 2012.”;

- (b) in paragraph (2)(a) in articles 3 (designation of South Africa) and 4 (designation of Canadian provinces and territories) for “A, B, B+E, F, K, or P” substitute “AM, B, B+E, F, K or Q or licensing sub-category A1, A2 or A3”;

(2) Section 89(3) was amended by the Road Traffic Act 1991 (c.40), Schedule 4, paragraph 63 and the Road Safety Act 2006 (c.49), section 36(1) and (2)(a), (b) and (c).

(3) Section 89(4) was amended by the Road Safety Act 2006, section 36(1) and (3)(a), (b), (c) and (d) and S.I. 1996/1974.

(4) S.I. 1999/2864; Schedule 2 was amended by S.I. 2005/2717.

(5) S.I. 2012/977; Schedule 3 includes amendments to the categories and sub-categories of vehicle for licensing purposes in Schedule 2 to the Motor Vehicles (Driving Licences) Regulations 1999 (S.I. 1999/2864) and which come into force on 19th January 2013.

(6) S.I. 1999/1641, amended by S.I. 2007/96.

- (c) in the Schedule (other countries and territories etc.)—
  - (i) before “Australia” insert “Andorra”;
  - (ii) after “Republic of Cyprus” insert—
    - “The Falkland Islands
    - The Faroe Islands”;
  - (iii) after “Malta” insert “Monaco”; and
  - (iv) after “New Zealand” insert “Republic of Korea”.
- (2) In the Driving Licences (Exchangeable Licences) Order 2002(7)—
  - (a) in article 2 (interpretation)—
    - (i) at the end of paragraph (b) omit “and”;
    - (ii) for paragraph (c) substitute—
      - “(c) a reference to a licensing category or sub-category is a reference to the category or sub-category (as the case may be) identified by the same letter or combination of letters or of a letter and number in Schedule 2 to the Motor Vehicles (Driving Licences) Regulations 1999; and”; and
    - (iii) after paragraph (c) add—
      - “(d) the reference in paragraph (c) to the Motor Vehicles (Driving Licences) Regulations 1999 is, after 18th January 2013, a reference to those Regulations as amended by the Motor Vehicles (Driving Licences) (Amendment) Regulations 2012.”;
  - (b) in article 3 (designation of the Republic of Korea) in paragraph (2)(a) for “B, B+E, F, K or P” substitute “AM, B, B+E, F, K or Q”;
  - (c) in article 4 (designation of the Principality of Monaco) in paragraph (2)(a) for “A, B, B+E, F, K or P” substitute “AM, B, B+E, F, K or Q or licensing sub-category A1, A2 or A3”;
  - (d) in the Schedule (other countries and territories etc.)—
    - (i) before “Australia” insert “Andorra”; and
    - (ii) after “Republic of Cyprus” insert—
      - “The Falkland Islands
      - The Faroe Islands”.
- (3) In the Driving Licences (Exchangeable Licences) Order 2004(8)—
  - (a) in article 2 (interpretation)—
    - (i) at the end of paragraph (b) omit “and”;
    - (ii) for paragraph (c) substitute—
      - “(c) a reference to a licensing category or sub-category is a reference to the category or sub-category (as the case may be) identified by the same letter or combination of letters or of a letter and number in Schedule 2 to the Motor Vehicles (Driving Licences) Regulations 1999; and”; and
    - (iii) after paragraph (c) add—
      - “(d) the reference in paragraph (c) to the Motor Vehicles (Driving Licences) Regulations 1999 is, after 18th January 2013, a reference to

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(7) S.I. 2002/2379.

(8) S.I. 2004/301.

- those Regulations as amended by the Motor Vehicles (Driving Licences) (Amendment) Regulations 2012.”;
- (b) in article 3 (designation of the Falkland Islands) in paragraph (2)(a) for “A, B, B+E, F, K or P” substitute “AM, B, B+E, F, K or Q or licensing sub-category A1, A2 or A3”; and
- (c) in the Schedule (other countries and territories etc.)—
- (i) before “Australia” insert “Andorra”; and
  - (ii) after “Republic of Cyprus” insert “The Faroe Islands”.
- (4) In the Driving Licences (Exchangeable Licences) Order 2007(9)—
- (a) in article 2 (interpretation)—
    - (i) at the end of paragraph (b) omit “and”;
    - (ii) at the end of paragraph (c) add “and”;
    - (iii) after paragraph (c) add—
      - “(d) the reference in paragraph (c) to the Motor Vehicles (Driving Licences) Regulations 1999 is, after 18th January 2013, a reference to those Regulations as amended by the Motor Vehicles (Driving Licences) (Amendment) Regulations 2012.”;
  - (b) in article 3 (designation of Faroe Islands) for “B, B1, B+E, F, K or P” substitute “AM, B, B+E, F, K, or Q”; and
  - (c) in the Schedule (other countries and territories etc), before “Australia” insert “Andorra”.

## Designation

5.—(1) Subject to paragraphs (3), (4) and (5), each relevant country is designated under section 108(2)(b) of the Act as respects those licences which are described in paragraph (2).

