

2002 No. 2379

ROAD TRAFFIC

The Driving Licences (Exchangeable Licences) Order 2002

Made - - - - - *14th September 2002*

Coming into Force - - - - - *20th September 2002*

The Secretary of State for Transport, being satisfied that satisfactory provision is made by the laws of the countries specified in this Order as respects the grant of driving licences of the descriptions specified herein and having consulted representative organisations in accordance with section 108(3) of the Road Traffic Act 1988(a), in exercise of the powers conferred by section 108(2)(b), (2A) and (2B) of that Act, hereby makes the following Order:—

Citation and commencement

1. This Order may be cited as the Driving Licences (Exchangeable Licences) Order 2002 and shall come into force on 20th September 2002.

Interpretation

2. In this Order—
- (a) “driving test” means a test corresponding to the practical test of driving skills and behaviour prescribed under section 89 of the Road Traffic Act 1988 as part of the test of competence to drive;
 - (b) “vehicle with automatic transmission” means a vehicle in which either—
 - (i) the driver is not provided with any means whereby he may vary the gear ratio between the engine and the road wheels independently of the accelerator and the brakes, or
 - (ii) he is provided with such means but they do not include a clutch pedal or lever which he may operate manually,
- (and accordingly, a vehicle with manual transmission is any other class of vehicle); and
- (c) a reference to a licensing category is a reference to the category identified by the same letter or combination of letters in Schedule 2 to the Motor Vehicles (Driving Licences) Regulations 1999(b).

Designation of the Republic of Korea

3.—(1) Subject to paragraph (3) below, the Republic of Korea is designated under section 108(2)(b) of the Road Traffic Act 1988 as respects licences of the descriptions specified in paragraph (2) below.

(a) 1988 c. 52. In section 108 subsection (2), (2A) and (2B) were substituted by the Deregulation (Exchangeable Driving Licences) Order 1998 (S.I. 1998/1917). In section 108(1) *see* the definitions of “EEA Agreement”, “EEA State” and “exchangeable licence”. The definitions of “EEA Agreements” and “EEA State” were inserted by the Driving Licences (Community Driving Licence) Regulations 1996 (S.I. 1996/1974). The definition of “exchangeable licence” was substituted by the Deregulation (Exchangeable Driving Licences) Order 1998 (S.I. 1998/1917).

(b) S.I. 1999/2864, to which there are amendments not relevant to this Order.

- (2) The licences referred to in paragraph (1) are—
- (a) licences which authorise the driving of a class of vehicles corresponding to a class of vehicles included in licensing category B, B + E, F K or P, and which have been granted by the licensing authority of the Republic of Korea—
 - (i) to a person who has passed a driving test in the Republic of Korea, or
 - (ii) by way of exchange for a licence granted in an EEA State (including the United Kingdom), in a country or territory named in the Schedule or in the Principality of Monaco to a person who had passed a driving test in such a State, country or territory or in the said Principality; and
 - (b) licences which authorise the driving of a class of vehicle corresponding to a class of vehicle included in licensing category A and which have been granted by the licensing authority of the Republic of Korea by way of exchange for a licence granted in an EEA State (including the United Kingdom), in a country or territory named in the Schedule or in the Principality of Monaco to a person who has passed a driving test in such a State, country or territory or in the said Principality.

(3) A licence of a description specified in paragraph (2) above shall be exchangeable only in so far as it authorises the driving of vehicles with automatic transmission if it was granted to a person who passed a driving test, whether in the Republic of Korea or in a State, country or territory or the Principality mentioned in paragraph (2)(a)(ii) above, in a vehicle with automatic transmission notwithstanding that the licence authorises the driving in the Republic of Korea of vehicles with manual transmission.

Designation of the Principality of Monaco

4.—(1) Subject to paragraphs (3) and (4) below, the Principality of Monaco is designated under section 108(2)(b) of the Road Traffic Act 1988 as respects licences of the description specified in paragraph (2) below.

- (2) The licences referred to in paragraph (1) are licences—
- (a) which authorise the driving of a class of vehicles corresponding to a class of vehicles included in licensing category A, B, B + E, F, K or P, and
 - (b) which have been granted by the licensing authority of the Principality of Monaco—
 - (i) to a person who has passed a driving test in the Principality of Monaco, or
 - (ii) by way of exchange for a licence granted in an EEA State (including the United Kingdom), in a country or territory named in the Schedule or in the Republic of Korea to a person who had passed a driving test in such a State, country or territory or in the said Republic.

(3) A licence of a description specified in paragraph (2) above shall be exchangeable only in so far as it authorises the driving of vehicles with automatic transmission if it was granted to a person who passed a driving test, whether in the Principality of Monaco or in a State, country or territory of the Republic mentioned in paragraph (2)(b)(ii) above, in a vehicle with automatic transmission notwithstanding that the licence authorises the driving in the Principality of Monaco of vehicles with manual transmission.

(4) A licence of a description specified in paragraph (2)(b)(ii) above, being a licence granted by way of exchange for a licence granted to a person who had passed a driving test in the Republic of Korea, shall not be exchangeable in so far as it authorises the driving of a class of vehicles corresponding to a class of vehicles included in licensing category A, notwithstanding that the licence authorises the driving in the Principality of Monaco of a class of vehicles corresponding to that licensing category.

Signed by authority of the Secretary of State for Transport

14th September 2002

John Spellar
Minister of State, Department for Transport

SCHEDULE

Articles 3 and 4

**OTHER COUNTRIES AND TERRITORIES FROM WHICH A LICENCE
MAY HAVE BEEN EXCHANGED**

Australia
Barbados
British Virgin Islands
The Provinces and Territories of Canada
Republic of Cyprus
Guernsey
Hong Kong
Isle of Man
Japan
Jersey
Malta
New Zealand
Singapore
South Africa
Switzerland
Zimbabwe

EXPLANATORY NOTE

(This note is not part of the Order)

This Order designates the Republic of Korea and the Principality of Monaco under section 108(2)(b) of the Road Traffic Act 1988 as making satisfactory provisions for the issue of certain classes of driving licence. This enables a person holding one of these licences to exchange it for a corresponding British licence.

The licences affected in the case of both the Republic of Korea and the Principality of Monaco are those authorising the driving of mopeds, motor cars and small goods vehicles up to 3.5 tonnes maximum authorised mass (with or without a trailer), tractors, pedestrian controlled vehicles and mowing machines.

There are specific provisions regarding motor bicycle licences. In the case of the Principality of Monaco most licences authorising the driving of motor bicycles are also exchangeable. However, if that licence is one which had previously been granted in exchange for a licence held by a person who had originally passed a driving test in the Republic of Korea it may not be exchanged for a corresponding British licence. In the case of the Republic of Korea a motor bicycle licence is not exchangeable for a corresponding British one if the licence had been granted to a person who passed a driving test in the Republic of Korea.

The Order also provides that a licence may not be exchanged for a British licence authorising the driving of vehicles with manual transmission unless the holder took a driving test on a vehicle with manual transmission.

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