- (2) The licences described in this paragraph are those which—
- (a) authorise the driving—
    - (i) before 19th January 2013, of a class of vehicles corresponding to a class of vehicles included in licensing category A, B, B+E, F, K or P or in licensing sub-category B1; or
    - (ii) after 18th January 2013, of a class of vehicles corresponding to a class of vehicles included in licensing category AM, B, B+E, F, K or Q or in licensing sub-category A1, A2 or A3; and
  - (b) have been granted by the licensing authority of a relevant country—
    - (i) to a person who has passed a driving test in that relevant country; or
    - (ii) in exchange for a licence granted in—
      - (aa) the United Kingdom;
      - (bb) an EEA State (other than the United Kingdom) to a person who had passed a driving test in an EEA State, a relevant country or a country or territory referred to in Schedule 3; or
      - (cc) another relevant country to a person who had passed a driving test in an EEA State, a relevant country or a country or territory referred to in Schedule 3; or

(dd) a country or territory referred to in Schedule 3 to a person who had passed a driving test in an EEA State, a relevant country or a country or territory referred to in Schedule 3.

(3) A licence of a description in paragraph (2)(b)(i) is exchangeable only in so far as it authorises the driving of vehicles with automatic transmission if it was granted in the relevant country to a person who passed a driving test in that country in a vehicle with automatic transmission notwithstanding that the licence authorises the driving in that country of vehicles with manual transmission.

(4) A licence of a description in paragraph (2)(b)(ii)(aa) is exchangeable only in so far as it authorises the driving of vehicles with automatic transmission if it was granted in exchange for a licence granted in the United Kingdom which authorises only the driving of vehicles with automatic transmission.

(5) A licence of a description in paragraph (2)(b)(ii)(bb), (cc) or (dd) is exchangeable only in so far as it authorises the driving of vehicles with automatic transmission if it was granted in exchange for a licence granted in an EEA State, a relevant country or a country or territory referred to in Schedule 3 to a person who passed a test in that State, country or territory (as the case may be) in a vehicle with automatic transmission notwithstanding that either such licence authorises the driving in the State, country or territory in which it was granted of vehicles with manual transmission.

Signed by authority of the Secretary of State for Transport

10th January 2013

*Stephen Hammond*  
Parliamentary Under Secretary of State  
Department for Transport

*Status: This is the original version (as it was originally made).*

SCHEDULE 1

Article 2

Relevant countries

The relevant countries are—

- Andorra
- Australia
- Barbados
- The British Virgin Islands
- Hong Kong
- Japan
- New Zealand
- Singapore
- Switzerland
- Zimbabwe

SCHEDULE 2

Article 3

Orders revoked

<i>Title</i>	<i>Year and number</i>
The Driving Licences (Exchangeable Licences) Order 1984	<a href="#">1984/672</a>
The Driving Licences (Exchangeable Licences) Order 1985	<a href="#">1985/65</a>
The Driving Licences (Exchangeable Licences) (No.2) Order 1985	<a href="#">1985/1461</a>
The Driving Licences (Exchangeable Licences) (Amendment) Order 2002	<a href="#">2002/1593</a>

SCHEDULE 3

Article 5

Other countries or territories from which a licence may have been exchanged

The provinces and territories of Canada

- The Falkland Islands
- The Faroe Islands
- Guernsey
- The Isle of Man
- Jersey
- The Principality of Monaco
- The Republic of Korea

South Africa

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## EXPLANATORY NOTE

*(This note is not part of the Order)*

This Order designates countries and territories for the purpose of allowing driving licences issued in those countries or territories in respect of specified vehicles to be exchanged for a driving licence issued in Great Britain.

Accordingly, licences to drive mopeds, motor bicycles, cars (with or without trailer) tractors or mowing machines issued in respect of Andorra, Australia, Barbados, the British Virgin Islands, Hong Kong, Japan, New Zealand, Singapore, Switzerland or Zimbabwe can be exchanged for a licence to drive the same vehicles in Great Britain if the holder has either passed a driving test for that vehicle in one of those countries or territories or been issued with a licence in one of those countries or territories in exchange for a licence issued in another specified county or territory where an appropriate driving test has been passed (*articles 2 and 5 and Schedules 1 and 3*).

The designations in respect of Australia, Barbados, the British Virgin Islands, Hong Kong, Japan, New Zealand, Singapore, Switzerland and Zimbabwe replace earlier designations of those countries and territories which were not subject to restrictions relating to the description of vehicle which is authorised to be driven by a licence or the passing of a driving test (*article 3 and Schedule 2*).

Provision is also made in respect of changes, having effect after 18th January 2013, to the categories and sub-categories into which these classes of vehicles fall (*article 5(2)(a)(ii)*) and amendments are made to other orders in respect of these changes to vehicle categories and sub-categories (*article 4*).

A full impact assessment has not been produced for this instrument as no, or no significant, impact on the private, voluntary or public sectors is foreseen.